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Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	6.00 pm on Tuesday, 9 December 2025
Location	Stenson House, London Road, Coalville, LE67 3FN
Officer to contact	Democratic Services (01530 454512)

<b>AGENDA</b>		
<b>Item</b>		<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b>		
<b>2. DECLARATION OF INTERESTS</b>		
	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.	
<b>3. MINUTES</b>		
	To confirm and sign the minutes of the meeting held on 11 November 2025.	<b>3 - 8</b>
<b>4. PLANNING APPLICATIONS AND OTHER MATTERS</b>		
	The report of the Head of Planning and Infrastructure.	<b>9 - 12</b>

## Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
<b>A1</b>	<p><b>25/00274/FULM: Hybrid planning permission for development of the site comprising: Full planning permission for site wide infrastructure works including: new roundabout access from (and alterations to) the A444; new pedestrian crossing points over the A444; internal spine road; all earthworks and site level works including retaining features; creation of development plateaus (within Development Zones 1 and 2); structural landscaping (including boundary treatments and pedestrian / cycle paths); associated utilities and lighting infrastructure; foul and surface water drainage infrastructure. Full planning permission within Development Zone 1 for the erection of Class B8 distribution unit and ancillary offices (E.g.i); service yards and HGV parking; vehicular and cycle parking; gatehouse and security facilities; plant; hard and soft landscaping (including boundary treatments and retaining walls); pedestrian and cycle infrastructure; associated utilities and lighting infrastructure; internal</b></p> <p>Land to the East of the A444 / North of J11 of the M42, Stretton En Le Field, Leicestershire.</p>	<b>PERMIT</b>	<b>13 - 86</b>
<b>A2</b>	<p><b>23/00427/OUTM: Development of up to 46,451 sq m GIA of B2 (industrial) and/or B8 (storage or distribution) units with ancillary E(g)(i) (offices) and service buildings, along with associated parking, highway infrastructure, landscaping and potential foul drainage connection to Farm Town (outline, all matters reserved except for the principal means of vehicular access to the site)</b></p> <p>Land at Corkscrew Lane, Ashby de la Zouch, Leicestershire.</p>	<b>PERMIT</b>	<b>87 - 150</b>
<b>A3</b>	<p><b>25/01184/FUL - Erection of a 10-bedroom House in Multiple Occupation (HMO), including associated hard and soft landscaping, communal areas, cycle storage and bin store.</b></p> <p>2 Central Road, Hugglescote, Coalville, Leicestershire, LE67 2FD</p>	<b>PERMIT</b>	<b>151 - 170</b>

MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 11 November 2025

Present: Councillor R Boam (Chair)

Councillors R L Morris, D Bigby, R Blunt, M Burke, R Canny, D Everitt, J Legrys, P Moul, C A Sewell, J G Simmons, N Smith and M Wyatt.

In Attendance: Councillor A Barker

Officers: Mr J Arnold, Ms J Davies, Mr B Dooley, Mr C Elston, Mr L Marshall, Mrs R Wallace and Mr J Wilmot.

## **28. APOLOGIES FOR ABSENCE**

There were no apologies received.

## **29. DECLARATION OF INTERESTS**

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

Councillor R Boam declared registerable interests in item A1, application number 25/00738/OUT, of the agenda as ward member, and item A2, application number 23/01595/FUL, and item A3, application number 23/01596/LBC, as a relative of the applicant.

Councillor R Morris declared a registerable interest in item A2, application number 23/01595/FUL, and item A3, application number 23/01596/LBC, as ward member.

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

Item A1 – application number 25/00738/OUT

Councillors R Canny, J Legrys, R Morris, P Moul, C Sewell and J Simmons.

## **30. MINUTES**

Consideration was given to the minutes of the meeting held on 14 October 2025.

It was moved by Councillor J Legrys, seconded by Councillor J Simmons and

RESOLVED THAT:

The minutes of the meeting held on 14 October 2025 be approved and signed by the Chair as an accurate record of proceedings.

## **31. PLANNING ENFORCEMENT MONITORING UPDATE**

The Planning Enforcement Team Leader presented the report.

The report was noted.

## **32. 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.

**33. 25/00738/OUT - ERECTION OF 1 NO. SINGLE CUSTOM-BUILD DWELLING (OUTLINE - ALL MATTERS RESERVED)**

Having declared interests in the remaining items, Councillor R Boam left the meeting. Councillor M Wyatt joined the meeting as substitute.

Due to the interests declared for the items later on the agenda and to reduce the number of times a chair would be required to be elected, it was advised that Councillor R Morris not take the chair as Deputy at this point, as per usual practice, but a new Chair be appointed to preside over proceedings for the remainder of the meeting.

It was moved by Councillor J Legrys, seconded by Councillor D Bigby and

**RESOLVED THAT:**

Councillor J Simmons be elected as Chair for the remainder of the meeting.

The Principal Planning Officer presented the report.

Ms S Dillon, speaking as parish councillor, addressed the Committee. She did not express support for the application and highlighted that, if it were approved, it would undermine Policies S2 and S3 of the adopted Local Plan. It was added that suitable alternative sites were already in the area for custom-built dwellings, and that an existing site should have been used for development rather than a vacant site.

Ms C Palmer, speaking as objector, addressed the Committee. It was stated that there was no need to diversify the housing stock in Coleorton, and that to build on this site would undermine the unique characteristic of the area which comprised mostly green spaces. It was commented that there was no need for further development as there was sufficient housing in the area.

Mr D Harris-Watkins, speaking as agent, addressed the Committee. He spoke in support of the application, commenting that the site was suitable for residential development, and noted that a refusal on highways grounds would not be justified due to a lack of objections from the Highway Authority.

A discussion about the application followed, with members noting the difficulty of the decision. Members commented that the plot of land being considered was secluded, and that it was one property, which would have minimised disruption for nearby residents.

The Principal Planning Officer addressed concerns that were raised by members over the shortfall in the number of self-build properties and their regulations.

It was moved by Councillor J Legrys, seconded by Councillor R Morris and

**RESOLVED THAT:**

The application be permitted in accordance with the officer's recommendations.



<b>Recorded Vote (Motion)</b>	
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Morgan Burke	For
Councillor Rachel Canny	Against
Councillor David Everitt	Against
Councillor John Legrys	For
Councillor Peter Moulton	For
Councillor Carol Sewell	Against
Councillor Jenny Simmons	For
Councillor Nigel Smith	Against
Councillor Michael Wyatt	Against
<b>Carried</b>	

**34. 23/01595/FUL - CHANGE OF USE OF METHODIST CHURCH TO A SINGLE RESIDENTIAL DWELLING (RESUBMISSION FOLLOWING WITHDRAWAL OF 23/00413/FUL)**

Having declared an interest, Councillor R Morris retired to sit in the public gallery. Councillor R Blunt joined the meeting as substitute.

The Planning and Development Team Manager presented the report.

Councillor R Morris, speaking as ward member, addressed the Committee. He noted that the building was deteriorating badly and that approval of this application would prolong its life. He urged members to permit the application.

A discussion was had during which members agreed that the condition of the building was poor and commented that there had been little money spent on the building for maintenance purposes thus far. Converting the building to a dwelling, therefore, would help the building survive.

Due to concerns around a large gathering of bins on the pavement, it was questioned whether a condition for an internal bin storage could be added. The Planning and Development Team Manager advised that this could be incorporated as a note to an applicant rather than an explicit condition due to the issues it would cause. It was further advised that the condition already included was proposed to be amended on the Update Sheet to allow for amended external bin storage and collection proposals to be submitted.

A question was asked regarding quality of the drainage and water supply of the church. The Planning and Development Team Manager replied that an adequate drainage and water supply would be achieved through separate agreements required under the Building Regulations and with Severn Trent Water.

It was moved by Councillor J Legrys, seconded by Councillor R Canny and

**RESOLVED THAT:**

The application be permitted in accordance with the officer's recommendations.

<b>Recorded Vote (Motion)</b>	
Councillor Dave Bigby	For
Councillor Morgan Burke	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moulton	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Nigel Smith	For
Councillor Michael Wyatt	For
Councillor Richard Blunt	For
<b>Carried</b>	

**35. 23/01596/LBC - INTERNAL AND EXTERNAL ALTERATIONS TO FACILITATE THE USE OF THE BUILDING AS A DWELLING (LISTED BUILDING CONSENT)**

The Planning and Development Team Manager presented the report.

There were no speakers registered for the item.

A discussion was had during which members expressed support for the application which, if approved, could restore an unused listed building.

Members were surprised that there had been no application to resolve the building's external issues and questioned whether alterations could be made to the exterior of the building due to its condition. The Legal Advisor explained that any work made to a listed building would require listed building consent and that a separate application for listed building consent for works to the external render would need to be submitted, and a note to applicant could be added to that effect

It was moved by Councillor R Blunt, seconded by Councillor J Legrys and

**RESOLVED THAT:**

The application be permitted in accordance with the officer's recommendations.

<b>Recorded Vote (Motion)</b>	
Councillor Dave Bigby	For
Councillor Morgan Burke	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moulton	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Nigel Smith	For
Councillor Michael Wyatt	For
Councillor Richard Blunt	For
<b>Carried</b>	

Councillor R Boam left the meeting at 6:12pm.

Councillor R Morris left the meeting at 6:58pm.

The meeting commenced at 6:00pm.

The Chair closed the meeting at 7:17pm

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

**PLANNING & DEVELOPMENT REPORT**

## **PLANNING COMMITTEE FRONT SHEET**

### **1. Background Papers**

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

### **2. Late Information: Updates**

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

### **3. Expiry of Representation Periods**

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

### **4. Reasons for Grant**

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

### **5. Granting permission contrary to Officer Recommendation**

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

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

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

## **6 Refusal contrary to officer recommendation**

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

## **7 Amendments to Motion**

An amendment must be relevant to the motion and may:

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

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

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

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

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

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

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

## **8 Delegation of wording of Conditions**

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

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

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



Hybrid planning permission for development of the site comprising:

Report Item No  
A1

Full planning permission for site wide infrastructure works including: new roundabout access from (and alterations to) the A444; new pedestrian crossing points over the A444; internal spine road; all earthworks and site level works including retaining features; creation of development plateaus (within Development Zones 1 and 2); structural landscaping (including boundary treatments and pedestrian / cycle paths); associated utilities and lighting infrastructure; foul and surface water drainage infrastructure.

Full planning permission within Development Zone 1 for the erection of Class B8 distribution unit and ancillary offices (E.g.i); service yards and HGV parking; vehicular and cycle parking; gatehouse and security facilities; plant; hard and soft landscaping (including boundary treatments and retaining walls); pedestrian and cycle infrastructure; associated utilities and lighting infrastructure; internal roads; foul and surface water drainage infrastructure.

Outline planning permission within Development Zone 2 (with all matters reserved) for the erection of employment unit(s) (Class B2, B8 and / or E.g.iii uses, with ancillary offices E.g.i); service yards and HGV parking; vehicular and cycle parking; gatehouse and security facilities; plant; hard and soft landscaping (including boundary treatments and retaining walls); pedestrian and cycle infrastructure; associated utilities and lighting infrastructure; internal roads; foul and surface water drainage infrastructure

Land to the East of the A444 / North of J11 of the M42  
Stretton en le Field, Leicestershire

Application Reference  
25/00274/FULM

Grid Reference (E) 430567  
Grid Reference (N) 310520

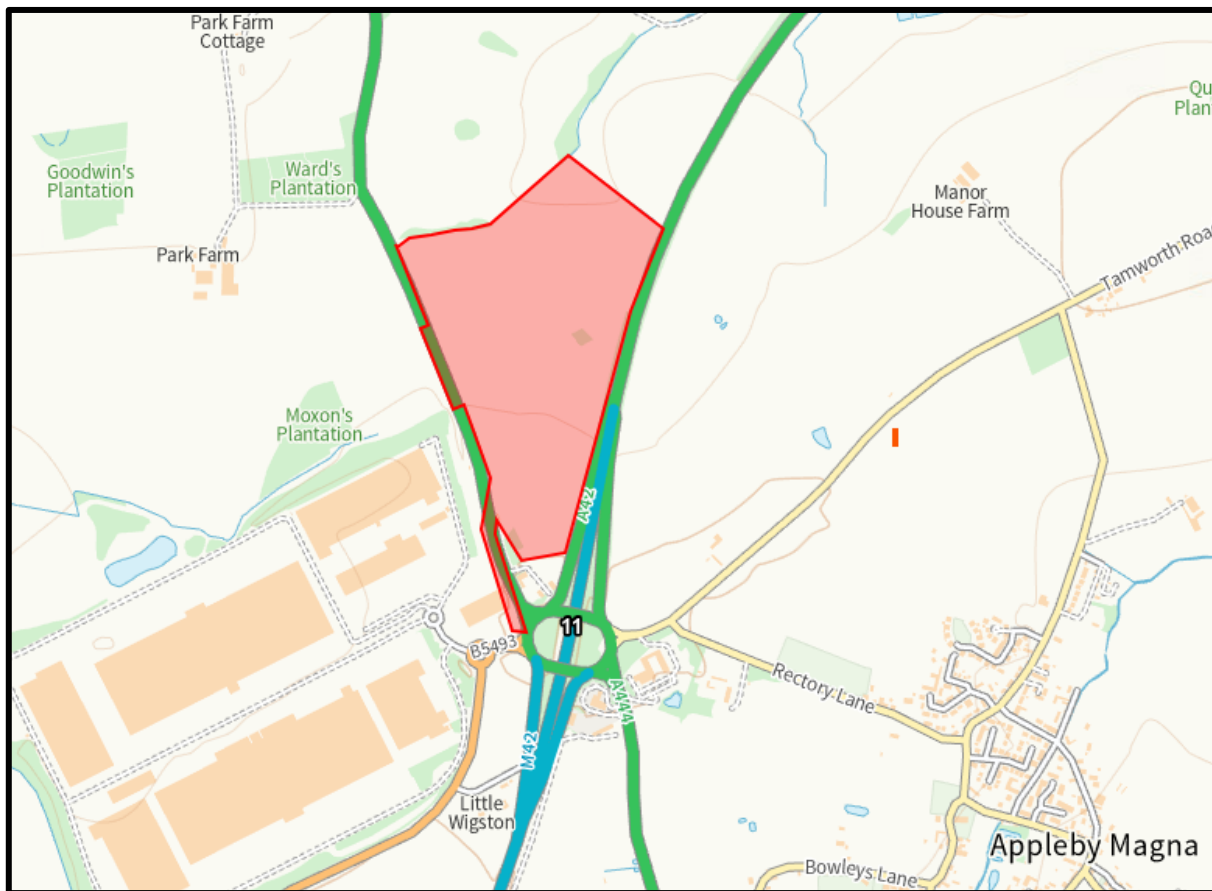
Date Registered:  
14 February 2025  
Consultation Expiry:  
8 December 2025  
16 Week Date:  
6 June 2025  
Extension of Time:  
24 December 2025

Applicant:  
IM Properties Development Ltd

Case Officer:  
James Knightley

Recommendation: Permit, subject to National Highways confirming it raises no objections, subject to Section 106 obligations, and subject to conditions

## Site Location - Plan for indicative purposes only



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## **Reason the case is called to the Planning Committee:**

The application is referred to Planning Committee for determination on the basis that it is contrary to the provisions of an approved Development Plan policy and is recommended for permission and, in the opinion of the Strategic Director of Place, is likely to raise matters which should be referred to the Planning Committee.

## **RECOMMENDATION - PERMIT, subject to National Highways confirming it raises no objections, subject to the following conditions and the securing of a Section 106 Agreement to deliver the following:**

- (i) Biodiversity Net Gain (BNG) (unless addressed by way of a conservation covenant)
- (ii) Implementation of Employment Scheme including provisions in respect of employment, training and supplier opportunities for the local area
- (iii) Provision of Travel Packs to be provided to each employee in accordance with details first agreed with the County Highway Authority (or payment of £52.85 per employee to Leicestershire County Council for the County Council to provide them on the applicant's behalf) (plus payment of an administration charge of £500 in the event that the developer opts to seek approval for its own design of Travel Pack by the County Council)
- (iv) Provision of 6 month bus passes to employees (or payment of £445 per pass to Leicestershire County Council for the County Council to provide them on the applicant's behalf)
- (v) Payment of STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £11,337.50 to Leicestershire County Council (in respect of the full element of the proposals).

- 1 Time limits  
(Full element of the hybrid application: commencement within 3 years  
Outline element: submission of reserved matters within 3 years with commencement within 2 years of the approval of the last of the reserved matters)
- 2 Details of reserved matters (including details of final access points for the outline part of the site)
- 3 Approved plans
- 4 Total floor space as shown
- 5 Environmental Statement mitigation (details to be submitted / agreed prior to commencement) (where not covered elsewhere)
- 6 Materials as shown (full element)
- 7 Levels as shown (full element)
- 8 Hard surfacing (details to be submitted / agreed prior to installation) (full element)
- 9 Landscaping provided as shown and maintained in accordance with the submitted strategy and management plan
- 10 External lighting as shown (full element)
- 11 Compliance with scheme of foul drainage (including pumping out) prior to occupation (full element)
- 12 Submission / approval and compliance with a scheme of foul drainage (including pumping out) prior to occupation (outline element)
- 13 Compliance with scheme of surface water drainage prior to occupation
- 14 Submission / approval and compliance with a scheme of surface water drainage prior to occupation (outline element)
- 15 Submission / approval and compliance with a scheme for the treatment of surface water during construction prior to commencement
- 16 Submission / approval and compliance with a scheme for the long term maintenance of surface water drainage prior to occupation

- 17 Submission / approval and compliance with a Construction Environmental Management Plan (CEMP) in accordance with the submitted Framework CEMP
- 18 Submission / approval and compliance with a Construction Ecological Management Plan (CEcMP) in accordance with the submitted Framework CEcMP
- 19 Compliance with Habitat and Ecological Management and Monitoring Plan (HEMMP)
- 20 Submission / approval and compliance with a Construction Traffic Management Plan prior to commencement
- 21 Provision of site access as shown prior to occupation
- 22 Provision of turning, parking and servicing areas as shown prior to occupation
- 23 Provision of cycle parking prior to occupation (full element)
- 24 Implementation of off-site highways works as shown prior to occupation
- 25 Submission / approval and compliance with an updated Framework Travel Plan prior to occupation
- 26 Implementation / continuation of Sustainable Access and Transport Strategy (SATS) (including provision of bus services and bus service infrastructure)
- 27 Submission / approval and compliance with a scheme for the treatment of public footpath P94 (to enable cycle use) prior to occupation
- 28 Submission / approval and compliance with a scheme for the protection of users of public rights of way prior to commencement
- 29 Implementation of pedestrian connections (on and off-site) as shown prior to occupation
- 30 Submission / approval and compliance with a scheme of any proposed outside storage prior to installation
- 31 Submission / approval and compliance with a scheme of boundary treatment prior to installation
- 32 Submission / approval and compliance with details of any proposed retaining walls prior to installation
- 33 Submission / approval and compliance with details of any proposed externally sited sprinklers / tanks, pump houses, bin storage areas, smoking shelters, electricity substations, gatehouses or other plant / equipment / structures (other than as shown on the submitted plans) prior to installation
- 34 Submission / approval and compliance with an archaeological Written Scheme of Investigation (WSI) prior to commencement
- 35 Submission / approval and compliance with an Arboricultural Method Statement prior to commencement
- 36 Submission / approval and compliance with a scheme to demonstrate compliance with submitted Sustainability and Energy Statement (including achievement of identified BREEAM rating) prior to occupation
- 37 Limitation on use of office elements as ancillary to the principal B2 / B8 use of the relevant unit
- 37 Standard Biodiversity Net Gain (BNG) conditions (required to ensure achievement and long-term securing of mandatory BNG requirements)

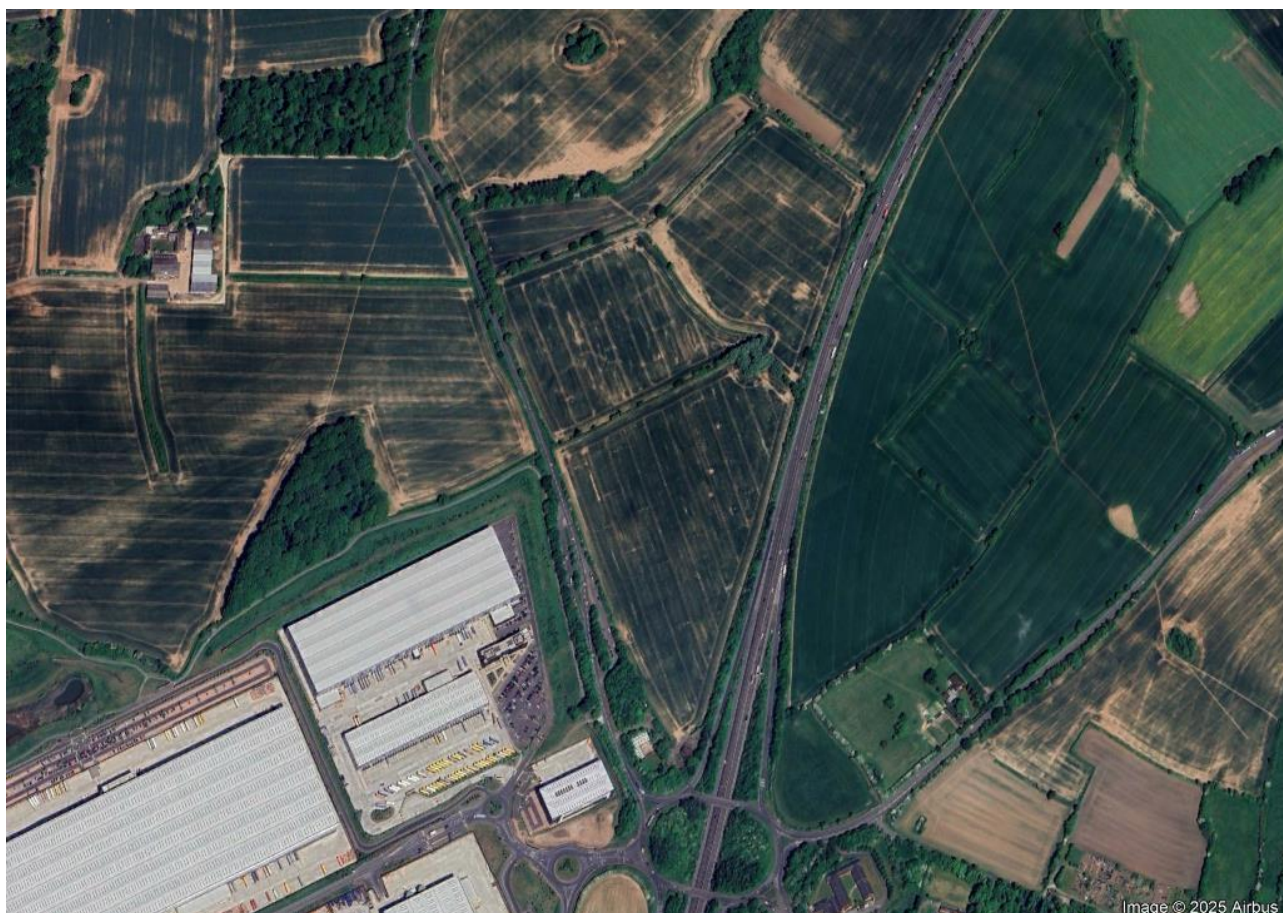
**Plus any others as required by National Highways**

[NB Detailed wording of conditions is likely to reflect the different phasing of the scheme (and including the various stages of the overall development, such as initial infrastructure / structural landscaping, and the construction of the units on the full and outline elements of the site).]

## MAIN REPORT

### 1. Proposals and Background

This is a “hybrid” application (i.e. part full and part outline), accompanied by an Environmental Statement and seeking planning permission on a site of 29.08ha currently within agricultural use for a range of potential uses within Classes B2 (General industrial), B8 (Storage or distribution) and E(g)(iii) (generally referred to as “light industry”) of the Town and Country Planning (Use Classes) Order 1987 (as amended), together with ancillary office use and other associated development, including a new roundabout access from the A444, internal roads, earthworks, pedestrian and cycle routes, drainage infrastructure, a gatehouse, parking and landscaping.



The site is located to the eastern side of the A444 and to the western side of the A42, just to the north of Junction 11 of the M42 / A42(T); the scheme is proposed as an expansion of the recently completed Mercia Park development to the western side of the A444 (and to the northern side of the B5493), originally approved in October 2019 under planning permission ref. 18/01443/FULM (and subsequent associated approvals). Photos of the site are provided on the following pages.



View from south western edge of the site (adjacent to A444)



View from north western edge of the site (adjacent to A444)



View from the northern section of the site (looking back towards existing DSV unit on Mercia Park)



The full part of the application relates to two elements: a single B8 unit (with ancillary E(g)(i) offices) and other works / operations that would serve / be associated with the development of both the full planning permission unit and the unit(s) proposed to the outline planning application part of the site. In addition to the proposed B8 unit, the full application elements also include the following:

- Site clearance works
- Installation of a new vehicular access from the A444 by way of a new three arm roundabout
- Installation of pedestrian and cycle crossing to the A444 (including a central refuge) so as to allow for connectivity between the existing Mercia Park development and the proposed expansion site
- “Key strategic infrastructure” including the internal spine road, changes to the existing highway, mounding / bunds, structural landscaping, attenuation ponds, drainage infrastructure, boundary treatment, lighting, a substation, a foul pumping station, landscaping, amenity areas and walking routes for use by employees and the wider local community
- Earthworks and development plateaus

As above, the full application includes the erection of a B8 unit; this would be of total floorspace 56,791sqm which, the applicant advises, is proposed to be occupied by DSV, a transport and logistics company which currently operates a number of units within the existing Mercia Park site. The proposed unit would include a warehouse at ground floor, a three-storey mezzanine and a two-storey office, and would be 22.0m above finished floor level (FFL) (albeit the configuration of the HGV loading bays would mean that the external ground level adjacent to some areas of the building would be below FFL and, as a result, the “effective” maximum height of the building in these sections would be approximately 23.0m above adjacent external ground level). The FFL of the proposed unit is proposed to be at a final level within the parameters of between 88.45m and 89.45m AOD.

The outline element of the application provides for development of an additional unit(s) falling within Use Classes B2, B8 or E(g)(iii) (and including ancillary E(g)(iii) offices) of maximum (total) floorspace of 41,095sqm on an area of the site of 7.07ha; the submitted parameters plan identifies a maximum height of units on this part of the site of 22.0m above a FFL of between 81.80m and 82.80m AOD. The outline element of the application relates to the blank area identified as “Development Zone 2” on the site masterplan below.





During the course of the application's consideration, the applicant has confirmed that, as indicated above, the proposed employment unit the subject of the full element of the application is proposed to be occupied in the first instance by DSV. In particular, the application documents advise as follows:

- A total of around 325,000sqm of floorspace has now been developed and is fully occupied on the existing Mercia Park site (by JLR's Global Logistics Centre (operated by Unipart), DSV and Scolmore Group)
- DSV now occupy around 97,800sqm of floorspace at Mercia Park, including its purpose-built warehouse, cross-dock terminal and office headquarters (in the north eastern part of the site), Unit 1 (operated by DSV as a purpose-built electrification storage warehouse for Jaguar Land Rover) and Unit 5

The application documents comment that DSV now needs to expand its operations in the region and has a specific property requirement for a site capable of accommodating a cross-docked warehouse, with an 18m clear internal height (requiring an external height of 22m to ridge), sufficient car parking spaces and loading docks, and direct access to the strategic highway network. They also note that DSV's total requirement equates to a building with a total floorspace of around 56,791sqm gross external area (GEA), including a warehouse and offices, requiring a plot of around 10 hectares.

All matters are reserved in respect of the outline element of the application (albeit there would be a degree of inter-relationship with much of the matters to which the full elements identified above (including a number of infrastructure works) relate).



All relevant documentation, including the plans and supporting information, can be viewed on the District Council's website.

## Relevant Planning History

*Application Site:* None

*Adjacent Site (existing Mercia Park development):* See table below

Application Ref.	Description	Decision / Date
18/01443/FULM	Part full / part outline planning application for the development of land, including the demolition of all existing on-site buildings and structures and levelling and re-grading of the site. Full consent sought for the construction of a Distribution Campus (Use Class B8), with ancillary offices (Use Class B1a), associated gatehouse and other ancillary uses, new electricity sub-station and new pumping station, creation of new accesses from the B5493, internal roadways, cycleways and footpaths, yard space, car parking and circulation, associated lighting and security measures, surface water attenuation and landscaping. Outline consent (with all matters reserved except vehicular access from the B5493 and re-grading of site) sought for additional Use Class B1c, B2 and B8 employment, with ancillary offices (Use Class B1a) and associated commercial and amenity uses	Approved 11/10/19
19/02017/VCUM	Part full / part outline planning application for the development of land, including the demolition of all existing on-site buildings and structures and levelling and re-grading of the site. Full consent sought for the construction of a Distribution Campus (Use Class B8), with ancillary offices (Use Class B1a), associated gatehouse and other ancillary uses, new electricity sub-station and new pumping station, creation of new accesses from the B5493, internal roadways, cycleways and footpaths, yard space, car parking and circulation, associated lighting and security measures, surface water attenuation and landscaping. Outline consent (with all matters reserved except vehicular access from the B5493 and re-grading of site) sought for additional Use Class B1c, B2 and B8 employment, with ancillary offices (Use Class B1a) and associated commercial and amenity uses approved under planning permission ref. 18/01443/FULM without complying with Condition nos. 1, 8, 25, 30, 31 and 32 so as to allow for amended site layout and elevational plans	Approved 27/01/20
19/02294/REMM	Development of land for a distribution campus (Use Class B8) with ancillary offices (Class B1a), internal roadways, footpaths, yard space, car and cycle parking circulation, smoking shelter, security measures, and landscaping (reserved matters to planning permission ref. 18/01443/FULM)	Approved 24/02/20
21/00583/VCIM	Development of distribution campus approved under reserved matters approval ref. 19/02294/REMM (outline planning permission ref. 18/01443/FULM) without complying with Condition 2 so as to allow for installation of PV panels and plant to proposed office roof	Approved 10/06/21

22/00144/REMM	Erection of unit (Use Class B2 and B8) with access, internal roadways, footpaths, yard space, car and cycle parking provision, retaining walls, security measures and landscaping (reserved matters to outline planning permission ref. 19/02017/VCUM)	Approved 15/06/22
22/01232/VCIM	Part full / part outline planning application for the development of land, including the demolition of all existing on-site buildings and structures and levelling and re-grading of the site. Full consent sought for the construction of a Distribution Campus (Use Class B8), with ancillary offices (Use Class B1a), associated gatehouse and other ancillary uses, new electricity sub-station and new pumping station, creation of new accesses from the B5493, internal roadways, cycleways and footpaths, yard space, car parking and circulation, associated lighting and security measures, surface water attenuation and landscaping. Outline consent (with all matters reserved except vehicular access from the B5493 and re-grading of site) sought for additional Use Class B1c, B2 and B8 employment, with ancillary offices (Use Class B1a) and associated commercial and amenity uses approved under planning permission ref. 19/02017/VCUM without complying with Condition nos. 1 and 8 so as to allow for provision of storage mezzanine to Unit 2	Approved 17/03/23
23/00942/FUL	Installation of entrance barriers, service yard WC facilities, boundary fence and glazed entrance doors	Approved 27/09/23
24/01215/REM	Provision of landscaping and earthworks, with associated access, seating, event space, car parking and cycle parking (reserved matters to outline planning permission ref. 19/02017/VCUM)	Approved 20/12/24

## 2. Publicity

3 Neighbours were notified on 18 February 2025.

Site notices were displayed on 24 February 2025 and 14 August 2025.

A press notice was published in the Burton Mail on 26 February 2025 and 20 August 2025.

## 3. Summary of Consultations and Representations Received

**Active Travel England** has no objections subject to conditions and Section 106 obligations

**Appleby Magna Parish Council** – no comments received

**Austrey Parish Council** objects on the following grounds:

- Existing industrial park not fully occupied, suggesting that claims of high demand for more units are exaggerated
- Recent reports identify frequent delivery delays at JLR due to staffing shortages, highlighting the need for a large, skilled local workforce that is currently unavailable
- The M42 / A42 Junction 11 already experiences significant congestion, especially during JLR shift changes

- Additional industrial units would likely double traffic volumes, worsening congestion on the A444, M42 / A42 and surrounding roads, further disrupting local communities
- Since the existing site opened, Austrey has seen more through-traffic, including speeding vehicles and HGVs, despite roads being unsuitable for such traffic, raising highway and pedestrian safety concerns
- Strategic and Economic Land Availability Assessment deemed the proposed site unsuitable for near-term development, with required policy issues still unresolved
- A 2022 warehousing and logistics report emphasized the need for warehousing near railheads

**Chilcote Parish Meeting** – no comments received

**Derbyshire County Council Local Highway Authority** has no objections

**Environment Agency** has no objections

**Historic England** has no comments

**Hinckley and Bosworth Borough Council** has no comments

**Leicestershire County Council Archaeologist** has no objections subject to conditions

**Leicestershire County Council Ecologist** has no objections subject to conditions

**Leicestershire County Council Highway Authority** has no objections subject to conditions and Section 106 obligations

**Leicestershire County Council Lead Local Flood Authority** has no objections subject to conditions

**Leicestershire County Council Tree Officer** has no objections subject to conditions

**Leicestershire Police** has no objections subject to conditions

**Lichfield District Council** has no objections

**Measham Parish Council** queries whether an overnight lorry park with facilities would be provided for external drivers

**National Highways** advises that the comments / concerns it had raised during the application process in respect of impacts on the strategic highway network generally have been addressed, and final comments are awaited in respect of some technical matters

**Natural England** has no objections subject to conditions or planning obligations to secure ongoing monitoring and maintenance of the proposed SuDS

**Netherseal Parish Council** objects on the following grounds:

- Increased congestion at M42 / A42 Junction 11
- Existing congestion on A444 worsened
- Unsuitable alternative routes through narrow country road
- Increased traffic volume, littering, and road surface damage
- Delays at Gorsey Lane and Cricketts Inn junction.
- Doubling of commuting cars.
- Insufficient local employment and public transport options.

- Increased traffic disruption from Severn Trent Water pipeline construction, blocking alternative routes, and forcing traffic onto A444.
- River Mease at increased risk from nutrient pollution and flooding
- Negative impact on the River Mease 's ecosystem
- Loss of natural habitats and biodiversity
- Disruption of local ecosystems
- Increased surface run-off and flooding.
- Contamination of waterways affecting local agriculture
- Elevated air and noise pollution levels impacting health and wildlife
- No evidence of demand for the development - existing sites are not fully occupied, indicating a lack of need

**North Warwickshire Borough Council** has no objections subject to the Local Planning Authority being satisfied that there is capacity within the local highway network to accommodate the increased traffic generated by the proposal

**North West Leicestershire District Council Environmental Protection** has no objections

**Oakthorpe, Donisthorpe and Acresford Parish Council** – no comments received

**Overseal Parish Council** objects on the following grounds:

- The A444 is Overseal's main street, splitting the village in two
- Increased HGV traffic since Mercia Park began operations, causing distress to residents
- Proposed distribution unit will add more HGV traffic, worsening the situation
- Safety risks for pedestrians, horse riders, and cyclists due to heavy traffic
- Children being driven to school as are too frightened to walk
- Concerns about the underlying structure of the A444 through Overseal - no surveys to assess the road's capacity to support heavy vehicles
- Long queues at M42 / A42 Junction 11 affecting residents' commutes
- Increased accidents at Junction 11 due to driver stress
- Proposed roundabout should not be approved, and all vehicles should be directed to turn left towards Junction 11 (and with a separate lane for vehicles turning right into the site from the A444)
- Concerns for horse riders near St Michael's Church at Stretton en le Field
- Urbanisation of a rural area and loss of agricultural land and its amenity
- Visual impact of industrial buildings detracting from the rural environment and reducing tourism attractiveness
- Parish Council is working with Derbyshire County Council to reduce traffic (including HGVs) through the village
- Air quality along the A444 is not being monitored correctly, affecting residents' health

**Severn Trent Water** – no comments received

**South Derbyshire District Council** has no objections in principle, but considers that the proposed development would have an impact on South Derbyshire by virtue of the increased traffic movements (including noise, disturbance and congestion). It suggests that financial contributions be sought to fund mitigation of increased HGV use of the section of the A444 passing through South Derbyshire.

**South Staffordshire Water** – no comments received

**Staffordshire County Council Local Highway Authority** has no objections

**Stretton en le Field Parish Council** – no comments received

**Warwickshire County Council Local Highway Authority** has no objections

### Third Party representations

6 representations have been received objecting on the following grounds:

Subject	Reason for Objection
<b>Principle of Development</b>	The UK produces only half its food and heavily relies on imports - using farmland for housing, solar farms, forestry, and warehousing jeopardizes future food security
	Mercia Park development has led to increased warehousing around M42 / A42 Junction 11, with further developments likely to exacerbate this
	No need for additional employment units, particularly warehouses
	Proposals motivated by profit
<b>Transportation and Traffic Issues</b>	A444 is a relatively minor road running through residential areas and is already congested, including by HGVs
	Adverse impacts of traffic on residents (including those in Overseal), including excessive lorry noise (especially at night)
	Highway safety impacts along the A444, including narrow footpaths, dangerous crossings, difficulty accessing driveways, and risks to pedestrians (including school children) and horses
	Increased HGV traffic is worsening infrastructure damage
	M42 / A42 Junction 11 roundabout suffers from congestion and poor traffic light sequencing
	M42 / A42 experiences frequent congestion and closures, causing alternative routes to become heavily congested
	Existing bus service serving Mercia Park is not well used, with most workers driving to the current site. Improved bus service plan is required, including extending routes from Tamworth to Measham and Ashby, to encourage more workers to use public transport.
	If approved, all HGV traffic should be directed onto the M42 / A42, rather than onto the A444 north
	Small road bridge between Netherseal and Chilcote is used by HGV drivers, contrary to the weight restriction
<b>Other Environmental Issues</b>	Missed opportunity for additional renewables
	Noise
	Adverse impacts on wildlife
	Flooding
	Landscape of England changing beyond all recognition
	People move to villages for a peaceful life

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

## **4. Relevant Planning Policy**

### **National Policies**

*National Planning Policy Framework 2024*

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraphs 8, 10, 11 and 12 (Achieving sustainable development)  
Paragraphs 48, 49, 50, 55, 56, 57 and 58 (Decision-making)  
Paragraphs 85, 87, 88 and 89 (Building a strong, competitive economy)  
Paragraphs 96, 98 and 105 (Promoting healthy and safe communities)  
Paragraphs 109, 110, 113, 114, 115, 116, 117 and 118 (Promoting sustainable transport)  
Paragraphs 124, 125 and 129 (Making effective use of land)  
Paragraphs 131, 135, 136, 137, 139 and 140 (Achieving well-designed places)  
Paragraphs 161, 163, 164, 166, 170, 173, 174, 175, 177, 178, 179, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraphs 187, 193, 195, 196, 198, 199 and 201 (Conserving and enhancing the natural environment)  
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 application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. 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 S3 - Countryside  
Policy D1 - Design of new development  
Policy D2 – Amenity  
Policy Ec2 – New Employment sites  
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 En2 – River Mease Special Area of Conservation  
Policy En6 – Land and Air Quality  
Policy He1 – Conservation and enhancement of North West Leicestershire's historic environment  
Policy Cc2 – Flood Risk  
Policy Cc3 – Sustainable Drainage Systems

#### **Adopted Leicestershire Minerals and Waste Local Plan (2019)**

The Leicestershire Minerals and Waste Local Plan forms part of the development plan. There are, however, no policies within the plan considered directly relevant to the determination of this application.

## Other Policies / Guidance

Community Infrastructure Levy Regulations 2010

Conservation of Habitats and Species Regulations 2017

Design Manual for Roads and Bridges (Highways England plus others)

Good Design for North West Leicestershire SPD

Leicestershire Highway Design Guide (Leicestershire County Council)

Local Transport Note (LTN) 1/20: Cycle Infrastructure Design (Department for Transport)

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

North West Leicestershire Air Quality Supplementary Planning Document – October 2023

ODPM Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System)

Planning Practice Guidance

## 5 Assessment

### Approach to Determination and Principle of Development

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, includes the adopted North West Leicestershire Local Plan.

Paragraph 11 of the NPPF provides that plans and decisions should apply a presumption in favour of sustainable development and that, 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 or 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”.*

However, the areas or assets referred to under Paragraph 11 (d) i include habitats sites (i.e. including Special Areas of Conservation (SACs)) and Sites of Special Scientific Interest (SSSIs). Furthermore, Paragraph 195 provides that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Paragraph 12 of the NPPF provides that *“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. 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”.*

In effect, therefore, it is necessary to consider whether the development complies with the policies of the adopted Local Plan (when considered as a whole) and, if not, whether (in accordance with NPPF Paragraph 12), other material considerations indicate that planning permission ought to be

granted (and whether Paragraph 11 subsections (c) or (d) are applicable). For the purposes of applying the tests in the NPPF, the view is taken that the adopted North West Leicestershire Local Plan is up-to-date.

In terms of the site's status within the adopted North West Leicestershire Local Plan, it is noted that the site lies outside Limits to Development, and so is not identified for any particular purposes (or any specific use).

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development; insofar as employment development is concerned: the *principle* of such uses is allowed for (under Policy S3(s)) where it would comply with Policy Ec2.

Policy Ec2 (subsection (2)) provides that *"Where evidence indicates an immediate need or demand for additional employment land (B1, B2 and B8) in North West Leicestershire that cannot be met from land allocated in this plan, the Council will consider favourably proposals that meet the identified need in appropriate locations subject to the proposal:*

- (a) Being accessible or will be made accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development; and*
- (b) Having good access to the strategic highway network (M1, M42/A42 and A50) and an acceptable impact on the capacity of that network, including any junctions; and*
- (c) Not being detrimental to the amenities of any nearby residential properties or the wider environment."*

As such, in order to comply with the *principle* of development requirements of Policy S3, it would be necessary to demonstrate that there was an immediate need or demand for additional employment land within the District that could not otherwise be met by allocated sites (and, if that could be shown, that the criteria in (a), (b) and (c) above would also be met).

In terms of the interpretation of *"immediate"*, *"need"* and *"demand"* the Council's Planning Policy and Land Charges Team has stated these to be as follows:

- *"Immediate"* – in this context can be interpreted as meaning "arising now".
- *"Need"* – correlates to a policy requirement identified through the plan-making process to ensure that the future needs of an area are adequately addressed.
- *"Demand"* – could be in the form of a request from potential future users or could be to address a gap in the supply of premises in the District. In other words, it relates to "market demand".

The policy requires need or demand to be demonstrated (***officer emphasis***); it is not necessary to demonstrate both.

Should Policy Ec2 be satisfied (and, hence, the *principle* of development element of Policy S3 be satisfied), it will also then be necessary to consider the proposals' compliance with criteria (i) to (vi) within Policy S3. Of particular relevance to this application are considered to be criteria (i), (ii), (iv) and (vi), as follows:

- (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. Decisions in respect of impact on landscape character and appearance will be informed by the Leicester, Leicestershire and Rutland Historic Landscape Characterisation Study, National Character Areas and any subsequent pieces of evidence; and*
- (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...*
- ...(iv) *built development is well integrated with existing development and existing buildings, including the re-use of existing buildings, where appropriate; and...*
- ...(vi) *The proposed development is accessible, or will be made accessible, by a range of sustainable transport."*

As per Policy Ec2 above, these issues are considered where applicable under *Detailed Issues* below.

Insofar as the issue of demonstrating an immediate or demand is concerned, it is considered as follows:

#### *Need for Strategic Warehousing*

The Leicester & Leicestershire: Strategic Distribution Floorspace Needs Update and Apportionment study (2025) provides an up-to-date assessment of the need for strategic warehousing in the Leicester and Leicestershire area. The study was jointly commissioned by the Leicester and Leicestershire authorities. It provides an assessment of the need for additional strategic warehousing in Leicester and Leicestershire for the period 2024-46, and proposes how that need could be distributed ("apportioned") to different locations within the partnership area. The study will be part of the evidence base for the Leicester and Leicestershire authorities' respective Local Plans. (It does not, however, set policy; that is a matter for each authority's Local Plan.)

The study finds that there is need for some 3.06 million sqm of strategic warehousing in Leicester and Leicestershire for the 22-year period 2024-46. This figure is in addition to sites which already have planning permission. The study apportions the need figure to locations in Leicester and Leicestershire including in North West Leicestershire. The table below shows this apportionment for North West Leicestershire, adjusted to the proposed end date of the new Local Plan (2042).

#### **North West Leicestershire apportionment (2024-2042)**

<b>Location</b>	<b>Floorspace</b>
M1 J23a / J24; A50 J1	728,673 sqm
Bardon (J22)	93,109 sqm
M42 / A42 J11,12,13	269,345 sqm
<b>Total</b>	<b>1,091,127 sqm</b>

The study has been published as evidence principally to support the preparation of Local Plans. Its findings have not yet been tested through an independent Local Plan Examination or at appeal. Whilst its specific findings about the scale of the need and its recommendations concerning the apportionment may be challenged, it would seem reasonable to take the position that:

- Across Leicester and Leicestershire there will be a need for additional strategic warehousing;
- The scale of that need is likely to be substantial; and
- Some of the need should be met in North West Leicestershire.

In respect of c) above, the study prescribes a proportion of the identified need to the A42 / M42 corridor in which the application site is situated.

With respect to need, the Leicester & Leicestershire: Strategic Distribution Floorspace Needs Update and Apportionment study's findings point to there being future need for additional strategic warehousing in North West Leicestershire and along the M42 / A42 corridor specifically. However, the study identifies that there are sites with planning permission in Leicester and Leicestershire which form a supply in the shorter term. The study's findings provide evidence of need but are not considered to demonstrate an immediate need under the terms of Local Plan Policy Ec2(2).

#### *New Local Plan*

The Council is in the process of preparing a new Local Plan for the period 2024-42. The Council's Local Plan Committee considered a report on the subject of strategic warehousing at its meeting on 19 November 2025. This report presented the findings of the study (as described above), and the Committee agreed in principle a number of strategic warehousing sites (including the application site) for inclusion in the Regulation 19 version of the Local Plan. The decision took account of the findings of the study and assessments of candidate strategic warehousing sites from the Strategic Housing and Employment Land Availability Assessment and subsequent Call for Sites.

#### *Applicant's Assessment of Strategic Warehousing Demand*

The applicant has submitted a number of documents in support of the application, and which can be summarised as follows:

##### Employment Land Statement February 2025:

- Using 2024 data, Savills report that the East Midlands continues to be the largest market in the country for "big box" warehouse units (over 9,000sqm). Third party logistics firms accounted for 35% of this total activity, high street retailers accounted for 21%, online retailers 12%, and food producers 10%.
- Savills calculate that there is 2.2 years' worth of supply of strategic scale units in the East Midlands. Over a third of the supply (4.95 million sqft) is identified as being associated with second hand units.
- For the M42 / A42 corridor, the current supply of strategic scale units is just 907,971sqft (c.84,353sqm) across four units. This equates to less than 9 months-worth of demand based on take up over the last 6 years. There are no new speculatively developed "Grade A" units available (i.e. units already built but unoccupied) in the wider M42 / A42 corridor.
- The limited choice of development land in the M42 / A42 corridor also acts as a major constraint to new floorspace being developed speculatively to address supply gaps.
- The imbalance between supply contributes to there being both an immediate demand and need for additional strategic-scale employment land and floorspace in the M42 / A42 corridor.
- Local Plan Policy Ec2(2) remains the only mechanism through which to satisfy this need at the current time and address the under-supply of strategic in evidence in this part of the District.

##### Employment Land Statement Addendum (October 2025):

DSV now needs to expand its operations in the region in order to accommodate further growth and best meet the requirements of its customers. This requires significant investment to create a new facility which, like the space acquired in Unit 5 in 2023, would be occupied by DSV Contract Logistics (one of the company's three divisions). DSV's requirements include direct access to the strategic road network and adequate parking and equate to a building with a total floorspace of c.56,791 sqm (GEA) including warehouse with a three-storey mezzanine and offices. External height should be 22m to the ridge. The development requires a plot of c.10 hectares.

DSV generally has direct involvement in the development of its facilities, acquiring land on a freehold basis to comply with business requirements. (Further detail is provided in DSV's supporting statement).

At September 2025, there were no units of the size DSV require within 10 miles of Mercia Park, and the Addendum provides the following market update (selected):

- Only 2 strategic-size units have been let in the entire M42 / A42 corridor in 2025
- Occupiers generally require:
  - Direct motorway access
  - Regular shaped development plots for units of 18,580+ sqm
  - Clear headroom of 15+ m
  - Sufficient yard space for HGV movements, loading/unloading and open storage
  - Sufficient dock doors
  - Building with enhanced energy efficiency
  - Ample car parking with EV charging
  - Sufficient power supply
  - High quality working environment
- A table in the Employment Land Statement Addendum lists 12 current, active occupier requirements in the M42 / A42 corridor. The addendum states “this is a demand that is considered to very much relate to North West Leicestershire”
- In addition, the applicant has received three direct enquiries from prospective occupiers.
- At October 2025, there are two “Grade A” quality strategic scale units available on the M42 / A42 corridor; there were four when the original Employment Land Statement was prepared in February 2025.
- Neither of the two available units have the minimum internal height of 15+m that occupiers generally require.
- This creates an immediate need for more new build space, particularly where second-hand buildings coming back onto the market are unlikely to achieve the minimum specification in terms of scale, height, yard space and power now being sought by occupiers.
- In this part of North West Leicestershire where the absence of any speculatively developed or existing units of a strategic scale is already creating a large gap in the District’s supply.
- The supply of land in the M42 / A42 corridor in North West Leicestershire is limited to G-Park. This is a build-to-suit site which has failed to secure an occupier, even in the face of strong demand.
- There are no other sites available in the M42 / A42 corridor for uses other than B8, creating a gap in the available supply of land for occupiers seeking larger sites for new purpose built premises for manufacturing use.
- There is a gap in the available supply of strategic scale land and floorspace in terms of size, type and location in an area which is acknowledged as a “Key Opportunity Area” in the emerging Local Plan where additional employment land and floorspace should be provided to meet market demand that is proven to exist.

#### DSV Supporting Statement:

- DSV has agreed terms with IM Properties to acquire the unit on Development Zone 1, subject to the grant of planning permission.
- DSV occupies c.1,000,000 sqft (c 92,900 sqm) at Mercia Park and it represents a Midlands regional hub. DSV currently supports nearly 550 jobs at Mercia Park with a mix of “blue” and “white collar” roles.
- Mercia Park’s location provides DSV with direct access to the strategic road network and it has proven to be an excellent base and environment to recruit and retain a talented workforce. The site lies in a prime location for ongoing distribution hubs.
- To accommodate further growth and best meet the requirements of its customers, the company has an immediate demand to expand its operations in this location.
- DSV has a substantial and specific property requirement. The company wishes to deliver this requirement at Mercia Park to further strengthen its existing logistics campus. DSV will acquire the site on a freehold basis.
- Focussing DSV growth at Junction 11 of the M42 also provides a central UK “flagship” location with direct access to major transport networks

- The functional connection with DSV's existing operations at Mercia relate to the shared DSV office at Unit 6 which houses senior management, finance and customs etc.
- There would also be benefits of expanding operations at Mercia Park in terms of promoting sustainable transport for all DSV employees, including the existing bus services.

The applicant's agent has confirmed that, following technical approvals, IM Properties (the applicant) would want to start enabling works late 2026 / early 2027. This would take around 12 months. They would then look to start construction of the full application unit at the end of 2027. They anticipate the unit could be operational by the end of 2028.

#### *Applicant's Assessment of Alternative Allocated Sites*

The Employment Land Statement Addendum identifies that there are two sites in North West Leicestershire able to accommodate such a large unit, namely "G-Park" in Ashby de la Zouch – which can accommodate a single unit of circa 70,000sqm – and Sawley Crossroads in Castle Donington (adjoining the Aldi unit), where full planning permission was recently granted for a single unit of circa 59,910sqm. Both could theoretically provide the requisite ceiling height, having consent for buildings 23m and 24m tall respectively.

The following comments are made:

- Neither are available for freehold purchase which is a specific requirement of DSV
- Distance would naturally not be conducive to the campus-style development that DSV have delivered at Mercia Park and wish to grow
- Employees would be unable to travel between the two facilities on foot. The application site brings greater scope to promote sustainable transport for all DSV employees (e.g. bus, pedestrian / cycle links) utilising the existing bus services (with routes to Tamworth and Burton on Trent)
- The alternative sites would also not enable the same streamlining of operations, nor the same enhancement of efficiencies in delivering goods and services to customers throughout the UK

#### *Officers' Assessment of Applicant's Submission*

The applicant's submissions explain the operational reasons why this location would suit DSV's needs, linked to its position on the strategic road network and its proximity to DSV's operations at Mercia Park. DSV is the identified end user and has agreed terms to purchase the unit once constructed. On the basis of what has been submitted, it is considered that there is a reasonable expectation that DSV would occupy the full element unit if planning permission was granted (and within the timescales set out above). Having regard to the above, it is considered that the information supplied would be sufficient to demonstrate an immediate demand for the full element unit to accord with Local Plan Policy Ec2(2).

Insofar as the outline element of the site is concerned, there are no identified end users at this stage. The submissions list the headline requirements for some 12 firms with an interest in premises in the M42 / A42 corridor. From the summary details provided, 10 of these requirements could be met on the outline element site, indicating a level of potential interest (albeit the details are limited). The fact these enquiries are listed as "current" suggests, however, an intention / desire to move within a limited timeframe. Six of the enquires are for B8 use, two are for B2 and two are for B2 / B8. More specifically, the applicant has received three approaches from firms interested in taking space on the outline element of the site. Two are for B8 use and one is a manufacturer (B2). Whilst it is considered that there is no certainty that any of the firms searching for premises in the M42 / A42 corridor, or expressing an initial interest in the outline element of the site specifically, would necessarily proceed to occupy a unit there, and whilst the evidence in support of potential B2 use seems less significant, the level of interest for B8 use in particular would be considered to indicate that the potential interest is of a sufficient scale to give some confidence that a unit on the site would be occupied within a reasonable timeframe if planning permission was granted.

Taken as a whole, therefore, it is considered that the “immediate demand” aspect of Policy Ec2(2) has been clearly demonstrated in respect of the full element part of the site which takes up more than 50% of the site, and also that there is a strong prospect of “immediate demand” for the outline application part.

Policy Ec2(2) also requires the consideration of whether the immediate demand (or need) for additional land can be met on alternative, allocated sites. Local Plan Policy Ec1 identifies the sites at the former Lounge Disposal Point (“G-Park”) and the site at Sawley Crossroads (adjacent to the Aldi unit). In terms of these sites, the following points are noted:

#### G-Park:

A reserved matters application has recently been submitted (25/01411/REMM) for the erection of a 70,000 square metre B8 distribution unit on this site. This is a substantially larger unit than either of those proposed for the Mercia Park site, so would seem unlikely to be of interest to occupiers considering the Mercia Park site; its location also does not offer the same operational benefits for DSV in terms of proximity to their existing operations. In addition, a smaller unit on this site would result in the sterilisation of the remainder of the site. On this basis, it is accepted that G-Park is not likely to provide a realistic alternative to the proposals for the application site.

#### Sawley Crossroads:

The site at Sawley Crossroads has recently been granted planning permission for a single unit of some 59,910 sqm (24/01200/FULM), and is therefore more likely to be a suitable alternative than the G-Park unit in terms of size, albeit it is still considerably larger than the Mercia Park outline unit in particular. Also, however (and as per G-Park), the co-locational benefits to DSV would not be available.

Having regard to the above, it is accepted that the applicant has successfully demonstrated the immediate demand for additional employment land in North West Leicestershire which cannot be met on sites allocated in the plan.

#### *New Local Plan*

The application site is one of a number of sites which have been agreed for allocation in the Regulation 19 version of the Local Plan for strategic warehousing, subject to the outcomes of transport modelling, viability assessment and infrastructure requirements (as per the Local Plan Committee of 19 November 2025 referred to above).

The proposed allocations have not been tested through the independent Examination process, and are at an early stage in the Local Plan process. Ordinarily, having regard to NPPF Paragraph 49, site allocations at this stage would be given only limited weight in the determination of an application.

Nonetheless, as outlined above, the Leicester & Leicestershire: Strategic Distribution Floorspace Needs Update and Apportionment study reveals a need for additional strategic warehousing of a very significant scale and recommends that a substantial proportion of this should be met in North West Leicestershire, including along the M42 / A42 corridor. Officers in the District Council’s Planning Policy and Land Charges team have assessed all the realistic candidate sites along the M42 / A42 as part of the Local Plan process and have identified the application site as one which is suitable for allocation. Furthermore, the site has been subject to detailed assessment through the planning application process and (as set out in more detail within the relevant sections below) this indicates that there are no technical constraints to development which cannot be overcome through mitigation.

In summary (and subject to the more detailed assessments elsewhere within this report):

- There is a substantial future need which will necessitate the development of suitable sites in North West Leicestershire

- The application site has been tested alongside the other reasonable candidate sites as part of the Local Plan process and has been found by officers to be suitable
- There are no technical barriers to the site's development which cannot be acceptably mitigated.

These factors are considered to be material to the determination of the application.

Conclusions in Respect of Need or Demand and the Emerging Local Plan:

Paragraph 85 of the NPPF (2024) indicates that planning decisions should “*help create the conditions in which businesses can invest, expand and adapt*” and that “*significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*”

Criterion (e) of Paragraph 86 of the NPPF indicates that planning policies should “*be flexible enough to accommodate needs not anticipated in the plan, and allow for new and flexible working practices and spaces to enable a rapid response to changes in economic circumstances.*” This stance is also reflected in Policy Ec2(2) of the adopted Local Plan.

Work on the new Local Plan shows a direction of travel in terms of how the Leicester & Leicestershire: Strategic Distribution Floorspace Needs Update and Apportionment study's findings could be addressed. Officers' assessment of the application site compared with other candidates suggests it is suitable for allocation and this assessment has been affirmed by the Local Plan Committee (19 November 2025). As above, therefore, subject to the details of the scheme being acceptable, it is considered that it would be unreasonable to resist development on this site and, if permitted, the site would contribute towards the need identified in the study.

In respect of the adopted Local Plan, as already demonstrated, an immediate demand for additional floorspace has been demonstrated that cannot be met at other allocated sites. The proposals are therefore considered to meet this element of Policy Ec2(2); consideration of the scheme's performance against the subsequent criteria (a), (b) and (c) within Ec2(2) is in effect addressed under *Detailed Issues* below.

Other Matters Relating to the Principle of Development

It is noted that the NPPF contains encouragement for the effective use of land, and in particular by maximising use of previously-developed sites (Paragraph 124). Clearly the development of this site would not sit particularly well with this approach. However, having regard to the particular nature and scale of the proposals (and the conclusions in respect of the assessment of alternative allocated sites above), it is accepted that the scheme would not be unacceptable in this regard.

Conclusions in respect of the Principle of Development

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The site lies outside Limits to Development and, unless the scheme can be shown to comply with one of the development types specified under Policy S3, there would be an in-principle conflict with this development plan policy designed to protect the countryside from inappropriate development. On the basis of the conclusions above in respect of the compliance with Policy Ec2(2), however, the view is taken that the proposals would meet the test of there being an immediate demand for the development and, subject to the associated criteria under Ec2(2) (a), (b) and (c) also being met, the scheme would comply with Policy Ec2 (and, hence, with the *in-principle* element of Policy S3(s)).

## Detailed Issues

In addition to the issues of the principle of development, consideration of other issues relevant to the application (and including those addressed within the Environmental Statement) is set out in more detail below. The Environmental Statement considers the environmental effects of the proposed development, both in their own right, and also cumulatively with a number of other developments within the District (including the existing Mercia Park development, the proposed Measham Waterside project (Burton Road, Measham), wind turbines at Barns Heath Farm, Appleby Magna, and two proposed residential development schemes in Measham (Abney Drive and Ashby Road).

## Assessment of Alternatives

The Environmental Statement sets out alternatives in terms of alternative designs. In terms of this issue, the Environmental Statement refers to pre-application discussions with the Local Planning Authority, and setting out the process by which the currently proposed design was reached. In particular, it notes that the design of the proposed scheme has evolved in response to technical studies, surveys and modelling, taking into account environmental constraints and opportunities, as well as feedback provided in pre-application meetings and during stakeholder engagement. The “design” elements assessed cover a broad range of factors, including landscape and visual impact, transport and access, biodiversity, climate change, noise and flood risk. Further assessment of the design quality of the scheme is set out under the relevant section below.

## Agricultural Land Quality

Policy En6 of the adopted North West Leicestershire Local Plan provides that development should avoid any unacceptably adverse impact upon soils of high environmental value, and explanatory paragraph 5.26 of the Local Plan provides that *“Whilst policy seeks to facilitate the diversification of the rural economy, there are also benefits to the protection of the best and most versatile agricultural land. Where appropriate we shall seek the use of areas of poorer quality land in preference to that of agricultural land of a higher quality”*. Paragraph 187 of the NPPF provides that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst others, recognising the intrinsic character and beauty of the countryside, and 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 suggests that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to those of a higher quality. BMV agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification.

In terms of the agricultural land quality of the site, the Environmental Statement (based on its accompanying Soils and Agricultural Land Quality report) identifies it as follows:

Grade 2:	16.9ha (58%)
Grade 3b	10.9ha (38%)
Non-agricultural:	1.5ha (4%)

The Grade 2 land broadly corresponds to soils identified as “loamy” and the Grade 3b land to soils identified as “heavy slowly permeable”; no Grade 3a land is identified.

As such, 16.9ha of the site (equivalent to 58% of the site (or circa 61% of the agricultural land within the site)) would be BMV. Whilst the NPPF does not suggest that release of smaller BMV sites is acceptable, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process and the loss of 20 or more hectares is generally considered significant.

Insofar as the impact on the existing agricultural business is concerned, the agents confirm that the land is currently farmed by the occupiers of Park Farm (to the west of the site, on the opposite side of the A444), and that the tenants are supportive of the development and consider that the re-use of the land for non-agricultural purposes would not affect their business.

Whilst the irreversible loss of higher quality agricultural land would weigh against the proposals in terms of the environmental objective of sustainable development, it is considered that the quantum involved would not, overall, be considered to be unacceptable when weighed against all other material considerations.

### **Air Quality**

Policy D2 of the adopted North West Leicestershire Local Plan seeks to (amongst others) ensure that adverse effects of development on residents' amenities is minimised (and including in respect of pollution); Policy En6 provides that development close to an Air Quality Management Area (AQMA) will be supported where an application is accompanied by a detailed assessment of the issues, and where appropriate mitigation is identified. 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 site is not located within an AQMA, and the Environmental Statement indicates that the closest one is within the District of Lichfield, approximately 14.1km from the site; the closest AQMA within North West Leicestershire is at Copt Oak, approximately 17km from the site. In terms of other air quality issues, the Environmental Statement (and its appendices) considers the impacts of construction works (principally associated with construction dust) along with any operational impacts (vehicular impacts). Fourteen existing sensitive receptors (a range of locations in the surrounding area, including addresses in Stretton en le Field, No Man's Heath, Appleby Parva and Measham) have been used for the purposes of modelling potential impacts.

### *Construction Impacts*

Insofar as the construction phase is concerned, the Environmental Statement indicates that, as per the scoping assessment, the following effects would not be significant (in EIA terms)

- Nuisance, disturbance and reduction in human health as a result of dust from construction activities;
- Disturbance and habitat quality reduction at ecological receptors as a result of dust from construction activities;
- Increased airborne pollution and change to local air quality and resultant impacts on human health as a result of emissions from vehicle exhausts during construction activities; and
- Increased airborne pollution and change to local air quality and resultant impacts on human health as a result of emissions from Non-Road Mobile Machinery (NRMM) vehicle exhausts during construction activities

Nevertheless, the Environmental Statement is informed by a Construction Dust Assessment. This identifies the relevant risks of construction dust on nearby receptors, and makes a number of recommendations in respect of mitigation.

### *Operational Impacts*

In terms of the operational impacts, the Environmental Statement considers in particular the effects of nitrogen dioxide and particles associated with the development, including impacts arising from the additional traffic associated with the development once it is in use; emissions released from on-site energy plant during operational stage were not considered significant in EIA terms, and were scoped out from the detailed assessment.

In terms of nitrogen dioxide, the Environmental Statement states that the annual mean nitrogen dioxide concentrations would not be predicted to exceed the 40µg/m<sup>3</sup> Air Quality Assessment Level (AQAL) in the assessment year (2027) at any of the sensitive receptors where the annual mean objective applies, or 60µg/m<sup>3</sup> at any others. On this basis, the Environmental Statement identifies that the impact of the development would be negligible.



Similarly, annual concentrations of PM<sub>10</sub> and PM<sub>2.5</sub> (i.e. particulate matter with an aerodynamic diameter of less than 10µm and 2.5µm respectively) would not be predicted to exceed the annual mean of 40µg/m<sup>3</sup> at any sensitive receptors, nor would the exceedances take place on more than the 35 days permitted (and, again, would be considered to be a negligible impact.)

Mitigation in terms of the operational phase include measures related to use of an on-site all-electric energy strategy, provision of electric vehicle charging points, and implementation of measures designed to minimise employees' reliance on single occupancy vehicles through the submitted Framework Travel Plan.

On the basis of the above, however, it is considered that the proposals would be acceptable in terms of their impacts on air quality, and the relevant Local Plan policies relating to this issue are considered to be satisfied; no objections are raised by the District Council's Environmental Protection team in this regard.

### **Historic Environment**

Policy He1 of the North West Leicestershire Local Plan sets out the approach to assessing the impact of development on heritage assets; similar principles are set out in Chapter 16 (Conserving and enhancing the historic environment) of the NPPF.

The submitted Environmental Statement includes assessment of the impacts in terms of archaeology; other matters (including built heritage) are addressed in a separate standalone Heritage Statement.

#### *Designated Heritage Assets*

In terms of designated heritage assets, the Environmental Statement identifies that the nearest designated archaeological asset is scheduled monument ref. 1011458 (Moated site, fishponds, formal garden and settlement earthworks east of St Michael's Church) in Appleby Magna, which lies 840m to the south-east of the site; it also confirms that there are no other designated archaeological assets within 1km of the site.

The Heritage Statement considers the impacts on designated assets within a 1km radius of the edge of the application site, including four listed buildings (namely the Church of St Michael, Stretton en le Field, Park Farmhouse, Stretton en le Field, and the Old Rectory, Appleby Magna (together with its associated Coach House and Stables) and the Appleby Magna Conservation Area). There are no scheduled monuments within 1km of the site. Whereas the District Council's (former) Conservation Officer had initially raised the need to consider the impact on the Grade II Church of St Matthew in Chilcote (approximately 1.8km from the site), supplementary information provided by the applicant and a subsequent site visit has satisfied the Conservation Officer that there would be no harm to the setting of that asset.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard should be had to the desirability of preserving the building or its setting; Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Insofar as listed buildings are concerned, the Heritage Statement concludes as follows:

#### *Church of St Michael (Grade II\*)*

The Church of St Michael is considered by the Heritage Statement to be of significance as the church of a small rural hamlet and is "primarily experienced and appreciated from within its own tranquil and secluded churchyard". It notes that the spire is visible in glimpses from the A444 and A42, and from the local public footpath network, in line with existing trees, but that dense areas of vegetation screen

the majority of views of the church from the west, south and east, including from the site and, as a result, incidental views of the surrounding rural landscape are, it states, concentrated northwards from the church.

The Heritage Statement acknowledges that the development would be visible in combination with the church spire in views from the A444 and A42, and from the local public footpath network, but notes that the proposed buildings would be separated from the church by intervening agricultural land and a dense belt of trees, and concludes that the significance of the Church of St Michael would be preserved.

In response to the application, the District Council's Conservation Officer had raised concerns in respect of the impact on the setting of the church, with harm identified to a significant view of its spire from the public footpath network to the south west of Oakthorpe and, to avoid or minimise that harm, has suggested installing screen planting either along the north eastern boundary of the application site (or off-site in a location to its north east). The applicant's agents disagree with this position, and contend that the extent of the "panorama" visible would be a "false view" (i.e. that, in reality, given the separation, the two features would not really be seen in the same view from this position). The agents also advise that, due to the need to provide SuDS in the north eastern part of the site, and the adverse impact on biodiversity enhancement if proposed wildflower planting was replaced by additional tree planting, further planting to screen the building from this direction would not be feasible. Regardless, however, they take the view that the proposals would not harm the significance of the church (although, if the Local Planning Authority were to disagree with this position, they suggest that any harm would be less than substantial).

For his part, the District Council's Conservation Officer did not agree with the contention that the panoramic view would be a "false" one, but suggested that the Council proceeds to consider the various points made in the overall planning balance. The officer view is that whilst there could be some harm arising (and whilst acknowledging the obliqueness of any "simultaneous" views of both the proposed development and church spire from the rights of way), any harm that is considered to arise would, in any event, be less than substantial in terms of severity.

*Park Farmhouse, Stretton en le Field (Grade II):*

The Heritage Statement indicates that the application site forms a part of the rural surroundings and setting of Park Farmhouse and notes that the fields situated within the northern part of the site were historically farmed by Park Farm. The Heritage Statement indicates that the site is, however, visually separated from the listed building by large modern metal sheds to the east of the farmhouse and areas of trees and vegetation. It also considers that the proposed landscaped edge along the western site boundary would filter views of built development from the farm complex and, that, as a result of its siting, the proposed development would not be visible in combination with the principal views of the listed building. Nevertheless, the Heritage Statement accepts that the site currently comprises part of the rural setting of Park Farmhouse and, notwithstanding the separation / intervening screening afforded by the modern farm buildings, there would be less than substantial harm to the setting and significance of the asset; the District Council's Conservation Officer agreed with this position.

*The Old Rectory, Appleby Magna and Coach House / Stables (both Grade II):*

Having regard to intervening buildings, trees, distance and topography (and including the M42 / A42), the Heritage Statement indicates that the proposed development would not be visible from the listed buildings, and no impacts on their significance would result.

*Conservation Area*

Insofar as the Appleby Magna Conservation Area is concerned, the Heritage Statement notes that, whilst part of the Conservation Area is located within the 1km distance, the development would not be visible from it. Due to the distance, the lack of intervisibility, and how the Conservation Area is experienced and appreciated, the Statement contends that there would be no effects on the

Conservation Area, and it has been scoped out of the assessment. The approach and conclusions in this regard are accepted as appropriate.

#### Conclusions in respect of Designated Heritage Assets

In view of the above conclusions, however, it is considered that some harm to the significance of other designated heritage assets (i.e. listed buildings) would arise (and, in particular, to the Church of St Michael and Park Farmhouse), but that this harm would be less than substantial. Paragraph 215 of the NPPF provides that, *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”*. In this instance, therefore, any harm considered to arise in respect of the heritage assets needs to be weighed against the public benefits as outlined in this report. It is accepted that, given the limited impacts on designated heritage assets, those public benefits (and including the proposed development’s contributions to the economic and social strands of sustainable development as set out elsewhere within this report) would more than outweigh the less than substantial harm identified.

In accordance with the requirements of NPPF Paragraph 212, “great weight” should be given to the asset’s conservation and, notwithstanding the approach set out in Paragraph 215, regard nevertheless still needs to be had to the statutory duties under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this case, and when applying the duty under (in particular) Section 66 of the Act together with the tests set out in the Planning Practice Guidance, the view is taken that, whilst there would be a degree of harm to the settings of listed buildings as identified in the Heritage Statement, the overall impact would be acceptable. Whereas the officer view is that the impacts on the setting of St Michael’s Church would be greater than argued by the applicant, any harm arising would be considered to be less than substantial and, as set out above, would be acceptable overall when applying the test set out in Paragraph 215 of the NPPF.

#### *Non-Designated Heritage Assets:*

Insofar as non-designated heritage assets are concerned, the submitted Environmental Statement (informed by an accompanying Archaeological Assessment) identifies the relevant archaeological impacts of the proposed development.

In terms of potential impacts, the Archaeological Assessment identifies that there could be impacts on potential remains from the Romano-British period, and which comprise an enclosure and trackway running either side of the A444, in the western part of the site. These remains would, it suggests, be of “medium” importance, due to their date, and their potential relationship with Iron Age remains previously recovered during works associated with development of the existing Mercia Park development, and with a Roman farmstead discovered to the south east of the site. The Assessment states that the site was in agricultural use in the medieval period (and through to the modern period), and that agricultural remains have been identified, including elements of ridge and furrow cultivation, the remains of former field boundaries, and the partial survival of historic hedgerows. Whilst it is suggested that the potential for further archaeological remains of this date is high, such remains would, the Assessment states, also be likely to relate to agricultural activity and, thus, be of “negligible interest”.

In EIA terms, the Environmental Statement identifies the impacts to be those associated with the construction stage and, in particular, changes to ground levels within the site, such as those entailed in cut / fill operations; and / or construction of foundations. Given the level at which archaeological remains would be expected, and the nature of the proposed scheme (including landscaping, earthworks (including cut/fill) and planting, as well as surface water attenuation), the Environmental Statement indicates that it is assumed (in a worst-case scenario) that any remains of archaeological interest would be lost during the construction stage. Even where shallow foundations can be used, the Environmental Statement notes, it is likely that initial groundworks, including the removal of

overburden (topsoil), as well as earthworks (cut and fill), would be likely to truncate and or remove archaeological remains which, based on trial trench work, are generally at a relatively shallow depth.

Whilst the sensitivity of the remains of the possible Romano-British enclosure in the west of the site is considered to be low, the magnitude of change is (in EIA terms) considered to be large in that the remains would be expected to be lost during construction. Therefore, the Environmental Statement indicates, there is likely to be a direct, permanent, long-term, adverse effect on this feature, and which is considered to be “Minor to Moderate”. The sensitivity of post medieval agriculture remains is considered to be low but, as per the Romano-British enclosure, the magnitude of change is assessed as large in that they would be expected to be lost during construction. Again, therefore, the Environmental Statement suggests that there is likely to be a direct, permanent, long-term, “Minor to Moderate” adverse effect. Having regard to mitigation measures (including the implementation of archaeological investigation work), the Environmental Statement concludes that the residual effects would be “Not Significant”.

For its part, Leicestershire County Council's Archaeology team comments that assessment of the Leicestershire and Rutland Historic Environment Record (HER), supported by the results of the archaeological evaluation of the development area, shows that the site lies in an area of significant archaeological potential. The Archaeology team advises that it welcomes the archaeological assessments submitted with the application, and agree that further archaeological works will be needed to ensure appropriate mitigation for the impacts on the archaeology from the proposed application. It recommends the implementation of an appropriate programme of archaeological investigation, including an archaeological strip and excavation of the archaeology, and that any planning permission granted be subject to the imposition of a planning condition requiring the approval and implementation of a written scheme of investigation.

In terms of other non-designated assets, the submitted Heritage Statement assesses the impacts on Stretton Park, an area of land associated with the former Stretton Hall in Stretton-en-le-Field, and now in use as agricultural land (although copses and tree belts associated with its parkland use survive).

The Heritage Statement notes that, whilst the surroundings of the parkland are rural in character, the degree of change to the use of land means that its historic interest can no longer be fully appreciated. As such, the Statement suggests, the significance of Stretton Park is best appreciated from within the former parkland itself, where remnants of copses and shelter belts can be viewed. It comments that, whilst the proposed development would be visible from Stretton Park, the proposals include a landscaped edge along the northern site boundary which would retain and enhance the existing treeline, and views of the proposed buildings would be filtered as planting establishes.

Paragraph 216 of the NPPF provides that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*. Having regard to the above findings in respect of non-designated assets, it is considered that only limited harm would arise. On this basis (and given the proposed development's contributions to the economic and social strands of sustainable development as set out elsewhere within this report), it is considered that the impacts on non-designated heritage assets would not indicate that planning permission should be withheld.

The proposals are therefore considered to be acceptable in terms of the impacts on heritage assets, and, overall, would perform well in respect of the principles set out in Local Plan Policy He1.

## **Ecology and Biodiversity**

Policy En1 of the North West Leicestershire Local Plan presumes in favour of development that would conserve, restore or enhance biodiversity, and that proposals that would result in significant harm to a number of protected sites or areas will be refused unless that harm is unavoidable, and can be mitigated or compensated for; similar principles are set out in Chapter 15 (Conserving and enhancing the natural environment) of the NPPF.

The submitted Environmental Statement and other supporting documents include a detailed assessment of the ecological and biodiversity implications of the proposed development on various receptors of ecological value, informed by a range of ecological appraisals, surveys and reports, and including in respect of various protected species. In addition to assessment of the anticipated impacts, mitigation measures are also proposed (and including a range of measures detailed within a supporting Outline Habitat and Ecological Management and Monitoring Plan (HEMMP)). These documents have been assessed by Leicestershire County Council's Ecologist.

The applicant's Preliminary Ecological Appraisal provides that the closest statutorily designated site of nature conservation interest to the application site is approximately 980m from the site (being the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)); no other statutory sites are located within 2km of the site. Insofar as non-statutory designations are concerned, the Appraisal identifies a total of 42 sites within the 2km radius (including a range of potential Local Wildlife Sites (pLWSs), candidate Local Wildlife Sites (cLWSs) and historic Local Wildlife Sites (hLWSs)).

### *Habitats*

Insofar as the main construction effects on habitats are concerned, the Environmental Statement identifies the following as likely to be significant:

- Partial loss of the A444 Roadside Verge cLWS;
- Loss of ecologically important habitats, comprising hedgerow, mature and semi-mature trees; and
- Short-term loss of supporting habitat for bats, mammals, amphibians and breeding and wintering birds

In terms of the A444 Roadside Verge cLWS, whilst the majority of this cLWS is outside of the application site, the Environmental Statement identifies that the scheme has the potential to result in minor encroachment / habitat loss of this feature (0.02ha approx.) so as to accommodate a new pedestrian / cycle crossing to the A444. However, it indicates that, whilst such loss would be permanent (and could not be directly mitigated for), the overall extent of habitat created of the same type / nature as that lost would offset any loss. In response to the application, the County Ecologist had queried the resulting damage to the cLWS, and had requested additional justification for this. In response, the applicant has submitted an additional Technical Note addressing the impacts on the cLWS. This Technical Note sets out the highways and transportation rationale behind the proposed works affecting the cLWS (including the need for the new pedestrian / cycle crossing to the A444, and for a lengthened "flare" to the nearside lane on the approach to M42 / A42 Junction 11). It also notes that, although the minor loss / encroachment into the verge cannot be avoided or directly mitigated for, it is not anticipated to affect significantly the integrity of the wider cLWS. Having reviewed the additional Technical Note, the County Ecologist confirms they consider the justification for the potential impacts on the cLWS acceptable.

With regards to the hedgerow and tree habitat impacts, the Environmental Statement notes that the native hedgerows on the site are priority habitats on the Local Biodiversity Action Plan (BAP) and meet Habitat of Principal Importance criteria. The hedgerows also, the Environmental Statement accepts, provide valuable wildlife corridors and are of "Local" importance for nature conservation. The agents confirm that, of the existing hedgerows within the site, 2,553m would be retained, but a total of 893m would need to be removed so as to accommodate the proposed scheme. The Environmental Statement acknowledges that the loss of hedgerows cannot be directly mitigated for

and would be likely to result in the disruption of ecological connectivity in the short to medium-term. However, as a result of the planting of new species-rich native hedgerow (totalling 2.97 km), this initial loss of hedgerows would be considered to be compensated for in the medium to long-term, constituting a minor adverse effect. Further details of the scheme's performance in respect of hedgerow units (in Biodiversity Net Gain (BNG) terms) is set out in further detail below.

The Environmental Statement notes that the mature and semi-mature scattered trees (predominantly located within hedgerows) on-site are of intrinsic value and cannot be replaced in the short-to medium-term. Following clarification from the agent (and whilst the Environmental Statement comments that majority of boundary trees would be retained), the proposed development would require the removal of 26 individual trees and 5 groups trees. In terms of the arboricultural quality of the trees proposed to be removed, further assessment of this issue is set out in the section below relating to *Landscape and Visual Impact*.

The Environmental Statement suggests that the loss of these trees cannot be avoided or directly mitigated for, but notes that new native tree and woodland planting has been incorporated into the design of the proposed scheme and argues that, in the medium to long-term, its establishment would be considered to compensate for the initial loss of the existing mature and semi-mature trees referred to above.

Insofar as supporting habitat during the construction phase is concerned, the Environmental Statement identifies that habitats within the site have the potential to support a range of protected / notable species, including bats, badgers, other terrestrial mammals such as hedgehog and brown hare, common amphibians and breeding and wintering birds. As European Protected species 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.

The Environmental Statement notes that the initial loss of supporting habitat is likely to result in the temporary displacement of these species from the site. However, the Environmental Statement suggests, the retention and protection of suitable habitat around the site peripheries (secured by way of the implementation of measures outlined in the submitted Construction Ecological Management Plan (CEcMP)) would, when taking into account the presence of suitable habitats within the surrounding landscape, be considered to mitigate the effect to some extent. On this basis, the identified adverse effect is indicated as being temporary (in the short to medium term), constituting a minor adverse effect overall.

In terms of those habitats effects arising at the operational stage, the Environmental Statement identifies these as potentially including:

- Long-term loss of supporting habitat for skylarks
- Degradation of habitats due to inappropriate management
- Killing or injuring nesting birds during habitat management

Of these, the second two are considered to have negligible residual effects, having regard to various measures, including the implementation of the submitted HEMMP and the implementation of any measures likely to affect nesting birds being carried out outside of the nesting season.

Insofar as the potential impact on skylark habitat is concerned, the development would result in the loss of all existing arable habitat, resulting in two skylark territories within the site being permanently displaced into the surrounding habitats. However, the Environmental Statement suggests that extensive arable farmland is abundant in the surrounding area, and would be likely to have the capacity to accommodate a small number of additional territories. On this basis, the impacts are identified as constituting a minor adverse effect.

#### *Biodiversity Net Gain*

In addition to the documents referred to above, the application is accompanied by a Biodiversity Statement and Metric Assessment of the proposed development, identifying proposed works associated with complying with the mandatory requirement for 10% Biodiversity Net Gain (BNG), together with the relevant statutory BNG metric. The submitted metric indicates that, in terms of the on-site baseline, there are currently 74.34 habitat units, 42.98 hedgerow units, and 2.86 watercourse units. As above, the scheme is accompanied by a range of on-site landscaping measures, with the on-site post-intervention mitigation totalling 81.96 habitat units 53.55 hedgerow units, and 3.55 watercourse units. This equates to the following:

Habitat Units:	Increase of 7.62 units (+10.26%)
Hedgerow Units:	Increase of 10.57 units (+24.60%)
Watercourse Units:	Increase of 0.69 units (+23.91%)

On this basis, the required minimum level of BNG would be achieved on-site, in accordance with Schedule 7A of the Town and Country Planning Act 1990. It is proposed to enter into a Section 106 obligation (and / or conservation covenant) in order to secure the statutory BNG and associated maintenance and monitoring; relevant conditions are also recommended to be attached, and as set out in the formal recommendation.

#### *Protected Species*

Insofar as the effects upon specific species are concerned, the Environmental Statement includes a Protected Species Survey Report. This identifies as follows:

##### *Aquatic Mammals:*

No evidence of water vole or otter was recorded during the surveys, and the likelihood of aquatic mammals being present on site is considered negligible, and no direct impacts would be anticipated. However, given that otters are known to use the River Mease (and which is hydrologically linked to the existing ditch / watercourse adjacent to the site), appropriate pollution prevention measures (secured through the CECMP) are recommended.

##### *Badgers:*

No badger setts were recorded, although evidence suggests that badgers utilise the site for commuting purposes, and the Protected Species Survey Report suggests that it is possible that they may also forage on the site (albeit the intensively managed nature of the site and its dominance of arable crops would suggest that it would offer limited foraging resources). Similarly, the loss of areas of intensively managed arable farmland would not be considered to result in a significant impact upon badger foraging. Nevertheless, given the suitability of the site and its surroundings for badger, the Protected Species Survey Report suggests that it is possible that badgers may colonise the site and excavate setts in the area prior to works commencing. As such, appropriate safeguards (including a pre-works walkover of the site) are proposed to be secured through the CECMP. The Protected Species Survey Report also recommends that any retained / created habitat for badger should be subject to long term management secured by the HEMMP.

##### *Bats:*

The Protected Species Survey Report identifies that potential impacts on bat species as a result of the development include loss of roost sites, loss or fragmentation of foraging and commuting habitat, and fragmentation of habitat due to lighting.

In terms of roost sites, the Protected Species Survey Report notes that the scheme would result in the loss of a poplar tree previously identified as supporting a day roost for common pipistrelle, but that the tree partially collapsed due to storm damage during the winter of 2023-24, limiting its potential for supporting roosting bats with no subsequent evidence found of its use for this purpose; no other bat roosts were identified within any of the other surveyed trees.

Insofar as loss or fragmentation of foraging and commuting habitat is concerned, the Protected Species Survey comments that, although the development would result in the short-term loss of

some suitable foraging / commuting habitat, providing that the integrity of site boundaries is maintained to minimise fragmentation, it argues that the bat foraging and commuting features within the site would not be significantly impacted as a result of the scheme.

Impacts on bats in terms of the introduction of new lighting would not, the Protected Species Survey Report states, be significant if illumination of key bat habitat (including retained hedgerows and trees and newly created habitats in the northern part of the site) is minimised so as to have no unacceptable impacts.

In terms of mitigation measures, the Protected Species Survey Report recommends the installation of bat boxes, and the use of a Precautionary Working Method Statement (PWMS), proposed to be secured through the CEcMP, and that any retained / created habitat for bats be subject to long term management implemented through the HEMMP.

#### *Birds:*

The Protected Species Survey Report indicates that the site supports a low number of breeding bird territories and overall low numbers of wintering bird species. Furthermore, it suggests that, other than the issues raised in respect of skylark (see above), the majority of species recorded are considered to be common and “generalist” species which are able to exploit a wide variety of habitat types. Due to the potential presence of nesting birds on the site, the Protected Species Survey Report recommends that appropriate safeguards be implemented through the CEcMP to minimise the risk of harm to nesting birds in the event that construction works are undertaken during the nesting season

#### *Amphibians / Great Crested Newts:*

The Protected Species Survey Report identifies a number of ponds within (and within 500m of) the site; of these, the majority have been scoped out of the survey work due to their distance from the site and the presence of significant barriers in between (including major roads). Of those ponds (three in total) that have been surveyed, however, two were found to be dry, and only the remaining pond (Pond P2, located 30m to the north of the site) has been subject to a Habitat Suitability Index (HSI) Assessment in order to determine its suitability for Great Crested Newts (GCN), identifying an HSI score of 0.59 (below average). An eDNA survey has also been conducted in respect of this pond (essentially searching for traces of GCN DNA in the pond to establish whether or not it has been used by GCN; this returned a negative result and, as such, the presence of GCN on the site is considered “highly unlikely”, indicating that the scheme would have no impact upon the favourable conservation status of the species.

In terms of common amphibians (including common frogs, common toads, smooth newts and palmate newts), the Protected Species Survey Report states that these have much broader habitat requirements than GCN and, therefore, it is possible that they may utilise Pond P2 for breeding (and, given the good connectivity between the pond and the site, there would be potential for common amphibian species to be present within the site itself). Accordingly, it recommends that appropriate safeguards should be implemented through the CEcMP.

#### *Conclusion in respect of Protected Species*

Under Regulation 55 of the Habitat Regulations, activities which would otherwise contravene the strict protection regime offered to European protected species under Regulation 43 can only be permitted where it has been shown that the following three tests have been met:

- the activity must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- the favourable conservation status of the species in question must be maintained.

Case law sets out that Local Planning Authorities must engage with these three tests at the planning application stage and demonstrate that they are satisfied that the three tests have been met prior to



granting planning permission. In this case, it is considered that the tests would be met as (i) for the reasons set out under the section relating to *Approach to Determination and Principle of Development* above, it is considered that the site needs to be released for the proper operation of the planning system in the public interest; (ii) there are no alternative sites for the development (as set out in the section relating to *Approach to Determination and Principle of Development* above) and the works affecting the protected species would be necessary to enable the development to proceed in a logical / efficient manner; and (iii) the proposed mitigation measures would satisfactorily maintain the relevant species' status. It is therefore considered that the proposal would meet the requirements of the Habitats Regulations 2017 in respect of protected species, and would also comply with Local Plan Policy En1.

As above, the submissions have been considered by the County Ecologist; following justification in respect of the impacts on the cLWS, the County Ecologist confirms that no objections are raised to the development. Whilst Natural England has made comments in respect of the application, its detailed comments are limited to matters relating to impacts on the River Mease SAC / SSSI (considered in more detail later on in this report).

Subject to the imposition of suitably-worded conditions, therefore, the submitted scheme is considered acceptable in ecological terms, meeting the requirements of Local Plan Policy En1 and would provide suitable mitigation for the habitat affected, as well as appropriate measures for biodiversity enhancement.

Further consideration in respect of the implications on the River Mease SAC and SSSI are set out in more detail under *Flood Risk, Drainage, Water Quality and River Mease* below.

### **Flood Risk, Drainage, Water Quality and River Mease (including Appropriate Assessment)**

Policy Cc2 of the North West Leicestershire Local Plan sets out a number of criteria in terms of flood risk against which proposals will be considered. Policy Cc3 sets out the requirements for the implementation (and management / maintenance) of Sustainable Drainage Systems (SuDS). The Environmental Statement includes assessment of the proposed development's impacts in terms of flood risk and drainage, together with a Flood Risk Assessment and Drainage Strategy (FRA), setting out how the site is proposed to be drained, and assessing the existing flood risk to the site along with any resulting flood risk associated with the proposed development.

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI). The river lies approximately 980m from the site to the north. A tributary of the river lies approximately 360m to the east and 180m to the west. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore, an assessment of whether the proposal would have a significant effect on the SAC is required. As set out under *Approach to Determination and Principle of Development* above, Paragraph 195 of the NPPF provides that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. Local Plan Policies En1 and En2 set out the relevant requirements in respect of nature conservation (En1) and the River Mease SAC (En2).

#### ***Flood Risk***

Insofar as fluvial flood risk is concerned, the application site lies within Flood Zone 1 (i.e. low probability of flooding) as defined on the Environment Agency's flood risk mapping and the District Council's Strategic Flood Risk Assessment (SFRA). As such, there is no requirement to apply the sequential test in this case insofar as this source of flooding is concerned.

In terms of other potential sources of flooding, the FRA indicates as follows:

#### Groundwater:

The site would be at negligible risk from groundwater flooding, based on the long-term flood risk mapping for the area. However, having regard to sandstone beds in the centre of the site and alluvium along its northern boundary, the FRA notes that the site is recorded as having some potential for groundwater flooding to occur. However, it also notes that the SFRA indicates that the subject site is located within an area defined as having a susceptibility to groundwater flooding of less than 25% (i.e. the lowest probability category). Based on the information reviewed, the FRA states that it is not envisaged that groundwater emergence / flooding would pose a flood risk to the proposed development, but nevertheless recommends that a site-specific ground water investigation be undertaken to further assess the implications of groundwater to the site. In particular, the FRA recommends that the depth to groundwater is established, along with a programme of ongoing monitoring, so as to enable the appropriate selection of surface water management assets.

#### Surface Water:

The FRA notes that, based on the Environment Agency's flood risk mapping, the site is located predominantly within an area of very low flood risk, although there are some areas at low, medium and high risk principally located centrally within the site between the two Development Zones, at the north western edge of Development Zone 2; whilst the mapping has been updated since the time that the FRA was prepared, this does not appear to have resulted in any significant changes to the extents of the various annual likelihoods of surface water flooding within the site.

Insofar as the sequential approach is concerned (in respect of the surface water element), it is noted that the unit proposed under the full application element of the application would be sited outside of any areas of surface water flooding. Whilst the siting of the outline element unit would remain to be determined at the reserved matters stage, it is noted that the footprint of the unit assumed for the purposes of the on-site drainage infrastructure would include a limited amount of the unit's floorspace provided within an area of low to high risk at its south western and north western edges. However, it is accepted that the unit would, if positioned in this location, represent a reasonable approach to the disposition of built development within the site, given the extent and location of areas identified as being at risk from surface water flooding; the majority of the areas of surface water flood risk are shown as being within the areas proposed to be occupied by SuDS / landscaping and car parking. Furthermore, however, it is noted that, based on the updated approach set out in the MHCLG's Planning Practice Guidance (Paragraph Ref. ID 7-027-20220825), the sequential test need not be applied where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development. It is considered that this position would apply in this instance and, as such, the sequential test would no longer be applicable in respect of surface water.

#### Sewer Flooding:

The FRA notes that there are no public sewers within close vicinity of the site, with the closest foul sewers being located within Rectory Lane and Atherstone Road; on this basis the flood risk associated with Severn Trent Water apparatus is identified as being very low.

#### Reservoirs:

Based on the Environment Agency Reservoir Flood Risk map, the site is located within an area of very low flood risk of this form of flooding.

#### *Proposed Surface Water Measures*

In terms of the proposed surface water drainage system, the FRA includes a surface water drainage strategy which proposes incorporation of SuDS within the on-site drainage design. In particular, the FRA proposes a surface water discharge rate is proposed to be 28.5 l/s in all storm events up to the 1 in 100 year (+40% climate change) event (and based on a proposed post-development impermeable area of 17.9 ha). To achieve this, the proposed development includes SuDS features

(including attenuation basins) intended to manage surface water through attenuation on-site prior to off-site discharge, along with below ground cellular crate attenuation to store initial run-off. The Environmental Statement confirms that the proposed SuDS (and which would incorporate pollution management features) would treat run-off generated from the development. In terms of the proposed means of surface water treatment, the Environmental Statement states that this is inherent within the drainage design through the incorporation of these SuDS features and pollution prevention measures (e.g. full retention interceptors) prior to discharge. Surface water collection features (i.e. gullies and linear drains etc.), would also be provided with catchpits / silt traps where necessary, so as to mitigate silts entering the downstream drainage network. The Environmental Statement also notes that all surface water flows would be routed through the permeable paving, swales, and basins prior to discharge off-site. The attenuation basins would be located to the northern boundary of the site and, the Environmental Statement confirms, surface water would then be discharged to the existing land drainage network located adjacent to the northern site boundary.

Insofar as the proposed surface scheme is concerned (and following the submission of additional information intended to address their earlier concerns), neither the Environment Agency nor the Lead Local Flood Authority (LLFA) raise objections, subject to the imposition of conditions.

Insofar as the amenity impacts of the proposed SuDS features are concerned, the District Council's Good Design for North West Leicestershire SPD provides that careful attention will need to be afforded to the softer design of headwalls to attenuation basins and seeks to avoid steeply sided SuDS features (and which, as a result, require the use of safety fencing, thus reducing their usefulness as open space). In this case, the proposed basins are considered to be of an appropriate profile, and would, it is considered, make a positive contribution to the amenity value of the newly-created public access land. In terms of the materials to be used in the external finishes of the proposed headwalls and any anti-fall barriers to the outfalls, the agent confirms that this could be dealt with by condition; this would be considered acceptable. The agent also confirms that (as per the existing Mercia Park scheme) the gradients of the SuDS features would not generally be steeper than 1:3 and, as such, no fences are proposed to be erected around them. As such, the proposed SuDS features would be considered to meet the Council's requirements in terms of their visual amenity value.

#### *Water Quality*

As a result of the formal EIA scoping process, construction stage effects have been scoped out of the EIA. Nevertheless, the Environmental Statement notes that all surface water run-off generated during construction would be controlled on site to prevent pollution, and is proposed to be secured by way of compliance with the Construction Environmental Management Plan (CEMP).

Insofar as the operational stage is concerned, the Environmental Statement confirms that the proposed SuDS features (and below ground cellular crate attenuation) would manage surface water through attenuation on-site prior to off-site discharge, and would include pollution management features to treat run-off. Surface water collection features (including gullies and linear drains) are proposed to be provided with catchpits / silt traps, so as to mitigate silts entering the downstream drainage network. It also confirms that relevant approvals from the LLFA and the Environment Agency would be to discharge surface water flows into the watercourse off-site.

In terms of impacts from foul drainage on water quality, the scheme proposes pumping out of foul flows (and as set out below) to a Severn Trent Water pumping station. The foul drainage would be returned to the River Tame to the north of Tamworth (having first been treated at the Severn Trent Water Wastewater Treatment centre in Tamworth). The Environmental Statement notes that Severn Trent Water have confirmed that its pumping station has the potential capacity to accept flows from the proposed development. (Further assessment in respect of the impacts on the River Mease SAC / SSSI is set out in more detail in the relevant section below.)

### *Foul Drainage*

Insofar as foul drainage is concerned, and as per the current arrangements for the existing Mercia Park site, the scheme proposes pumping of foul sewage out of the catchment of the River Mease. This would be achieved by way of the previously installed pumping station located adjacent to the western edge of the existing Mercia Park site (approximately 1.6km from the centre of the proposed expansion site), and which, via a rising main, discharges to the foul network in Tamworth, approximately 10.3km from the existing Mercia Park site.

### *River Mease SAC / SSSI*

As set out above, the site lies within the catchment area of the River Mease SAC / SSSI, and the application is accompanied by a Habitat Regulations Assessment (including a Shadow Appropriate Assessment) document (HRA) in order to enable the Local Planning Authority to undertake an Appropriate Assessment of potential impacts on the SAC. This information has previously been assessed on the Local Planning Authority's behalf by a specialist consultant (and with minor amendments made to the final document so as to reflect the Council's consultant's advice).

The applicant's HRA sets out the qualifying features of the SAC, the conservation objectives, the vulnerability of the SAC, and the SSSI's condition (which is currently "unfavourable"). In terms of potential effects on the SAC, the submitted HRA assesses these in respect of both the construction and operational phases, and in terms of in-combination effects with other plans or projects.

In terms of the shadow Appropriate Assessment (sAA) element of the submitted HRA document, the applicant's sAA identifies that the proposed development has the potential to, in the absence of mitigation, result in likely significant effects upon the interest features of the River Mease SAC as a result of water pollution (and during both the construction and operational phases). In order to mitigate for such potential effects in the construction phase, the sAA outlines various measures to be included within the applicant's Construction Ecological Management Plan (CEcMP) (included within the CEMP document). These measures include:

- Compliance with the Environment Agency's former Pollution Prevention Guidelines and CIRIA C532 (relating to the control of water pollution from construction sites)
- Implementation of measures to limit dust deposition
- Siting and means of storage of fuels, oils and chemicals
- Plant, equipment and wheel washing to be carried out in a designated area of hardstanding at least 20m from any waterbody
- Disinfection of boots / equipment before entering waterbodies
- Use of spill kits
- Silt control measures
- On-site ecologist presence
- No illumination of waterbodies

Insofar as the operational phase is concerned, the potential surface water impacts would, the HRA suggests, be mitigated against by way of limitation of surface water discharge rates to greenfield rates (QBAR), and the use of SuDS to control contaminants, including suspended solids, metals and hydrocarbons.

In March 2022 Natural England published advice in respect of the nutrient neutrality methodology which can be used to mitigate against the impacts of additional phosphate entering the SAC from foul drainage associated with new development.

This advice outlines that development which will not give rise to additional overnight stays within the catchment does not need to be considered in terms of any nutrient input, except in exceptional

circumstances. This is as a result of a likelihood that those using the development live locally, within the catchment, and thus their nutrient contributions are already accounted for within the background. Notwithstanding this, potential foul water impacts would, the HRA suggests, be mitigated against by the proposed pumping out of the River Mease catchment of the foul water discharges.

In addition to the CEMP / CEcMP measures, the HRA recommends the production of a monitoring and management plan for the proposed SuDS, and any future amendments to the scheme being subject to an updated assessment.

In response to the submitted HRA (and sAA), the Council's consultant advised that the main HRA report used appropriate tools to identify the Mease SAC as the only European designated site within a 10 km search radius, and went on to show that a hydrological connection between the development site and the River Mease resulted in a potential impact pathway for risks to the SAC due to water pollution and changes in run-off rates. The Council's consultant agreed with the assessment that these risks could materialise during the project's construction (water pollution) and operational phases (water pollution and run-off rate change).

The submitted HRA document includes a screening assessment to determine which of the risks from the project need to be carried forward from Stage 1 to the Stage 2 AA; this limits the AA requirement to the risks of water pollution during the construction phase only. Whilst the Council's consultant had previously queried the screening out of operational phase water pollution risks, additional information has been included within the submitted HRA which, it is considered, provides additional justification addressing the potential for phosphorus discharges to increase as a result of the development, and demonstrates that the AA can reasonably be limited to the construction phase effects. For its part, Natural England agrees with the submitted HRA's conclusions that foul water discharges during the operational stage can be screened out; insofar as operational phase surface water run-off is concerned, Natural England notes that it is the Local Planning Authority's responsibility to determine this point, but nevertheless notes that the rationale provided by the developer appears to be in line with relevant guidance, and also advises that it considers that the proposed drainage strategy is sufficient to avoid an impact upon the River Mease SAC from operational phase surface water run-off. Whilst Natural England agrees that construction phase water pollution cannot be screened out, it considers that implementation of the CEMP would be likely to avoid an adverse effect on the integrity of the River Mease SAC.

The Council's consultant had recommended using the Natural England nutrient budget calculators as a "belt and braces" means of considering the potential impact of changes due to land use change (i.e. from agricultural to commercial / industrial type use) in terms of phosphorus in surface water run-off; whilst this is noted by the applicant, the submitted HRA document does not take this approach in that, whilst they could provide an ability to assess potential impacts of phosphorous in surface water runoff, given the nature of the development and the location of the affected water treatment works, it is the applicant's position that using the budget calculators would not be necessary. The Council's consultant acknowledges that use of the calculators is not strictly necessary (and was simply suggesting use as an additional "tool"), but accepts that, subject to CIRIA C808 guidance ("Using SuDS to reduce phosphorus in surface water runoff") being followed, there should be no issue in this regard.

The applicant's intention in submitting the HRA document with an incorporated sAA had been to provide the basis for the Local Planning Authority's own AA (and, in effect, enabling the Local Planning Authority to "adopt" the sAA if its findings were accepted, as per the approach taken at the time of the previous Mercia Park development). However, in response to the application, Natural England has commented that it considers that there could be risks to a Local Planning Authority if it were to simply adopt an applicant's own assessment and, as such, it is not proposed to take this approach.

However, for the reasons set out (and including the advice of the Council's consultant and Natural England), the overall findings set out within the submitted HRA document are accepted. For the reasons set out, the proposal will, either alone or in combination with other plans or projects, have no adverse effects on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI and would comply with the Habitat Regulations and Local Plan Policies En1 and En2.

#### Conclusion in respect of Flood Risk, Drainage, Water Quality and River Mease

In terms of Flood Risk, Drainage, Water Quality and River Mease issues overall, therefore, the view is taken that the proposals would result in no adverse impacts (after appropriate mitigation) by way of the various measures set out in the supporting documents (including the Environmental Statement and CEMP (including CEcMP)). The proposals are therefore considered to comply with the requirements of Local Plan Policies En1, En2, Cc2 and Cc3 (insofar as they relate to these particular issues).

#### **Climate Change**

In addition to the climate change policies (including Local Plan Policies Cc2 and Cc3) set out under the section relating to *Flood Risk, Drainage, Water Quality and River Mease* above, Paragraph 164 of the NPPF provides that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change, and can help to reduce greenhouse gas emissions, such as through its location, orientation and design. In addition, Local Plan Policy D1 requires (in subsection (5)) that new development has regard to sustainable design and construction methods.

The Environmental Statement includes an assessment of the proposed development's implications in respect of climate change, both during the construction phase, and once operational. The application is also accompanied by a Sustainability and Energy Statement which identifies the following measures proposed to be incorporated within the development:

- Achievement of BREEAM "Excellent" (including in respect of the Water and Energy categories)
- Delivery of Net Zero Ready buildings (including the assessment and reduction of embodied carbon, and the reduction of operational emissions through efficient design and provision of low carbon renewable energy generation)
- Reduced embodied carbon through consideration of a range of measures such as lean design, and selection of low carbon materials
- Design in accordance with the energy hierarchy, aiming to reduce energy demand through passive design measures and a fabric first approach, with the provision of solar PV to provide onsite renewable energy generation, providing energy generation to match the regulated energy demand and achieve an Energy Performance Certificate (EPC) "A" rating
- Transport strategy and travel plan designed to achieve modal shift to more sustainable modes (including buses, cycling and EV cars)
- Achievement of an on-site biodiversity net gain in excess of 10%
- Provision of SuDS
- Incorporation of measures to make sustainable use of resources (e.g. sustainable timber, low Global Warming Potential (GWP) products and low carbon materials)
- Provision of space for the sorting and storage of waste, so as to facilitate recycling

It is accepted that these measures would (where applicable) assist the development in terms of its performance under those sections of Local Plan Policy D1 relating to subsection (2) (positively addressing the Council's Place Making principles (and, in particular in terms of the greener footprint criterion)) and subsection (5) (new development having regard to sustainable design and construction methods).

Insofar as the Environmental Statement's assessment of climate change is concerned, this considers climate change issues in respect of the effects of the development on contributing towards climate change (climate change mitigation). The effects of climate change on the development itself (climate change adaptation and resilience) have been scoped out of the EIA process, having been found to not be significant at the EIA scoping stage as a result of the mitigation included within the scoping.

In terms of climate change mitigation, the Environmental Statement identifies (having regard to a number of sources including the manufacture of construction materials and products, the transport of workers, materials and waste on- and off-site, the consumption of fossil fuels and electricity by site plant and vehicles, and the treatment of residual construction waste), that the construction phase would be expected to result in greenhouse gas (GHG) emissions of 46,887tCO<sub>2</sub>e (tonnes of carbon dioxide equivalent) over five years (or 9,377tCO<sub>2</sub>e per year). For the purposes of comparison, this would be equivalent to 0.92% of annual baseline emissions in North West Leicestershire.

Insofar as the operational phase is concerned, the GHG emissions of the development are identified as including the generation of energy consumed by the proposed buildings (i.e. electricity used for heating, cooling, lighting and other uses). Whilst the Environmental Statement acknowledges that GHG emissions will also be generated as a result of additional operational activities (e.g. mains water consumption, wastewater treatment, and the transport and treatment of waste), the Environmental Statement states that emissions from such sources are considered to be likely to be small compared to emissions from energy consumption, and are therefore excluded from the assessment; it is considered that this approach is reasonable in this instance. Whereas it is noted that other operational transport emissions (including vehicles used by workers travelling to the site) are not included, the applicant's sustainability consultant advises that such emissions are not generally assessed, as they are very difficult to define. In particular, they comment that, as most development will involve an element of relocation and consolidation of operations and not just expansion of operations, not all of the traffic generated by the scheme is "new". Nevertheless, attention is drawn by the consultants to the Government's zero emissions vehicles strategy; as this strategy progresses, operational transport emissions will have a decreasing impact and will, the applicant's sustainability consultant considers, be zero for the majority of the development's lifespan. Again, the approach taken in the assessment is considered reasonable. Overall, the Environmental Statement identifies the construction and operational phase emissions as having a "minor adverse" effect on the global climate system.

Having regard to these conclusions, and given the range of measures proposed to be incorporated within the proposed scheme / design (and which in a number of cases go beyond the minimum requirements set out in relevant policies), it is considered that the proposed development would perform well in terms of the Local Plan's stated intention of seeking to help tackle climate change, as well as Paragraph 164 of the NPPF.

### **Landscape and Visual Impact**

The issues in respect of the principle of development in this location outside Limits to Development are set out under *Approach to Determination and Principle of Development* above. However, Policy S3 of the adopted Local Plan also sets out criteria for assessing development in the countryside, and including in terms of its impacts on the appearance and character of the landscape. Criterion (c) of Policy Ec2(2) also requires that any employment proposals on land not so allocated are not detrimental to the amenities of the wider environment.

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

The development has been assessed in terms of its landscape and visual effects both during and after construction. The Environmental Statement (and its accompanying Landscape and Visual Impact Assessment (LVIA)) identifies what the applicant's landscape consultants consider to be the site's Zone of Theoretical Visibility (ZTV) identifying locations surrounding the site where, having

regard to topography (but not taking into account intervening features such as buildings or vegetation), the locations from which the development would, in theory, be visible from (based on the maximum building heights set out under *Proposals and Background* above (i.e. 22m above the maximum FFL levels of 89.45m AOD and 82.80m AOD for the full and outline element buildings respectively), and when perceived at a height above ground at the receptor of 1.65m). This then informs the process of identifying the visual envelope (and which takes into account those other existing physical features limiting actual visibility of the site).

The site lies within National Character Area (NCA) Profile: 72: Mease / Sence Lowlands, and within the Regional Landscape Character Area Group 5 (Village Farmlands) (and, within that, Group 5A). Insofar as the Leicestershire and Rutland Historic Landscape Characterisation Project is concerned (and as referred to under Local Plan Policy S3, as set out above), the site would appear to include areas identified as “other large rectilinear fields”.

In terms of the site's current landscape condition, the LVIA comments that the historic integrity of the land to the south and east of Stretton-en-le-Field has been lost as there has been a widespread amount of land cover change over time. In particular, it notes that the development of the M42 / A42 has bisected the original field patterns and the creation of Junction 11 has resulted in the urbanisation of the area with the introduction of highway infrastructure and a hotel / motorway service area. Attention is also drawn to the existing Mercia Park development and the LVIA comments that, although the landscaping associated with the Mercia Park scheme development is starting to integrate it into the landscape, the original “openness” of the landscape no longer remains. The previous developments result in what the LVIA describes as a “mixed and disturbed” landscape, with a “severely diminished” sense of tranquillity. As a result, the LVIA, the existing condition of the site is considered to be “medium to low”.

Insofar as the site's existing landscape value is concerned, the LVIA notes that it is not within a nationally or locally designated area, is of “medium to low” condition (as noted above), is of “low to medium” scenic quality, is not “rare”, is of “low” conservation interest (due to its intensive agricultural use), has low recreational value (having regard to the absence of any public rights of way passing through it), is considered to have a “low” perceptual landscape value given its proximity to the M42 / A42 and Junction 11, and does not have any notable or recognised cultural associations. Overall, the LVIA suggests that the local landscape character of the site (within 500m) is “low to medium”.

In terms of the proposed landscaping, the submitted Design and Access Statement includes a Landscape Strategy (LS). The LS notes that the site sits within an area of gently rolling countryside, with large arable fields divided by hedgerows, hedgerow trees and large woodland blocks and (as referred to above), land to the north previously fell within a historical parkland linked to the former Stretton Hall; the LS states that the aim of the approach to landscaping is to replicate as far as possible the existing character of the landscape using features of the types referred to above. It also states that, as the site is large, the approach is to try to screen as much of the development proposals as possible by the use of landscape features, maintaining a significant landscaped boundary to the periphery of the site, and incorporating significant mounding to screen the development at low level and provide instant height to the proposed planting.

The landscape strategy emphasises primarily native planting, including both shrub and tree, as well as woodland planting, and proposes the establishment of 3.9 hectares of new woodland. The Environmental Statement identifies that the proposed woodland blocks, scrub and tree belts would comprise over 30,000 trees; a further 176 individual specimen trees would also be planted, along with 800 linear metres of new native hedgerow (and serving to mitigate for much of the lost hedgerow identified under *Ecology and Biodiversity* above).

In terms of the landscape effects, the Environmental Statement / LVIA assess these in terms of both the construction and operational phases.



In terms of the construction phase, when taking into account mitigation where applicable (e.g. from new planting etc. associated with the proposals where relevant to the construction phase), the principal (residual) landscape effects are identified (in relation to the various receptors) as follows:

Land Use: Moderate to Major Adverse  
Topography: Moderate to Major Adverse  
Hydrology: Minor Adverse  
Landscape Features: Minor to Moderate Adverse  
Public Access: Negligible  
Cultural Heritage: Negligible  
Landscape Character:  
NCA: Minor Adverse; 5A Village farmlands: Minor Adverse; Mease Sence Lowlands: Minor Adverse;  
Local: Moderate Adverse

Insofar as the operational phase is concerned (and, again, when taking into account mitigation where applicable), the principal residual effects are identified as follows:

Land Use: Moderate to Major Adverse  
Topography: Moderate to Major Adverse  
Hydrology: Minor Beneficial  
Landscape Features: Moderate Beneficial  
Public Access: Minor Beneficial  
Cultural Heritage: Minor Beneficial  
Landscape Character:  
NCA: Minor Adverse; 5A Village farmlands: Minor Adverse; Mease Sence Lowlands: Minor Adverse;  
Local: Moderate Adverse

In terms of visual effects, the impacts on a total of 20 viewpoints (including two added in response to the request of the District Council's (former) Conservation Officer) are assessed.

During the construction stage, the Environmental Statement identifies that the introduction of features such as earthworks, temporary construction compounds, cranes, and construction vehicle activity would result in a "marked departure" from the agricultural baseline, temporarily altering the landscape character. The Environmental Statement acknowledges that these activities would disrupt field patterns and boundaries and, whilst some vegetation would be retained, the Environmental Statement identifies that the presence of machinery and temporary structures would nevertheless dominate. Other temporary effects would include the introduction of "visual clutter" and noise / movement. Some construction phase impacts (e.g. loss of agricultural land and the implementation of development plateaus) would result in permanent changes to the physical structure of the landscape, and would therefore remain as impacts at the operational stage.

Mitigation measures identified within the Environmental Statement include tree protection, retained vegetation, and controlled working practices. However, the Environmental Statement notes that these measures are incremental and do not fully address the temporary visual and physical disruptions caused by large-scale construction. Additionally, while "advanced" tree planting forms part of the strategic landscaping proposals, its effect during the construction stage would be limited, given the time required for planting to mature.

Operational phase mitigation measures identified within the LVIA include:

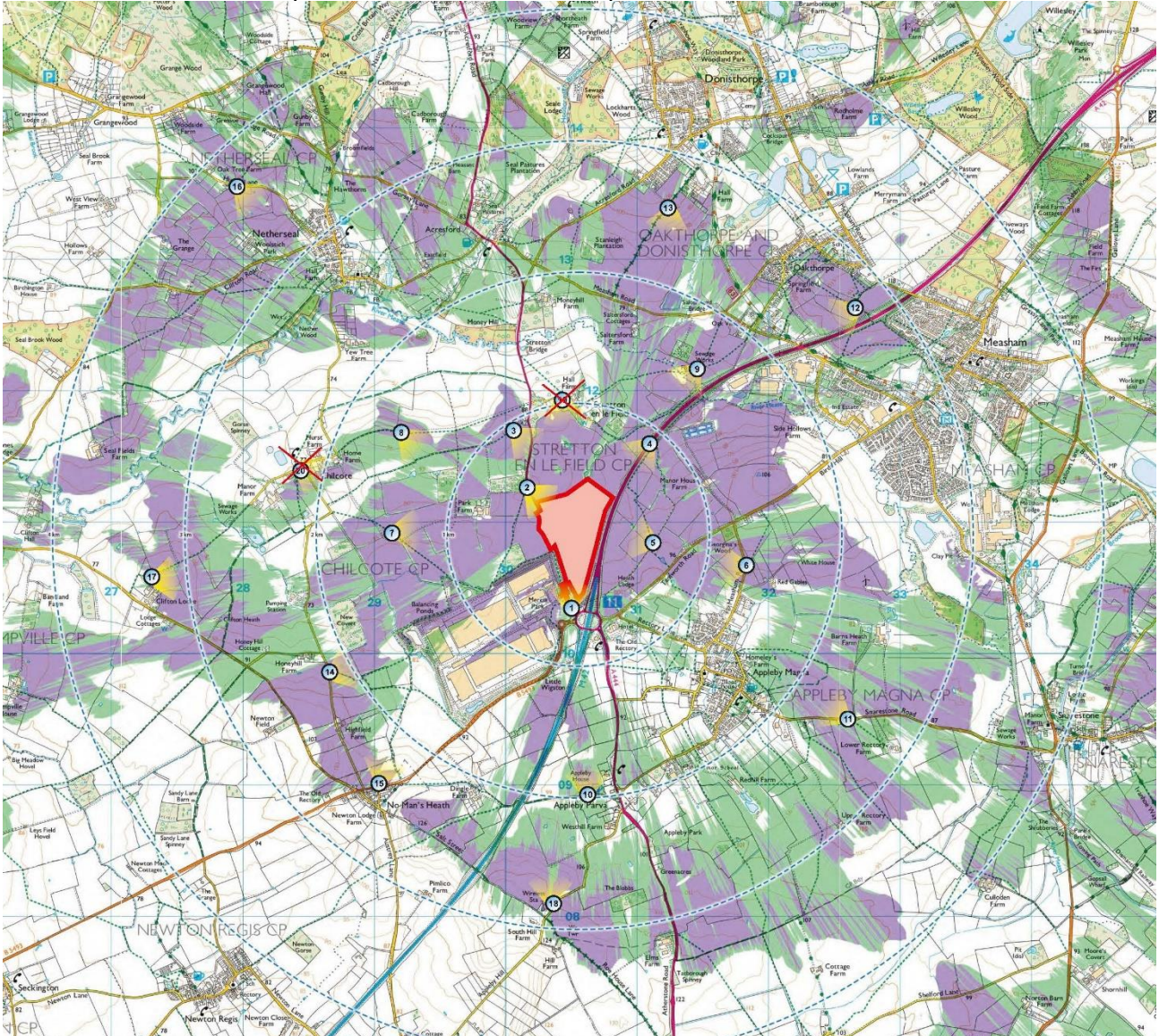
- Siting of the new access roundabout to enable retention of mature oak trees on the eastern side of the A444
- Retention, protection and "gapping up" of existing boundary planting
- Siting of "green" and "blue" infrastructure area along the northern boundary so as to link with the former Stretton Hall parkland

- Formation of mounds with re-used site topsoil (so as assist in “foreshortening” potential views and to provide visual relief within the landscaped areas)
- Siting of built development closest to the lowest value receptors (e.g. main roads)
- Use of pixilated cladding with light colours applied to the upper parts of buildings (so as to assist the “blending” of the upper parts of buildings with the skyline)
- Use of best practice measures to control lighting
- Reinstatement of roadside planting following the construction of the new island
- Long-term management of the perimeter and infrastructure forestry planting

For 2 of the 20 viewpoints assessed (additional views requested by the Conservation Officer), the LVIA notes that views towards the site are obstructed by existing vegetation and other features (even in winter), and no further assessment is undertaken. In terms of the impacts from the remaining 18, the Environmental Statement / LVIA identifies the residual impacts in Year 15 (and when taking into account the nature of the receptors at those points (i.e. residential, rights of way (RoW) users or motorists)) as follows:

<b>Viewpoint No.</b>	<b>Location</b>	<b>Residual Impact</b>	<b>Receptors</b>
1	A444 (adjacent to M42 / A42 Junction 11)	Minor adverse	Motorists
2	A444 / Public Right of Way P96	Moderate Adverse	Motorists and RoW users
3	A444 / Public Right of Way P97	Negligible to Minor Adverse	Motorists, RoW users and Residential
4	Public Right of Way Q3	Minor Adverse / Moderate Adverse	Motorists and RoW users
5	Public Right of Way Q3	Moderate to Major Adverse	RoW users
6	Measham Road, Appleby Magna / Public Right of Way Q15	Negligible	Motorists and RoW users
7	Public Right of Way P94	Minor Adverse	RoW users
8	Public Right of Way P99	Minor Adverse	RoW users
9	Public Rights of Way P78 / P79	Moderate to Minor Adverse	RoW users
10	Public Right of Way Q19	Negligible	RoW users
11	Public Right of Way Q22 / Snarestone Road, Appleby Magna	Negligible	Motorists and RoW users
12	Public Rights of Way P67 / P69	Minor to Moderate Adverse	RoW users
13	Public Right of Way P52	Minor Adverse	RoW users
14	Public Right of Way P95 / No Man's Heath Road, No Man's Heath	Negligible	Motorists and RoW users
15	B5493, No Man's Heath	Negligible	Motorists, RoW users and residential
16	Public Right of Way Netherseal FP18 / Hunt's Lane, Netherseal	Negligible	Motorists and RoW users
17	Public Right of Way Clifton Campville 8 / Clifton Lodge, Clifton Campville	Negligible	RoW users and Residential
18	Public Right of Way Q4A	Negligible	RoW users

The locations of the viewpoints are identified on the plan below:



[NB The areas coloured purple are those where, theoretically, the development could be seen from, and the areas in white are those where views would not be possible (i.e. due to topography or intervening features in the landscape). Those shown in green are those where the area would be screened by vegetation in summer, but where some views may be possible during the winter.]

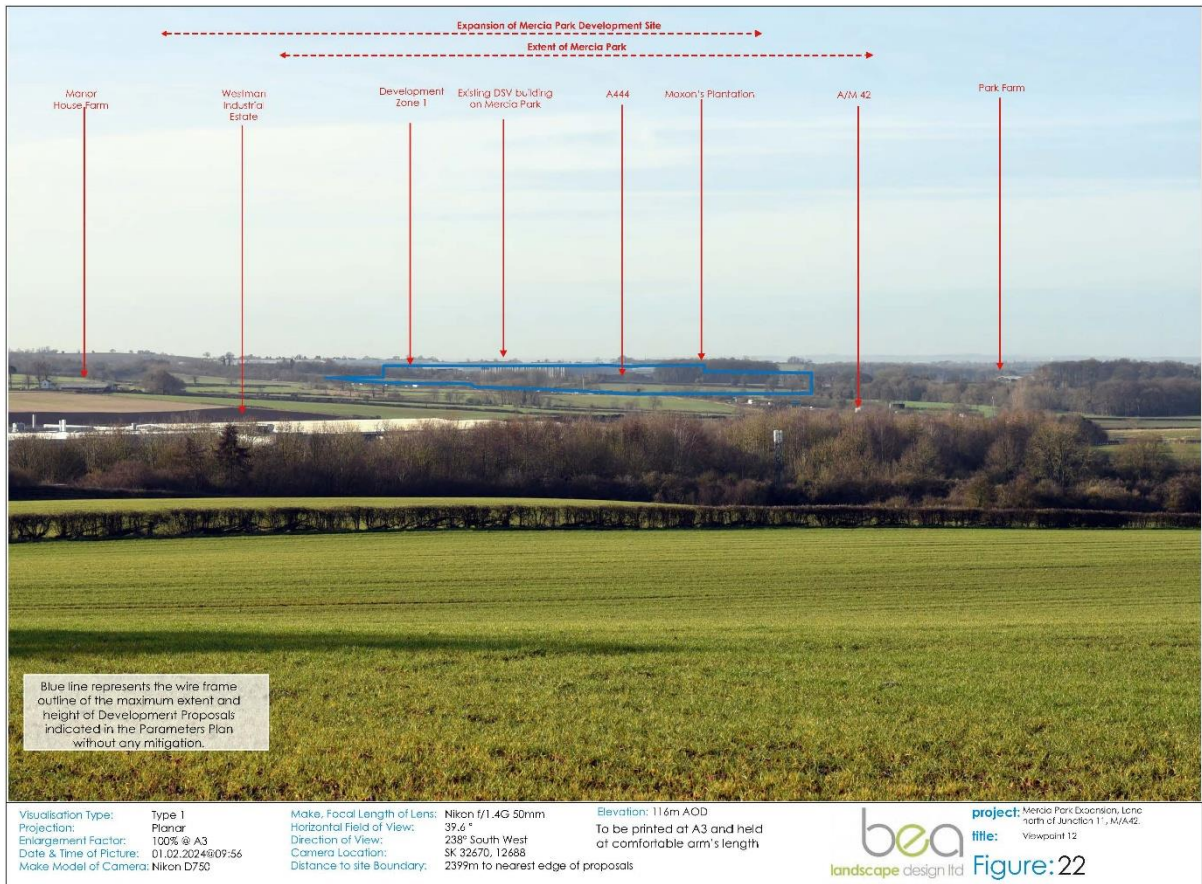
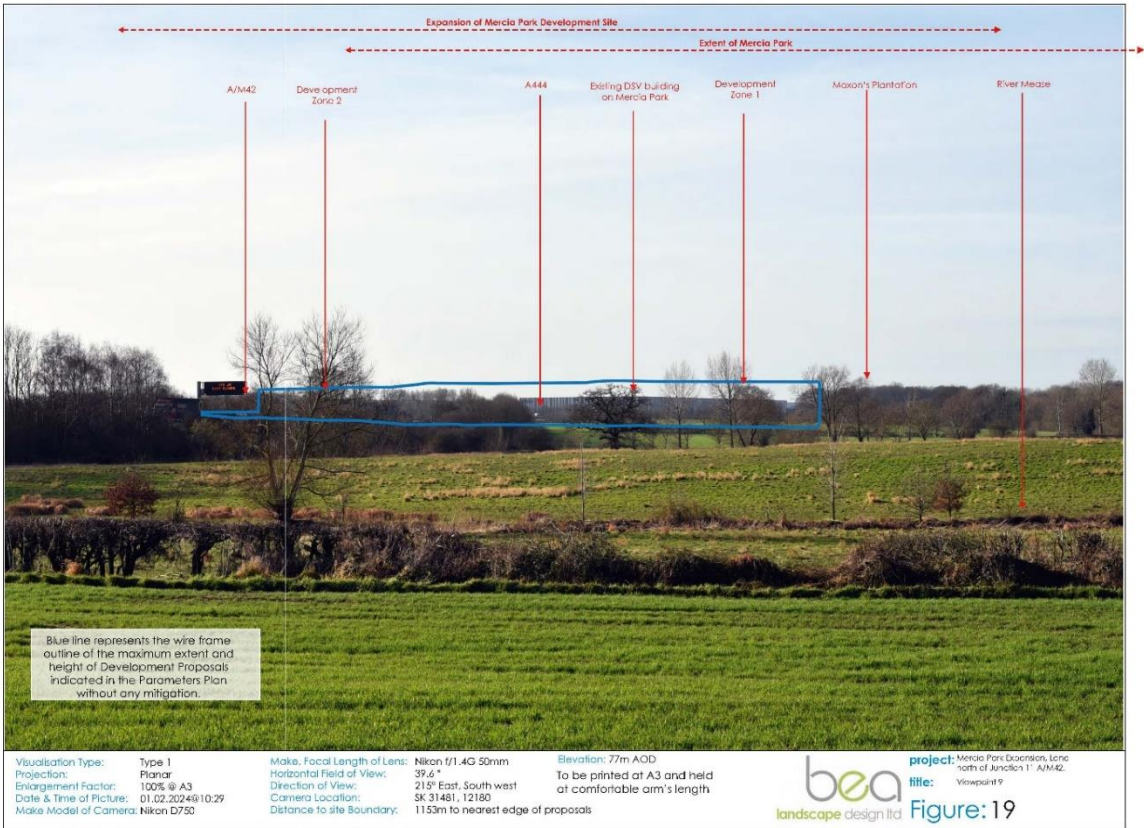
As noted, therefore, the most significant adverse effects identified in respect of the 18 viewpoints assessed would be “Moderate to Major Adverse” (viewpoint 5 above), and would be experienced principally by users of the right of way as they pass the application site on the opposite side of the A42.

The relevant viewpoint 5 is demonstrated on the image below:









[In addition to the impacts from the viewpoints outlined above, further consideration of the visual impacts / appearance of the scheme (having regard to the approach to materials), together with more detailed photomontages demonstrating the effects of these materials, is set out under the section relating to Design later in this report.]

Having regard to the viewpoints indicated above, it is considered that the proposed buildings would be of a significant scale, but it is nevertheless accepted that their impacts would, to some extent, be reduced by the various construction and operational phase mitigation measures. In particular, it is considered that the horizontal clad units erected to the existing Mercia Park development are reasonably successful in terms of how the cladding assists in “breaking up” their mass and “blending” into the sky (particularly in cloudy conditions). Clearly, the units would be of some considerable size (as, indeed, are the existing units on the established adjacent Mercia Park site), and it is not generally possible to screen such developments completely, whether from immediately adjacent land, nor from more distant views. However, the scheme is accompanied by a significant extent of new / retained landscaping which, when mature, would be considered likely to be reasonably successful in mitigating the impacts as far as is practical when dealing with development of this scale and nature. Clearly, some views of the development would remain in the longer-term (and as evidenced by the conclusions of the submitted LVIA), but it is considered that, when considering these landscape and visual impact issues in the overall planning balance, the scheme would not be unacceptable in this regard. The approach taken in terms of strategic landscaping is similar to that employed in the development of the existing Mercia Park site, and it is considered that, whilst views of that development will remain in the longer-term, a high level of mitigation through the planting and maturing of landscaping has taken place within a relatively short period of time (principally, it is considered, as a result of the extent of planting employed, and with effectiveness “accelerated” due to the use of more mature specimens (where appropriate), coupled with provision of landscaped bunds designed to maximise the efficacy of the landscaping planted).

Furthermore, it is acknowledged that much of the more significant visual impacts would be experienced from less sensitive locations (e.g. from the A42, rather than from, say, residential property), given the site’s location. The existing Mercia Park development would also serve to screen much of the proposed site, thus limiting the additional visual impact from the south west. Whereas views from the north and west would be more significant due to the greater exposure of the site from this direction, the more significant visual impacts would tend to be limited to those receptors in close proximity. From these directions, the principal receptors would be users of public rights of way; clearly the presence of the units would impact upon the experience of using (rural) rights of way, but the temporary nature of the impact (i.e. in terms of the length of time that rights of way users experience the impact, given their “transient” nature), these are considered less significant than, say, impacts on residential occupiers. There would also be more significant visual impacts when approaching the site from the north (i.e. when driving south along the A444). However, passing motorists are considered to be less sensitive receptors (again, given their transient nature) and, whilst views experienced on this road whilst heading south would be significantly altered, these impacts would not be considered unacceptable. (Similarly, the site would be prominent from the A42 but, again, such impacts are not considered inappropriate, having regard to the nature of the receptor). Whereas the site would be clearly visible from the countryside to the north of the site, views from the hamlet of Stretton en le Field would be likely to be very limited, given the established planting in this area.

The relationship between Policies S3 and Ec2 of the North West Leicestershire Local Plan is set out in more detail under *Approach to Determination and Principle of Development* above. Policy Ec2 requires, amongst others, that development for new employment purposes on land not within the site allocated under the policy (and for which an immediate need or demand has been identified) will be subject to a number of criteria, including criterion (c) (i.e. the development not being detrimental to the amenities of any nearby residential properties or the wider environment). Policy S3 provides that, should Policy Ec2 be satisfied, a number of other criteria also apply, and including criteria (i), (ii), (iv) and (vi) as set out in the relevant section. Having regard to the specific criteria impacting upon issues assessed under this section, and to the above findings in respect of landscape and visual impact, it

is considered that the key criteria relevant to this part of the assessment would be (i) (safeguarding and enhancement of the appearance and character of the landscape) and (ii) (not undermining the physical and perceived separation and open undeveloped character between nearby settlements).

Insofar as (i) is concerned, it is considered that, given the mitigation proposed and the limited viewpoints from which a significant effect would be experienced, it could be argued that (to a significant degree), the appearance and character of the landscape would be *safeguarded*. However, (and notwithstanding the proposed landscaping and enhanced public access / permissive footpaths), it would seem difficult to conclude that the appearance and character of the landscape would (as required by the policy) also be *enhanced*.

In terms of (ii), given the location of the site, and the distances between nearby settlements, it is accepted that there would be no material loss of separation between villages in the vicinity, and no conflict with this criterion would arise.

### *External Lighting*

Local Plan Policy D2 provides that proposals for external lighting schemes should be designed to minimise potential pollution from glare or spillage of light, that the intensity of lighting should be necessary to achieve its purpose, and the benefits of the lighting scheme must be shown to outweigh any adverse effects.

The application is also accompanied by a Lighting Assessment (and including an associated External Lighting Report), setting out the external lighting proposals associated with the development, and which include functional, amenity and security lighting to various areas of the site including access roads, vehicle movement areas, car parks and loading bays. The Assessment considers the proposed lighting design in accordance with various guidance notes published by the Institution of Lighting Professionals (ILP). Using the definitions set out in ILP guidance, the Assessment identifies the site as being within Environmental Lighting Zone E2 ("Rural", and which includes sparsely inhabited rural areas, villages or relatively dark suburban locations). It is considered that this categorisation would be appropriate in this location, given its surroundings. The External Lighting Report provides that calculations have been made to assess the horizontal and vertical illuminance produced by the lighting design, as well as light pollution intensities around the site in order to appraise the "light trespass" toward nearby stakeholders.

The External Lighting Report indicates that the luminaires have been selected so as to minimise upward light spill, glare, and backwards light spillage; it also confirms that all external lighting would be controlled with a photocell and time clock such that the lighting would be energised at low ambient lighting and would switch off during daylight hours. A total of five observer reference points in locations around the site (including the nearest residential properties) have been assessed, as well as in respect of a proposed ecological area to the northern edge of the site; in all locations the calculations undertaken identified that 0 lux was achieved to both the horizontal and vertical planes. No objections are raised by the District Council's Environmental Protection team.

Subject to the development being implemented and maintained in accordance with the principles set out in the submitted documents, therefore, the lighting proposals would not appear to have any adverse effects in terms of amenity issues, and the approach used would, it is considered, be proportionate to the reasonable requirements of such a facility. On this basis, it is considered that this element of Local Plan Policy D2 would be satisfied.

### *Impacts on Existing Trees*

As referred to under the section above relating to *Ecology and Biodiversity*, the proposed development would require the removal of 26 individual trees and 5 groups trees.

In terms of the quality of the trees proposed to be removed, the application is accompanied by a Tree Survey and an Arboricultural Impact Assessment (AIA). The submitted AIA identifies the proportions of the trees lost as follows:

Category A (High Quality / Value):	3%
Category B (Medium Quality / Value):	16%
Category C (Low Quality / Value):	49%
Category U (Unsuitable for Retention):	32%

Whereas this calculation would not reflect the fact that both individual trees and groups are included (and, hence, individual trees would attract the same “weighting” in the calculation as a group), it is nevertheless accepted that this demonstrates that the majority of trees lost would be in Categories C or U. It is also noted that there are no groups proposed to be removed that would fall within categories A or B, so this calculation would not be considered to “skew” the results in this way (and, if anything, given the low quality of the removed groups, the overall proportion of actual trees (if calculated individually) would indicate that the overall proportion of lower quality ones would be even greater than as suggested in the AIA’s calculation). As set out within the section above relating to *Ecology and Biodiversity*, the Environmental Statement suggests that the loss of these trees cannot be avoided or directly mitigated for, but notes that the new native tree and woodland planting would be considered to compensate for the initial loss of the existing trees referred to above.

In terms of the higher quality trees that would be lost, these include one Category A tree (tree T16, a Turkey oak). The submitted AIA notes that this is a “high quality and value tree”, required to be removed to allow for the formation of the new site access from the A444. The AIA states that its loss would be mitigated by its replacement with semi mature trees within the proposed development. Other higher value trees to be removed would include four Category B oaks and a Category B holly; all other trees lost would be either Category C or Category U.

In view of the form of development proposed and its general configuration (which, as above, is based partly on the premise of seeking to focus the built development away from the more sensitive edges as far as practical), it is accepted that the retention of the higher value trees (and, in particular, the Category A Turkey oak), would not be feasible (or, potentially, without leading to loss of other important trees instead).

The application has been assessed by Leicestershire County Council’s Principal Tree and Woodlands Manager who notes that trees and hedges located to the outer boundaries of the site are proposed for retention within the design of the scheme, and considers that the retention of the trees would provide appropriate screening of the development. Insofar as those trees and hedges that are “internal” to the site boundary (and are proposed for removal to facilitate the development) are concerned, the County Council agrees that the AIA makes a reasonable assessment of the arboricultural resource on site and identifies appropriate mitigation measures to ensure the protection of retained trees. The County Council considers that the submitted landscape planting plans and associated management plan indicate extensive new tree planting to mitigate for the loss of trees on the site, that they identify maintenance over a 20 year period, and that the proposed tree, shrub and woodland planting uses an appropriate pallet of species to both complement the site’s location in the wider landscape and, internally, to enhance and screen the site. No objections are raised subject to the imposition of a condition in respect of the approval and implementation of an Arboricultural Method Statement to specify working practices during construction.

Overall, however, it is considered that the majority of the most important trees on the site would be retained. Whilst the loss of trees otherwise worthy of retention would weigh against the development to a degree in the overall planning balance, when having regard to the limited amount of harm (in terms of the overall quantum of lost trees), and when taking into account the significant amount of new tree planting proposed as part of the landscaping proposals, it is considered that the harm that



would arise would not be so significant as to warrant refusal (whether on its own or in combination with other material considerations).

#### Conclusion in respect of Landscape and Visual Impact

The scheme would therefore be considered to be acceptable in terms of its landscape and visual impacts and, whilst a scheme of this nature and scale would inevitably have impacts that could not be mitigated in their entirety, it is accepted that, overall, the development would perform well insofar as the relevant tests set out in Local Plan Policies S3 and Ec3 are concerned.

#### **Noise and Vibration and Neighbours' Amenities**

In terms of amenity issues (and the scheme's performance in respect of Policy D2 of the adopted North West Leicestershire Local Plan), the impacts of the proposed development need to be considered both in terms of the effects on nearby residents arising from the undertaking of the construction of the proposed development (including, in particular, construction noise and vibration), as well as on the future living conditions of those residents following construction, having regard to the noise and other amenity impacts of the proposed development. These are considered in turn below.

#### *Construction Noise and Vibration*

The submitted Environmental Statement sets out the anticipated construction operations (and their associated equipment), and considers these in "average" and "worst-case" scenarios (i.e. when the operations would be approximately within the centre of the site, and when they would be at the periphery, closest to any noise sensitive premises).

Ten receptors for construction noise have been considered; the closest is Hilltop Cottages, located adjacent to the application site (between the site's southern edge and Junction 11 of the M42 / A42). Other receptors include Heath Lodge (Tamworth Road, Appleby Magna), the Appleby Park Hotel, Park Farm (to the west of the application site), Little Wigston, and five properties within the hamlet of Stretton en le Field.

Insofar as mitigation during the construction phase is concerned, the Environmental Statement draws attention to the range of measures set out in the submitted CEMP. These include:

- Limitation of site works to between 0700 and 1800 on Mondays to Fridays, and between 0700 and 1300 on Saturdays (with no working on Sundays or bank holidays) (save in specific circumstances)
- Use of standard construction plant / equipment (e.g. excavators, bulldozers, crushing machines, cranes, dumpers, scissor lifts, and cherry pickers etc.) during construction
- Implementation of traffic management system at site entrances
- Measures to minimise disturbance from reversing alarms
- Switching off of standing vehicle engines
- Operation of plant at low speeds
- Use of electrically powered equipment where possible
- Maintenance of plant / equipment
- Positioning of stationary plant (e.g. compressors and generators) away from sensitive locations, and giving consideration to temporary screening or enclosures for static noisy plant
- Orientating plant known to emit noise strongly in one direction so as to direct noise away from noise sensitive areas
- Closure of acoustic covers when engines are in use and idling
- Use of temporary spoil heaps to shield receptors from construction works
- Ensuring that contractors are aware of relevant BS guidance

In terms of the approach taken, the Environmental Statement takes account of the lowest existing ambient sound levels (rounded to the nearest 5dB), and which were recorded as below 65dB at all measurement positions (and, therefore, the 65dB criterion is applied for the daytime works at all

receptors). When taking into account the proposed mitigation, the Environmental Statement indicates that the predicted construction noise effects would be below the 65dB criterion at all times (and for all types of work) for all receptors other than Hilltop Cottages.

Insofar as Hilltop Cottages are concerned, the Environmental Statement identifies the adopted 65dB criterion is predicted to be exceeded by 10dB or more when site preparation and landscaping works are undertaken at their closest point to this receptor. It suggests, however, that this situation is only likely to occur for a short duration during the overall construction stage, as the works are only likely to be at their closest to the receptor for a limited period. Nevertheless, during these periods, the impact (in EIA terms) is identified as a direct, temporary, short-term, adverse effect of “major” magnitude.

For the majority of the periods of site preparation and landscaping works, however, (and where those works are located further away from Hilltop Cottages), the 65dB criterion is predicted to be met, and would also be achieved at the receptor during foundation, building erection and road surfacing works.

In terms of vibration effects during the construction phase, the Environmental Statement states that some elements of the construction works (e.g. heavy ground works or vibratory compaction) may generate perceptible levels of vibration at nearby receptors when they occur close to boundaries of the site near a receptor.

Other than Hilltop Cottages, all of the receptors assessed are at least 270m away from the site and, as such, vibration levels of more than 1mm/s are unlikely. For Hilltop Cottages, vibration levels of more than 1mm/s are also considered unlikely from general engineering works or rotary piling. However, the Environmental Statement identifies that, should any vibratory compaction be undertaken close to Hilltop Cottage, the vibration levels may exceed 1mm/s (albeit they would be unlikely to exceed 10mm/s (which is classed as a “medium” magnitude of change)). However, the Environmental Statement notes that this magnitude of change is only likely to occur for a very short duration and, therefore, there would be likely to be a direct, temporary, short-term, adverse effect identified as “moderate”.

Insofar as construction traffic noise is concerned, the Environmental Statement identifies that, given the likely traffic noise levels during construction when compared to that generated from existing traffic levels, the changes to traffic noise levels during construction would be “negligible”.

#### *Post Construction / Operational Impacts*

Insofar as the noise impacts arising from operation of the proposed development itself are concerned, these are considered within the Environmental Statement having regard to potential B2 use on Development Zone 2 (outline planning permission element of the site) so as to allow for a worst case scenario (in terms of noise levels within the buildings) (albeit use of refrigerated trailers etc. would be less likely in association with a B2 use than B8). Alternative layouts within the outline element area of the site are also assessed within the Environmental Statement (and include the impacts of, not only the additional noise generated by the respective schemes, but also the additional reduction of both existing and generated noise afforded by those layouts (e.g. due to the screening effect of new buildings and / or landscape bunds etc.)).

When compared to existing background noise levels, the Environmental Statement indicates that the proposed operational phase from the two assumed layouts would result in a rating level of greater magnitude at either 4 or 8 respectively of the 10 receptors at some point in the 24 hour period and with most of those increased noise levels vis-à-vis background noise associated with the 2300 to 0500 period. In particular this “early night” time noise would be predicted to be at a magnitude of 5dB above the background sound level at Park Farm in both scenarios. However, in all cases (other than Hilltop Cottages), the maximum night time noise levels would not exceed the 60dB set out in World Health organisation (WHO) guidelines. Insofar as Hilltop Cottages are concerned, the Environmental Statement notes that the maximum noise level is predicted to be above 60dB (61dB) but less than

80dB and, on this basis, the magnitude of change would be classified as “small” if the number of exceedances of 60dB per night are no more than 15, or “medium” if the number of exceedances of 60dB per night are more than 15. In this instance, the predicted exceedance of 60dB would be due to shunters connecting to trailers in the service yard of Development Zone 1. Whereas the total number of exceedances per night would depend on the number of times this activity occurred during the night-time in the specific locations that would lead to the exceedance, the Environmental Statement indicates that the 60dB criterion would be predicted to be exceeded no more than 15 times per night, and therefore the magnitude of change would be “small”.

The impacts of traffic noise are also assessed within the Environmental Statement, comparing these against anticipated traffic levels (and its associated noise) in 2027 to a number of local roads in those years without the proposed development (and including impact from other traffic growth between the present time and 2027). The Environmental Statement explains that traffic noise predictions are based on assumed traffic speeds modelled in accordance with national guidance (“Calculation of Road Traffic Noise”), and have been carried out at notional receptor locations 10 metres from the edge of each carriageway and 1.5 metres above ground level, and that notional receptors have been used as it is the changes in traffic noise levels that are of relevance, rather than the absolute noise levels at any given receptor. These are summarised below (expressed in terms of  $L_{A10,18hrs}$  dB, and with figures in brackets showing the increase compared to the 2024 baseline):

	2027 Without Development		2027 With Development	
	Day	Night	Day	Night
A444 North	72.0 (+0.4)	68.9 (+0.5)	72.2 (+0.6)	69.3 (+0.9)
A42 On Slip	69.9 (+0.6)	No data	70.4 (+1.1)	No data
A42 Off Slip	70.2 (+0.6)	63.4 (+1.7)	70.7 (+1.1)	65.0 (+3.3)
Tamworth Road	70.3 (+0.2)	64.3 (+0.4)	70.5 (+0.4)	64.6 (+0.7)
Rectory Lane	56.0 (+0.2)	No data	56.0 (+0.2)	No data
A444 Atherstone Road	69.0 (+0.6)	63.6 (+1.5)	69.5 (+1.1)	64.8 (+2.7)
M42 On Slip	71.5 (+0.9)	70.2 (+1.0)	72.1 (+1.5)	70.9 (+1.7)
M42 Off Slip	71.5 (+0.7)	66.4 (+1.6)	72.1 (+1.3)	67.9 (+3.1)
M42 Northbound (south of J11)	78.9 (+0.4)	76.6 (+0.4)	79.0 (+0.5)	76.8 (+0.6)
M42 Southbound (south of J11)	78.8 (+0.4)	77.2 (+0.5)	78.9 (+0.5)	77.3 (+0.6)
A42 Northbound (north of J11)	79.4 (+0.4)	76.9 (+0.4)	79.5 (+0.5)	77.0 (+0.5)
A42 Southbound (north of J11)	79.3 (+0.4)	77.3 (+0.4)	79.4 (+0.5)	77.5 (+0.6)
B5493	70.7 (+0.2)	64.6 (+0.3)	70.8 (+0.3)	64.8 (+0.5)

As can be seen from the above, the traffic noise impact during the day and the night would increase to all assessed routes with the development when compared to the no development scenario in both the day and night time scenarios, but the extent of the increase would vary from route to route, and with the M42 / A42 slip roads generally experiencing the greatest increase.

The Environmental Statement appendices also include equivalent data for the period 15 years after opening (2042) (and, again, in the context of anticipated noise levels both with and without the development, and in the daytime and nighttime scenarios when compared to the 2024 baseline). As above, the M42 / A42 slip roads would generally experience the greatest increase in noise.

	2042 Without Development		2042 With Development	
	Day	Night	Day	Night
A444 North	72.5 (+0.9)	69.4 (+1.0)	72.7 (+1.1)	69.8 (+1.4)
A42 On Slip	70.8 (+1.5)	No data	71.2 (+1.9)	No data
A42 Off Slip	71.1 (+1.5)	64.5 (+2.8)	71.5 (+1.9)	65.9 (+4.2)
Tamworth Road	70.9 (+0.8)	65.0 (+1.1)	71.0 (+0.9)	65.3 (+1.4)
Rectory Lane	56.9 (+1.1)	No data	56.9 (+1.1)	No data
A444 Atherstone Road	69.5 (+1.1)	64.2 (+2.1)	69.9 (+1.5)	65.3 (+3.2)
M42 On Slip	72.3 (+1.7)	71.1 (+1.9)	72.9 (+2.3)	71.7 (+2.5)
M42 Off Slip	72.4 (+1.6)	67.4 (+2.6)	72.9 (+2.1)	68.6 (+3.8)
M42 Northbound (south of J11)	79.8 (+1.3)	77.5 (+1.3)	79.9 (+1.4)	77.6 (+1.4)
M42 Southbound (south of J11)	79.7 (+1.3)	78.0 (+1.3)	79.8 (+1.4)	78.2 (+1.5)
A42 Northbound (north of J11)	80.3 (+1.3)	77.8 (+1.3)	80.4 (+1.4)	77.9 (+1.4)
A42 Southbound (north of J11)	80.2 (+1.3)	78.2 (+1.3)	80.3 (+1.4)	78.3 (+1.4)
B5493	71.3 (+0.8)	65.3 (+1.0)	71.4 (+0.9)	65.5 (+1.2)

In both the 2027 and 2042 scenarios, the Environmental Statement identifies that, in both the daytime and nighttime situations, the changes in noise levels from road traffic would for the most part be below +3dB which, using the methodology adopted within the Environmental Statement, would be identified as “small” in terms of magnitude of change (or, for those increases of less than +1dB, “negligible”). Whereas some increases listed above would fall within the “medium” category (increases of between +3.0 and +4.9dB), the Environmental Statement notes that that these are, for the most part, in locations not affecting sensitive receptors, or also include the effects of traffic growth unrelated to the proposed development.

It is noted that objections have been raised in terms of the impacts of increased traffic on the A444 through settlements to the north of the development (and including the noise impacts of this increased traffic, particularly HGVs). However, given the predicted distribution of vehicles from the development (i.e. with limited vehicles (particularly HGVs) expected to route via the A444 north of the site (and as set out in more detail within *Means of Access, Highways and Transportation* below)), the submitted details would, it is considered, demonstrate that the increase in traffic anticipated to result on the A444 would be likely to have very limited impacts in terms of noise.

Overall in terms of noise and vibration, therefore, whilst there would clearly be significant amounts of activity on the site both during construction and once the site was operational, the impacts in this regard are not considered to be unacceptable, and particularly when having regard to the proposed implementation for the various mitigation measures set out in the Environmental Statement. No objections on noise or vibration grounds have been raised in respect of the proposed development by the District Council's Environmental Protection team.

#### *Other Residential Amenity Impacts*

In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves, the application site is in close proximity to a limited number of existing residential properties, albeit, given the proposed units' scale and surrounding topography and landscaping, they are likely to be visible to a varying extent from residential properties in a number of directions from the site.

Insofar as properties likely to be materially affected in this regard are concerned, the development would, it is considered, have some significant impacts on Hilltop Cottages.

In terms of the impacts on Hilltop Cottages arising from the proposed buildings themselves (and, in particular, the unit proposed under the full element of the hybrid application), it is noted that the

application proposes a unit of height 22m above an FFL of between 88.45m and 89.45m AOD (i.e. a maximum height of between 110.45m and 111.45m AOD).

In order to demonstrate the impacts, a detailed cross section of the proposed unit's relationship with Hilltop Cottages has been provided. Having regard to the proposed FFL of the unit (which would be at a lower level than the existing FFL of Hilltop Cottages), the top of the proposed unit would be approximately the same as the ridge height of the cottages (between 0.85m lower and 0.15 higher than Hilltop Cottages, depending on the final FFL adopted within the 1m tolerance proposed).



On this basis, and given the separation between the proposed unit and Hilltop Cottages (in the order of 275m), unacceptable impacts by way of overdominance or overshadowing would not be considered likely to arise. Insofar as the visual impacts on Hilltop Cottages are concerned, whilst the units would be of some considerable scale, it is noted that, in addition to the separation between the existing and proposed buildings, proposed intervening ground remodelling and landscaping (and as indicated on the illustrative section above) would serve to reduce intervisibility to some extent. The scheme is, therefore, considered acceptable in this regard, and complies with the relevant sections of Local Plan Policy D2.

Attention is also drawn to the relevant section within *Landscape and Visual Impact* above in respect of lighting, and the residential amenity implications thereof; as set out within that section, the scheme is considered acceptable in terms of this issue and this element of Local Plan Policy D2.

#### Conclusion in respect of Noise and Vibration and Neighbours' Amenities

On the basis of the above, therefore, it is considered that the requirements of Local Plan Policy D2 would be met (insofar as it is applicable in respect of noise, vibration and other residential amenity issues).

### **Socio-Economic Issues**

The Environmental Statement includes an assessment of the proposals' potential socio-economic impacts in terms of both the construction and operational phases (as well as their associated health benefits). The application is also supported by a separate Economic Benefits Statement identifying the economic benefits of the development at the construction and completion stages.

In terms of construction-related impacts, the submitted documents indicate that the proposed development would be expected to support approximately 415 "person-years" of direct employment, based on the average turnover per employee in the construction industry in the East Midlands; this would equate to an average of around 85 gross direct full time equivalent (FTE) construction-related jobs supported on and off-site each year over the duration of an indicative 5-year build period.

The submissions also identify net additional employment as a result of the construction (i.e. associated employment opportunities in the wider area during the build period). The applicant estimates that the construction of the development would directly generate 90 net direct and indirect / induced FTE jobs for residents of the Midlands (on average) during construction (and including 35 for residents of the local impact area (identified as comprising North West Leicestershire plus the districts / boroughs of Hinckley and Bosworth, Lichfield, North Warwickshire, South Derbyshire and Tamworth)). A further 30 indirect and induced FTE jobs are also expected to be supported annually across the Midlands through economic multiplier effects. Insofar as the overall impact on the

economy is concerned, the Economic Benefits Statement indicates that the total net additional Gross Value Added (GVA) would be £45.2m (including £37.7m within the local impact area).

Insofar as the operational phase is concerned, a gross of either 1,030 or 1,720 FTE posts are expected to be generated by the development (depending on whether the eventual scheme comprises two B8 units or one B2 and one B8 unit respectively; no separate figure is provided in respect of the potential E(g)(iii) use scenario). In terms of the precise number and nature of those jobs, the Economic Benefits Statement indicates that this will depend on the eventual occupiers, but states that they are likely to be varied in nature, full time, well paid (with earnings in the sector typically being 8% higher than the average for the Midlands) and “steady” (in terms of the number of working hours offered each week). As per the construction phase, additional direct and indirect / induced employment would also be expected to be generated, with either 1,160 or 1,940 FTE posts being supported in the two use class scenarios outlined above (including 435 or 730 posts respectively within the local impact area).

Having regard to both additional indirect employment associated with the development, net additional GVA is calculated as either £60.6m or £122.2m per annum in the wider impact area (under the two scenarios outlined above), with the respective local impact area figures being £42.2m and £91.4m per annum in the local impact area. The applicant’s calculations in respect of job creation have been made having regard to nationally published guidance (including calculated average figures in respect of jobs per square metre of floorspace for different uses as set out in the Homes and Communities Agency’s Employment Density Guide), and it is considered that the assumptions made by the applicant in respect of the level of economic activity generated are reasonable.

The application is also supported by a Social Value Strategy which seeks to identify opportunities in which the development can best provide economic and social benefits to nearby communities.

This sets out a range of measures intended to maximise the socio-economic benefits likely to be generated by the proposed development, and including:

*Construction Phase:*

- Advertising opportunities / vacancies and job-related training courses with the District Council and the Department for Work and Pensions (DWP)
- Offering work trials and interviews for suitable candidates
- Assessing local skills / workforce needs and tailoring recruitment strategies to help match prospective candidates to jobs
- Co-operating with local Further Education (FE) colleges, employment support and training providers to raise awareness of labour force requirements
- Provision of work placement / work experience opportunities to enhance the employability and work readiness of people from disadvantaged groups.
- Sourcing materials from the local impact area where possible
- Working with the District Council to identify local businesses that could tender for supply chain opportunities
- Partnering with local FE colleges to support job seeking residents wishing to upskill and re-skill
- Supporting training and the provision of on-site apprenticeships and apprenticeships through local education facilities
- Engaging with the careers hub and local educational providers to raise awareness of potential careers in construction and the built environment
- Engaging with local construction colleges and technical and secondary schools to deliver careers workshops, including mock interviews and CV advice

*Operational Phase:*

- Advertising opportunities / vacancies and job-related training courses with the District Council and the DWP

- Offering work trials and interviews for suitable candidates
- Engaging with the DWP and other intermediaries to promote Mercia Park vacancies in the locality
- Partnering with local FE colleges to support job seeking residents wishing to upskill and re-skill
- Engaging with the careers hub and local educational providers to raise awareness of potential careers in logistics
- Providing young people (18+) with the chance to gain site and project-related experience (including T-Level students and job seeking students)
- Forging closer relationships between local employment support, education and training service providers and employers at Mercia Park.

It is considered that these measures would be an appropriate means of helping to ensure that any positive economic benefits can be targeted as far as possible towards local areas. Whereas it is acknowledged in the submitted Economic Benefits Statement that an element of “leakage” of posts outside of the immediate area would be expected, it is considered that the above measures would help in maximising employment opportunities (both direct and within those businesses benefitting from associated economic activity) for local areas. These measures are similar to those agreed in respect of the original Mercia Park development and, as previously, the applicant proposes to secure these measures by way of Section 106 obligations. The applicant also proposes to enter into similar obligations as per the original Mercia Park scheme with respect to preference being given to local suppliers (both during construction and in terms of future operation of the site) where it would be commercially reasonable to do so.

#### *Public Revenue Impacts*

The submitted Economic Benefits Statement also indicates that the proposed development could generate £2.8m in new business rates, and notes that local authorities are able to retain at least 50% of the rates collected.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that, in dealing with an application for planning permission, a Local Planning Authority shall have regard to any local finance considerations, so far as material to the application. Section 70(4) defines a local finance consideration as “...a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown...”. The MHCLG’s Planning Practice Guidance indicates that whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms, and states that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. It also provides that, in deciding an application for planning permission or appeal where a local financial consideration is material, decision takers need to ensure that the reasons supporting the decision clearly state how the consideration has been taken into account and its connection to the development.

As above, business rates are collected by the District Council and the balance of the rates collected not retained is passed to central government. Central government then uses these payments, along with others, to provide grants / financial assistance to local authorities, but a Minister of the Crown does not return these payments to local authorities in the form of business rates. As such, the authority is not receiving financial assistance by a Minister of the Crown and, whilst attention is drawn by the applicant to the business rates generated (and notwithstanding the Planning Practice Guidance advice on the weight that could be attracted to such a consideration in the event it was material), it is considered that the business rates generated would not constitute a local finance consideration under Section 70(4). As such, the business rates generated would not be a material consideration to which regard would need to be had under Section 70(2) in the determination of this planning application.

### *Mercia Park Community Fund*

The submitted Social Value Strategy also sets out a range of other community commitments by the applicant in respect of the construction phase, and including making additional contributions to the Mercia Park Community Fund (a community fund originally established in association with the development of the existing Mercia Park scheme, and administered on the applicant's behalf by the Leicestershire and Rutland Community Foundation), and through which local community projects / groups are able to bid for grants. However, this is a separate matter considered to sit outside of the planning process and, as previously, would not be intended to form part of the planning application, nor be secured by way of Section 106 obligations. As per the view taken at the time that the original Mercia Park planning application was considered, and for the purposes of determining the current application, it is considered that this fund would not be a material planning consideration, and no weight should be attributed to it.

### **Means of Access, Highways and Transportation**

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.

As set out in the introduction above, the application is in part full and in part outline; the proposed vehicular access into the site from the A444 forms part of the full elements of the application, and includes a new three arm roundabout. In terms of other forms of access, the application proposes footways / cycleways to one side of the proposed main internal spine road and a pedestrian / cycle connection across the A444 to the existing Mercia Park site.

As set out under *Approach to Determination and Principle of Development* above, criteria under Local Plan Policies S3 and Ec2 include the requirements that any such development is accessible (or has the potential to be made accessible as a consequence of any planning permission granted for the development) by a choice of means of transport, and has good access to the strategic highway network. The submitted documents (including the Environmental Statement and associated Transport Assessment and Framework Travel Plan) have been assessed by both the County Highway Authority and National Highways, and their conclusions are set out in more detail below.

### *Site Accessibility*

In terms of pedestrian and cycle connectivity, as set out above, the proposals include for pedestrian and cycle routes. Insofar as public transport is concerned, the Transport Assessment notes that the existing Mercia Park site is served by two bus services connecting the site to Burton upon Trent and Tamworth, with the timetables operated so as to coincide with shift changeovers; the Transport Assessment states that it is likely that the proposed additional site now applied for would operate with similar shifts.

The Transport Assessment comments that the existing bus services would be a suitable walking distance from the new site, and with timing of bus arrivals and departures such that there would be sufficient time for staff at the new site to make use of those existing services.

In terms of the existing Mercia Park bus services (and which route around the site via its internal loop road), these generally provide around four services daily (Mondays to Fridays and on Sunday nights) in each direction between the site and to each of the two destinations served (i.e. Burton upon Trent and Tamworth). The existing public transport enhancements were secured in respect of the original Mercia Park development by way of the implementation of a Sustainable Access and Transport



Strategy (SATS) scheme; the applicant proposes extending / continuing this scheme and further details will be provided on the Update Sheet.

Based on the submitted plans, the entrance to the proposed full element application unit would be in the order of 600m from the nearest Mercia Park bus stop. Whereas the proposed configuration of the outline element site is not known at this time, the walking route to the nearest part of that site to the Mercia Park bus stops would be approximately 850m (although, based on illustrative information provided by the applicant, the office accommodation in the outline part of the site would be expected to be in the region of 950m from the Mercia Park bus stops). By way of comparison, it is noted that the National Design Guide suggests that walking distance is 800m / a 10 minute walk, and the Leicestershire Highway Design Guide identifies a suitable walking distance to bus stops in rural areas of 800m.

In response to the application, the County Highway Authority had initially suggested that consideration be given to expanding the existing bus services to serve the expansion site directly. However, following discussions between the applicant and the bus service operator, it is understood that there would not be sufficient time in the timetable to allow for the extension of the service into the site. Nevertheless (and notwithstanding the likely distance between the outline part of the site and the existing Mercia Park bus stops), the County Highway Authority considers that the proposals are acceptable in this regard (and subject to the provision of the contributions as set out in more detail below). For its part, Active Travel England draws attention to a number of matters it considers ought to be addressed by way of conditions and / or contributions, including measures to help secure modal shift, and provision of infrastructure that complies with Local Transport Note (LTN) 1/20 (including in terms of the proposed A444 pedestrian / cycle crossing). In terms of these issues, the applicant confirms that the new crossing would comply with LTN1/20; attention is also drawn to the proposed layout which includes provision of a new bus layby with supporting infrastructure should future services call into the site.

The submitted Framework Travel Plan identifies that, having regard to the 2011 Census Journey to Work data for this area, 86% of people who work in the area travel by car (80% of the total as single occupancy car drivers, and 6% as passengers). The Travel Plan aims to reduce single occupancy car journeys to 72% by year 5 of operation. Notwithstanding the proposed sustainable transport measures for employees, therefore, it is noted that, overall, this still represents a significant number of employees who would not be accessing the site by sustainable modes of travel. However, this needs to be considered in the context of what levels would be likely to be achievable in other comparable locations in the areas considered for the purposes of the employment land need / demand / supply assessment, and a balanced approach needs to be taken to consideration of issues in respect of accessibility and employees' modes of travel. As per the conclusions reached regarding this issue in respect of the original Mercia Park development, it is again noted that, for the purposes of meeting the policy test set out in Local Plan Policy Ec2, the requirement is in respect of what sustainable travel choices are *available* for employees. Whereas the bus services connecting the site are relatively infrequent (in terms of the overall number of journeys to and from each destination over a 24 hour period), their alignment with shift patterns is considered to assist significantly with the overall usefulness of those services.

On this basis, and notwithstanding the less direct access to bus services than available on the existing Mercia Park site, it is accepted that, in terms of meeting the requirements of Policy Ec2(2)(a), the scheme would, overall, provide for an acceptable degree of accessibility by sustainable transport modes.

In terms of developer contributions, the County Highway Authority seeks the following:

- Provision of Travel Packs to be provided to each employee in accordance with details first agreed with the County Highway Authority (or payment of £52.85 per employee to Leicestershire County Council for the County Council to provide them on the applicant's

- behalf) (plus payment of an administration charge of £500 in the event that the developer opts to seek approval for its own design of Travel Pack by the County Council)
- Provision of 6 month bus passes to employees (or payment of £445 per pass to Leicestershire County Council for the County Council to provide them on the applicant's behalf)
  - Payment of STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £11,337.50 to Leicestershire County Council (in respect of the full element of the proposals).

#### *Impact on the Wider Highway Network*

In response to the submissions, the County Highway Authority confirms it is content with the applicant's trip generation assessment for the development. The total traffic anticipated to be generated by the development is as set out in the table below.

	LGV (Car+Van)			HGV			Total		
	Arr	Dept	Total	Arr	Dept	Total	Arr	Dept	Total
0700-0800	196	27	224	26	28	54	222	56	278
0800-0900	122	33	155	26	30	56	148	63	211
0900-1000	79	49	128	31	23	55	111	72	183
1600-1700	35	190	225	25	24	49	60	214	275
1700-1800	35	122	156	36	20	56	70	141	212
1800-1900	24	67	91	20	21	41	43	88	132

In terms of distribution and assignment, the County Highway Authority advises that the distribution of development light vehicles and HGVs has been informed by use of the County Council's Pan Regional Transport Model (PRTM). The relevant assignment data is set out in the tables below (expressed in terms of all vehicles and in terms of HGVs).

Route	AM			PM		
	In	Out	Total	In	Out	Total
A444 (North of Site)	25	10	35	10	25	35
A42	30	15	45	15	30	45
Tamworth Road	10	0	10	0	10	10
A444 (South of M42)	15	10	25	10	15	25
M42	45	20	65	25	45	65
B5493	10	5	15	0	10	10
A444 (M42 to Site)	120	55	175	60	115	175

Route	AM			PM		
	In	Out	Total	In	Out	Total
A444 (North of Site)	0	<5	<5	<5	0	<5
A42	5	5	10	10	<5	~15
Tamworth Road	0	0	0	0	0	0
A444 (South of M42)	<5	0	<5	5	0	5
M42	10	15	25	15	10	25
B5493	0	<5	<5	0	<5	<5
A444 (M42 to Site)	25	25	50	30	20	50

As can be seen from the above data, the majority of vehicles would be expected to access / egress the site via the M42 / A42 (and as indicated, for example, on the following assignment diagram (HGV assignment in the AM peak)):



Insofar as the impacts of these traffic movements on the wider network and its junctions are concerned, the County Highway Authority confirms that the development impacts have also been tested through PRTM. In terms of these effects, the County Highway Authority advises that the part of Leicestershire's network affected is the A444 and Tamworth Road, and the M42 / A42 Junction 11 (excluding the slip roads / mainline which are maintained by National Highways). The County Highway Authority advises that further assessment of junction impacts has been undertaken using VISSIM modelling software which had identified some potential detailed issues, but which have now been resolved to the County Highway Authority's satisfaction. Subject to some minor matters that the County Highway Authority is content can be addressed at the Section 278 detailed design stage,

Leicestershire County Council raises no objections. Similarly, no objections in terms of the wider network are raised by other Local Highway Authorities in the vicinity of the site (namely Derbyshire, Staffordshire and Warwickshire County Councils).

It is noted that concerns have been raised (including by Overseal Parish Council, Netherseal Parish Council and South Derbyshire District Council over increased traffic (and, in particular, HGVs on the Derbyshire section of the A444, to the north of the site), and the resulting impacts in terms of noise / disturbance and congestion. In particular, South Derbyshire District Council suggests that financial contributions be sought to fund mitigation of increased HGV use of the section of the A444 passing through South Derbyshire. Whilst the letter advises that “the Derbyshire and Leicestershire highway authorities are currently giving consideration to the impacts of traffic using the A444 upon South Derbyshire communities and how these might be mitigated”, having queried this matter further with both Derbyshire County Council and South Derbyshire District Council, it would appear that there is currently no detailed strategy (i.e. including proposed mitigation measures / costings etc. and details of the amounts that would be payable by developers) under which developer contributions are sought. The section below relating to *Developer Contributions* details the relevant tests for planning obligations as set out in national policy and relevant legislation; on the basis that no detailed strategy for seeking contributions from developments that would contribute to traffic volume on the A444 has been devised (and including details of what the contributions would pay for in terms of mitigation measures, and hence how a commensurate contribution to those measures could be established), it is considered that it would not be possible to demonstrate compliance with the relevant policy and legislative tests for contributions.

Regardless of the issues relating to the principle of making such contributions, however, it is noted that the relevant Local Highway Authority for the affected stretch of the A444 (Derbyshire County Council) has not, in any event, raised any objections to the proposals, and comments that “*Based on the analysis of the information submitted it is concluded that there would not be a material impact on the road network within the Derbyshire County Council administrative area which would result in a severe impact on congestion or highway safety*”. Insofar as the amenity implications of the additional traffic through the affected communities are concerned (and as noted under the section relating to *Noise and Vibration and Neighbours’ Amenities* above), when having regard to the level of additional traffic anticipated to be routed via the A444 (north), the increased future noise levels compared to the “without development” scenario would appear to be very limited.

For its part, and in particular with respect to the impacts on the strategic highway network, National Highways had, during the course of the application’s consideration, sought additional supporting information in respect of surface water drainage (in terms of its impacts on the M42 / A42), highways boundary stability and lighting / glint and glare. These issues have now, for the most part, been resolved to National Highways’ satisfaction. Whereas some remaining technical matters remain to be agreed, these are understood to be relatively minor in nature (and likely to be resolvable quickly), and are considered to not be so significant as to prevent a resolution being reached on the application. It is therefore recommended (and as set out in the formal recommendation) that any resolution to permit be subject to final confirmation from National Highways that no objections are raised prior to any planning permission being issued (and subject to any additional conditions required by National Highways being attached, as appropriate). Insofar as the impacts on the strategic highway network generally are concerned (and, in particular, with regard to traffic and capacity assessments), based on the submitted Transport Assessment, together with subsequent VISSIM audit responses, and Transport Technical Notes, National Highways confirms that the comments / concerns it had raised during the application process have been addressed. Whereas the submitted VISSIM modelling indicates that the development would exacerbate traffic conditions during both the AM and PM peak, the applicant proposes to address issues with lane utilisation on the M42 / A42 Junction 11 circulatory (at the signals adjacent to the A444 south and Tamworth Road), and to increase the two-lane flare on the A444 north (southbound) approach by 20 metres to add capacity to the stacking area on the approach.

### *Site Access and Highway Safety*

As set out above, the application proposes access via a new three arm roundabout on the A444. In respect of this access, the County Highway Authority had initially identified that a number of technical alterations were required to the proposed design, and that a Stage 1 Road Safety Audit (RSA) would be required for the access, together with one relating to other off-site improvements. Following the implementation of minor changes to the access design and the submission of a satisfactory RSA, the County Highway Authority confirms that it has no objections to the proposed site access.

In terms of other highway safety matters, the County Highway Authority notes that Personal Injury Collision (PIC) data has been obtained by the applicant from the County Council for the latest five-year period which show a total of 7 casualties from 5 accidents (of which 2 accidents were classified as serious and 3 as slight). However, the County Highway Authority notes that there were no recorded PICs along the A444 site frontage (4 of the 5 PICs occurred on the M42 / A42). Having reviewed the PIC data, the County Highway Authority was satisfied that there appear to be no significant patterns or trends amongst PICs, so raised no objections on highway safety grounds subject to the undertaking of an appropriate RSA (and which has subsequently been undertaken to the County Highway Authority's satisfaction, as set out above).

### *Internal Layout*

The County Highway Authority notes that the submitted details for the full element unit shows 49 HGV spaces (in addition to other HGV areas, including loading bays etc.), 424 car parking spaces and 80 cycle parking spaces. By way of comparison of the proposals, the County Highway Authority also notes that, when applying the same ratio between floorspace and parking spaces provided in association with the existing DSV B8 buildings on Mercia Park, the equivalent figure for the new site would equate to 425 spaces which, the County Council notes, aligns with the current proposals. The County Highway Authority confirms that it has reviewed the parking provision against parking standards contained within the Leicestershire Highway Design Guide, and considers the proposals to be acceptable.

### *Public Rights of Way:*

The site itself is not crossed / directly affected by any public rights of way. However, as part of the proposed pedestrian / cycle connection linking the site with the existing Mercia Park development, this would involve use of a section of public footpath P94 (which was rerouted as part of the original Mercia Park development) as cycleway. Given that the route's current formal status is public footpath (i.e. pedestrians only), the County Council notes that any scheme for usage by cyclists would need to be agreed in consultation with Leicestershire County Council, and recommends imposition of a condition to secure this. On a more general point regarding rights of way, however, the County Highway Authority confirms that it is satisfied that the use and enjoyment of footpath P94 would not be significantly affected.

Insofar as the existing P94's route's amenity value is concerned, it is agreed with the County Council that there would be no adverse impacts from the development in this regard. Moreover (and as set out in more detail under *Design* below), the scheme would provide a new connection to the currently non-connecting "spur" of public right of way P94/2 where it meets the A444 adjacent to the north eastern part of Mercia Park, and which would provide an additional potential route for recreational walkers.

### *Conclusions in respect of Means of Access, Highways and Transportation*

Local Plan Policy Ec2(2) sets out a number of criteria against which proposals for employment development will be considered, including in respect of accessibility by a choice of transport modes, and good access to (and an acceptable impact upon the capacity of) the strategic highway network.

Also relevant are Local Plan Policies IF1 and IF4 which seek to ensure the provision of suitable infrastructure (including transportation infrastructure) necessary to accommodate new development

Whilst it is not proposed to provide direct public transport links within the site, it is accepted that the proposed pedestrian / cycle connectivity from the A444 and the existing Mercia Park development would provide reasonable opportunities to enable employees to have the opportunity to access the site by means other than the private car. By virtue of its location close to Junction 11 of the M42 / A42, the site would also be well related to the strategic highway network, and it has been demonstrated to the satisfaction of both Leicestershire County Council and National Highways that the impacts on the operation of the network (and including Junction 11 itself) could be appropriately mitigated. Other impacts in terms of the local highway network are also considered acceptable (and including with the impacts of mitigation where required).

It is therefore considered that the proposals meet the requirements of Policies IF1 and IF4 and the relevant criteria within Policy Ec2.

## **Design**

The need for good design is set out within Policy D1 of the North West Leicestershire Local Plan, together with the Good Design for North West Leicestershire SPD and relevant sections of the NPPF and Planning Practice Guidance.

The application is supported by a Design and Access Statement explaining the applicant's rationale for the scheme as proposed, and setting out the principal design considerations. The scheme has been the subject of extensive pre-application discussions between the applicant and the Local Planning Authority in respect of design issues.

In terms of key design principles, the Design and Access Statement identifies these as including:

*Design and Character:* The creation of an attractive, self-contained and functional development with clear identity, which relates well within its context with well-designed buildings providing clear legibility in the choice of façade materials

*Functionality:* To provide a development that will meet the long-term needs of occupiers for running an efficient and successful business

*Standards:* To meet high standards of design, safety, accessibility and energy efficiency

*Protect Key Viewpoints:* To design the building form and elevation treatment taking into account key viewpoints and context of the development and with views mitigated with appropriate use of screen bunding and landscaping (or, where this cannot be achieved, the architecture of the buildings should address best practice to reduce visual impact)

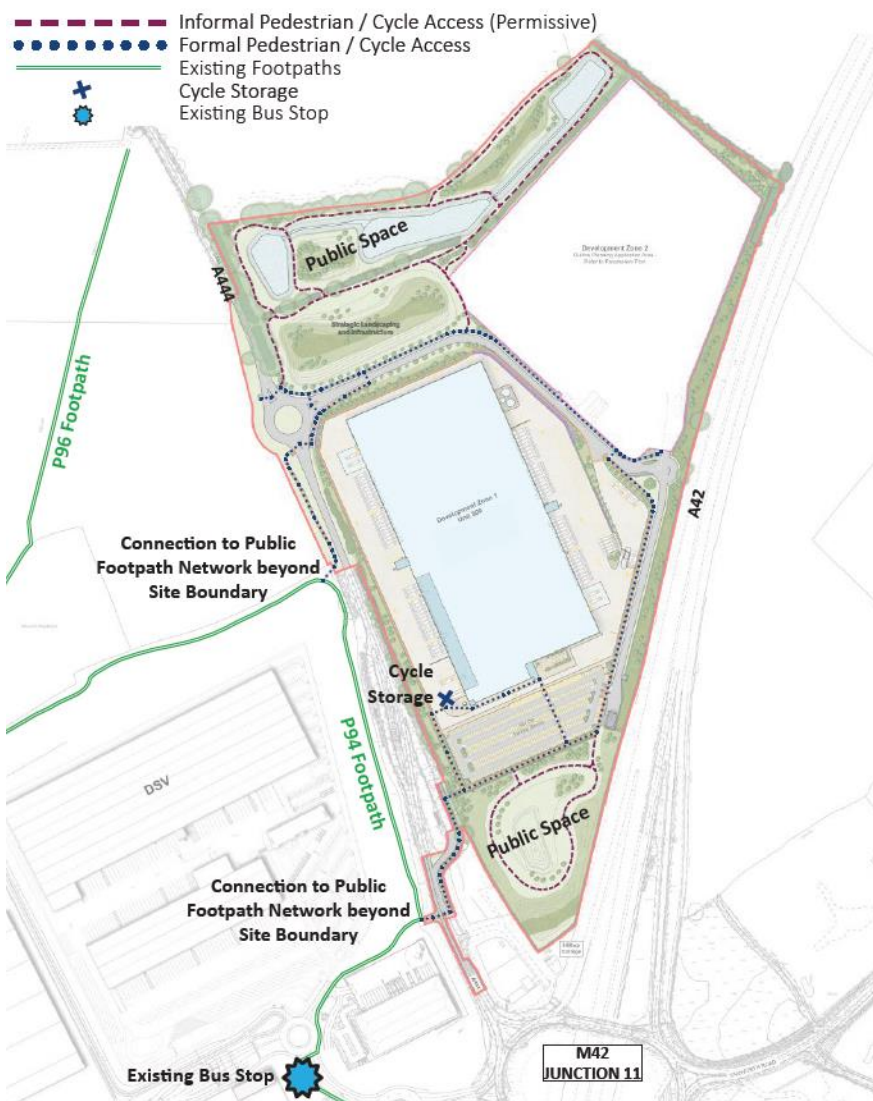
*Orientation and Movement:* To ensure that the development provides a sense of arrival for visitors arriving by vehicle or on foot, and routes for HGVs, cars, cyclists and pedestrians should be clearly segregated to avoid potential conflicts

*Quality of Public Environment:* To foster a development which enhances environmental habitats and promotes biodiversity, and provision of amenity for the use of occupiers, employees and the local community to create a positive work environment for the area and within public areas of the development; new footpaths should link into the wider existing network, increasing amenity and connectivity



During the pre-application dialogue, officers (and including the District Council's Urban Designer) provided extensive advice and feedback on the design approach, and the applicant has sought to accommodate this advice within the proposals as the scheme has evolved.

Insofar as the site layout is concerned, the Design and Access Statement notes that a key briefing criterion has been to expand upon the cycling and walking routes established at the existing Mercia Park development, and actively promote alternative methods of transportation. As such, attention is drawn to the proposed connectivity between the existing Mercia Park facility and the new development to the eastern side of the A444. To achieve this, the Design and Access Statement draws attention to the scheme's proposed new non-vehicular connections (and as referred to under *Means of Access, Highways and Transportation* above), including a pedestrian / cycle crossing across the A444 towards the development's southern end (adjacent to the existing pedestrian / cycle link between Mercia Park and the A444), and the provision of a pedestrian / cycle route along the western side of the A444 which would provide a new connection between the currently non-connecting "spur" of public right of way P94/2 where it meets the A444 adjacent to the north eastern part of Mercia Park and the proposed new development roundabout. This would, in turn, provide a formal pedestrian crossing point to the A444 which currently has no dedicated footway at this point. These crossings are identified on the plan extract below, and would allow pedestrian connections between the two sites (not only for employees / visitors etc., but also for the wider public so as to enable them to make use of the proposed new recreational routes in conjunction with those already provided on the earlier phase to the west).



In terms of the design of the proposed buildings themselves, these can be viewed in two principal elements; the warehouse type structures, and the associated office elements attached to each unit.

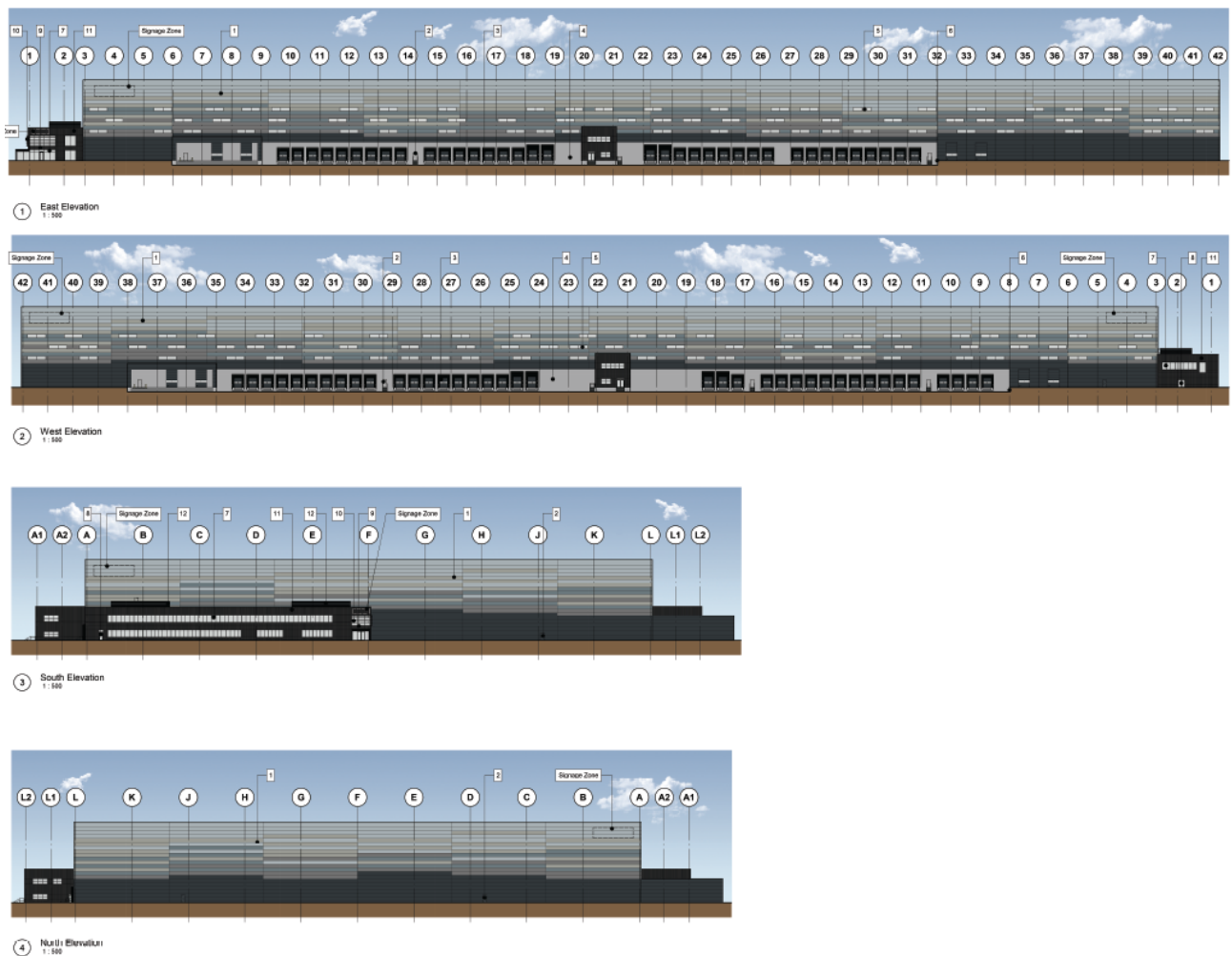
Whereas the proposed office elements are intended to be of a similar form and approach to those used (and, in officers' view, successfully) on the existing free-standing DSV office unit at Mercia Park, a significant issue in the design evolution of the scheme, and examined in detail through pre-application engagement with officers and stakeholders, has been the approach to use of materials on the proposed units.

In particular, pre-application discussions have considered in detail use of different cladding options, and how these can be used to "break up" the massing of the buildings. Having regard to the scale of employment units of this type, it is generally very difficult to screen such features from view altogether, and developers tend to take a variety of approaches to seek to minimise buildings' visual impact as far as is practicable in the circumstances. There is no overall accepted "best practice" approach as of such, and the most successful means of seeking to "blend" buildings of this nature into their backgrounds will depend on factors such as where they are being viewed from, and the backdrop against which they are being viewed. So, for example, from some viewpoints it may be better to use dark colours if, say, there is woodland behind but, when viewed from a different angle, the same building would be seen against the sky, so a lighter colour would be more successful (albeit that in itself is also potentially complicated in that the colour of the sky will change depending on the time of day and weather conditions). One approach taken by developers is to use horizontal cladding in progressively lightening colours towards the top of the building so as to enable it to blend in more effectively with landscaping in front / behind, and with the paler sky above.

In the case of the existing Mercia Park development, a number of options were considered and, for Phase 1, a variation of the horizontal cladding approach was taken whereby the horizontal cladding panels were "pixelated" (i.e. arranged in a more random format in terms of both size and shade) in order to break up the mass of the elevations. For the Phase 2 element of the original Mercia Park development (the DSV units in the north eastern part of the site), an alternative approach to cladding was sought (and was based on the approach that the intended occupiers employ corporately on their sites elsewhere in the UK and overseas). This took the form of vertically orientated cladding "stripes" instead of horizontal. The officer view is that, from some viewpoints (e.g. when viewing the site from the north where the development is viewed behind tall, thin trees), the approach can be more successful in terms of reducing visual impact than the horizontal or pixelated options. However, there are other viewpoints where, in officers' opinion, a pixelated option would have less impact than the vertical option and, given the range of viewpoints from which the proposed new units would be seen, the view is taken that pixelation would be the better option overall; this view appears to be supported by the responses received to the applicant's pre-application community engagement process, where several attendees expressed a "strong preference" for the pixelated approach.

As such (and notwithstanding the occupier's corporate preference for the vertical cladding approach), the applicant has agreed to take the option preferred by officers, and the pixelated approach is again proposed to be taken for the unit the subject of the full element of the hybrid application (and, it is understood, the intention would be to take a similar approach on any future reserved matters application relating to the outline element). Two options for the "full" unit are proposed at this stage; one with and one without warehouse windows inserted within the clad elevations (the version with windows is reproduced below).





In order to illustrate the extent to which the proposed cladding approach would be successful (and in the context of the proposed units' appreciation from different viewpoints), the applicant has provided a series of photomontages from a total of 7 viewpoints (and each option showing the scheme at Year 1, Year 15 and Year 30, as the surrounding landscaping matures). The photomontages are shown below and include an assumed form of the outline element unit for illustrative purposes, but also, for some viewpoints, show the proposed development alongside the existing DSV unit (and, therefore, allow for comparison of the respective merits of the differing approaches to cladding).



View 01 from A444 - Indicative rendering depicting illustrative 'Year 1' planting growth



View 01 from A444 - Indicative rendering depicting illustrative 'Year 15' planting growth



View 01 from A444 - Indicative rendering depicting illustrative 'Year 30' planting growth



The aerial view above highlights the key viewpoints in connection to the site, with its boundary outlined in red



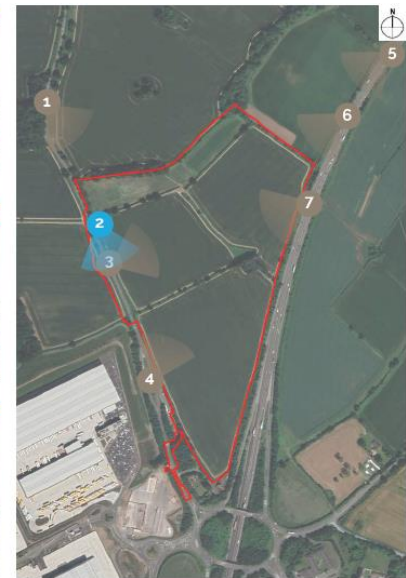
View 02 from A444 - Indicative rendering depicting illustrative 'Year 1' planting growth



View 02 from A444 - Indicative rendering depicting illustrative 'Year 15' planting growth



View 02 from A444 - Indicative rendering depicting illustrative 'Year 30' planting growth



The aerial view above highlights the key viewpoints in connection to the site, with its boundary outlined in red





View 03 from A444 - Indicative rendering depicting illustrative 'Year 1' planting growth



View 03 from A444 - Indicative rendering depicting illustrative 'Year 15' planting growth



View 03 from A444 - Indicative rendering depicting illustrative 'Year 30' planting growth



The aerial view above highlights the key viewpoints in connection to the site, with its boundary outlined in red.



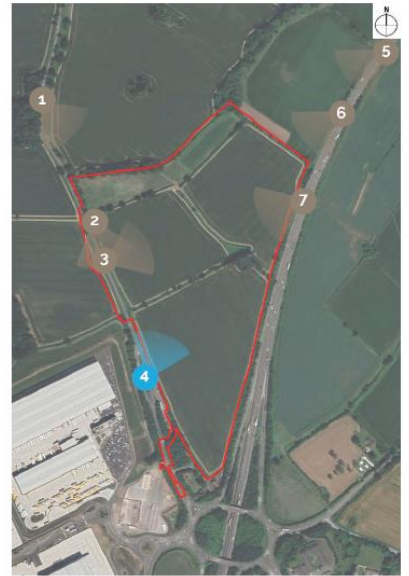
View 04 from A444 - Indicative rendering depicting illustrative 'Year 1' planting growth



View 04 from A444 - Indicative rendering depicting illustrative 'Year 15' planting growth



View 04 from A444 - Indicative rendering depicting illustrative 'Year 30' planting growth



The aerial view above highlights the key viewpoints in connection to the site, with its boundary outlined in red.





**View 05** from A42 - Indicative rendering depicting illustrative 'Year 1' planting growth



**View 05** from A42 - Indicative rendering depicting illustrative 'Year 15' planting growth



**View 05** from A42 - Indicative rendering depicting illustrative 'Year 30' planting growth



The aerial view above highlights the key viewpoints in connection to the site, with its boundary outlined in red



**View 06** from A42 - Indicative rendering depicting illustrative 'Year 1' planting growth



**View 06** from A42 - Indicative rendering depicting illustrative 'Year 15' planting growth



**View 06** from A42 - Indicative rendering depicting illustrative 'Year 30' planting growth



The aerial view above highlights the key viewpoints in connection to the site, with its boundary outlined in red



View 07 from A42 - Indicative rendering depicting illustrative 'Year 1' planting growth



View 07 from A42 - Indicative rendering depicting illustrative 'Year 15' planting growth



View 07 from A42 - Indicative rendering depicting illustrative 'Year 30' planting growth



The aerial view above highlights the key viewpoints in connection to the site, with its boundary outlined in red.

As above, it is officers' view that the approach to the office elements taken in the construction of the existing DSV free-standing office building at Mercia Park works well, and would be appropriate in respect of the ancillary office elements to the proposed expansion site (for the full element of the hybrid application). Images of the office part of the unit (located to its southern side) can be seen on the CGIs reproduced below.







Overall in terms of design issues, therefore, it is considered that the scheme would perform well in terms of its layout, and the provision of cycle and pedestrian connectivity. Following the extensive pre-application discussions surrounding the unit cladding options, the officer view is that the option proposed to be taken for the full element unit would be appropriate, and the applicant's positive engagement in the approach employed in respect of cladding is welcomed. It is acknowledged that the proposed units would be likely to have significant visual impacts from some locations in close proximity to the development (and in addition to the implications also identified under *Landscape and Visual Impact* above) but, for the reasons set out, such impacts are considered very difficult to eliminate altogether in the case of strategic employment development of this type, and the approach taken is (in design terms) considered a reasonable response to the challenges that such development can lead to. As such, the scheme is, as a whole, considered to perform well against the requirements of local and national policies in respect of design, and including Policy D1 of the North West Leicestershire Local Plan and the Good Design for North West Leicestershire SPD.

### **Ground Conditions**

Policy En6 of the adopted North West Leicestershire Local Plan sets out the approach for determining proposals for development on land that is (or is suspected of being) subject to land instability issues or contamination.

The application is accompanied by a Phase II Geo-Environmental Assessment Report. This identifies that concentrations of potential contaminants recorded at the site are not considered to pose a significant possibility of harm to the proposed end users of the site, and that mitigation works are therefore not required. Ground gas protection measures are also not identified as required. No objections have been raised by the District Council's Environmental Protection team in this regard.

The proposals are therefore considered acceptable in terms of these issues, and no conflict would be considered to arise in respect of the relevant element of Local Plan Policy En6.

## Other Matters

### Developer Contributions

Paragraphs 56 and 58 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

The relevant developer contributions set out under *Means of Access, Highways and Transportation* above (and including those relating to public transport initiatives for staff and Travel Plan monitoring) are considered to meet the relevant policy and legislative tests. In addition to those requirements, it is also considered that planning obligations would be appropriate in respect of the following:

#### *Local Employment, Training and Careers*

In addition (and as set out in more detail under *Socio-Economic Issues* above), the applicant proposes making commitments to using local suppliers, and in terms of the provision of local employment, training and careers opportunities. In order that weight may be reasonably attached to these commitments, it is proposed to secure them by way of Section 106 obligations.

These measures are also considered to meet the relevant policy and legislative tests for obligations as set out in the NPPF and the CIL Regulations.

### Overall Planning Balance, Contribution to Sustainable Development and Conclusions

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. The site is located outside Limits to Development as defined in the adopted Local Plan and is not allocated for new employment development; Policies S3 and Ec2 set out the approach to considering applications for employment development in these circumstances.

As set out in the *Approach to Determination and Principle of Development* section of this report above, it is considered that the proposals can be shown to be in accordance with the requirement for such development to have an immediate demand (and including as evidenced by the confirmation of DSV as occupier of the full element unit) and, as such, the in-principle elements of these policies can be shown to be satisfied. Furthermore, whilst the new Local Plan remains at an early stage (and, as such, only attracts limited weight in the overall planning balance), it is noted that the Local Plan Committee, having considered the findings of the Leicester & Leicestershire: Strategic Distribution Floorspace Needs Update and Apportionment study (and, specifically, the indication within it of the extent of need for additional strategic warehousing across Leicester and Leicestershire and in North West Leicestershire in particular), has agreed in principle to the inclusion of the site for strategic warehousing in the Regulation 19 version of the Local Plan.

Whilst there are a number of other criteria against which such proposals need to be assessed in the event that an immediate need or demand can be demonstrated (and including, for example, the need to safeguard and enhance landscape appearance and character, and for the development to be accessible by a range of sustainable transport), and whilst the proposals are not considered to comply fully with all relevant criteria, the view is taken that, overall, the proposals can be considered to comply with the development plan as a whole.

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 NPPF). As set out above, the NPPF contains a presumption in favour of sustainable development. Having regard to the three objectives of sustainable development, it is concluded as follows:

**Economic Objective:**

This objective seeks to ensure that sufficient land of the right type 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.

The development would be expected to generate a range of direct and indirect jobs both during the construction and operational phases; further employment would also be generated in terms of the knock-on effects on local and regional businesses as set out in more detail under the section relating to *Socio-Economic Issues* above. These posts would be in respect of a range of job types / quality, and the bus services previously implemented in association with the development of the original Mercia Park scheme would continue to assist in terms of ensuring that the employment available on the site would be accessible by those without access to a private car.

**Social Objective:**

The economic benefits associated with the proposed development would, by virtue of the jobs created (both for those employed in association with the construction and operation of the development, and by way of indirect job creation), also be expected to provide some social benefits. The scheme's inclusion of additional recreational routes to those established in association with the development of the original Mercia Park would also provide for useful community facilities. The NPPF refers to the need to foster a well-designed and safe built environment; the scheme is considered to be acceptable in terms of these issues.

**Environmental Objective:**

The site is identified as countryside in the adopted Local Plan. However, as referred to above, the applicant has demonstrated that there would be an immediate need or demand for the development, and the scheme's siting outside of Limits to Development would not therefore necessarily conflict with Policies S3 and Ec2, or the policies of the Local Plan as a whole.

The application is accompanied by an Environmental Statement which assesses the impacts of the development and, whilst the development would clearly be a significant scheme within the countryside (and inevitably would have considerable visual impacts in its immediate vicinity), the view is taken that, overall, the environmental impacts would be acceptable. Whilst, following mitigation, there would be some remaining adverse landscape and visual effects (and these would count against the scheme in terms of assessing its contribution to protecting and enhancing the natural environment), the proposed development would, overall, be considered to be acceptable in this regard. For the reasons set out within the relevant sections above, the scheme would also be considered acceptable in terms of its contribution towards protecting and enhancing the built and historic environment.

The application is accompanied by a shadow Appropriate Assessment document under the Habitats Regulations, the conclusions of which are considered reasonable and, for the reasons set out within the relevant section above, the proposals would not have any adverse effects on the River Mease SAC and SSSI; no other adverse effects on protected habitats would result.



The scheme would also, it is considered, perform relatively well in terms of other aspects of the environmental objective, and including in respect of its associated biodiversity enhancements and mitigating and adapting to climate change; in terms of the need to make effective use of land, it is considered that the scheme would represent an effective use in terms of it helping meet a need for sites for this type of use, but it is also noted that the site is greenfield, whereas use of previously-developed land is the preferred approach as set out in NPPF Paragraph 124.

Whilst there is a loss of Best and Most Versatile (BMV) agricultural land, the impact in respect of the environmental objective is considered to not be significant when accounting for the overall loss being less than 20 hectares.

Whereas the existing Mercia Park site is served by two bus services connecting the site to nearby settlements (and which are timetabled so as to coordinate with shift patterns), the new site would not have direct bus connections serving it. Whilst provision of a proposed dedicated crossing to the A444 and connecting the existing and proposed sites would enable employees to access the existing Mercia Park bus stops, it is considered that the siting of the facility (i.e. in an area away from an existing established sizeable settlement) would still be likely to result in a significant proportion of employees accessing the site by car. However, this issue also needs to be considered in the context of the need to deliver economic growth and when considering the limited number of alternative sites available for this form of development which would perform better in terms of accessibility (and which would also be suitable for a scheme of this scale and type). Seen in this context, therefore, it is considered that the scheme would, given the nature of the use and the types of locations where development of this type and scale would tend to be sited, perform reasonably well in this regard.

Having regard to the three dimensions of sustainable development, therefore, and having regard to the conclusions in respect of various technical issues set out within this report, it is accepted that the contribution to the economic growth associated with the proposed development, coupled with the role played in helping to meet a demonstrable immediate need or demand for development such as this, would ensure that the scheme would sit fairly well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, whilst the proposed development would, in particular, have some adverse landscape and visual impacts and result in the loss of Best and Most Versatile agricultural land, it is considered that the proposed development would not result in any unacceptable impacts on the natural, built or historic environment and, whilst not located immediately adjacent to an existing built up area, would provide for a reasonable travel choice for employees and, as such, (and notwithstanding its location) has the potential to perform reasonably well in terms of need to travel and the movement towards a low carbon economy.

It is therefore concluded that the proposed development would comply with the provisions of the development plan as a whole, and would benefit from the presumption in favour of sustainable development.

Overall, there are no material considerations which indicate the determination of this application other than in accordance with the development plan. Approval is therefore recommended.

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Development of up to 46,451 sq m GIA of B2 (industrial) and / or B8 (storage or distribution) units with ancillary E(g)(i) (offices) and service buildings, along with associated parking, highway infrastructure, landscaping and potential foul drainage connection to Farm Town (outline, all matters reserved expect for the principal means of vehicular access to the site).

Land at Corkscrew Lane, Ashby De La Zouch, Leicestershire.

Grid Reference (E) 437817  
Grid Reference (N) 316187

Applicant:  
P Fovargue

Case Officer:  
Adam Mellor

Recommendation:  
PERMIT SUBJECT TO SECTION 106

Report Item No  
A2

Application Reference:  
23/00427/OUTM

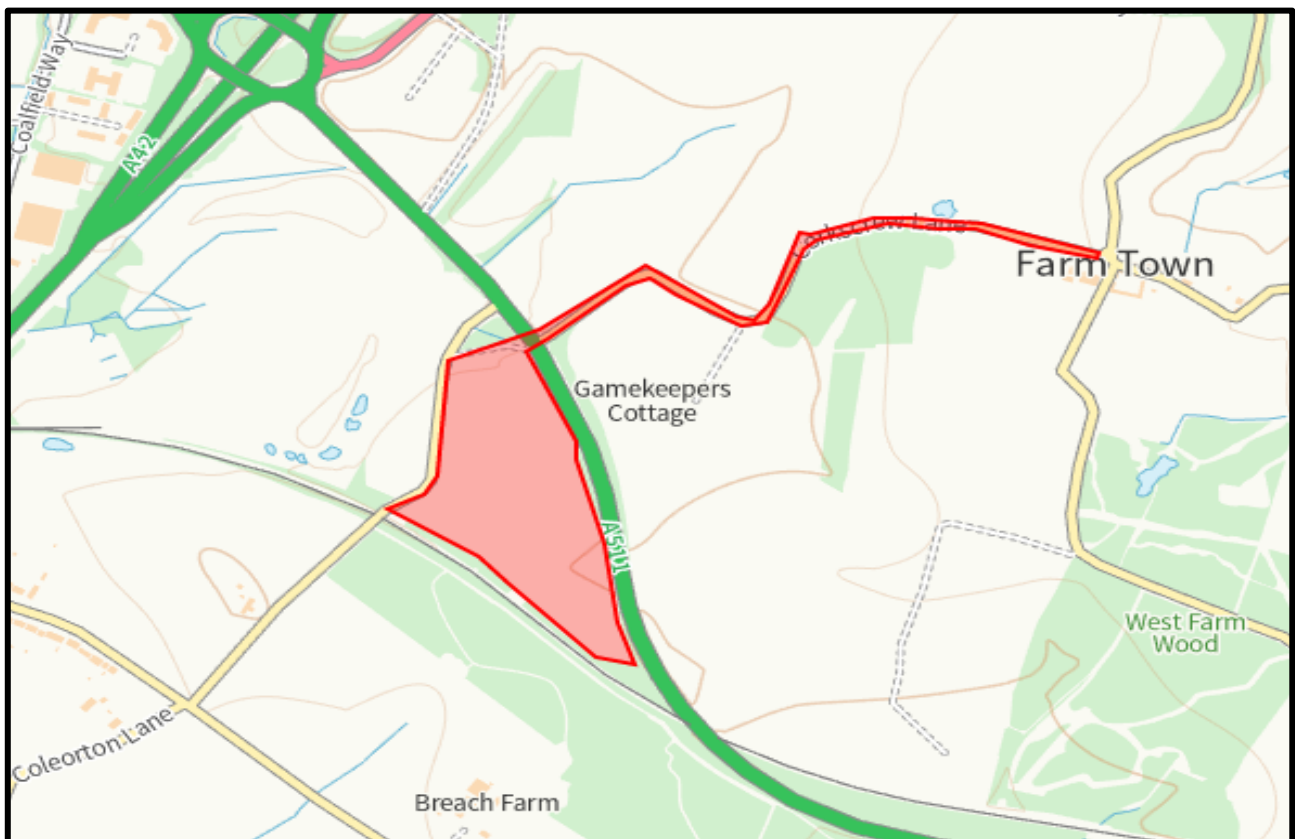
Date Registered:  
12 April 2023

Consultation Expiry:  
1 November 2024

13 Week Date:  
12 July 2023

Extension of Time:  
10 December 2025

## Site Location



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## Reasons the case is called to the Planning Committee

This application is referred to the Planning Committee for determination on the basis that that it is contrary to the provisions of an approved Development Plan policy and is recommended for permission, and in the opinion of the Strategic Director of Place it is likely to raise matters which should be referred to the Planning Committee and is recommended for permission.

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

- (i) A financial contribution of £610,454.50 towards improvement works in keeping with the Interim Coalville Transport Strategy (ICTS).
- (ii) A financial contribution of £7,500.00 for the submission of a Traffic Regulation Order (TRO) for the proposed amendments to the speed limit and weight restriction on Corkscrew Lane.
- (iii) A financial contribution of £12,760.00 for improvement works to the traffic signals at the A511 roundabout with Junction 13 of the A42.
- (iv) Appointment of a Travel Plan Co-ordinator.
- (v) A travel plan monitoring fee of £11,337.50 for LCC's Travel Plan Monitoring System.
- (vi) Travel packs at a cost of £52.85 per pack (or a cost of £500.00 if supplied by the applicant).
- (vii) Six month bus pass per employee at a cost of £360.00 per pass.
- (viii) Employment strategy to maximise job and education opportunities in the construction and operational phases of the development in the local area.
- (ix) A total of 3.93 hectares of National Forest Planting to be delivered partly on-site and off-site.

### Total Financial Contribution - £807,192.00 (based on 400 full time equivalent jobs being created)

- 1. Standard Time Limit for submission of reserved matters.
- 2. Reserved matters approval required for scale, layout, appearance, internal access and landscaping.
- 3. Approved plans.
- 4. Proposed unit to be used for purposes under either use class B2 or B8.
- 5. Floor space of the proposed unit to be no smaller than 40,000 square metres.
- 6. Offices (under use class E(g)(i)) to be ancillary to the principal use of the unit under either use class B2 or B8.
- 7. Overall height of the unit not to exceed 168.9 metres above ordnance datum (AOD).
- 8. First reserved matters application to be accompanied by details of the finished floor and ground levels and site sections to demonstrate the relationship with the surrounding area.
- 9. First reserved matters application in relation to the layout to be accompanied by a revised acoustic assessment which will specify any form of mitigation (if required).
- 10. First reserved matters application to be accompanied by an ecological enhancement scheme demonstrating compliance with section 5.0 of the submitted Preliminary Ecological Appraisal.
- 11. First reserved matters application to be accompanied by a Landscape, Ecological and Biodiversity Management Plan.
- 12. First reserved matters application to be accompanied by a Sustainability and Energy Statement which includes demonstration that a minimum BREEAM rating of 'Excellent' is achieved.
- 13. First reserved matters application to be accompanied by an external lighting scheme (which will also include a lighting strategy for bats and nocturnal wildlife).
- 14. Construction hours.
- 15. Biodiversity Construction Management Plan (BEMP) (to include details relating to compliance with section 5.0 of the submitted Preliminary Ecological Appraisal) prior to commencement to be submitted, approved and implemented.
- 16. Great crested newts' mitigation strategy (being a Reasonable Avoidance Measures Method Statement (RAMMS)) prior to commencement to be submitted, approved and implemented.

17. Dust management plan prior to commencement to be submitted, approved and implemented.
18. Development to be undertaken in accordance with the submitted arboricultural method statement and tree protection plan.
19. Foul drainage required to discharge outside of the catchment of the River Mease SAC / SSSI.
20. Surface water drainage scheme during the construction phase prior to commencement to be submitted, approved and implemented.
21. Surface water drainage scheme (including the provision of the on-site Sustainable Urban Drainage System (SuDS) features) prior to commencement to be submitted, approved and implemented.
22. Surface water drainage maintenance scheme prior to the first use of the development to be submitted, approved and implemented.
23. Construction lighting scheme (if required, and which will also include a lighting strategy for bats and nocturnal wildlife) to be submitted, approved and implemented before any construction lighting is provided.
24. Further risk based land contamination assessment prior to commencement to be submitted, approved and implemented.
25. A verification investigation prior to first use of the development to be submitted, approved and implemented.
26. Development to be undertaken in accordance with the recommendations of the submitted coal mining risk assessment.
27. Programme of archaeological work prior to commencement to be submitted, approved and implemented.
28. Public transport strategy prior to the first use of the development to be submitted, approved and implemented.
29. Occupier specific travel plan prior to the first use of the development to be submitted, approved and implemented.
30. Delivery of off-site highway works in accordance with the submitted plans prior to the first use of the development.
31. Delivery of site access arrangements, including visibility splays, in accordance with the submitted plans prior to the first use of the development.
32. Details of the closure of the existing vehicular accesses off Corkscrew Lane to be submitted, approved and implemented within one month of the proposed vehicular access being first brought into use.
33. Construction traffic management plan prior to commencement to be submitted, approved and implemented.

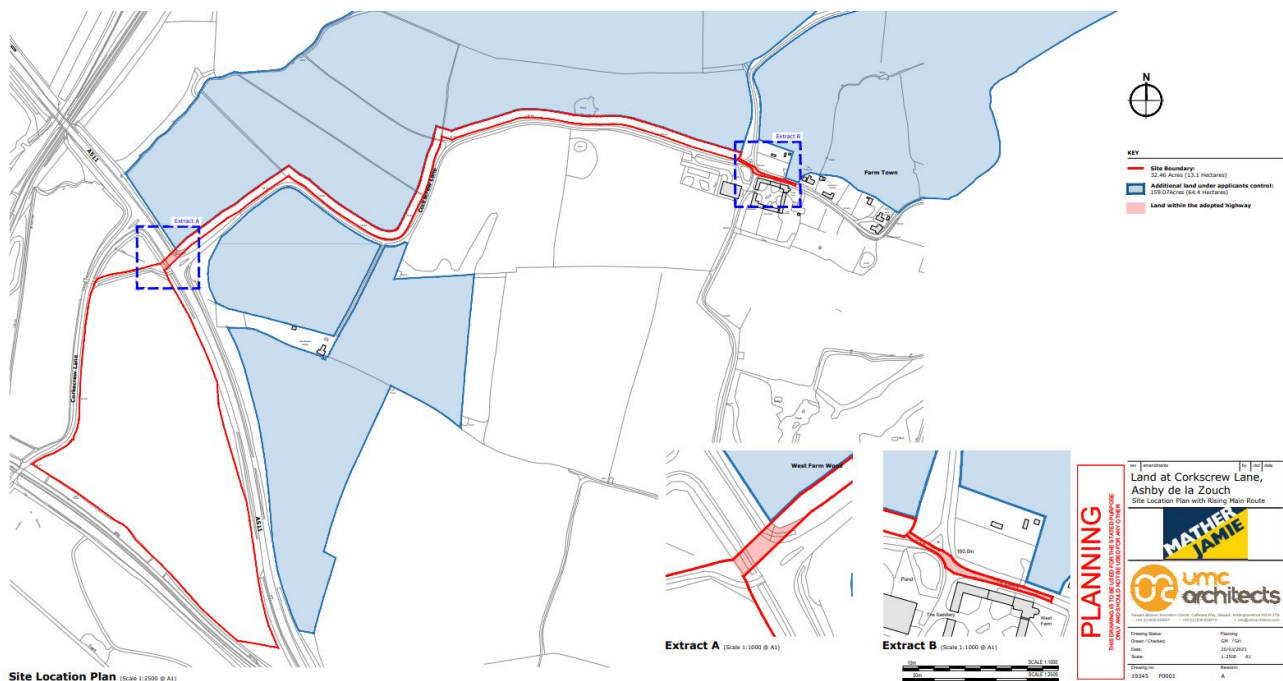
## MAIN REPORT

### 1. Proposals and Background

This is an outline planning application for employment development (B2 (industrial) and / or B8 (storage or distribution) with ancillary E(g)(i) (offices)) on a site of approximately 11.5 hectares of agricultural land which lies to the east of Corkscrew Lane and west of the A511 (as is identified in the image below). The site area would be 13.1 hectares when accounting for the potential foul drainage connection to Farm Town.

The Lounge Disposal Point lies to the north-west, with the application site being outside the Limits to Development as defined on the Policies map to the adopted North West Leicestershire Local Plan. The location of the site is shown on the plan below.

#### Site Location Plan (which also shows the potential foul drainage connection to Farm Town)



An aerial photograph of the site is provided on the next page.

### Aerial Image of Site Location (Main Application Site)



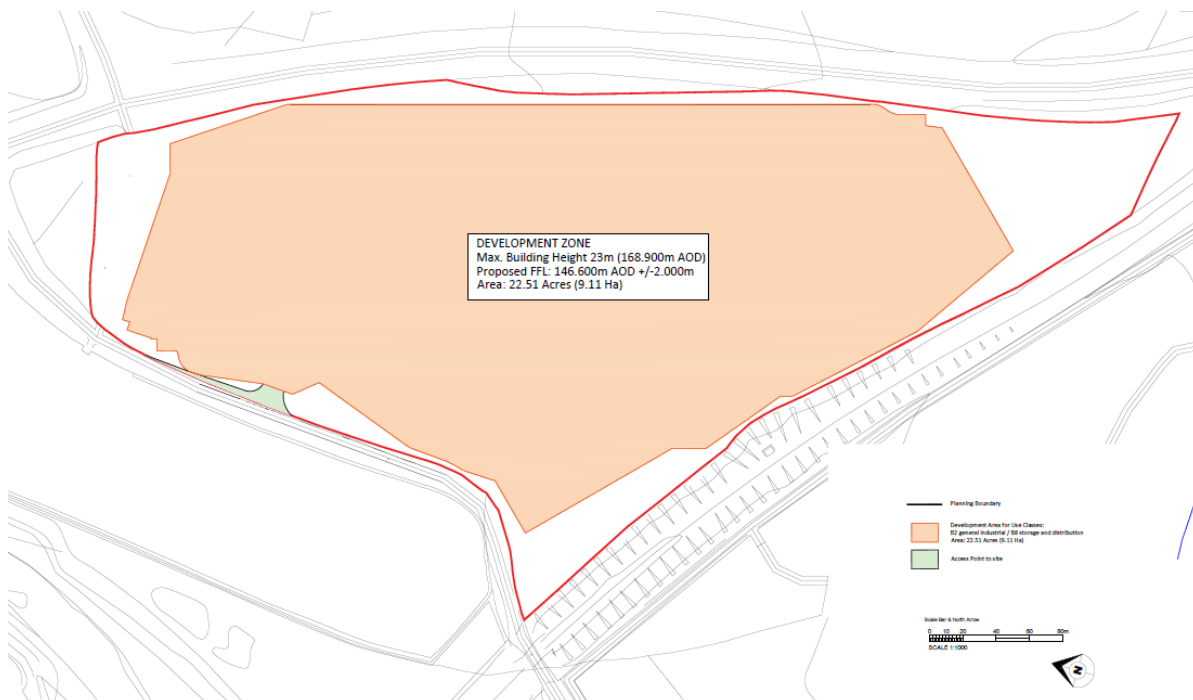
A screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) in respect of the proposed employment development was issued on the 9<sup>th</sup> June 2022 (under application reference 22/00864/EIA) and where it was determined that an application would not need to be accompanied by an Environmental Statement (ES).

During the consideration of the application, it has been established that DHL Real Estate Solutions (DHL RES), which is the development arm of the DHL Supply Chain, wish to occupy the site and would require a building with a minimum floor space of 40,000 square metres. The supporting information supplied by DHL RES indicates that there is no other suitable site (allocated, consented or emerging) to meet the immediate needs of DHL RES other than the land at Corkscrew Lane. It is also outlined that the DHL RES requirement in the District would not involve the closure or consolidation of any existing assets in the District, with the proposed facility accommodating a new customer of DHL RES who wish to locate to the District.

Whilst all matters, bar the principal means of vehicular access into the site, are reserved for subsequent approval, a parameters plan (as shown in the image below) has been submitted which splits the site into two zones (the access zone and the development zone). The parameters plan proposes that the development zone (totalling 9.11 hectares) would contain a building with a maximum height of 23 metres.



## Development Parameters Plan



An indicative masterplan has also been submitted (as shown in the image below) which shows how a scheme could be brought forward to meet the requirements of DHL RES.

## Indicative Masterplan



It is noted that a unit of 9,000+ square metres proposed for B8 purposes would be classed as a strategic-scale B8 unit.

In terms of the principal means of access, the parameters plan above identifies that a vehicular access would be provided onto Corkscrew Lane which would be around 90 metres from the vehicular access proposed to serve what is known as the 'G-Park' development on the former Lounge Disposal

Point (permitted under application reference 19/00652/FULM). The remainder of the 'access' matters (i.e. circulation routes through the site itself and the unit to be created by vehicular and non-vehicular means) are reserved for subsequent approval.

The application submission also acknowledges that the site is within the catchment area of the River Mease Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI) with there being issues associated with foul water connections to the sewerage networks within the catchment area. Therefore, the application as submitted identifies the potential for a foul drainage connection to be made from the site to an existing sewer in the vicinity of Farm Town with the principle of connecting to the foul drainage network in this location being agreed with Severn Trent Water (STW). Notwithstanding this, it is noted that a foul drainage connection from the 'G-Park' site to the sewer in Farm Town has already been installed and consequently the proposed development would have the ability to connect into the public sewer within the immediate vicinity of the site, rather than necessitating an entirely separate foul drainage connection to Farm Town.

All other matters (i.e. internal access, appearance, landscaping, layout and scale) would be reserved for subsequent approval.

All relevant documentation, including the plans and supporting information, can be viewed on the District Council's website.

### **Relevant Planning History.**

There is no recent or relevant planning history associated with the site.

## **2. Publicity**

12 neighbours notified on the 18<sup>th</sup> of April 2023.

A site notice was displayed on the 21<sup>st</sup> of April 2023.

A press notice was published in the Leicester Mercury on the 26<sup>th</sup> of April 2023.

## **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:**

**Ashby De La Zouch Town Council** on the following summarised grounds:

1. No demonstrated need or demand has been provided for the development as required by Policy Ec2(2) of the adopted Local Plan;
2. There are no current walking and cycling links to the site and no bus service is available and therefore sustainable travel is not possible which is unacceptable;
3. The impacts associated with the signalisation of the A511 are not clear and would exacerbate highway safety impacts on what is already a busy road which would be further compounded by traffic from the G-Park and Money Hill developments;
4. The application is outside the defined Limits to Development and is in the countryside;
5. There will be 'rat-running' via Corkscrew Lane and Leicester Road to avoid congestion which increases traffic on these roads to the detriment of highway safety;
6. There are no cycle routes from / to Ashby and Coalville proposed.

Ashby De La Zouch Town Council has also outlined that if planning permission was to be granted then they would expect conditions to ensure there is no right turn at the end of Corkscrew Lane onto the A511 from the site; No left turn out of the site towards Leicester Road; Ensure a bus service is available from nearby settlements; safe pedestrian access from / to the site and the G-Park site and that solar panels are installed on the roof(s) of the unit(s). The Town Council would expect Section 106 mitigations to improve the cycle route from / to Ashby and Coalville which could form part of the North West Leicestershire District Council Cycling and Walking Strategy and that community benefits are provided as a result of the revenue generated from the solar panels.

**Coleorton Parish Council** who have stated the following: *“there are concerns relating to various highway issues, including the diminishing safe cycle routes in the locality. It also has concerns about the arrangements for sewerage, contamination, capacity, system design and the different materials in the sewerage of industrial units, compared to agricultural and residential. The Parish Council is also of the opinion that NWLDC has already approved sufficient quota within the district so that this application is not required.”*

#### **Comments from:**

**NWLDC – Landscape Consultant** who whilst not undertaking their own Landscape and Visual Impact Assessment (LVIA) has determined that in their view the impact to landscape character in year 1 would be moderate to major adverse reducing to moderate adverse after 15 years.

#### **No Objections from:**

East Midlands Airport Safeguarding.  
NWLDC – Planning Policy and Land Charges.  
NWLDC – Tree Officer.

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

Coal Authority (Mining Remediation Authority).  
Leicestershire County Council – Archaeology.  
Leicestershire County Council – Ecology.  
Leicestershire County Council – Highways Authority.  
Leicestershire County Council – Lead Local Flood Authority.  
Leicestershire County Council – Minerals and Waste Planning Authority.  
National Forest Company.  
National Highways.  
Natural England.  
NWLDC – Environmental Protection (Air Quality).  
NWLDC – Environmental Protection (Contaminated Land).  
NWLDC – Urban Designer.

#### **Third Party Representations**

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

Grounds of Objections	Description of Impact
<b>Principle of Development</b>	There is already sufficient provision of industrial buildings within the District and therefore no more are needed particularly on greenfield land.
	The land no longer required for the delivery of HS2 should be used for this type of development rather than a greenfield site.
<b>Highways Impact</b>	The proposed development combined with that associated with G-Park will result in a level of vehicular movements which would be of detriment to highway safety and result in queuing traffic outside of the sites which will initially be onto Corkscrew Lane and then transgress onto the A511.
	The capacity of the A511 has been exceeded and the additional traffic associated with the development will only worsen this impact and result in more congestion and delays. Congestion and delays would also be experienced on other highways as vehicles avoid the A511.
	The access into the site would be better placed further down Corkscrew Lane towards Packington and Leicester Road which benefits from a crossroads and would encourage some vehicles to turn left towards Leicester Road. This would be a safer option as the amount of traffic is reduced and it would disperse traffic from the development sites reducing additional congestion on the A511.
	The width of Corkscrew Lane towards the junction of Leicester Road is of an insufficient width to accommodate large vehicles and therefore a height restriction barrier needs to be installed to prevent such movements.
	The signalisation of the crossroads between Corkscrew Lane and the A511 will result in vehicles 'rat-running' through Farm Town where the highways are narrow and not suitable for large vehicles, are not well lit and do not benefit from many passing places. This will therefore result in detriment to pedestrian and highway safety.
	I would agree with the suggestion of making the junction of Corkscrew Lane with the A511 into a left only turn towards the M42 to discourage vehicles travelling towards Farm Town.

	Vehicles should be prevented from turning left off the A42 into the highway towards Farm Town to prevent 'rat-running'.
	The submitted transport assessment makes no attempt to deliver opportunities for cyclists and pedestrians to and from the site with the highways around the site subject to accidents and incidents which discourage the use of cycles.
	There are no walking and cycling facilities which directly link Coalville and Ashby De La Zouch which should be provided given the size of these settlements and that the development is seeking to encourage the movement of employees in an unsustainable location.
<b>Landscape and Visual</b>	The proposed development is on higher land than that associated with 'G-Park' and will have a considerable adverse impact on the landscape given the height of the building proposed.
<b>Drainage and Flood Risk</b>	There is insufficient capacity within the sewer in Farm Town to accommodate foul drainage associated with a development of this scale.
	There is flooding issues associated with the sewer in Farm Town from surface water runoff.

A representation has also been received from Ashby Civic Society objecting to the application on the following summarised grounds:

- The proposed development would result in the loss of farmland and greenfield land which would be to the detriment of residents with the application site being outside of the defined Limits to Development;
- The development is not necessary as the employment figures for the District have been met and there is an insufficient workforce to fill the low grade vacancies which would be created;
- The use of Corkscrew Lane and local highways by heavy goods vehicles (HGVs) and employee vehicles will render such highways impossible for use by local residents. The traffic generated by the development and that of G-Park will also increase congestion;
- The A511 is already over capacity so the proposed development will impact adversely on the highway network with the proposed signalisation of the junction on the A511 resulting in gridlock;
- The application makes false statements in relation to the amount of landscaping which would be provided given the amount of built form shown on the plans; and
- The design of the buildings will be of detriment to visual amenity and out of keeping with the character and appearance of the area. They would also not be reflective of the interesting and historic buildings in Ashby De La Zouch.

## **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);  
Paragraphs 48, 49, 50 and 55 (Decision-making);  
Paragraphs 56, 57 and 58 (Planning conditions and obligations);  
Paragraphs 85, 87, 88, 89 and 94 (Building a strong, competitive economy);  
Paragraph 96 (Promoting healthy and safe communities);  
Paragraphs 109, 110, 113, 114, 115, 116, 117 and 118 (Promoting sustainable transport);  
Paragraphs 124, 125 and 129 (Making effective use of land);  
Paragraphs 131, 135, 136, 137, 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, 195, 196, 197, 198, 199, 200 and 201 (Conserving and enhancing the natural environment);  
Paragraphs 202, 207, 208, 210, 212, 213, 214, 215, 216 and 218 (Conserving and enhancing the historic environment); and  
Paragraphs 222 and 225 (Facilitating the sustainable use of minerals).

### **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 S3 – Countryside;  
Policy D1 – Design of New Development;  
Policy D2 – Amenity;  
Policy Ec2 – New Employment Sites;  
Policy IF1 – Development and Infrastructure;  
Policy IF4 – Transport Infrastructure and New Development;  
Policy IF7 – Parking Provision and New Development;  
Policy En1 – Nature Conservation;  
Policy En2 – River Mease Special Area of Conservation;  
Policy En3 – The National Forest;  
Policy En6 – Land and Air Quality;  
Policy He1 – Conservation and Enhancement of North West Leicestershire's Historic Environment;  
Policy Cc2 – Water – Flood Risk; and  
Policy Cc3 – Water – Sustainable Drainage Systems.

#### **Leicestershire Minerals and Waste Local Plan (2019)**

The Leicestershire Minerals and Waste Local Plan forms part of the development plan and the following policy is relevant to this application:

Policy M11: Safeguarding of Mineral Resources.

## Other Policies

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document – April 2017.

National Design Guide

North West Leicestershire Air Quality Supplementary Planning Document – October 2023.

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).

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

National Forest Guide for Developers and Planners.

## 5. Assessment

### Approach to Determination and Principle of Development

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, includes the adopted North West Leicestershire Local Plan (2021) (adopted Local Plan) and the adopted Leicestershire Minerals and Waste Local Plan (2019) (adopted LMWLP).

Paragraph 11 of the NPPF provides that plans and decisions should apply a presumption in favour of sustainable development and that, 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 the most important for determining the application are out-of-date, granting planning permission unless:*

- i. The application of policies in this Framework that protect areas or 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.”*

However, the areas or assets referred to under Paragraph 11(d) i include habitats sites (i.e. including Special Areas of Conservation (SACs)) and Sites of Special Scientific Interest (SSSIs). Furthermore, Paragraph 195 provides that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Paragraph 12 of the NPPF provides that *“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. 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.”*

In effect, therefore, it is necessary to consider whether the development complies with the policies of the adopted Local Plan (when considered as a whole) and, if not, whether (in accordance with Paragraph 12 of the NPPF), other material considerations indicate that planning permission ought to be granted (and whether Paragraph 11 subsections c) or d) are applicable). For the purposes of applying the tests in the NPPF, the view is taken that the adopted Local Plan is up-to-date.

The application site lies outside the Limits to Development as defined by the Policies Map to the adopted Local Plan and so is not identified for any particular purpose (or any specific use).

Policy S3 of the adopted Local Plan sets out the circumstances in which development will be permitted outside the Limits to Development; insofar as employment development is concerned the *principle* of such uses is allowed for (under criterion (s) of Policy S3) where it would comply with Policy Ec2 of the adopted Local Plan.

Policy Ec2 (subsection (2)) provides that *“Where evidence indicates an immediate need or demand for additional employment land (B1 [now under E(g)], B2 and B8) in North West Leicestershire that cannot be met from land allocated in this plan, the Council will consider favourably proposals that meet identified need in appropriate locations subject to the proposal:*

- (a) Being accessible or will be made accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development; and*
- (b) Having good access to the strategic highway network (M1, M42/A42 and A50) and an acceptable impact on the capacity of that network, including any junctions; and*
- (c) Not being detrimental to the amenities of any nearby residential properties or the wider environment.”*

As such, in order to comply with the *principle* of development requirements of Policy S3, it would be necessary to demonstrate that there was an immediate need or demand for additional employment land within the District that could not otherwise be met by allocated sites (and, if that could be shown, that the criteria in (a), (b) and (c) of Policy Ec2(2) would also be met).

In terms of the interpretation of ‘*immediate*’, ‘*need*’ and ‘*demand*’ the Council’s Planning Policy and Land Charges Team has stated these to be as follows:

- ‘*Immediate*’ – in this context can be interpreted as meaning ‘arising now’.
- ‘*Need*’ – correlates to a policy requirement identified through the plan-making process to ensure that the future needs of an area are adequately addressed.
- ‘*Demand*’ – could be in the form of a request from potential future users or could be to address a gap in the supply of premises in the District. In other words, it relates to ‘market demand’.

The policy requires need **or** demand to be demonstrated (**officer emphasis**); it is not necessary to demonstrate both.

Should Policy Ec2 be satisfied (and, hence, the *principle* of development element of Policy S3 be satisfied), it will also then be necessary to consider the proposals’ compliance with criteria (i) to (vi) within Policy S3. Of particular relevance to this application are considered to be criteria (i), (ii), (iv) and (vi), as follows:

- “(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. Decisions in respect of impact on landscape character and appearance will be informed by the Leicester, Leicestershire and Rutland Historic Landscape Characterisation Study, National Character Areas and any subsequent pieces of evidence; and*
- (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...*
- ...(iv) *built development is well integrated with existing development and existing buildings, including the re-use of existing buildings, where appropriate; and...*
- ...(vi) *The proposed development is accessible, or will be made accessible, by a range of sustainable transport."*

As per Policy Ec2 above, these issues are considered where applicable under *Detailed Issues* below.

Insofar as the issue of demonstrating an immediate or demand is concerned, it is considered as follows:

#### *Need for Strategic Warehousing*

The Leicester & Leicestershire: Strategic Distribution Floorspace Needs Update and Apportionment study (2025) provides an up-to-date assessment of the need for strategic warehousing in the Leicester and Leicestershire area. The study was jointly commissioned by the Leicester and Leicestershire authorities. It provides an assessment of the need for additional strategic warehousing in Leicester and Leicestershire for the period 2024 - 46, and proposes how that need could be distributed ("apportioned") to different locations within the partnership area. The study will be part of the evidence base for the Leicester and Leicestershire authorities' respective Local Plans. It does not, however, set policy; that is a matter for each authority's Local Plan.

The study finds that there is a need for some 3.06 million square metres (sqm) of strategic warehousing in Leicester and Leicestershire for the 22-year period 2024 - 46. This figure is in addition to sites which already have planning permission. The study apportions the need figure to locations in Leicester and Leicestershire including North West Leicestershire. The table below shows this apportionment for North West Leicestershire, adjusted to the proposed end date of the new Local Plan (2042).

#### **North West Leicestershire apportionment (2024 – 20242)**

<b>Location</b>	<b>Floorspace</b>
M1 J23a / J24; A50 J1	728,673 sqm
Bardon (J22)	93,109 sqm
M42 / A42 J11, 12, 13	269,345 sqm
<b>Total</b>	<b>1,091,127 sqm</b>

The study has been published as evidence principally to support the preparation of Local Plans. Its findings have not yet been tested through an independent Local Plan Examination or at appeal. Whilst its specific findings about the scale of the need and its recommendations concerning the apportionment may be challenged, it would seem reasonable to take the position that:

- Across Leicester and Leicestershire there will be a need for additional strategic warehousing;
- The scale of that need is likely to be substantial; and
- Some of the need should be met in North West Leicestershire.

In respect of c) above, the study prescribes a proportion of the identified need to the A42 / M42 corridor in which the application site is situated.

With respect to need, the Leicester & Leicestershire: Strategic Distribution Floorspace Needs Update and Apportionment study's findings point to there being future need for additional strategic warehousing in North West Leicestershire and along the M42 / A42 corridor specifically. However, the study identifies that there are sites with planning permission in Leicester and Leicestershire which form a supply in the shorter term. The study's findings provide evidence of need but are not considered to demonstrate an immediate need under the terms of Local Plan Policy Ec2(2).

### *New Local Plan*

The Council is in the process of preparing a new Local Plan for the period 2024 – 42. The Council's Local Plan Committee considered a report on the subject of strategic warehousing at its meeting on the 19<sup>th</sup> of November 2025. This report presented the findings of the study (as described above), and the Committee agreed in principle a number of strategic warehousing sites (including the application site) for inclusion in the Regulation 19 version of the new Local Plan. The decision took account of the findings of the study and assessments of candidate strategic warehousing sites from the Strategic Housing and Employment Land Availability Assessment and subsequent Call for Sites.

### *Applicant's Assessment of Strategic Warehousing Demand*

The application is an outline application, with part access for approval, for employment development totalling 46,451 square metres for either general industry (Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) and / or storage or distribution (Class B8), with ancillary offices (use class E(g)(i)). During the course of the application, it has been outlined that the intended occupant of the site would be DHL Real Estate Solutions (DHL RES), the development arm of the DHL Supply Chain, who would operate a storage or distribution use (Class B8).

Information submitted in support of the application as originally submitted was insufficient to demonstrate an immediate demand for the proposed employment development in the District which could not be met on other allocated sites.

The application has been amended to now propose a unit which would be specifically to meet the requirements of DHL RES.

Further information to address the demand for the proposed development comprises:

- (i) An Alternative Sites Assessment (ASA) (of May 2024);
- (ii) DHL RES covering letter (dated 15<sup>th</sup> April 2024);
- (iii) DHL RES Strategy and Benefits Questions and Answers (Q&A); and
- (iv) An indicative masterplan (an image of which is in the '*Proposals and Background*' section of this report above).

The DHL RES letter supplements an earlier letter of support (dated 29<sup>th</sup> February 2024) and includes the following key points:

- (a) *DHL RES's proposed facility at Corkscrew Lane, if permitted, will not result in the closing / relocation of other DHL premises in the district;*
- (b) *There are no other suitable sites which meet DHL RES's immediate requirement;*
- (c) *DHL RES's need is immediate and will result in significant investment in the district; and*
- (d) *Should this application be refused, the DHL RES requirement will have to be met elsewhere outside the district due to the immediacy of the need.*

Additional points in the DHL strategy note (relevant to the consideration of the application) include:

- (a) DHL RES and its customer require buildings that meet the highest level of sustainability to meet DHL's Go Green Targets. There is no available stock that meets this requirement;
- (b) DHL RES has secured a purchase agreement (subject to planning); and
- (c) DHL RES would be willing to accept a condition on any outline permission granted that restricted the size of the unit to 40,000 square metres plus.

In respect of the 'immediate demand' test in Policy Ec2(2), the DHL RES letter confirms that the firm has a clear interest to locate to the application site and has signed a purchase agreement to that effect. DHL RES will potentially occupy the whole site (up to 46,451 square metres). DHL RES say they need the site "without delay". This is specific evidence of demand at the application site, and it is considered that this aspect of the policy is met.

In circumstances where an immediate demand (or need) is demonstrated, Policy Ec2(2) further requires demonstration that the demand cannot be met from land allocated in this plan. In response, the applicants have submitted an Alternative Sites Assessment (ASA).

The ASA submitted by the applicant's describes DHL RES's site requirements as follows:

- (a) *Site Area / Parking* – minimum available developable area of 25 acres / 10 hectares allowing for 40,000 square metres as a single footprint, plus space for a service yard, and a need for 110+ heavy goods vehicle (HGV) parking spaces and 350+ staff parking spaces;
- (b) *Height* – ability to deliver a unit(s) of 22 – 23 metres to the ridge (at least 18 metres internal clearance);
- (c) *Access* – proximity to the Strategic Road Network (SRN), being within 1000 metres of an 'A' road or motorway for operational use and staff access;
- (d) *Availability* – the site must be available for development to commence in quarter 1 or 2 2027 and be ready for occupation in 2029; and

The ASA also outlines that the site would ideally be within close proximity of the A42 and A511 which offer strong strategic road network connections to north, south, east and west (this being outlined at Paragraph 3.2 of the ASA).

For the purposes of assessment, the ASA considers:

- (a) Sites identified in the adopted Local Plan (Policies Ec1 and Ec2);
- (b) Sites proposed in the new Local Plan Regulation 18 consultation document for both general need and strategic B8; and
- (c) Sites with planning permission / current planning applications.

Such sites are assessed using a Red Amber Green (RAG) rating of four criteria ((a) site area / parking, (b) height, (c) access to the SRN and (d) availability) with the following sites being dismissed at the initial assessment stage:

- (i) Land north of Ashby De La Zouch (Money Hill) (red rating for (b) and amber ratings for (a) and (d));
- (ii) Land at Sawley Crossroads, Sawley (red ratings for (a) and (b) and amber rating for (d));
- (iii) St Modwens (Land South of Junction 1 of the A50), Castle Donington (red rating for (b) and amber rating for (a));
- (iv) Netherfields Lane, Sawley / Hemington (red ratings for (a) and (d) and amber rating for (b));
- (v) Land west of Hilltop Farm, Castle Donington (emerging plan (EMP) allocation 89) (red ratings for (a) and (b) and amber ratings for (c) and (d));
- (vi) Land north of Derby Road, Kegworth (EMP73a) (red ratings for (b) and (d) and amber rating for (a));

- (vii) Land north of Derby Road, Kegworth (EMP73b) (red ratings for (b) and (d) and amber rating for (a)); and
- (viii) Land to the east of Midland Road, Ellistown (EMP24) (red ratings for (a) and (b) and amber ratings for (c) and (d)).

Four sites were shortlisted for more detailed assessment being:

- (i) Land south of East Midlands Airport, Castle Donington / Diseworth (EMP90);
- (ii) Land to the north of Junction 11 of the A/M42 (EMP82);
- (iii) G-Park, Ashby De La Zouch (former Lounge Disposal Point); and
- (iv) Land at Corkscrew Lane, Ashby De La Zouch (the application site).

The detailed assessment of these sites is as outlined in the ASA.

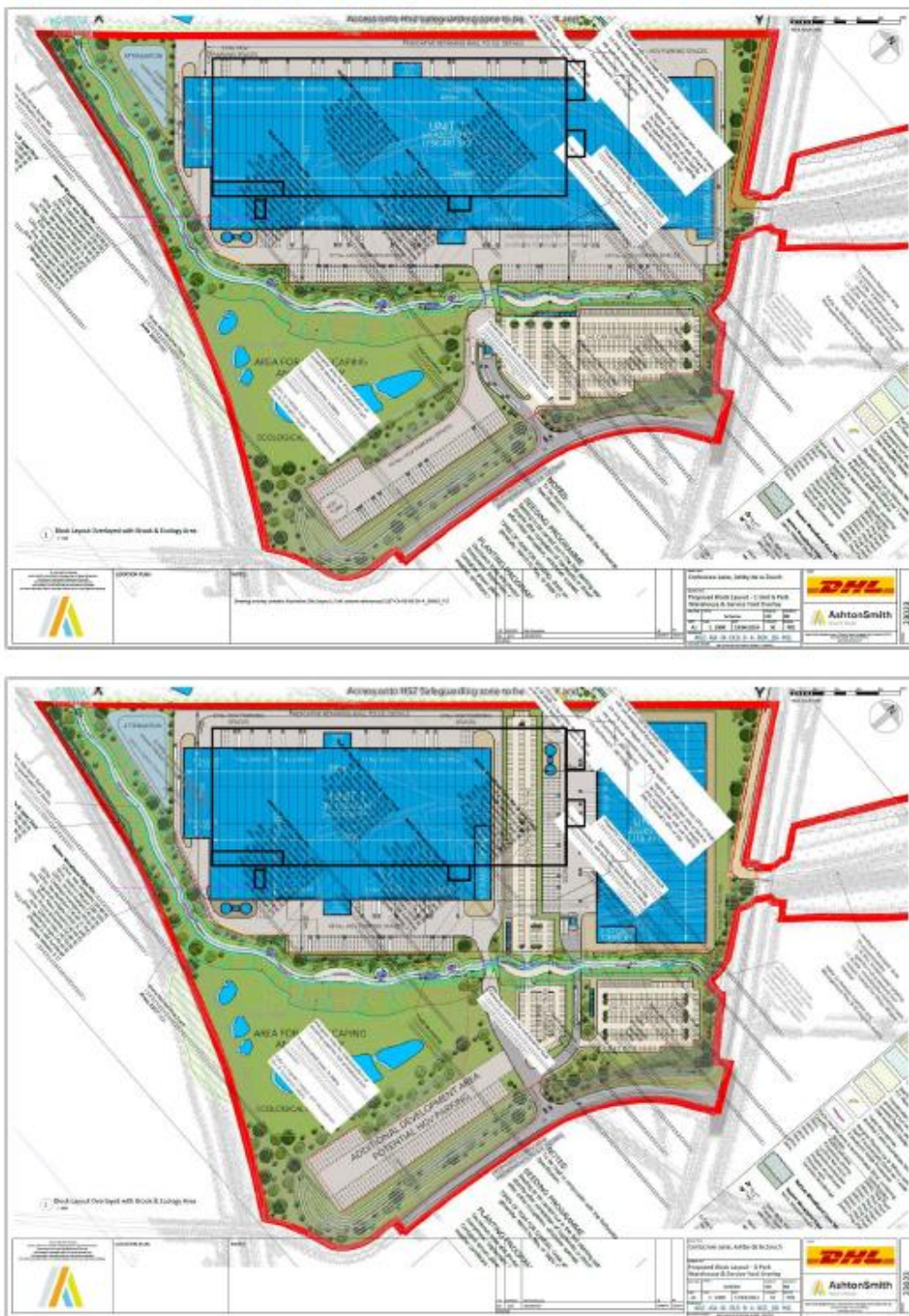
For the G-Park site, the ASA states the following:

*“The G-Park site is not suitable for the DHL RES requirement on the basis that:*

- (i) The DHL RES Requirement cannot be met at G-Park. The requirement would need to be compromised (i.e. amended and reduced) resulting in the need not being fully fulfilled.*
- (ii) The G-Park development zones, placing HGV parking to the south of the main development plot to maximise the building footprint to the north within Zone 1 would not meet the known DHL RES Requirement of 110+ HGV parking spots on plot.*
- (iii) The G-Park site is a unique opportunity in NWL to deliver a single unit of up to 70,000 square metres, with significant upsides in waiting for this requirement to come forward (for both the promoter and the district).*
- (iv) The DHL RES Requirement of 40,000 square metres plus significant yard would result in a sterilisation of the remainder of the G-Park site (see Figure 7.6) that would result in the effective loss of designated employment floorspace and the ineffective use of the G-Park site in the region of 20,000 square metres, with both the single unit and two unit G-Park schemes clearly not compatible with the DHL RES Requirement.”*

**Figure 7.6 referred to in the ASA** is shown in the image below on the following page.

Figure 7.6 DHL RES Requirement overlay of G-Park (single and two unit schemes)



The ASA concludes that:

*“While G-Park is acknowledged as being able to theoretically accommodate the DHL RES Requirement, the assessment is clear that the bespoke DHL RES Requirement could not be met on the site without compromise, which would also sterilise circa 20,000 sqm of employment floorspace and lose a unique opportunity to deliver a single 70,000 sqm unit in NWL.*

*The ASA has reviewed all allocated, emerging and available sites within NWL and concludes that there are no sites that are suitable within the district that are capable of realistically accommodating*

*the DHL RES Requirement and as such, policy is clear that NWL should support the application to which this ASA supports.”*

#### *Officers’ Assessment of Applicant’s Submission*

Whilst Policy Ec2(2) does not require an applicant to consider non-Local Plan sites (for example sites / locations proposed for Employment Allocations in the new Local Plan for both general need and strategic B8 and / or sites with planning permission), officers’ advised the applicants that the availability or otherwise of reasonable alternative sites may be relevant when assessing the degree of harm (if any) of the proposal.

In respect of sites / locations proposed for Employment Allocations in the new Local Plan (for both general need and strategic B8 and / or sites with planning permission), the ASA sets out various reasons to discount such sites. Overall, officers accept that these sites are at an early stage in the plan making process and that, at the point of determining this application, they do not have sufficient certainty to be regarded as available alternatives.

With regards to sites with planning permission, the ASA has rejected the St Modwens site south of J1 of the A50 (19/01496/OUTM and 24/00074/REMM) given that buildings would be subject to a maximum ridge height of 18 metres which is below the requirement of DHL RES (of 23 metres). The site at Netherfields Lane (20/00316/OUTM and 22/00954/REMM) is discounted as the largest building has a floor space of 31,773 sqm which again would be below the requirement of DHL RES (40,000 sqm+). Officers accept, therefore, that these sites are not reasonable alternatives.

In terms of allocated sites there are four sites to consider:

- (a) Rear off Charnwood Arms, Bardon (Policy Ec1b);
- (b) Money Hill, Ashby De La Zouch (Policy Ec2);
- (c) Land at Sawley Crossroads, Sawley (Policy Ec1c); and
- (d) Former Lounge site (now G-Park), Ashby De La Zouch (Policy Ec1a).

Officers’ assessment of these sites is as follows:

- (a) This site is not of a sufficient size and there is an extant permission to use the site for the owner’s business (22/00954/REMM);
- (b) This site is not sufficiently advanced through the planning process to meet an ‘immediate demand’;
- (c) The site at Sawley crossroads has recently been granted planning permission for a single unit of some 59,910 sqm (24/01200/FULM). The approved site layout plan shows 491 car parking spaces and 129 HGV spaces. The site is in a well-connected location with excellent connections to M1 J24 and A50 J1. Whilst not located on the A42, the site has reasonable connections to it via J23a of the M1. The applicants have not provided any information about the suitability or otherwise of the Sawley site to meet DHL RES’s requirements. The floorspace of the Sawley unit is some 29% greater than that proposed on the application site. The scheme modestly exceeds DHL RES’s requirements for HGV parking. DHL RES have previously stated that its site would ideally be within close proximity of the A42 and A511 which offer strong strategic road network connections to north, south, east and west (Paragraph 3.2 of the applicant’s ASA). Whilst this site is adjacent to the A50, it is poorly related to the A511; additionally, DHL RES’s requirement for a smaller unit and significantly less car parking would sterilise the site. Based on the information available, it is unlikely that it could be successfully argued that the Sawley site is a realistic alternative for DHL RES;
- (d) The reasons for the ASA rejecting this site are outlined above. In summary, DHL RES’s stated requirements cannot be accommodated without adjustments to the scheme and / or sterilisation of the G-Park site.



In further discussions with the applicant the following information was submitted:

*Applicant's Alternative Sites Assessment (October 2024 Update) and Development Layout Plan for Unit 1 G-Park Warehouse & Service Yard Overlay*

## Development Layout Plan for 1 Unit G Park Warehouse & Service Yard Overlay

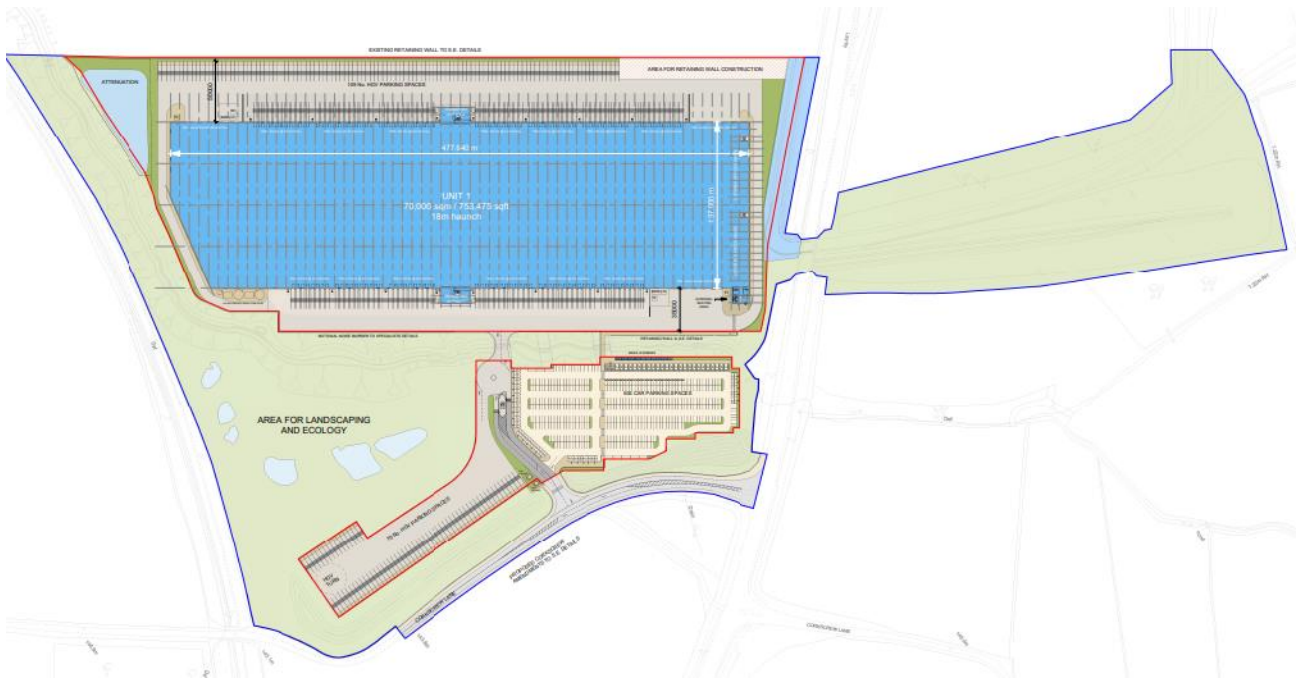
The updated Alternative Sites Assessment (UASA) reports that the test scheme would compromise DHL RES's requirements to an unacceptable level for the following reasons:

### Officer's Assessment of Applicant's Updated Assessment



a reserved matters application has recently been submitted (25/01411/REMM) for the erection of a 70,000 sqm B8 unit on the G-Park site. The submitted site plan (as shown in the below image) shows 506 car parking spaces and 179 HGV parking spaces, with the supporting documentation not suggesting there is a named end user. The unit proposed under 25/01411/REMM is nearly 51% larger than the unit proposed on the application site, and therefore suggests that from the perspective of the G-Park landowners a smaller unit on that site to meet DHL RES's requirement would have resulted in the sterilisation of the remainder of the site. On this basis officers are satisfied that G-Park is no longer considered to provide a realistic alternative to the proposals for the application site.

### **Site Layout Plan for G-Park Development (25/01411/REMM)**



### ***New Local Plan***

The application site is one of a number of sites which have been agreed for allocation in the Regulation 19 version of the new Local Plan for strategic warehousing, subject to the outcome of transport modelling, viability assessment and infrastructure requirements (as per the Local Plan Committee of the 19<sup>th</sup> November 2025 referred to above).

The proposed allocations have not been tested through the independent Examination process, and are at an early stage in the Local Plan process. Ordinarily, having regard to Paragraph 49 of the NPPF, site allocations at this stage would be given only limited weight in the determination of an application.

Nonetheless, as outlined above, the Leicester & Leicestershire Strategic Distribution Floorspace Needs Update and Apportionment Study reveals a need for additional strategic warehousing of a very significant scale and recommends that a substantial proportion of this should be met in North West Leicestershire, including along the M42 / A42 corridor. Officers in the Council's Planning Policy and Land Charges Team have assessed all the realistic candidate sites along the M42 / A42 as part of the new Local Plan process and have identified the application site as one which is suitable for allocation.

Furthermore, the site has been subject to detailed assessment through the planning application process and (as set out in more detail within the relevant sections of this report below) this indicates that there are no technical constraints to development which cannot be overcome through mitigation.

In summary (and subject to more detailed assessments elsewhere within this report):

- 1) There is a substantial future need which will necessitate the development of suitable sites in North West Leicestershire.
- 2) The application site has been tested alongside the other reasonable candidate sites as part of the Local Plan process and has been found by officers to be suitable.
- 3) There are no technical barriers to the site's development which cannot be acceptably mitigated.

These factors are considered to be material to the determination of the application.

#### *Need or Demand for Additional Employment Land and New Local Plan Conclusion*

Paragraph 85 of the NPPF (2024) indicates that planning decisions should “*help create the conditions in which businesses can invest, expand and adapt*” and that “*significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*”

Criterion (e) of Paragraph 86 of the NPPF indicates that planning policies should “*be flexible enough to accommodate needs not anticipated in the plan, and allow for new and flexible working practices and spaces to enable a rapid response to changes in economic circumstances.*” This stance is also reflected in Policy Ec2(2) of the adopted Local Plan.

Work on the new Local Plan shows a direction of travel in terms of how the Leicester & Leicestershire Strategic Distribution Floorspace Needs Update and Apportionment Study's findings could be addressed. Officers' assessment of the application site compared with other candidates suggests it is suitable for allocation and this assessment has been affirmed by the Local Plan Committee (19 November 2025). As above, therefore, subject to the details of the scheme being acceptable, it is considered that it would be unreasonable to resist development on this site and, if permitted, the site would contribute towards the need identified in the study.

In respect of the adopted Local Plan as already demonstrated, an *immediate demand* for additional floorspace has been demonstrated that cannot be met at other allocated sites. The proposals are therefore considered to meet this element of Policy Ec2(2).

In such circumstances there is a need to assess the schemes performance against criteria (a), (b) and (c) within Ec2(2) and this is assessed in the ‘*Compliance with Criteria of Policies S3 and Ec2(2) of the adopted Local Plan*’ section of this report below. This is with the exception of criterion (b), which is assessed in the ‘*Accessibility*’ section of this report, and criterion (c) (insofar as it relates to residential amenity) which is assessed in the ‘*Residential Amenity*’ section.

#### *Other Matters Relating to the Principle of Development*

It is noted that the NPPF contains encouragement for the effective use of land, and in particular by maximising use of previously developed sites (Paragraph 124). Clearly the development of this site would not sit particularly well with this approach. However, having regard to the particular nature and scale of the proposals (and the conclusions in respect of the assessment of alternative allocated sites above), it is accepted that the scheme would not be unacceptable in this regard.

#### *Conclusions in respect of the Principle of Development*

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The site lies outside the Limits to Development and, unless the scheme can be shown to comply with one of the development types specified under Policy S3, there would be an in-principle conflict with this development plan policy designed to protect the countryside from inappropriate development. On the basis of the conclusions above in respect of the compliance with Policy Ec2(2), however, the view is taken that the proposals would meet the test of there being an *immediate demand* for the development and, subject to the associated criteria under Ec2(2) (a), (b) and (c) also being met, the scheme would comply with Policy Ec2 (and, hence, with the *in-principle* element of Policy S3(s)).

It is also necessary to consider the proposal's compliance with criteria (i) to (vi) within Policy S3 and this is undertaken in the following section of this report.

#### Compliance with Criteria of Policies S3 and Ec2(2) of the adopted Local Plan

##### *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.*

##### *Criterion (c) of Policy Ec2(2)*

- (c) Not being detrimental to the amenities of any nearby residential properties or the wider environment.*

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 Parish of Coleorton but is significantly detached from the linear settlement comprising Coleorton which is to the east. The settlement of Ashby De La Zouch is to the north-west, the settlements of New Packington and Packington are to the west / south-west, the settlement of Farm Town is to the east, and the settlements of Sinope, Ravenstone, Swannington, and Coalville are to the east / south-east.

Whilst the proposed development would be located on undeveloped land between these settlements, the application site is severed from the settlement of Ashby De La Zouch by the presence of the A42, from New Packington and Packington by the presence of a railway line and from Farm Town and Coleorton by the presence of the A511 (Ashby Road). Separation distances are more significant (being in excess of 1,000 metres) to the settlements of Sinope, Ravenstone, Swannington, and the western edges of Coalville with the alignment of the A511 to the southern site boundary placing the settlements of Sinope, Swannington, and Coalville on the opposite side of the A511 to the application site.

Given the placement of the development in relation to the neighbouring settlements, and the 'barriers' which would separate the application site from such settlements, it is considered that the '*physical*' separation between settlements would not decrease. It is also concluded, in the '*Landscape and Visual Impact*' section of this report below, that the visual effects of the development would be localised and consequently it is considered that the '*perceived*' separation between settlements would not be diminished.

On the basis that any impact would not undermine the physical ***and*** perceived separation (***officer emphasis***) and open undeveloped character between nearby settlements it is considered that there would be no conflict with criterion (ii).

With regards to criterion (iii), the Planning Portal defines 'ribbon development' as "*development, usually residential, extending along one or both sides of a road but not extended in depth*" with the dictionary definition being "*the building of houses along a main road, especially one leading from a town or village.*" By strict definition the proposal would not be in conflict with criteria (iii), as the development is not residential. It is also considered that it would not represent a continuation of development out of a town or village given the separation of the site from the settlement of Ashby De La Zouch, which lies on the opposite side of the A42, as well as the separation from other settlements in the area.

On the basis of the above there would be no conflict with criterion (iii) of Policy S3.

#### *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 bound by the A511 (Ashby Road) to the east, Corkscrew Lane to the north and west (beyond which is the consented G-Park development (19/00652/FULM)), and a railway line to the south-west.

When accounting for such existing development, as well as proposed development in the form of G-Park and its associated parking, it is considered that the proposed built development would be well integrated with existing development and consequently would not conflict with criterion (iv) of Policy S3.

#### *Criterion (v) of Policy S3*

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

Whilst offices (under use class E(g)(ii)) would be classed as a main town centre use, and therefore expected to be directed toward the closest Town Centre / Primary Shopping Area, it is noted that the offices proposed as part of the application would be ancillary to the primary use of the unit under either use class B2 or B8 and therefore it would be unreasonable to redirect the office space to the closest Town Centre / Primary Shopping Area. A condition would be imposed on any permission granted to enforce that the offices are used as ancillary to the principal use of the unit.

It is also noted, in any event, that offices are now excluded from the need for an impact assessment to the vitality and viability of the town centre to be undertaken under Paragraph 94 of the NPPF. Overall, and taking into account the ancillary nature of any offices, it is considered that no conflict with criterion (v) of Policy S3 arises.

#### *Criterion (vi) of Policy S3*

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

*Criterion (a) of Policy Ec2(2)*

- (a) *Being accessible or will be made accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development.*

It is considered that both criterion (vi) of Policy S3 and criterion (a) of Policy Ec2(2) seek to secure the same requirement, being that new development is either accessible, or can be made accessible, by sustainable transport modes.

Insofar as public transport is concerned, whilst Ashby De La Zouch is well served by buses, officers are of the opinion that the site itself is not currently well served, with the closest pair of bus stops being a considerable distance from the site on either Upper Packington Road or Leicester Road. In terms of pedestrian and cycle connectivity, there is no pedestrian footway which exists along the length of Corkscrew Lane nor the A511 (Ashby Road). A pedestrian footway exists along the north-eastern side of Leicester Road, New Packington but this terminates at the junction with Corkscrew Lane.

Notwithstanding this, for the reasons as discussed in the '*Transport Sustainability*' sub-section of the '*Accessibility*' section of this report below it is considered that subject to the imposition of conditions, and securing of relevant contributions (as discussed in the '*Developer Contributions and Infrastructure*' section of this report below) the proposed development would be compliant with criterion (vi) of Policy S3 and criterion (a) of Policy Ec2(2).

In the above respect a Public Transport Strategy (PTS) would be secured, along with bus passes, travel packs, and an occupier specific travel plan which would be based against the submitted Framework Travel Plan (FTP). Financial contributions would also secure the appointment of a Travel Plan Co-ordinator and a fee for the monitoring of the occupier specific travel plan.

The securing of such measures would result in the delivery of bus provision to the site as well as the encouragement of the use of other forms of transport than the private car with cycling being considered a viable means of transportation from Ashby De La Zouch (if accessing the site from the south-west via Leicester Road and Corkscrew Lane).

*Overall Conclusion in Relation to Compliance with Criteria of Policies S3 and Ec2(2) of the adopted Local Plan*

Paragraph 87 of the NPPF outlines that planning decisions should recognise and address the specific locational requirements of different sectors, including making provision for (amongst other things):

*"storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation." (criterion b))*

It is concluded above that the proposal would not conflict with criteria (i) to (vi) of Policy S3 of the adopted Local Plan, nor criteria (a) and (c) (insofar as it relates to the 'wider environment') of Policy Ec2(2). The assessment of criterion (c) of Policy Ec2(2) (insofar as it relates to 'residential amenity') is undertaken within the '*Residential Amenity*' section of this report below, and where it is concluded that no significantly adverse impacts would arise. The assessment of criterion (b) of Policy Ec2(2) is undertaken in the '*Accessibility*' section of this report below, and where it is again concluded that no adverse impacts would arise.

The proposal is also considered compliant with the aims of Paragraph 87 of the NPPF.

Other issues associated with the development are assessed in more detail in the relevant sections of this report below.

### **Landscape and Visual Impact**

Criterion (i) of Policy S3 of the adopted Local Plan (2021) 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. Criterion (c) of Policy Ec2(2) requires employment development to not be detrimental to the wider environment.

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

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application which has been subject to review by a Landscape Consultant appointed by the Council (Council's Landscape Consultant).

The Council's Landscape Consultant has outlined that the landscape of and around the site is generally rural, pleasant and undulating to the north-east, east and south, with medium to large sized arable fields and blocks of woodland. However, the local landscape is also affected by some detracting features including the A511 (Ashby Road), and its traffic, as well as the adjoining site to the west (associated with the G-Park development – 19/00652/FULM) where development has been undertaken including earthworks and the formation of the vehicular access. The A42 lies around 800 metres to the north-west and marks the existing edge of Ashby De La Zouch in the direction of the site, however the road is tree lined and runs in a cutting along this section so neither the A42, or the urban area of Ashby De La Zouch, have any significant visibility from the area around the site. Land between G-Park and the A42 was previously subject to a safeguarding direction associated with HS2 East (formerly HS2 Phase 2b) but this has subsequently been lifted.

In terms of Landscape Character Effects, the LVIA concludes that the site would be located within the '*Enclosed Farmlands*' landscape type (as defined by the Charnwood Forest Landscape and Character Assessment (2008)) and that a sensitivity study undertaken by Gillespies for the Council as part of the new Local Plan evidence base concludes that the site is of 'low to medium' landscape sensitivity to commercial development. Notwithstanding this, the LVIA has undertaken a separate appraisal based on the specific type of development proposed which has also concluded that the application site is 'low to medium' in sensitivity.

The assessment of the impacts to the '*Enclosed Farmlands*' landscape type would be 'minor adverse' at year 1, reducing to 'negligible to minor adverse' in the longer term at year 15. The significance of such effects to the landscape character, when accounting for the loss of the agricultural land use and its replacement with commercial development, would be 'moderate adverse' at completion (year 1) reducing to 'minor adverse to moderate adverse' at year 15.

With regards to Visual Effects, the LVIA concludes that views of the site, as well as views of the development, may occur from a relatively wide area but would generally be lower-level effects in terms of the magnitude of impact and significance of the effect. Locations immediately adjacent to the site which have the highest impact and effect, both at completion and residually at year 15, are generally limited to the routes of Corkscrew Lane and the A511 and whilst there is a higher effect such receptors are judged as medium sensitivity receptors. The LVIA also outlines that the proximity of these receptors to the proposed development would inevitably lead to greater impacts.

Several public rights of way (PRoWs) in the immediate landscape have a range of impacts and effects with these being lower in locations to the south, where landform and vegetation around



Breach Hill Farm form a greater level of screening. This contrasts with PRowWs to the north, where more elevated positions west of Farm Town enable more direct views.

In the wider landscape, and notwithstanding the ‘theoretical visibility’, the LVIA concludes that the proposed development would be screened or not be prominent in wider panoramas and as such the visual effects would be far lower even where the proposed development might be visible. On this basis the LVIA determines that only limited effects on local visual amenity would arise, with any notable effects limited to locations on or immediately adjacent to the site.

The context of the application site is as shown in the below images, with such assessment of the context needing to account for the delivery of employment development on the adjacent G-Park site.

## Site Context







The Council's Landscape Consultant has outlined that in terms of the potential landscape and visual effects it is relevant to note the following:

- (i) The site is not particularly prominent, and is enclosed to some degree by rising ground and trees alongside the A511 to north and east, woodland to the south and the A42 and trees alongside it (beyond the adjacent development site) to the west. However, the proposed building would be large and locally very visible, and would have the potential to appear discordant within what is at the moment a largely rural landscape.
- (ii) The site is around 800 metres from the A42 and the urban edge of Ashby De La Zouch beyond it, though the G-Park development site lies within that intervening land. The indicative masterplan for the G-Park development shows a single large building in the north-western part of the site, aligned parallel to and alongside the A42, with heavy goods vehicle (HGV) and car parking areas in the eastern part of the site, and a planted bund between the site and Corkscrew Lane.

In reviewing the applicant's LVIA, the Council's Landscape Consultant has highlighted the following:

- (i) The Gillespies assessment seems to be of the site itself (rather than of the site and the landscape around it) and could have been somewhat higher if it has been of the wider local landscape. This is due to the site and surrounding area being largely pleasant and rural, and while the nearby roads have some influence, the A42 is generally screened from the site, and the G-Park site is set at a lower level.
- (ii) In places the LVIA overstates the influence of the G-Park development on local landscape character given that the G-Park proposals indicate that any new building would be over 180 metres from the nearest part of the application site and would be screened to some extent by the planted bund along the eastern G-Park boundary (other than at the point of access into the G-Park development).
- (iii) The LVIA (at section 3.67) notes that the finished floor levels (FFLs) of the G-Park development would be 134.75 to 135.75 metres above ordnance datum (AOD), with a building height of 23 metres. This would result in a maximum ridge height of 158.75 metres. On the basis of the amended plans the FFL of the proposed building would be 146.60 metres AOD (with a margin of +/- 2 metres) and therefore the overall building height would be a minimum of 167.60 metres AOD and maximum of 171.60 metres AOD (based on a height of 23 metres). The building would therefore have the potential, if the higher FFL was selected, to be in excess of 10 metres higher than the G-Park development (the building would still be in excess of 8.5 metres higher even if the lower

- FFL was selected).
- (iv) Following a site visit, the Council's Landscape Consultant is of the view that the landscape of and around the site should be assessed as being of higher sensitivity, probably up to medium. On this basis the magnitude of change (given the scale of the proposed building) to the local landscape should also be greater than medium, with landscape effects therefore being higher than moderate adverse.
  - (v) Given the height of the proposed building (23 metres) it would not be fully screened after 15 years given that any new planting would probably be no taller than 7 to 10 metres by that time.
  - (vi) No consideration is given to night time effects – the area of and around the site is not specifically sensitive in terms of dark skies (with the G-Park development introducing new light sources) but the proposals would involve new light sources extending out into the countryside for around 350 to 450 metres to the south-east of Corkscrew Lane, and there would be some significant adverse effects in that regard.

In concluding the Council's Landscape Consultant considers that the LVIA has understated the landscape and visual effects, and even if the assessment of the LVIA was accepted it shows that there would be a degree of long term landscape harm and consequently the landscape would not be safeguarded or enhanced, there would also be detriment to the wider environment. On this basis there would be a degree of conflict with Policies S3 and Ec2(2) of the adopted Local Plan.

A revised LVIA (RLVIA) was subsequently submitted by the applicant following the amendments to the scheme which outlined that DHL Real Estate Solutions (DHL RES) would be developing the site.

The amendments have resulted in the building being set further from the western side of the site, but this in turn has pushed the building closer to the eastern side of the site where it would run close to the A511 for a distance of over 300 metres.

Following a review of the RLVIA, the Council's Landscape Consultant considers that the resultant landscape and visual effects would be at the same level as those associated with the original scheme. This is due to the fact that whilst there would be some reduction in the effects to the west, these would likely increase to the east. The Council's Landscape Consultant also considers that the National Forest planting to be delivered on the opposite side of the A511 is divorced from the site and consequently would not really assist in mitigating the impacts. Such planting should therefore not be considered to be a significant benefit in relation to mitigating the landscape and visual effects.

A further perspective viewpoint has been provided by the applicant to demonstrate the visual impacts of the development, and this is shown in the image below.

### **Perspective Viewpoint Image**



The applicant has also outlined that a review of the levels has enabled it to be established that the building would have a maximum height of 168.9 metres AOD and that a 4.9 metre high bund would also be created at the southern end of the site. The formation of the bund, combined with the proposed 'cut and fill', would result in the building only projecting 15.7 metres above the perceived ground level at the southern end of the site. It has also been confirmed that the tree planting to be incorporated as part of the development, which would be considered as part of the landscaping reserved matter, would largely comprise woodland planting.

Whilst the Council's Landscape Consultant considers that woodland planting would be appropriate for the purposes of screening it remains the case that, due to the height of the building, such planting would not be able to provide a complete screen even in the long term. Also, as the perspective viewpoint is not a verified photomontage its interpretation of the visual impact should also be treated with caution.

Overall, whilst the Council's Landscape Consultant has not undertaken their own LVIA their view is that in year 1 the impact to landscape character would be moderate to major adverse reducing to some extent after 15 years to moderate adverse.

Even if the position of the Council's Landscape Consultant was accepted, it is considered that given the mitigation proposed and the limited viewpoints from where a 'significant' effect would be experienced it would remain reasonable to argue that (to a significant degree) the appearance and character of the landscape would be 'safeguarded.' However (and notwithstanding the proposed landscaping), it would seem difficult to conclude that the appearance and character of the landscape would (as required by the policy) also be *enhanced*.

Overall, it is officers' view that the proposal would accord with the aims and intentions of criterion (i) of Policy S3 and criterion (c) of Policy Ec2(2).

### **Agricultural Land Quality**

Policy En6 of the adopted Local Plan (2021) provides that development should avoid any unacceptably adverse impact upon soils of high environmental value, and explanatory Paragraph 5.26 of the adopted Local Plan provides that: *"Whilst policy seeks to facilitate the diversification of the rural economy, there are also benefits to the protection of the best and most versatile agricultural land. Where appropriate we shall seek the use of areas of poorer quality land in preference to that of agricultural land of a higher quality."*

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 (AQ) report has been submitted which identifies that the quality of the agricultural land is 46% Grade 2 (BMV), 47% Subgrade 3a (BMV) and 7% subgrade 3b (not BMV). The overall site area is 11.5 hectares.

The Grade 2 land broadly corresponds to soils identified as "loamy", the Grade 3a land to soils identified as "coarse loamy soils with moderately high topsoil stone content" and "sandy clay loam soils with imperfect drainage", and the Grade 3b land to soils identified as having "high topsoil stone content."

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. In this instance the impact of the development is related to 10.7 hectares of BMV and therefore is below the threshold of 20 hectares.

#### Agricultural Land Quality Conclusion

Whilst the irreversible loss of higher quality agricultural land would weigh against the proposals in terms of the environmental objective of sustainable development, it is considered that the quantum involved would not, overall, be considered unacceptable when weighed against all other material considerations.

#### **Means of Access, Highways and Transportation**

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.

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 accounting for the advice within the Leicestershire Highways Design Guide (LHDG).

The application is an outline application with only part access, being the principal access into the site from Corkscrew Lane, sought for approval at this stage.

As originally submitted the application was supported by a Transport Assessment (TA), containing a Stage 1 Road Safety Audit (RSA) and Designers Response (DR), and Framework Travel Plan (FTP). Highway Technical Notes (HTNs) (containing a revised Stage 1 RSA and DR) have subsequently been submitted following consultation responses from the CHA and NH.

#### Site Access

The development site would be accessed from Corkscrew Lane which is an unclassified road subject to the national speed limit and a 7.5 tonne weight restriction, the application site also shares a boundary with the A511 (Ashby Road).

Corkscrew Lane joins the A511 as the minor arm of a ghost island priority-controlled T-junction. The A511 is part of the Major Road Network (MRN) and is also subject to the national speed limit.

Originally the access design proposed a ghost right turn access arrangement off Corkscrew Lane but this has subsequently been removed from the proposals given that, in the view of the CHA, it was not justified given that the majority of the traffic, and all of the heavy goods vehicles (HGVs), would route towards the site from the A511 and therefore the movement into the site would be a 'left turn'.

As proposed the site access would have a width of 7.3 metres for a distance of in excess of 35 metres with 15 metre radii either side. Such access geometry complies with the LHDG. The Corkscrew Lane carriageway within the vicinity of the site would also be widened to 7.3 metres, which would be via a combination of work undertaken by the applicant as well as work undertaken by the development of the G-Park site (as permitted under application reference 19/00652/FULM). The submitted access drawings also show how the proposed access would interact with that associated with the consented G-Park development.

In addition to the above, a central refuge would be provided which would connect a short section of proposed footway on the other side of Corkscrew Lane to enable pedestrian connectivity to the G-Park site. The central refuge accords with the LHDG.

Whilst some third party representations have commented that the access would be better positioned on Corkscrew Lane so as to be closer to the junction with Leicester Road, as this would encourage vehicles to turn left towards Leicester Road, the application is to be assessed on its own merits, and the CHA have no objections to the proposed access. Notwithstanding this, employee vehicles and smaller commercial vehicles would still have the ability to turn left out of the site and utilise Leicester Road, but HGVs would be restricted given the weight restriction which would remain in force on Corkscrew Lane between the site access and the junction with Leicester Road. Thereby some vehicular movements to and from the site would likely be distributed towards Leicester Road.

Conversely some third party representations (as well as Ashby De La Zouch Town Council) have commented that vehicles turning left out of the site towards Leicester Road should be prevented and that a height restriction barrier is put in place on Corkscrew Lane given the insufficient width of the highway. In these respects, the weight restriction which would remain in place on Corkscrew Lane (following its relocation) would result in HGVs being directed towards the A511 (Ashby Road) and therefore there would be no requirement for a height restriction barrier at the Leicester Road junction, nor is one required by the CHA. A condition preventing vehicles turning left out of the site would also be unreasonable and unnecessary to make the development acceptable in planning terms and therefore would fail the tests for conditions as outlined at Paragraph 57 of the NPPF.

Overall, the part access sought for approval is acceptable to the CHA.

#### *Visibility*

The submitted drawings demonstrate visibility splays of 4.5 metres by 128.8 metres in a northern direction and 4.5 metres by 117.7 metres in a southern direction which would be contained upon land either in the control of the applicant or within the highway boundary. Such visibility splays are provided following a speed survey which recorded 85<sup>th</sup> percentile speeds of 44.7mph southbound and 45.9mph northbound.

The visibility splays to be delivered are acceptable to the CHA.

#### *Swept Path Analysis*

It is demonstrated on the submitted drawings that satisfactory space for an 18.5 metre articulated HGV (the new max legal length of an articulated HGV) movement to and from the north (and simultaneously occurring) as well as a 7.5 tonne box van to and from the south (and simultaneously occurring) can be undertaken.

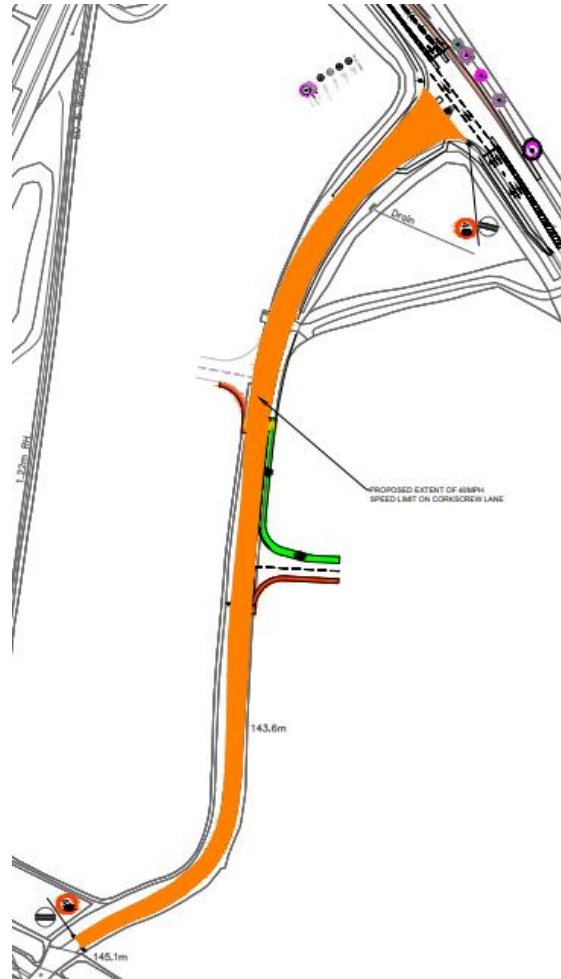
The swept paths are therefore acceptable to the CHA.

#### *Stage 1 Road Safety Audit and Designer's Response*

The Stage 1 (RSA), and associated DR, consider the proposed site access as well as the proposed signalisation of the junction of the A511 with Corkscrew Lane. Most of the issues within the Stage 1 RSA would be dealt with by the CHA as part of the Section 278 detailed design process under the Highways Act 1980 (as amended) which would be undertaken separately outside of the planning process. The only issue which required addressing as part of the access proposals was the reduction in the speed limit to 40mph on both the A511 (from the roundabout junction with the A42 to just beyond the junction with Corkscrew Lane) and part of Corkscrew Lane. This is as shown in the image below.



### Extent of 40mph Speed Limit on Corkscrew Lane

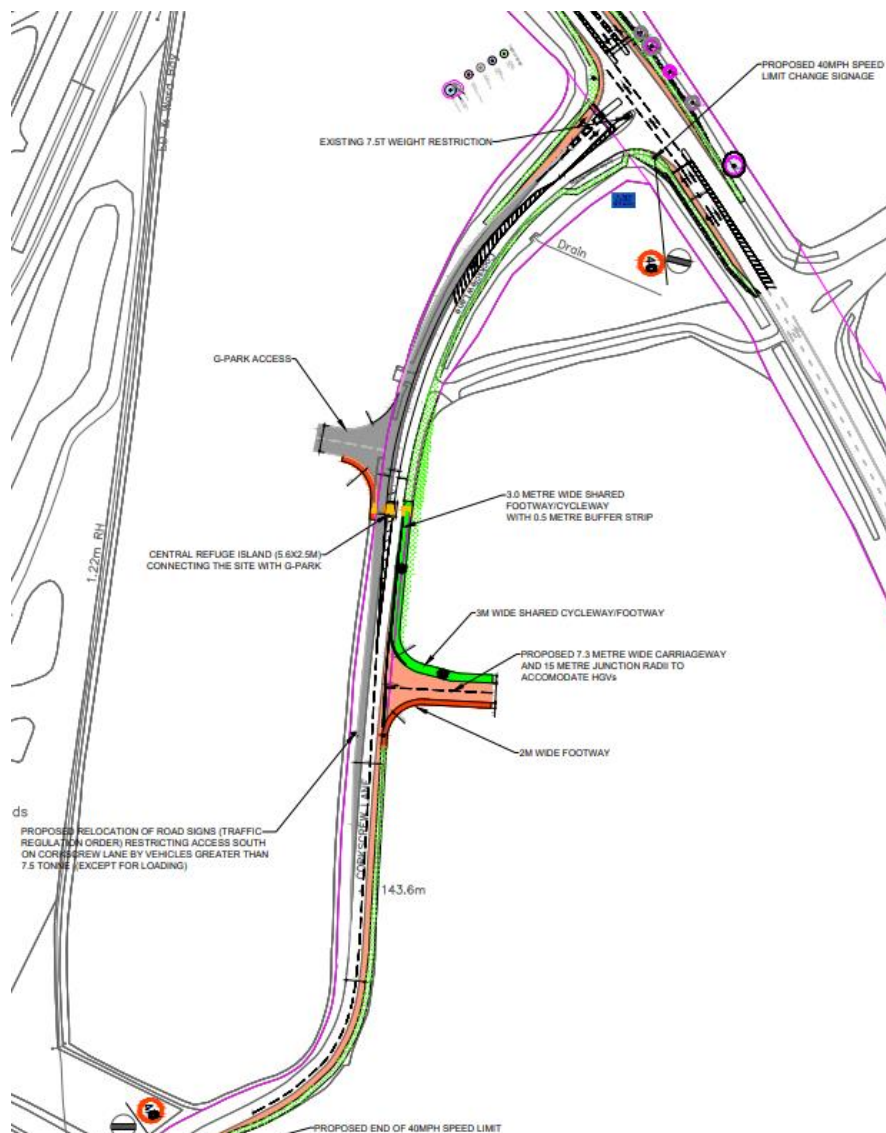


The relocation of the speed limit is acceptable to the CHA and would be subject to a Traffic Regulation Order (TRO) for such works to be undertaken which would incur a fee of £7,500.00, this is as discussed in the 'Developer Contributions and Infrastructure' section of this report below.

### *Weight Restriction*

As is outlined above Corkscrew Lane is subject to a weight restriction, and the proposed development would seek to relocate this weight restriction which is acceptable to the CHA. This is as identified in the image below. As is the case above, a TRO would be required with this being included in the fee of £7,5000.00 associated with the relocation of the speed limit signs. A plan showing the proposed location of the weight restriction sign is shown on the following page.

## Proposed Location of Weight Restriction Sign on Corkscrew Lane



Existing advanced directional signs on the A511 detailing the weight limit in its current location would also be required to be relocated along with the directional signs located opposite the junction.

Overall, the CHA is satisfied with the proposed site access, which is the part access sought for approval at this stage.

### Highway Safety

Within the submitted TA it is outlined that the applicant has obtained Personal Injury Collision (PIC) data from the CHA which includes an assessment of those junctions which have been subject to junction capacity assessments as well as an additional radius of 500 metres.

The CHA is satisfied that the applicant's assessment is robust, and it is considered that the proposed development would not exacerbate the likelihood of further such incidents occurring given that a safe and suitable access design for all users has been demonstrated.



### Trip Generation, Distribution and Assignment

The submitted HTN has outlined that the proposed development would generate 131 vehicle trips in the AM peak period (08:00 to 09:00) and 140 vehicle trips in the PM peak period (17:00 to 18:00) and the CHA has confirmed that such an assessment of trip generation is acceptable.

In terms of the trip distribution and assignment, the TA has replicated the information from the G-Park development which was based on the existing turning movements at the Corkscrew Lane / A511 junction and Junction 13 of the A42. Given the location of the development, the CHA and NH are satisfied that the use of such data is acceptable.

With regards to the staff modal split, the applicant has outlined that a travel plan would be utilised as a means of allowing monitoring against relevant targets.

The CHA has no objections to the assessments undertaken in relation to the trip generation, distribution and assignment and would seek the imposition of a condition on any outline permission granted to secure an occupier specific travel plan. NH also has no objections.

### Junction Capacity Assessments

The submitted TA determined that there would be a material increase in traffic on Corkscrew Lane to the north of the proposed site access junction, at the junction of Corkscrew Lane with the A511, and then along the A511 to Junction 13 of the A42. As such an assessment of the following junctions was undertaken:

1. Proposed site access junction;
2. Proposed G-Park / Corkscrew Lane junction;
3. Corkscrew Lane / A511 junction; and
4. Junction 13 of the A42.

The assessment of such junctions took into account the following committed developments:

1. G-Park (19/00652/FULM);
2. Arla Dairies (16/00275/OUTM); and
3. Money Hill (15/00512/OUTM).

Such an approach to the assessments is considered acceptable to the CHA.

The conclusions of the TA are that both the proposed site access and the proposed G-Park / Corkscrew Lane junction (which is now built) would operate within capacity and therefore no specific mitigation is necessary for these junctions.

### Corkscrew Lane / A511 Junction

In terms of the Corkscrew Lane / A511 junction, the TA concludes that in the future year without the development scenario this junction would operate significantly over capacity with the TA summarising that:

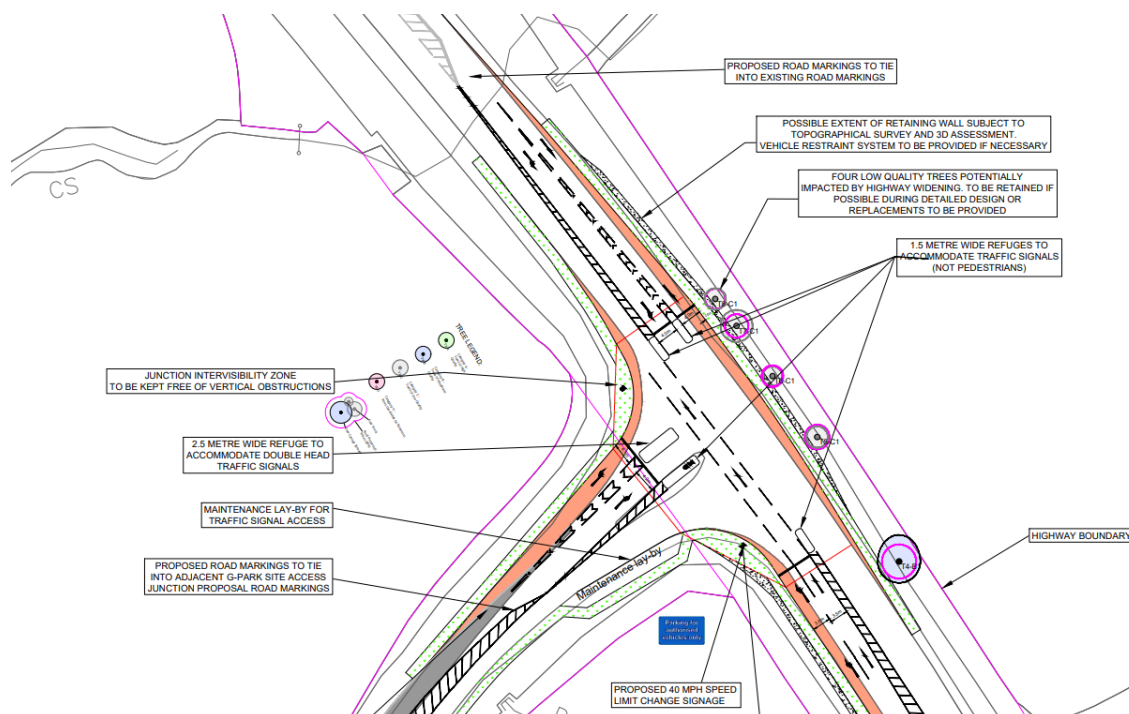
*“In the future, as traffic volumes increase, along the A511 and on Corkscrew Lane, the junction would be overcapacity. Vehicles seeking to exit Corkscrew Lane would be unable to find suitable gaps in traffic passing along the A511, resulting in large queues and very lengthy delays. These conditions, which will be experienced by the G-Park traffic, could introduce road safety problems, as drivers frustrated by waiting gamble on inadequate gaps in the passing traffic.”*

The applicant has therefore proposed a mitigation scheme which would seek to signalise this junction which is discussed further in the '*Off-Site Highway Works*' sub-section below. The CHA is satisfied that such works would provide a significant improvement on the existing performance of this junction.

The TA concluded that no improvements were necessary to this junction, however the CHA undertook a revised assessment and determined that the development would reduce capacity at this junction in the AM peak period (08:00 to 09:00). The CHA's revised assessment determined that there was scope to reduce the delay and achieve more capacity by changes to the timings of the signal controls. On this basis the CHA has outlined that a financial contribution of £12,760.00 would be required, which is discussed in the *'Developer Contributions and Infrastructure'* section of this report below.

A financial contribution would also be secured within the Section 106 agreement for the Interim Coalville Transport Strategy (ICTS) which would be based on a contribution of £53,083.00 per hectare (i.e. £610,454.50 in this instance - £53,083.00 x 11.5 hectares (which excludes the site area associated with the potential foul drainage connection to Farm Town)). This would further mitigate the impacts to the highway network around the application site.

As is outlined in the '*Junction Capacity Assessments*' sub-section above, the junction of Corkscrew Lane with the A511 would become signalised. This is as shown in the image below:



The CHA has ensured that the tracking for the junction utilises an 18.5-metre-long articulated HGV and accords with the guidance of the LHDG, consequently it is acceptable.

In addition to the junction signalisation, the proposed development would also result in the closure of two existing field accesses which is welcomed by the CHA. The CHA is also satisfied that the proposed development would not significantly affect trees within the ownership of Leicestershire County Council.

Subject to the imposition of conditions on any outline permission granted the CHA are satisfied with the off-site highway works.

Whilst concerns are raised that the signalisation of the junction will result in 'rat-running' through Farm Town, as well as via Corkscrew Lane and Leicester Road, this is not evidenced with the conclusions of the CHA being that the performance of the junction would be significantly improved. In such circumstances the use of Farm Town Lane or Leicester Road would not be seen as advantageous in avoiding congestion given the length of the diversion and the nature of these highways. The signalised junction is also before the left turn junction of Corkscrew Lane with the A511 (Ashby Road), connecting to Farm Town Lane, and therefore vehicles directing towards Farm Town would again not be seen as advantageous. Additionally, the part of Corkscrew Lane which connects with Farm Town is subject to a weight restriction, as is the junction of The Moorlands with the A511.

A condition preventing vehicles from turning left out of the junction of Corkscrew Lane with the A511 (Ashby Road) would also not be necessary to make the development acceptable in planning terms given that this is not a requirement of the CHA. It is also the case that the imposition of such a restriction would also be unreasonable given that travelling left along the A511 would provide convenient and more direct access to the M1 (South) from the application site.

#### Internal Layout

Under this outline application only part access is sought for approval, being the principal means of vehicular access into the site from Corkscrew Lane, with all other matters reserved for subsequent approval should outline permission be forthcoming. The CHA has outlined that the parking for cars, light goods vehicles (LGVs) and HGVs should accord with the LHDG, both in terms of the number of spaces and space size and layout requirements. Vehicle swept path analysis would also need to be provided to demonstrate that suitable turning space is available within the site, and that the proposed spaces can be used such that no reversing or parking would be undertaken upon the internal highway or the public highway.

Informatives could be included on any decision notice to advise of the need for the applicant to comply with these requirements.

#### Transport Sustainability

The CHA has reviewed the submitted FTP and consider it acceptable as:

1. The FTP provides a basic background of the development site which includes location plan, description of the proposed development, and forecasted trip generation;
2. Existing travel infrastructure and services nearby to the site have been clearly identified and detailed;
3. Identification, roles and responsibilities of the Travel Plan Co-ordinator have been detailed, including the arrangements to continue to meet the plans targets and deliver the plans benefits well into the future e.g. annual monitoring report every 12 months for a 5 year period; and
4. Specific, Measurable, Achievable, Realistic and Time Bound (SMART) target outputs and

outcomes have been listed with relevant milestones and deadlines to measure progress, including the creation of a Bike User Group (BUG) and promotion of the cycle to work scheme.

The FTP also makes reference to the Public Transport Strategy (PTS) secured by condition in respect of the G-Park site with the TA stating that:

*“There are no footways in the vicinity of the site and only a small population within walking distance. Bus stops are remote. However, a condition can be added to any planning consent requiring a Public Transport Strategy to be derived in advance of occupation of the development. Such a condition was applied to the G-Park consent and G-Park will introduce bus services that can be used by its employees. Those same buses, enhanced as necessarily through the Public Transport Strategy, will also serve the proposed development’s employees.*

*A condition will also be required to ensure that each occupier provides and operates a Travel Plan, in accordance with the Framework Travel Plan, that accompanies the application. The Framework Travel Plan includes various measures such as the appointment of Travel Plan Co-ordinators, provision of travel packs and bus passes to employees. The conditions requiring the Public Transport Strategy and Travel Plans are required to make the development acceptable and ensure that the opportunities for sustainable transport have been taken up.”*

The CHA has advised that the PTS would be secured by condition with the bus passes, travel packs, travel plan co-ordinator and a travel plan monitoring fee being secured in a legal agreement. This being discussed in the ‘Developer Contributions and Infrastructure’ section of this report below.

It is also the case that the Council is aware of the Ashby Business Improvement District (BID) hopper bus service which has a trial run from the end of November 2025 for an initial period of 3 months (based on current funding) with there being the potential that this service (if maintained) could connect employees to and from the site to Ashby De La Zouch I. An informative could be imposed on any outline permission granted to make the applicant aware of this service so that the matter can be explored further at the time any application is submitted to discharge the PTS condition. Any financial contribution required for the service could also be negotiated by the applicant with the Ashby BID outside of the planning process.

For their part NH has confirmed that they are satisfied with the approach to improving the sustainability of the site location.

Concerns have been raised by third parties and the Parish / Town Councils in relation to the proposed development not delivering opportunities for cyclists and pedestrians to access the site, and that a pedestrian / cycle network between Coalville and Ashby De La Zouch would not be delivered.

As is outlined above, the CHA and NH are satisfied that the imposition of a condition requiring the provision of a PTS and occupier specific travel plan, as well as obligations to appoint a travel plan co-ordinator and securing a travel plan monitoring contribution, would be sufficient in improving the sustainability of the site location.

In terms of cycling and walking access, the Council is working with Leicestershire County Council (LCC) on the Local Cycling and Walking Infrastructure Plan (LCWIP) which has the aims of increasing mobility by means of sustainable transport methods and which links jobs and communities together.

Although the LCWIP identifies the creation of a 4.5 kilometre link between Coalville and Ashby De La Zouch (ref: A-C03 and C-C04) it states that such a link is “*considered unlikely to be feasible.*” This is due to safety concerns around segregated infrastructure, and the high level of cost (in the region of £2.57 to £3.68 million) when accounting for the creation of a traffic free route in the fields adjacent to the A511, the need for landowner consent and the likely ecological barriers.

Even if the route was considered feasible, a detailed design review has not been undertaken to establish the costs involved. It would be necessary for the costs to be established to subsequently determine the types of developments which may contribute towards such costs, as well as the level of contribution which may be attributed to an individual application.

At present, therefore, there is no committed cycling (or walking) scheme in place which the development could contribute to.

On this basis it is considered unreasonable to impose a condition which would require the creation of pedestrian and cycle connectivity between Coalville and Ashby De La Zouch given that such a condition would not be necessary to make the development acceptable in planning terms. Therefore, such a condition would not meet the tests outlined at Paragraph 57 of the NPPF.

It is also the case that the development on the former Lounge Disposal Point (G-Park) was not required to provide, or contribute to, the creation of cycling and walking infrastructure between Coalville and Ashby De La Zouch.

Notwithstanding the above, it is considered that cycle connectivity to the site from Ashby De La Zouch would still be achievable if accessing the site from the south-west via Leicester Road and Corkscrew Lane.

#### Means of Access, Highways and Transportation 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 or NH, subject to the imposition of conditions and securing of relevant contributions, it is considered that the part access sought for approval would comply with criterion (b) of Policy Ec2(2) and Policy IF4 of the adopted Local Plan as well as Paragraphs 115, 116 and 117 of the NPPF.

Compliance with Policy IF7 and Paragraphs 112, 113, and 114 of the NPPF would be demonstrated at the reserved matters stage(s), should outline permission be granted, given that layout and the internal access arrangements are reserved for subsequent approval.

## **Design**

The need for good design is set out within Policy D1 of the North West Leicestershire Local Plan, together with the Good Design for North West Leicestershire SPD and relevant sections of the NPPF and Planning Practice Guidance.

Part (4) of Policy En3 of the adopted Local Plan outlines that new development within the National Forest is appropriately related to its setting within the National Forest, respects and does not adversely affect the character and appearance of the National Forest or the wider countryside, and that the character of the National Forest is enhanced through incorporating a National Forest or locally inspired identity.

It is noted that layout, appearance, scale, landscaping and internal access(es) are reserved for subsequent approval and consequently the only matter to be considered as part of this outline application is the provision of the part access into the site from Corkscrew Lane.

However, as part of the consideration of the application the Council's Urban Designer has reviewed

the submitted Design and Access Statement (DAS) and considers that the elevational information provides confidence that a suitably designed scheme could be delivered subject to the design detailing which would be considered as part of the 'appearance' of the unit. How the boundaries would work is also of importance, as well as the approach to the landscaping of the site and the use of the attenuation basins as a means of providing an attractive external space for staff.

Given the visibility of the proposed development it would also be important to ensure that the unit is designed and orientated in a manner which satisfactorily addresses the streetscape whilst also ensuring that off-street parking does not dominate the frontage of the unit, i.e. the off-street parking for cars and the potential service and lorry parking areas should be kept separate. Such an approach would respond to the Council's aspirations for the design of built development, as outlined in Policy D1 of the adopted Local Plan and the Council's adopted Good Design SPD.

In terms of settling the building into the landscape, it is considered that it would be important at the reserved matters stage(s), should outline permission be granted, to ensure that an appropriate earthworks strategy is followed to lessen the overall visual impact given the height of the unit proposed.

For their part the National Forest Company (NFC) would seek to ensure that the commitment to a landscape-led approach to the design and the creation of a National Forest character is realised through the reserved matters application(s) which could potentially be achieved with the submission of a statement indicating how any development progressed at the reserved matters stage(s) complies with the DAS submitted in support of the outline application.

Policy D1 subsection (2) identifies that development should positively address the Council's Place Making principles (and, in particular, in terms of the greener footprint criterion), with subsection (5) specifying that new development should have regard to sustainable design and construction methods. Paragraph 164 of the NPPF stipulates that new development should be planned in a way *"which helps to reduce greenhouse gas emissions, such as through location, orientation and design."*

The submitted DAS includes a section on Sustainability (Section 8.0) which sets out features to ensure the design of the development is energy efficient prior to the incorporation of low and zero carbon energy sources. The DHL Real Estate Solutions (RES) 'Strategy and Benefits' document also specifies that DHL RES require buildings that meet *"the highest level of sustainability to meet DHL's Go Green targets."* The illustrative layout also indicates the potential for solar panels to be delivered on the building.

As an outline application with only part access for approval the scheme is not sufficiently advanced to understand the energy efficiency measures which would be incorporated into the design and construction of the development. On this basis a condition would be imposed on any outline permission granted which would require the reserved matters application(s) to be accompanied by details which outline the energy efficiency, as well as the renewable energy technologies, which would be incorporated into the design and construction of the building in line with the requirements of DHL RES. As a development on a greenfield site, and in line with other employment developments delivered outside the defined Limits to Development, it is also reasonable for the proposed development to achieve compliance with a minimum Building Research Establishment Environmental Assessment Methodology (BREEAM) rating of 'Excellent.'

### Design Conclusion

Overall, and from an 'in principle' perspective, it is considered that at the reserved matters stage(s) it could be ensured that the appearance, layout and scale associated with the development responds positively to the design principles outlined in Policies D1 and En4 of the adopted Local Plan, the Council's adopted Good Design SPD and Paragraphs 131 and 135 of the NPPF.

### **Residential Amenity**

Policy D2 of the adopted Local Plan (2021) 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. Criterion (c) of Policy Ec2(2) requires new employment development to not be detrimental to the amenities of nearby residential properties. Paragraph 198 of the NPPF requires development to be appropriate for its location.

The two nearest residential receptors to the application site are Gamekeepers Cottage, Corkscrew Lane, which is located 176 metres to the north-west of the site, and Cornworthy, Corkscrew Lane, which is located 311 metres to the south-west of the site.

#### *Physical Development Impacts*

In terms of the impacts on neighbouring occupiers arising from the proposed building, whilst an illustrative masterplan has been submitted all matters except for the principal means of vehicular access into the site are reserved for subsequent approval. The parameters plan indicates that the proposed building would have a maximum height of 23 metres.

A topographical survey submitted in support of the application outlines that land levels slope significantly down from south-east to north-west from a high point of over 150 metres above ordnance datum (AOD) down to below 140 metres AOD. The parameters plan indicates that the finished floor level of the building would be 146.60 metres AOD (with a margin of +/- 2 metres).

It is noted that the groups of trees and woodland adjacent to the A511 have overall heights of between 11 and 12 metres and those to the south-western boundary are 6 metres in height. The landscaping parameters plan also identifies that planting embankments and additional soft landscaping infrastructure would be delivered as part of the development.

Notwithstanding the anticipated scale of the unit, it is considered that in principle a form of development could be provided on the site which would not result in undue loss of amenity by virtue of overshadowing, overbearing or other residential amenity impacts particularly given the separation distances to the nearest residential receptors. A condition requiring details of the precise finished floor and ground levels to be submitted as part of a reserved matters application(s) would enable an assessment of the impacts arising to be undertaken in detail and ensure that suitable relationships are established. Therefore, and as set out above, there is no reason to suggest that the eventual form of development proposed at the reserved matters stage(s) would necessarily result in undue loss of amenity to neighbouring residential properties, and the scheme is, at this outline stage, considered acceptable in this regard.

#### *Other Residential Amenity Impacts*

The other aspect to consider in respect of residential amenity is any potential impacts arising from noise, vibration, 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.*”



An acoustics assessment (AA) has been submitted in support of the application which seeks to establish the potential impact new sources of sound, of a commercial and / or industrial nature, would have on existing residential dwellings within the vicinity of the site. The three sensitive receptors identified in the AA are:

- Noise Sensitive Receptor (NSR) 1 – Cornworthy, Corkscrew Lane;
- NSR2 – Gamekeepers Cottage, Corkscrew Lane; and
- NSR3 – Breach House and Wheatcroft, Leicester Road.

The AA has reviewed the noise chapter associated with the Environmental Statement (ES) for the development consented to the north of the site (known as the G-Park development on the former Lounge Disposal Site – 19/00652/FULM) which undertook sound level measurements at the nearest NSRs to that development which included NSR1 and NSR2. Based on the measured background sound levels at the nearest NSRs, operational noise was limited to ensure that any operations undertaken at the G-Park development would not lead to adverse impacts to the NSRs. In this respect the lowest calculated sounds at NSR1 and NSR2 during the daytime and night-time were 41 decibels (dB) and 39 dB at NSR2 with the overall conclusion being that the noise impact would be low.

The AA has accounted for the distance to the NSRs, and when combined with the G-Park development has determined that the operational noise level at the site boundaries could not exceed 58dB if the NSRs are to be protected from the operational element of the proposed development.

It is noted that since the time of the AA planning permission has been granted for the conversion of an agricultural building to a residential dwelling at Breach Farm on Leicester Road (application references 22/01762/FUL and 23/01045/VCU) with this property being known as Woodland Barn, Corkscrew Lane (with reference to Corkscrew Lane being determined by the means of vehicular access to the property). Whilst this is the case such an NSR would have a relationship with NSR3 and would be further from the application site than NSR1 and NSR2, consequently it is considered there would be no material differences to the findings of the AA was it to include this receptor.

At the time the AA was undertaken it had not been determined what the use of the site would be given that the application proposes uses under use class B2 (general industrial) or B8 (storage or distribution). On this basis the AA undertook an assessment associated with service yards which are principally connected with B8 uses. External operations within a service yard are likely to be the dominant source of noise when compared with operations undertaken in a warehouse or industrial premises. Whilst, as a result of the site being developed for DHL Real Estate Solutions (DHL RES), the description of development has not been amended to exclude reference to B2 uses, there is a degree of certainty that the use to be undertaken at the site would be B8.

Following a review of similar proposals, the AA has determined that operations within a service yard would generate a sound level of 60dB at a distance of 1 metre from the service yard boundary. On this basis if a service yard(s) was to be located close to the site boundaries the operational noise limit of 58dB would be exceeded (by 2dB). However, this exceedance is minimal and the AA outlines that standard close boarded, imperforate timber fencing would provide enough attenuation to mitigate this impact and ensure that the limit of 58dB would not be exceeded.

The AA acknowledges that the calculations undertaken are indicative and based on a number of assumptions when accounting for the layout being reserved for subsequent approval and the precise use of the building not being determined (albeit as outlined above the occupation by DHL RES would likely determine the use would be B8). Although this is the case, the AA is considered to be robust enough to demonstrate that noise in connection with the development would not result in adverse impacts to the NSRs. It does, however, recommend that a further AA is undertaken when the layout becomes finalised. In this circumstance a condition can be imposed on any outline permission

granted which requires a further AA as part of the reserved matters application(s) associated with the layout to ensure that operational noise impacts are appropriately mitigated (if required).

The AA has also reviewed the potential impact arising from Development Generated Road Traffic Noise (DGRTN) as a result of the development being occupied. In this regard the AA determines that the short term impact of DGRTN would be negligible in both directions on the A511 (Ashby Road) and a minor impact on Corkscrew Lane. In the long term the impact would be negligible to both the A511 and Corkscrew Lane.

It is, however, outlined in the AA that the Design Manual for Road and Bridges (DMRB) guidance states that a long-term impact should be undertaken for the 15<sup>th</sup> year after opening whereas the AA has been based on traffic flow data for the 3<sup>rd</sup> year after opening. Whilst the outcome, in the 3<sup>rd</sup> year, would not result in a significant impact to residential receptors, the AA advises that a more detailed assessment accounting for the DMRB should be undertaken at the reserved matters stage(s). The AA requested by condition on any outline permission granted could account for the DMRB.

No representation has been received from the Council's Environmental Protection Team disputing or disagreeing with the conclusions of the AA and therefore, subject to the imposition of relevant conditions, the proposed development would not result in adverse noise impacts to residential amenity.

The AA does not identify any vibration impacts and the Council's Environmental Protection Team have not made any comments in respect of this matter. Vibration impacts would be further considered at reserved matters stage when details of the building's scale and design would be known.

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.

With regards to any external lighting to be installed on the site it is considered that the imposition of a condition on any outline permission granted would ensure that precise details are provided at an appropriate time and which would demonstrate that no adverse impacts to residential amenity arise as a result of the provision of such lighting. This would also include a condition preventing any lighting during the construction stage unless details of such construction lighting are first agreed.

#### Residential Amenity Conclusion

In conclusion, the provision of the principal means of vehicular access into the site would not result in significant detriment to residential amenity, subject to the imposition of conditions, and therefore the proposed development would be compliant with Policy D2 and criterion (c) of Policy Ec2(2) of the adopted Local Plan and Paragraphs 198 and 201 of the NPPF.

#### **Air Quality**

Policy D2 of the adopted North West Leicestershire Local Plan seeks to (amongst others) ensure that adverse effects of development on residents' amenities is minimised (and including in respect of pollution).

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 10.3 kilometres, being the closest AQMA to the application site.

In terms of construction dust, the AQA outlines that due to the size of the site it is possible that the number of heavy duty vehicles visiting the site per day may exceed 50, on this basis the site would be classified as 'Large' in relation to the risk of dust being tracked out of the site. Whilst this is the case the AQA concludes that in respect of dust soiling there would be a low risk of dust annoyance with the effects of particulate matter (PM10) to health also being a low risk, this conclusion is also reached on the basis of no mitigation being present. Despite this low risk the AQA proposes mitigation measures which could be included in a dust management plan (DMP) associated with the construction of the development. The provision and subsequent implementation of a DMP would be conditioned on any outline permission to be granted.

In terms of the impacts associated with traffic emissions from the operation of the development, the AQA has concluded that for the baseline situation in 2027, the sensitive receptors adjacent to all roads have values below the current annual mean air quality objectives for Nitrogen Dioxide (NO<sub>2</sub>) and PM10 as outlined in the Council's annual Air Quality Status Report (AQSR). The AQA also outlines that with the traffic generated by the development in 2027, the absolute concentrations remain below the current air quality objectives and that the level of change due to traffic generated by the development would be small (2 micrograms per cubic metre or less to annual mean concentration of NO<sub>2</sub> and PM10). On this basis the operation of the development would not have a significant impact upon local air quality. It is also outlined, within the AQA, that the ambient concentrations of local traffic emissions are predicted to be less than 75% of the air quality assessment level (AQAL) and the percentage change in concentration relative to the AQAL as a result of the development is calculated to be less than 5%. On this basis, the development's impact on local air quality would be 'Negligible'.

Although the impact is negligible, the AQA outlines mitigation measures to minimise the potential effects associated with increased air pollutant concentrations which primarily are associated with the adoption of a travel plan which could be secured via condition on any outline permission to be granted. Electric vehicle charging points could also be introduced, which would be secured via Approved Document S (Infrastructure for the Charging of Electric Vehicles) of the Building Regulations 2010 (as amended), along with cycle parking facilities.

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

#### Air Quality Conclusion

Overall, and subject to the imposition of conditions on any outline permission to be granted, the proposed development would not conflict with the aims of Policies D2 and En6 of the adopted Local Plan or Paragraph 199 of the NPPF.

#### **Ecology and Biodiversity**

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.

The closest statutorily designated site of nature conservation interest to the application site is

approximately 2.34km from the site (being the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)).

Policy En1 of the North West Leicestershire Local Plan presumes in favour of development that would conserve, restore or enhance biodiversity, and that proposals that would result in significant harm to a number of protected sites or areas will be refused unless that harm is unavoidable, and can be mitigated or compensated for; similar principles are set out in Chapter 15 (Conserving and enhancing the natural environment) of the NPPF.

The County Council Ecologist, in commenting on the application, has had regard to the Design and Access Statement (DAS), Preliminary Ecological Appraisal (PEA), River Mease Special Area of Conservation (SAC) Impact Assessment (Stages 1 (Screening) and 2 (Appropriate Assessment)) (RMSACIA Stage 1 (S) and RMSACIA Stage 2 (AA)) and Biodiversity Net Gain (BNG) Metric Calculations.

In terms of the PEA, the County Council Ecologist considers this to be acceptable and proportionate given the prevailing habitats and proposed development. However, whilst the established existing habitat is largely arable, the County Council Ecologist considers that the following matters would need to be addressed:

- (a) The impact on the River Mease Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI); and
- (b) The presence of Great Crested Newts (GCNs).

In terms of (a), the County Council Ecologist considers that a Biodiversity Construction Management Plan (BCMP) would need to be conditioned to mitigate the impacts of construction activity associated with the development.

With regards to (b), the County Council Ecologist has identified that there is the potential for GCNs to be present within the ponds to the west of the application site as well as within suitable terrestrial habitat to the boundaries of the application site. There is evidence of an existing amphibian barrier on private land to the west of the site (within the 'G-Park' site), and whilst the ponds (outside of the site) and suitable terrestrial habitat are not proposed to be removed, there is the potential risk that GCNs may enter the site during the construction phase if no suitable mitigation is provided. On this basis a mitigation strategy in the form of a Reasonable Avoidance Measures Method Statement (RAMMS) would be conditioned should outline permission be granted. The RAMMS would be required to reconsider the risk associated with the movement of GCNs and the effect of existing artificial barriers and, if necessary, propose a new amphibian barrier within the application site to prevent the movement of GCNs onto the site during the construction phase.

The County Council Ecologist has also indicated that conditions should be imposed, should outline permission be granted, in relation to the following matters raised within section 5.0 of the PEA:

- (1) Ensuring suitable lighting strategies to safeguard potential bat foraging / commuting routes;
- (2) Preconstruction inspections for badgers;
- (3) Creation of invertebrate, small mammal and GCN / reptile hibernacula;
- (4) Avoidance of disturbance to breeding birds;
- (5) Creation of hedgehog 'highways' and access points between fencing; and
- (6) Incorporation of bird and bat boxes.

For their part Natural England (NE) has commented on the need for the integrity of the River Mease Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI) to be preserved as part of the development and this is discussed in the '*River Mease Special Area of Conservation / SSSI – Habitat Regulations Assessment*' section of this report below. NE has no particular comments in respect of other ecological / biodiversity features.

The mandatory requirement for 10% BNG for major development as required by the Environment Act came into force on the 12<sup>th</sup> of February 2024. However, this requirement would only be applicable to those applications received on or after the 12<sup>th</sup> of February 2024 and is not to be applied retrospectively to those applications already under consideration before this date and subsequently determined after this date. On this basis the proposed development would not be required to demonstrate a 10% BNG. Notwithstanding this, Paragraphs 187(d) and 193(d) of the NPPF set out a requirement for developments to minimise their impacts on and provide net gains for biodiversity. In this case it is noted that the development would be undertaken on a greenfield site.

The BNG Metric Calculation demonstrates a net gain of 13.22% for habitat units and 15.02% for hedgerow units which is acceptable to the County Council Ecologist for the purposes of the assessment of the outline application. The metric is based on the submitted information and is contingent upon an area of off-site habitat creation on land to the north of the A511 (Ashby Road) which is within the ownership of the applicant. It is outlined by the County Council Ecologist that the BNG Metric Calculation will need to be updated at the reserved matters stage(s) to reflect the proposed landscaping scheme and the proposals for off-site enhancement. The County Council Ecologist has also identified that the current BNG Metric Calculation does not take account of ditches and linear water features which would be expected to be within the 'watercourse' units of the metric. This would therefore need to be considered further at the reserved matters stage(s), should outline permission be granted, or justification provided for its omission.

The County Council Ecologist has also outlined that a Landscape, Ecological and Biodiversity Management Plan (LEBMP) should be conditioned which would include the arrangements for establishing, maintaining and managing on and off-site habitat creation.

### Ecology and Biodiversity Conclusion

Overall, and subject to the imposition of relevant conditions and informatives, the part access proposed for approval at this stage would not result in conflict with Policy En1 of the adopted Local Plan, Paragraphs 187 and 193 of the NPPF and Circular 06/05.

### **Landscaping**

Part (3) of Policy En1 of the adopted Local Plan (2021) 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.

### *Impact to Existing Soft Landscaping Infrastructure*

An Arboricultural Impact Assessment (AIA), Method Statement (MS) and Tree Protection Plan (TPP) have been submitted in support of the application, with the AIA being compliant with BS 5837:2012 '*Trees in Relation to Design, Demolition and Construction – Recommendations*'. Such documents outline that there are 13 individual trees (8 of which are rated Category B ('*moderate quality*')), 7 groups of trees (3 of which are rated Category B), 11 hedgerows (3 of which are rated Category B) and 1 woodland (which is rated Category B). It is noted that the trees and hedgerows are to the boundaries of the application site.

The AIA states that the proposed formation of the part access would result in the removal of approximately 100 metres of hedgerow H1 (rated Category B), although this loss could be compensated for by the introduction of soft landscaping elsewhere in the site. It is, however,

acknowledged that landscaping is a reserved matter and consequently such compensation would need to be demonstrated at the reserved matters stage(s). Works would also be proposed to a group of Common Sallow trees (Group G6) which comprise the removal of an eastern leaning stem which overhangs the road.

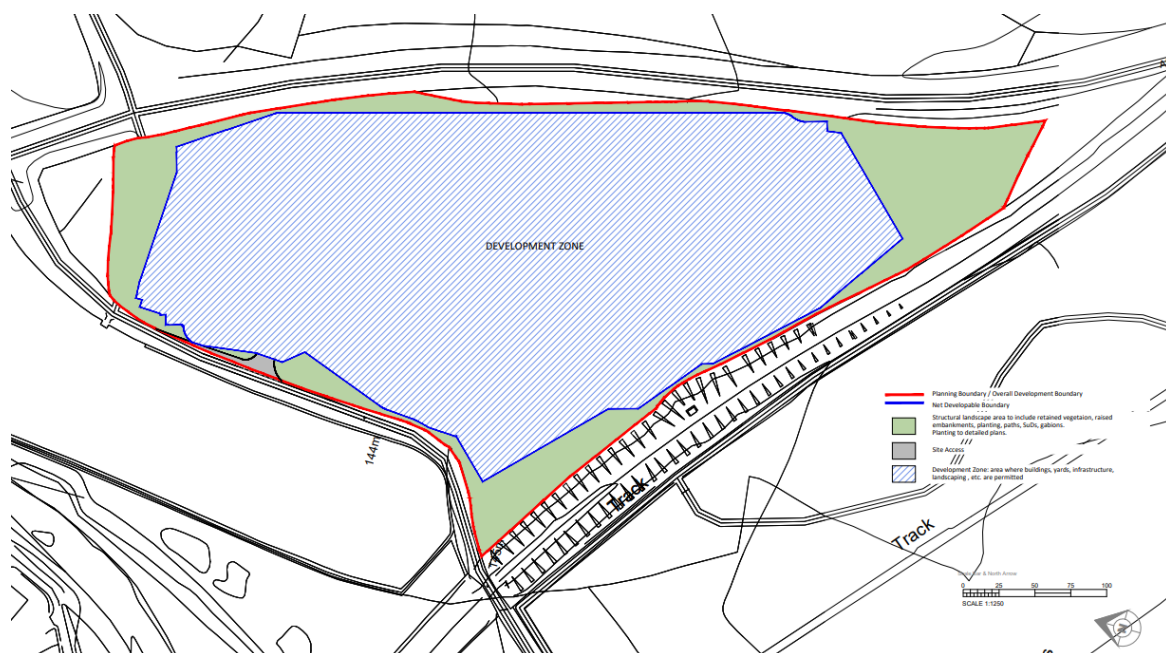
As part of the consideration of the application the Council's Tree Officer has been consulted and they consider that the AIA provides a comprehensive overview of the existing tree cover on and adjacent to the site. On this basis the Council's Tree Officer is satisfied that there will be no significant arboricultural impacts associated with the redevelopment of the site and as such they have no objections to the application. A condition could be imposed to ensure that the development is undertaken in accordance with the MS and TPP.

### *National Forest*

The National Forest Company (NFC) has also been consulted on the application, and they have outlined that the site area amounts to 13.1 hectares. Therefore, and in accordance with Policy En3 of the adopted Local Plan and National Forest Planting Guidelines, 30% (or 3.93 hectares) of National Forest woodland planting and landscaping should be provided.

A landscape parameters plan has been submitted in support of the application and this as shown in the image below:

### **Landscape Parameters Plan**



It is outlined by the applicant that the National Forest planting requirements would be met by a landscape-led scheme, with planting provided around the boundaries of the site and larger blocks of planting to the east, west and south of the site. Additionally, in the circumstances that not all areas of landscaping will contribute to National Forest planting and that the entire National Forest planting requirement is unlikely to be met on site, the application proposes an off-site area of native woodland planting on land within the applicant's ownership which would be to the east of the site on the opposite side of the A511 (Ashby Road), shown in the image below.



## Off-Site National Forest Planting Location



Whilst the NFC are content with this approach, it is acknowledged that the application is in outline form with only the principal means of vehicular access for approval at this stage. On this basis it is not apparent how much on-site provision will be associated with the development, and accordingly how much off-site provision will be required. Therefore, the NFC advise that any reserved matters application(s) will be required to clearly demonstrate the requirement for a minimum of 3.93 hectares of National Forest planting.

The NFC has also indicated that details of the species mix, size and density of planting is required to be submitted at the landscaping reserved matters stage(s) together with a landscape management plan. A requirement for replacement planting would also need to be secured via 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.

Overall, the NFC has no objections, subject to the imposition of conditions on any outline planning permission to be granted and the securing of off-site National Forest planting within a Section 106 agreement.

### *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 dictionary definition of a ‘street’ is a *“public road in a city, town, or village, typically with houses and buildings on one or both sides.”*

The illustrative plan shows the delivery of a single employment building and therefore the development would not comprise an industrial estate / logistics park whereby there may be multiple

units located along a 'street(s)'. It is also the case that, principally, the site would not be accessed by those who are not associated with the employment use to be undertaken on the site and therefore the road is unlikely to be classified as a 'public road.'

Whilst, therefore, the illustrative plan does not suggest the delivery of 'street trees' it is considered that for the above reasons the development would not necessarily need to demonstrate compliance with Paragraph 136 of the NPPF.

Notwithstanding this, the layout and landscaping of the development are reserved for subsequent approval, should outline permission be granted, and further consideration could be given to the delivery of 'street trees' as part of the consideration of any reserved matters application(s). Albeit there would be no justification to refuse an application on this basis for the above reasons.

### *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

Subject to the imposition of relevant conditions as requested by the Council's Tree Officer and NFC it is considered that the existing landscaping infrastructure on the site would be suitably retained and enhanced with the provision of additional landscaping infrastructure. On this basis the proposed development would be compliant with Policies D1, En1 (insofar as it relates to landscaping infrastructure) and En3 of the adopted Local Plan.

## **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*

The application site lies within Flood Zone 1 and as such is at a low risk of fluvial flooding with the application site also being predominantly at a very low risk of surface water flooding (albeit with a minor area of low flood risk being associated with the northern extent of the site), as defined on the Environment Agency (EA) '*Flood Map for Planning*' and the Council's Strategic Flood Risk Assessment (SFRA).

A flood risk assessment (FRA) and drainage strategy (DS) have been submitted in support of the application, with the FRA also demonstrating that the site is not at risk of flooding from tidal sources, groundwater or infrastructure (such as canals and reservoirs).

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.

Notwithstanding the above, Paragraph 027 (Reference ID: 7-027-20220825) specifies that in applying Paragraph 175 of the NPPF a proportionate approach should be taken and where a site-specific FRA demonstrates clearly that the proposed development (when accounting for its layout, design and mitigation measures) would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere, then the sequential test would not need to be applied.

A parameters plan identifying the extent of the 'development zone', which would be conditioned as part of any outline permission granted, indicates that the entirety of the 'development zone' would be in an area at very low risk of flooding from any source (surface water).

On this basis the development has been sequentially located to avoid areas at medium to high risk of flooding from any source.

A high risk of surface water flooding occurring is identified along a small strip of the railway track to the south-west, as well as within the tree buffer outside the northern extent of the application site. However, both areas are at a lower land level than the application site (the railway track being significantly lower) and consequently would not pose a surface water flood risk to the site

### 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*

As part of the consideration of the application the Lead Local Flood Authority (LLFA) has been consulted and their original consultation response outlined that the supporting evidence for the proposed outfall was insufficient and that the applicant was required to demonstrate that the proposed outfall location had the capacity and connectivity to install a positively fed outfall. It also needed to be demonstrated that a gravity connection was feasible and that catchment transfer did not occur given the northern and southern parts of the site discharged in different directions.

A revised FRA and DS was subsequently submitted by the applicant and re-consultation undertaken with the LLFA.

In their revised consultation response, the LLFA has stated that the proposed development seeks to discharge at a rate of 36.7 litres per second (l/s) via attenuation tanks and attenuation ponds to the on-site watercourse at the northern site boundary. It also remains the case that both dry and wet ponds, as well as swales, are proposed in addition to proprietary treatment systems to manage surface water runoff.

A reduction in the discharge rate has also alleviated the LLFA's concern in respect of catchment transfer, with it being demonstrated that a gravity solution for the surface water drainage is viable.

Taking the above into account, the LLFA has no objections to the application subject to the imposition of conditions which would secure a surface water drainage scheme, the means of controlling surface water during the construction phase and the future maintenance and management arrangements for the surface water drainage scheme.

As the proposed development would not direct surface water runoff to the sewer in Farm Town it would not exacerbate what is an existing situation.

#### 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*

Insofar as foul drainage is concerned, the submitted DS has outlined that a developer enquiry response with Severn Trent Water (STW) has established that a gravity connection could be made to the sewer which is present on Leicester Road. However, the developer enquiry has also established that there have been multiple flood events along this foul network further downstream and therefore sewer modelling would be required. When accounting for this, the applicant has outlined that foul drainage would be pumped along Farm Town Lane to the sewer located in Farm Town which has been principally agreed by STW and would require the provision of a pumping station on the main application site (i.e. where the building would be located).

At the time of the submission of the application a foul drainage connection in the vicinity of the site did not exist to the foul sewer in Farm Town. However, a foul drainage connection has subsequently been constructed to this sewer from the G-Park site. In these circumstances the development is in a position to connect into the publicly accessible elements of the foul sewer to Farm Town within the vicinity of the site rather than necessitating a further individual connection.

Under the Water Industry Act (1991) (as amended), there is a general duty that sewerage undertakers provide additional capacity that may be required to accommodate additional flows and loads arising from new developments which can include sewerage infrastructure (including sewers and pumping stations) and sewerage treatment works. Should it be the case that insufficient capacity exists then the sewerage undertaker can delay a connection being made until the capacity is provided (this would be undertaken outside of the planning process under separate legislation).

The direction of foul drainage to the sewer in Farm Town would also ensure that foul drainage is discharged outside of the catchment of the River Mease Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI) which would ensure that its integrity would be preserved. This is as discussed in the '*River Mease Special Area of Conservation / SSSI – Habitat Regulations Assessment*' section of this report below.

#### Foul Drainage Conclusion

Overall, there would not be an increased risk of pollution discharge from the foul drainage network and as such the proposal would be compliant with Paragraph 198 of the NPPF.

### **River Mease Special Area of Conservation / SSSI – Habitat Regulations Assessment**

Policy En2 of the adopted Local Plan (2021) outlines, amongst other things, that the Council will work with Natural England, the Environment Agency, Severn Trent Water, other local authorities and the development industry to improve the water quality of the River Mease Special Area of Conservation

(SAC). Policy En1 sets out the relevant requirements in respect of nature conservation.

As set out in the '*Approach to Determination and Principle of Development*' section of this report above, Paragraph 195 of the NPPF provides that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

The site lies within the catchment area of the River Mease SAC. The watercourse within the north of the site would be a tributary of the river given its hydrological connection with Gilwiskaw Brook. Discharge from the sewerage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Surface water flows can also adversely impact on the SAC.

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

Discharge into the river from surface water disposal via a sustainable drainage system or via the mains sewer system can also result in an adverse impact on the SAC, including in relation to water quality and flow levels.

As is outlined above, it is considered that an existing watercourse within the north of the site would be to a tributary of the River Mease given its hydrological connection with the Gilwiskaw Brook.

#### *Foul Drainage*

In March 2022 Natural England (NE) published advice in respect of the nutrient neutrality methodology which can be used to mitigate against the impacts of additional phosphate entering the SAC from foul drainage associated with new development.

This advice outlines that development which will not give rise to additional overnight stays within the catchment does not need to be considered in terms of any nutrient input, except in exceptional circumstances. This is as a result of a likelihood that those using the development live locally, within the catchment, and thus their nutrient contributions are already accounted for within the background.

As part of the consideration of the application Natural England (NE) has been consulted and they have outlined that proposed development will not create additional overnight stays within the catchment area of the River Mease SAC. Nonetheless, the submitted River Mease Impact Assessment (RMIA – Stage 1 (Screening) and Stage 2 (Appropriate Assessment)) identifies foul drainage from the proposal would be pumped outside of the catchment area for both treatment and discharge given the connection to be made into the mains network at Farm Town. If this is the case then NE are satisfied that impacts from foul water drainage could be ruled out as there would be no impact pathway.

The applicant has confirmed that a foul drainage connection to the sewer in Farm Town would be made.

Subject to the imposition of a relevant condition requiring delivery of the foul drainage connection to Farm Town, there would be no impact on the integrity of the River Mease SAC as a result of foul drainage discharge.

#### *Surface Water Drainage*

As is outlined in the '*Flood Risk and Drainage*' section of this report above, surface water discharge

from the proposal would be via attenuation tanks and attenuation ponds to an on-site watercourse at a run-off rate of 36.7 litres per second (l/s). Both dry and wet ponds, as well as swales and proprietary treatment systems, would also be installed to manage surface water runoff.

The RMIA – Stage 1 (Screening) notes the possible impacts from siltation during construction as well as water pollution and hydrological changes to the flow in the River Mease SAC. On this basis the RMIA – Stage 2 (Appropriate Assessment) sets out the design of Sustainable Drainage Systems (SuDS), including a treatment train comprising interceptor tanks, a dry pond, a swale, another dry pond and wet pond, to mitigate the impacts. Such measures would result in the flow of the River Mease SAC being unaltered.

It is also outlined that a Biodiversity Construction Management Plan (BCMP) would be utilised to control silt during the construction phase to prevent adverse impacts on water quality.

Subject to conditions securing the on-site SuDS and a BCMP, NE are satisfied that an adverse effect on the integrity of the River Mease SAC can be ruled out.

On this basis there would be no impact on the integrity of the River Mease SAC as a result of surface water discharge.

#### *River Mease Special Area of Conservation / SSSI – Habitat Regulations Assessment Conclusion*

On the basis of the above, it can be ascertained that the proposal would, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, and would comply with the Habitats Regulations 2017, Policies En1 and En2 of the adopted Local Plan, and the NPPF.

#### **Impact on the Historic Environment and Archaeology**

Policy He1 of the adopted Local Plan (2021) and the advice in the NPPF requires heritage assets to be preserved and enhanced. Where development results in harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposed development must also be considered against Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that special regard shall be had to the desirability of preserving the setting of a listed building and the character and appearance of the conservation area.

##### *Historic Environment*

As part of the consideration of a pre-application submission, the Council's Conservation Officer advised that there were no Conservation Areas or listed buildings within one kilometre of the main application site boundary (i.e. where the employment building would be located) with the exception of the Grade II listed milestone outside of no. 96 Leicester Road, New Packington. Given the nature of this heritage asset, the Council's Conservation Officer determined that no harm would arise to the significance of the setting of any heritage assets.

On the basis that no harm arises, an assessment in the context of Paragraph 215 of the NPPF is not required and the setting of heritage assets would be preserved.

##### *Archaeology*

As part of the consideration of the application the County Council Archaeologist has been consulted, and they have reviewed the contents of the submitted archaeological desk-based assessment and geophysical survey.



Following consideration of these reports, the County Council Archaeologist has indicated that not all types of archaeological deposit (including prehistoric, Anglo Saxon remains and human burials) are sensitive to detection by geophysical survey. Therefore, whilst the geophysical survey has not identified any positive evidence for archaeological activity on the site, it has not established the absence of such archaeological activity either. Therefore, the County Council Archaeologist considers that the crop mark and geophysically negative areas should be subject to trial trenching to determine whether any archaeological features of significance are present on the site.

Given the opportunities which exist for archaeological remains to be present on the site the County Council Archaeologist considers it necessary for conditions to be imposed on any consent for a Written Scheme of Investigation (WSI) (including trial trenching) to be provided, in advance of the development commencing. The WSI would record and advance the understanding of the significance of any heritage assets. Such conditions are considered reasonable given the possibility of archaeological remains being present on the site.

#### *Impact on the Historic Environment and Archaeology Conclusion*

When accounting for the above conclusions, and subject to the imposition of the archaeological conditions, the proposed development would be compliant with Policy He1 of the adopted Local Plan, Paragraphs 207, 208, 210, 212 and 218 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **Land Contamination**

Policy En6 of the adopted Local Plan (2021) outlines 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.

As part of the consideration of the application the Council's Land Contamination Officer has been consulted and following a review of the submitted Phase 1 Ground Investigation and Coal Mining Risk Assessment, and Phase 2 Ground Investigation and Contamination Assessment, they have raised no objections to the application subject to the imposition of conditions which would require the submission of a Further Risk Based Land Contamination Assessment and a Verification Investigation due to findings of the submitted reports.

#### *Land Contamination Conclusion*

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

#### **Coal Mining Risk**

Policy En6 of the adopted Local Plan (2021) outlines that proposals for development on land that is (or is suspected of being) subject to land stability issues, or is located within the defined Development High Risk Area, 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 application site falls partly within a Coal Mining Referral Area and as part of the consideration of the application the Coal Authority (CA) (now known as the Mining Remediation Authority (MRA)) has been consulted.

It is outlined by the CA (MRA) that the lower main coal seam is conjectured to outcrop across the site, which may have been worked in the past. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The CA (MRA) has reviewed the Phase 1 Ground Investigation (Phase 1 GI) and Coal Mining Risk Assessment (CMRA) and noted that these reports acknowledged coal outcrops at the site. Such reports also recommended that the coal seam was located by means of trenching and / or window sample boreholes despite the risk posed by unrecorded shallow coal mining being negligible.

A Phase II Ground Investigation and Contamination Assessment (Phase II GICA) was undertaken as a 'follow up', to the Phase 1 GI and CMRA, and specifies that trial trenching and window sampling carried out across the site encountered no coal. In this respect the Phase II GICA states at Section 5.1.3 that *"no crop outcrop was identified across the northern most section of this section of the site. In addition, no coal was recorded within any of the window sample boreholes advanced across the site. On this basis, it is considered that coal is not present at the site and therefore the risk associated with coal is considered to be negligible."* The CA (MRA) has accepted the findings of the Phase II GICA.

On the basis of the above, the CA (MRA) consider that the application site is, or can be made, safe and stable for the proposed development and therefore they have no objections to the application and would not require the imposition of conditions on any outline permission to be granted.

They do, however, advise that more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application. A note to the applicant would be included on any outline permission granted to advise on this matter.

#### Coal Mining Risk Conclusion

Overall, the proposal would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 196 and 197 of the NPPF.

#### **Impact on Safeguarded Minerals**

As part of their consultation response the County Council Minerals and Waste Planning Authority (LCCMWP) have outlined that the application site falls within a Mineral Consultation Area (MCA) for coal.

On this basis the development would be subject to the requirements of Policy M11 of the adopted Leicestershire Minerals and Waste Local Plan (LMWLP) with the proposed development not meeting any of the exemptions set out in Table 4 of Policy M11.

The LCCMWP has reviewed the submitted Coal Mining Risk Assessment (CMRA) and Mineral Safeguarding and Development Assessment (MSDA) and whilst the development is not related to the extraction of Coal, Policy M9 of the LMWLP (titled Coal) emphasises the protection of clay (where present), stating that particular regard should be given to the following:

- (v) *The avoidance of the sterilisation of mineral resources in advance of development; and*
- (vi) *The need for fireclay.*

In the above respects the LCCMWP, commented that surface coal mining operations provide one of the few viable sources of the clay.

The MSDA assesses the potential of the proposed site for mineral extraction in accordance with Policy M11, concluding that the mineral concerned is no longer of any value or potential value due

to the economic and logistical practicalities of future working.

In these circumstances the LCCMWP has concluded that they have no objections to the application but advise that a 'watching brief' is undertaken by a competent person during the development works and that further consultation is undertaken by the applicant with their technical advisors (Ivy House Environmental Limited) should either of the identified coal seams uncover the potential existence of mine entries or historic surface mining. This being as recommended within the CMRA. A condition could be imposed on any outline planning permission to be granted to ensure this request is adhered to.

The LCCMWP has also identified that there are no concerns associated with the development from a waste safeguarding perspective either.

#### Impact on Safeguarded Minerals Conclusion

On the basis of the above there would be no conflict with Policy M11 of the LMWLP or Paragraph 225 of the NPPF.

#### **Aviation Safety**

Part (1) of Policy Ec5 of the adopted Local Plan (2021) outlines that development which would adversely affect the operation, safety or planned growth of East Midlands Airport will not be permitted.

As part of the consideration of the application East Midlands Airport Safeguarding (EMAS) has been consulted and they have no objections to the outline scheme presented but wish to be consulted when further details are provided as part of any reserved matters application(s) should outline planning permission be granted.

#### Aviation Safety Conclusion

On this basis it is considered that the provision of the principal means of vehicular access to the site (as proposed under this outline application) would not result in conflict with Policy Ec5 of the adopted Local Plan.

#### **Socio-Economic Issues**

The DHL Real Estate Solutions (RES) 'Strategy and Benefits' note outlines that, based on existing operations in the region, there would be a conservative estimate that the unit would support 400 new full-time equivalent (FTE) jobs within the District. Such jobs would be split across various different skill sets, with an indicative split of jobs as follows:

- (i) 25% - Office workers;
- (ii) 49% - Warehouse floor operatives;
- (iii) 4% - Class 1 drivers;
- (iv) 4% - Class 2 drivers;
- (v) 12% - Managerial; and
- (vi) 6% - Other.

The total annual wage generation of the unit based on 2023 / 24 wages and the above split at 400 FTE jobs would be £13,666,260.00 per annum.

Measures to maximise the socio-economic benefits likely to be generated by the proposed development are also highlighted in the DHL RES Strategy and Benefits note where it is highlighted that DHL RES are "committed to ensuring opportunities are provided to local people and is committed

*to working with the Leicester Employment Hub and other key stakeholders to ensure opportunities are appropriately advertised,”* and that DHL RES has one of the UK's most successful apprenticeship schemes (including in-house apprenticeship programmes and dedicated training teams). Existing partnerships include a Supply Chain Leadership programme which is a 44 month programme run in collaboration with Aston University.

It is considered that such measures would be an appropriate means of helping to ensure that any positive economic benefits can be targeted, as far as possible, towards local areas. Although accepting that there would be an element of “leakage” of posts outside of the immediate area, the above measures would help in maximising employment opportunities (both direct and within those businesses benefitting from associated economic activity) for local areas. Such measures are similar to those agreed in connection with other employment development undertaken in the District and would be secured by way of Section 106 obligations. The applicant has agreed to enter into an obligation to this effect with preference being given to local suppliers (both during construction and in terms of future operation of the site) where it would be commercially reasonable to do so.

### *Public Revenue Impacts*

The DHL RES Strategy and Benefits note estimates that the business rates payable to North West Leicestershire, based on a minimum floorspace of 40,000 sqm, would be £2,601,156.00 per annum.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) (‘the Act’) provides that, in dealing with an application for planning permission, a Local Planning Authority shall have regard to any local finance considerations, so far as material to the application. Section 70(4) of the Act defines a local finance consideration as “...*a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown...*”. The Minister of Homes, Communities and Local Government’s (MHCLG’s) NPPG indicates that whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms, and states that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. It also provides that, in deciding an application for planning permission or appeal where a local finance consideration is material, decision takers need to ensure that the reasons supporting the decision clearly state how the consideration has been taken into account and its connection to the development.

As above, business rates are collected by the Council and the balance of the rates collected and not retained is passed to central government. Central government then uses these payments, along with others, to provide grants / financial assistance to local authorities, but a Minister of the Crown does not return these payments to local authorities in the form of business rates. As such, the Council is not receiving financial assistance by a Minister of the Crown and, whilst attention is drawn by the applicant to the business rates generated (and notwithstanding the NPPG advice on the weight that could be attracted to such a consideration in the event it was material), it is considered that the business rates generated would not constitute a local finance consideration under Section 70(4). As such, the business rates generated would not be a material consideration to which regard would need to be had under Section 70(2) in the determination of this planning application.

### **Developer Contributions and Infrastructure**

Requests have been made for Section 106 contributions towards transportation, local employment, training and careers and National Forest planting.

Paragraphs 56 and 58 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and

- fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

The requested development contributions are listed below.

### *Transportation*

The contributions set out under the 'Accessibility' section of this report above include the following:

- (a) A financial contribution of £610,454.50 towards improvement works in keeping with the Interim Coalville Transport Strategy (ICTS);
- (b) Travel packs to inform new employees from first site use of the available sustainable travel choices in the surrounding area. These can be provided through Leicestershire County Council (LCC) at a cost of £52.85 per pack. If not supplied by LCC, a sample travel pack shall be submitted to and approved in writing by LCC, an administration fee of £500 will be charged when submitting such documents for approval;
- (c) Six month bus pass per employee (an application form to be included in the travel packs and funded by the developer); to encourage new employees to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. These can be supplied through LCC at a current average cost of £360.00 per pass;
- (d) Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after first use. The Travel Plan Co-ordinator shall be responsible for the implementation of measures, as well as monitoring and implementation of remedial measures;
- (e) A travel plan monitoring fee of £11,337.50 for LCC's Travel Plan Monitoring System;
- (f) The payment of a sum of £7,500.00 for the submission of a Traffic Regulation Order (TRO) consultation, in accordance with the Road Traffic Regulation Act 1984, for the proposed amendments to the speed limit and weight restriction; and
- (g) The payment of a sum of £12,760.00 for improvement works to the traffic signals at the A511 roundabout with Junction 13 of the A42.

The applicant has confirmed their acceptance to the payment of the majority of the Transportation contributions, with there being further discussions between the applicant and the CHA in relation to the financial contribution towards the ICTS. In the applicant's view, the signalisation of the junction of Corkscrew Lane with the A511 (Ashby Road) would result in significant benefit to vehicular movements on the A511 (a position which is not disputed by the CHA) and thereby the financial figure could be reduced. It is considered that the final financial figure to be paid towards the ICTS can be negotiated between officers, the applicant and the CHA following a resolution on the application, with the final financial figure then being secured within the Section 106 agreement. Notwithstanding this, the applicant has confirmed they would accept a total financial contribution payment of £610,454.50 towards the ICTS should the CHA determine that the financial figure should not be reduced.

### *Local Employment, Training and Careers*

As set out in more detail in the 'Socio-Economic Issues' section of this report above, the applicant proposes to make commitments to using local suppliers, and in terms of the provision of local employment, training and careers opportunities. In order that weight may be reasonably attached to these commitments, it is proposed to secure them within the Section 106 agreement.

The applicant has confirmed their acceptance to meeting this obligation.

### *National Forest*

As is outlined in the '*Landscaping*' section of this report above a minimum of 3.93 hectares of National Forest planting would be required. Such planting is unlikely to be delivered on the entirety of the application site and therefore native woodland planting would also be undertaken on land within the ownership of the applicant to the north-east of the application site on the opposite side of the A511 (Ashby Road).

The applicant has confirmed their acceptance to the securing of the National Forest planting.

### *Ashby De La Zouch Town Council*

Ashby De La Zouch (ADLZ) Town Council has commented that if outline permission is to be granted than Section 106 contributions should be secured to improve the cycle route between Ashby De La Zouch and Coalville as well as the delivery of community benefits as a result of the revenue generated from solar panels.

Paragraph 58 of the NPPF outlines the 'tests' which would need to be passed in order for a contribution to be applicable to any planning permission to be granted. Principally it would need to be demonstrated that the request is reasonable and necessary to make the development acceptable in planning terms. No justification is provided within the consultation response from ADLZ Town Council as to why it is necessary for the development to secure an improved cycle route between Ashby De La Zouch and Coalville as well as the nature and type of community benefits which should be delivered from revenue generated from solar panels.

It is also the case, and as discussed in the '*Transport Sustainability*' sub-section of the '*Accessibility*' section of this report above, that the provision of a cycle route between Ashby De La Zouch and Coalville would likely need to be co-ordinated between Leicestershire County Council (as the highways authority) and the Council and consequently this co-ordination would determine the level of contribution which may be expected from new development. It would be unreasonable for the development to fund the entirety of such connection when the level of cost is unknown. The County Highways Authority (CHA) has also not requested any such contribution.

Any solar panels delivered to the building would likely be sufficient to power the building, thereby negating any excess revenue which may arise from 'selling' power to the grid. In any event no justification is provided as to why there is a need for such community benefits to be delivered by this development.

On this basis it is considered that such requests fail the tests outlined at Paragraph 58 of the NPPF and could not be applied.

### *Other Contributions*

No other contributions have been requested by relevant statutory consultees.

### *Section 106 Total Contributions:*

On the basis of the above the following contributions should be secured within a Section 106 agreement:

- a) Highways - £807,192.00 (with travel packs and bus passes calculated on 400 full time equivalent jobs being created).
- b) Employment strategy to maximise job and education opportunities in the construction and operational phases of the development in the local area.
- c) National Forest Planting – a total of 3.93 hectares to be delivered partly on-site and off-site.

Total Financial Contribution - £807,192.00.

No other contributions have been requested, and the applicant is agreeable to paying the relevant contributions.

Developer Contributions and Infrastructure Conclusion

Subject to these contributions being secured within a Section 106 agreement the proposed development would be compliant with Policy IF1 of the adopted Local Plan and Paragraphs 35, 56 and 58 of the NPPF.

**Overall Planning Balance, Contribution to Sustainable Development and Conclusions**

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021) and the adopted Leicestershire Minerals and Waste Local Plan (2019). The site is located outside the Limits to Development as defined in the adopted Local Plan and is not allocated for new employment development; Policies S3 and Ec2(2) set out the approach to considering applications for employment development in these circumstances.

As set out in the 'Approach to Determination and Principle of Development' section of this report above, it is considered that the proposals can be shown to be in accordance with the requirement for such development to have an immediate demand (and including as evidenced by the confirmation of DHL RES being the occupier of the unit) and, as such, the in-principle elements of these policies can be shown to be satisfied. Furthermore, whilst the new Local Plan remains at an early stage (and, as such, only attracts limited weight in the overall planning balance), it is noted that the Local Plan Committee, having considered the findings of the Leicester & Leicestershire: Strategic Distribution Floorspace Needs Update and Apportionment study (and, in particular, the indication within it of the extent of need for additional strategic warehousing across Leicester and Leicestershire), has agreed in principle to the inclusion of the site for strategic warehousing in the Regulation 19 version of the new Local Plan.

Whilst there are a number of other criteria against which such proposals need to be assessed in the event that an immediate need or demand can be demonstrated (and including, for example, the need to safeguard and enhance landscape appearance and character, and for the development to be accessible by a range of sustainable transport), the view is taken that, overall, the proposals can be considered to comply with the development plan as a whole.

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 requirement of other policies, such as those set out within the NPPF). As set out above, the NPPF contains a presumption in favour of sustainable development. Having regard to the three objectives of sustainable development, it is concluded as follows:

*Economic Objective:*

This objective seeks to ensure that sufficient land of the right type 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.

The proposed development would be expected to generate a range of direct and indirect jobs both during the construction and operational phases which would be in respect of a range of job types / quality; further employment would also be generated in terms of the knock-on effects on local and



regional businesses as set out in more detail under the ‘*Socio-Economic Issues*’ section of this report above.

A requirement for the proposed development to provide a Public Transport Strategy (PTS), be that in conjunction with the adjacent G-Park development or as a separate entity, would also assist in ensuring that the employment available on the site would be accessible by those without access to a private car.

*Social Objective:*

The economic benefits associated with the proposed development, would, by virtue of the jobs created for those employed in association with the construction and operation of the development, also be expected to provide some social benefits. The NPPF refers to the need to foster a well-designed and safe built environment.

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, there is sufficient satisfaction (from the submitted details) that an employment development could be delivered at the reserved matters stage(s) which would integrate into the environment in which it is set.

The delivery of new green infrastructure and areas of informal open space within the site, as well as other habitat creation, would potentially provide recreational opportunities whilst also supporting the health and social wellbeing of employees.

*Environmental Objective:*

The site is identified as countryside in the adopted Local Plan. However, as referred to above, the applicant has demonstrated that there would be an immediate need or demand for the development, and the scheme’s siting outside of the Limits to Development would not therefore necessarily conflict with Policies S3 and Ec2(2), or the policies of the adopted Local Plan as a whole.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which assesses the impacts of the development and, whilst the development would comprise a significant scheme in the countryside (and notwithstanding the conclusions of the Council’s Landscape Consultant), the view is taken that, overall, the environmental impacts would be acceptable. This position accounts for landscape infrastructure which would be provided to screen the building, the relationship the application site has with the development on the G-Park site, other engineered structures which exist within the vicinity of the site (such as the A511 (Ashby Road) and A42), and the segregation the application site has with the open countryside to the east and west by virtue of the A511 and a railway. Additionally, regard is also given to an appeal decision for employment development at land to the south of Junction 1 of the A50 in Castle Donington where the landscape sensitivity was higher than the low to medium identified for the application site, and whereby the Inspector determined that no harm to the appearance and character of the landscape would arise. For the reasons set out within the relevant sections above, the scheme would also be considered acceptable in terms of its contribution towards protecting and enhancing the built and historic environment.

The application is accompanied by a River Mease Impact Assessment (Stage 1 – (Screening) and Stage 2 (Appropriate Assessment)) in accordance with the Habitats Regulations, the conclusions of which are considered reasonable and, for the reasons set out within the relevant section above, the proposals would not have any adverse effects on the River Mease Special Area of Conservation / Site of Special Scientific Interest; no other adverse effects on protected habitats would result.

It is also considered that the scheme would perform relatively well in terms of other aspects of the environmental objective, and including in respect of its associated biodiversity enhancements and

mitigating and adapting to climate change; in terms of the need to make effective use of land, it is considered that the scheme would represent an effective use in terms of it helping to meet a need for sites for this type of use, but it is also noted that the site is greenfield, whereas the use of previously developed land is the preferred approach as set out in Paragraph 124 of the NPPF.

Whilst there is a loss of Best and Most Versatile (BMV) agricultural land, the impact in respect of the environmental objective is considered to not be significant when accounting for the overall loss being less than 20 hectares.

Although the siting of the development away from the built-up area of Ashby De La Zouch (being the nearest sizeable settlement) would likely result in a significant proportion of employees accessing the site by private car, the delivery of a PTS would serve to encourage the use of sustainable forms of transport. It is also the case that this issue would need to be considered in the context of the need to deliver economic growth, and when considering the limited number of alternative sites available for this form of development which would perform better in terms of accessibility (and which would also be suitable for a scheme of this scale and type), it is determined that the development would perform reasonably well in this regard when accounting for the nature of the use and the types of locations where development of this type and scale would tend to be sited.

Having regard to the three dimensions of sustainable development, therefore, and having regard to the conclusions in respect of various technical issues set out within this report, it is accepted that the contribution to economic growth associated with the proposed development, coupled with the role played in helping to meet a demonstrable immediate need or demand for development such as that proposed, would ensure that the scheme would sit fairly well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, whilst the proposed development would result in the loss of Best and Most Versatile Agricultural Land, it is considered that the proposed development would not result in any unacceptable impacts on the natural, built or historic environment and, whilst not located immediately adjacent to an existing built up area, would have the ability to provide a reasonable travel choice for employees and, as such, (and notwithstanding its location) have the potential to perform reasonably well in terms of travel needs and the movement towards a low carbon economy.

It is therefore concluded that the proposed development would comply with the provisions of the development plan as a whole and would benefit from the presumption in favour of sustainable development.

Overall, there are no material considerations which indicate the determination of this application other than in accordance with the development plan. Approval is therefore recommended.

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**Erection of a 10-bedroom House in Multiple Occupation (HMO), including associated hard and soft landscaping, communal areas, cycle storage and bin store**

**Report Item No  
A3**

**Application Reference:  
25/01184/FUL**

**2 Central Road, Hugglescote, Coalville, Leicestershire,  
LE67 2FD**

**Date Registered:  
29 Aug 2025**

**Consultation Expiry:  
26 Nov 2025**

**8 Week Date:**

**24 October 2025**

**Extension of Time:  
19 December 2025**

**Grid Reference (E) 442586**

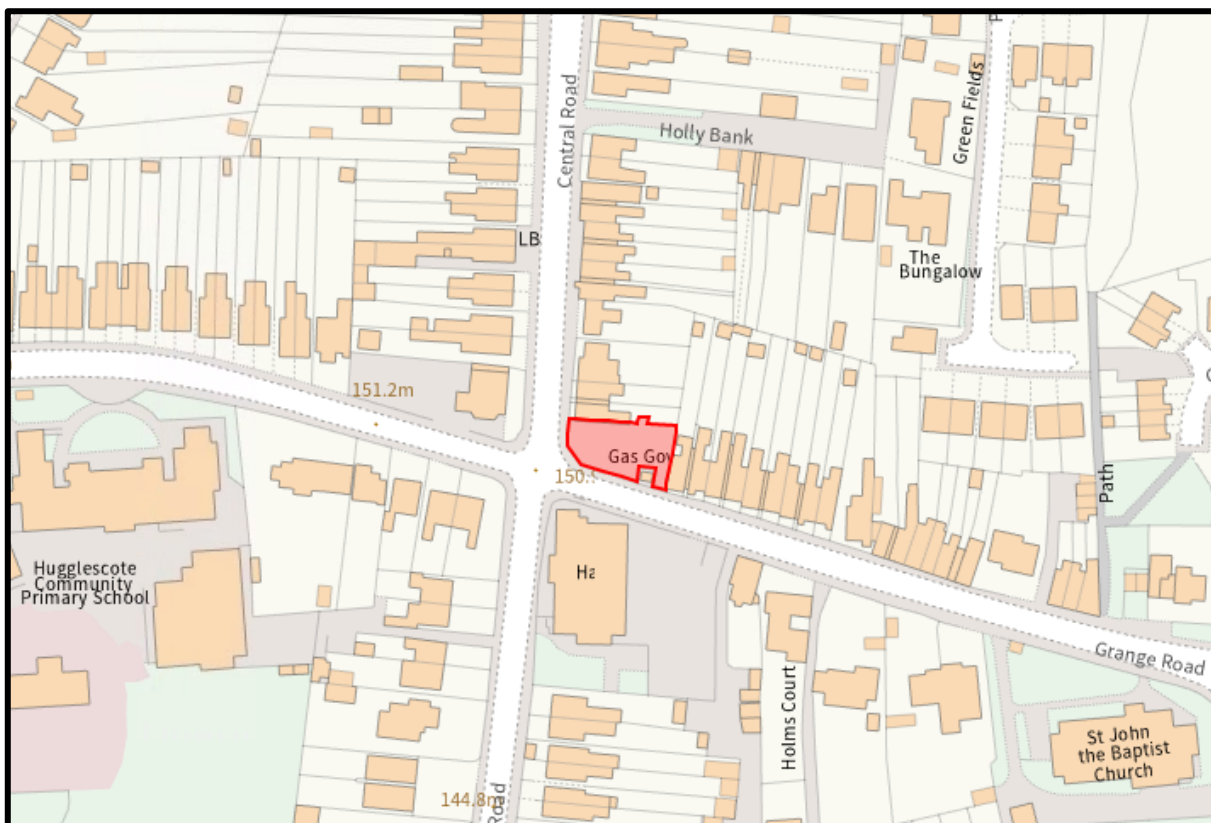
**Grid Reference (N) 312845**

**Applicant:  
Evo Property Management Limited**

**Case Officer:  
Lewis Marshall**

**Recommendation:  
PERMIT**

## Site Location



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## **Reasons the case is called to the Planning Committee**

The application is brought to the Planning Committee for determination because the application has been the subject of a call-in by Cllr Johnson for the following reasons due to concerns relating to the proposal not being in keeping with the streetscape and being a cramped form of overdevelopment, impact on the residential amenities of adjoining neighbours on Grange Road and Centra Road, including from overshadowing and loss of outlook, lack of a Construction Traffic Management Plan, harmful impact on community cohesion and conflict with the Hugglescote and Donington Le Heath Neighbourhood Plan Policies G3, H1 H3 and ENV7.

## **RECOMMENDATION – PERMIT, subject to the following conditions;**

1. Time limit
2. Approved Plans
3. Details of levels to be submitted and approved (prior to commencement)
4. Full details of materials and external finishes and architectural details (prior to development proceeding beyond DPC)
5. The total number of occupants restricted to a maximum of 10 people
6. Land Contamination Assessment (prior to commencement)
7. Land Contamination remediation verification (prior to occupation)
8. Construction Environmental Management Plan (prior to commencement)
9. Noise mitigation and ventilation measures (prior to development proceeding beyond DPC)
10. Hard and soft landscaping details, including details of tree pit root barriers (prior to commencement)
11. Provision of hard and soft landscaping (hard landscaping prior to occupation and soft landscaping within first planting season following occupation)
12. Provision of boundary treatments (prior to occupation)
13. Provision of cycle parking (prior to occupation)
14. Details of bin presentation area to be agreed (prior to development proceeding beyond DPC)
15. Provision of bin storage and presentation area (prior to occupation)
16. Closure of existing vehicular access (prior to occupation)
17. Provision of ecological enhancements (prior to occupation)

## MAIN REPORT

### 1. Proposals and Background

This application seeks full planning permission for the erection of one dwelling for use as a 10 bedroom large house in multiple occupation (HMO) (Sui Generis use class).

The site is currently vacant and in an untidy condition. The site is located on the prominent cross roads fronting both Central Road and Grange Road. A gas governor station is located adjacent to the site within the Grange Road frontage. The site has an existing vehicular access from Grange Road.

The application site is located within the limits to development as per the adopted Local Plan. The site is within the National Forest. The site is located within the “Coal Development – Low Risk Area”. The site is located opposite the Hugglescote Community Centre which is considered to be a non-designated heritage asset.

The description of development as originally proposed by the applicant included reference to the demolition of the existing building. However, following a site visit, it became evident that the existing building has been demolished prior to the submission of the application and has therefore been removed from the description of development.

#### Site Location Plan

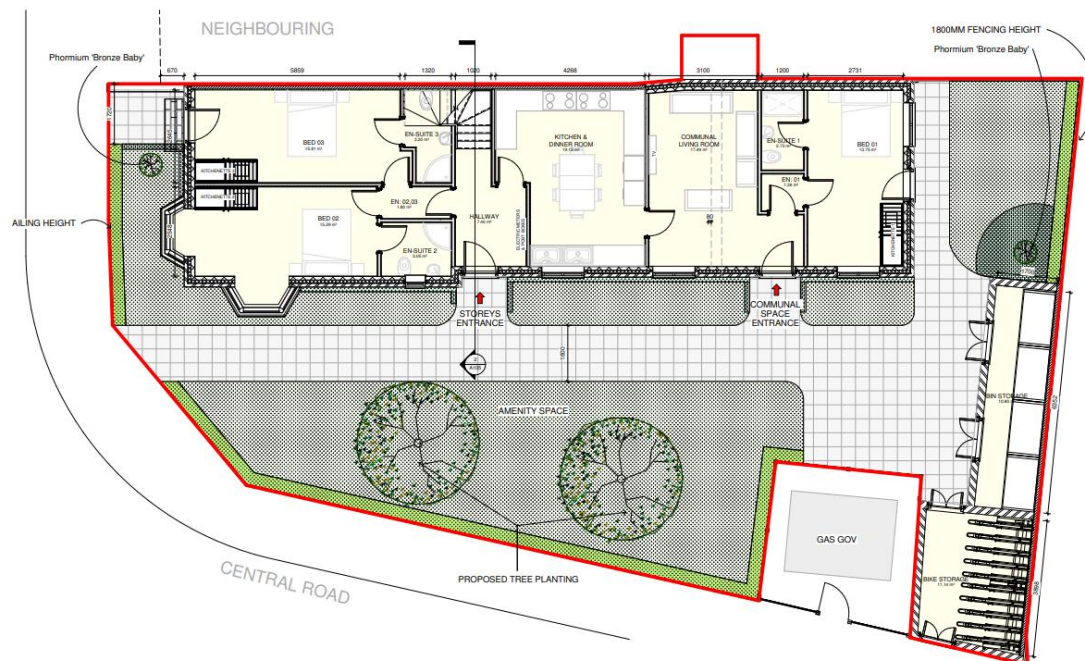




## Aerial Image of the Site Location



## Proposed Site Layout / Ground Floor Plan



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**

24/00009/FUL - Demolition of existing building and erection of residential building to accommodate 4 no. apartments and associated alterations – Application Permitted

23/01320/FUL - Demolition of existing building and erection of residential building to accommodate 5 no. apartments and associated alterations – Withdrawn by the applicant given concerns raised by officers relating to design, impact on non-designated heritage, amenity, and overdevelopment of the site.

23/00967/PNK - Existing building to be re-built and converted into 4 no. apartments (prior approval application) – Withdrawn by the applicant given that the proposals would not comply with Class MA criteria as outlined in the GPDO.

21/00896/FUL - Part demolition of existing building, erection of a two storey extension and change of use to five assisted living flats alongside other external works and alterations – Application Permitted

20/00443/FUL Change of use to 9 no. assisted living units to include part demolition of existing dwelling and internal alterations, erection of a three-storey extension and site alterations –Withdrawn by applicant.

## **2. Publicity**

11 neighbouring properties were initially notified on 28<sup>th</sup> May 2025.

A site notice was displayed on 9<sup>th</sup> September 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:**

Hugglescote and Donington Le Heath Parish Council, for the following reasons:

- Over-intensive use and impact on character
- Lack of parking and impact on highway safety
- Additional noise, disturbance and waste
- Impact on community cohesion

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

NWLDC Environmental Protection – Contaminated Land  
NWLDLDC Conservation Officer  
Leicestershire County Council - Highway Authority  
East Midlands Airport Aerodrome Safeguarding Team  
Leicestershire County Council – Ecology

**No Comments received from:**

NWLDC Waste Services  
Cadent Gas Plant Protection

**Third Party Representations**

16 third party representations have been received objecting to the application. The comments raised are summarised as follows.

<b>Grounds of Objections</b>	<b>Description of Impact</b>
<b>The Principle of Development and Preliminary Matters</b>	Conflict with the Neighbourhood Plan which carries full weight.
<b>Visual Impacts</b>	The proposal represents overdevelopment and an over intensive use.
	Harm to local village character.
	A large number of trees were removed from the site prior to the submission of the application.
<b>Residential Amenity</b>	Loss of privacy and overlooking from upper floor windows.
	Additional noise and disturbance.
	Impact on community cohesion by reducing long-term family occupancy in favour of short-term lets.
	Inadequate bin storage for 10 occupants and resultant odour issues.
	Poor living conditions for the number of occupants due to the small internal living space which could see multiple occupants per room.
<b>Highway Safety Impacts</b>	No parking is proposed
	Additional traffic as a result of up to 10 additional occupants with vehicles

	Inadequate cycle parking provision.
	Damage to the public pavement from tree planting.
	Construction activities and additional use could block the access resulting in a danger to highway safety.
<b>Other Matters</b>	Impact on local heritage assets.
	Inadequate local infrastructure and services to meet the demand from additional occupants.
	Impact on the gas governor and public safety.
<b>Non-Material Planning Considerations</b>	The site should be used as local green space or for public car parking.
	The development will prevent access to the adjacent property for maintenance.
	The occupation should be for local people only and secured by planning condition.

#### 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 and 58 (Planning conditions and obligations);  
 Paragraph 105 (Promoting healthy and safe communities);  
 Paragraphs 109, 110, 112, 113, 115, 116 and 117 (Promoting sustainable transport);  
 Paragraphs 124, 125 and 129 (Making effective use of land);  
 Paragraphs 131, 133, 134, 135 and 139 (Achieving well-designed places);

Paragraphs 161, 163, 164, 166, 168, 170, 173, 174, 175, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change);

Paragraphs 187, 193, 196, 197, 198 and 201 (Conserving and enhancing the natural 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 S2 – Settlement Hierarchy;  
Policy D1 – Design of New Development;  
Policy D2 – Amenity;  
Policy IF4 – Transport Infrastructure and New Development;  
Policy IF7 – Parking Provision and New Development;  
Policy En1 – Nature Conservation;  
Policy En3 – The National Forest;  
Policy En6 – Land and Air Quality;  
Policy Cc2 – Water – Flood Risk;  
Policy Cc3 – Water – Sustainable Drainage Systems; and  
Policy Ec5 - Airport Safeguarding

### **Made Hugglescote and Donington le Heath Neighbourhood Plan (2021)**

The Hugglescote and Donington le Heath 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 G1 - Limits to Development  
Policy G3 - Design  
Policy - H1 Housing Mix  
Policy - ENV4 Non-designated Heritage Assets  
Policy - ENV6 Biodiversity and Habitat Connectivity  
Policy - T2 Residential and Public Car Parking

### **Adopted Leicestershire Minerals and Waste Local Plan (September 2019)**

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

Policy M11: Safeguarding of Mineral Resources  
Policy W9: Safeguarding Waste Management Facilities

## **Other Policies and Guidance**

National Planning Practice Guidance  
Good Design for North West Leicestershire Supplementary Planning Document – April 2017.  
Leicestershire Highways Design Guide (Leicestershire County Council).  
National Design Guide – October 2019.  
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).  
The Conservation of Habitats and Species Regulations 2017



## 5. Assessment

### Principle of Development

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

Hugglescote forms part of the 'Principal Town' and Coalville Urban Area as defined by Policy S2 of the Local Plan where the largest amount of new development will take place. The site is located within Limits to Development as defined by the adopted Local Plan and Neighbourhood Plan, where the principle of provision of housing is acceptable, subject to all other planning matters being addressed.

The proposal is considered appropriate for the location and complies with Policy S2 of the Local Plan and Policies G1 and H1 of the Neighbourhood Plan.

### Design, Heritage and Visual Impact

Policy D1 of the Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. This is expanded upon in the Council's Good Design for North West Leicestershire Supplementary Planning Document (April 2017) (the SPD) which states that developments must be underpinned by a thorough understanding and appreciation of the place, both the site and its immediate and wider context. Policy En3 requires development in the National Forest to be appropriate to its Forest setting. Pictures of the site are below.

The character of the area is defined by late Victorian and early 20<sup>th</sup> century terraced and semi-detached housing primarily constructed of red brick and render with slate roofs. The site is currently in poor condition and detracts from the street scene. The Hugglescote Community Centre located to the south of the site is a large former Victorian school building considered to be of some architectural and heritage value. The site is in a prominent location situated on the cross roads between Central Road, Grange Road, Ashburton Road and Station Road.





The application seeks full planning permission for a two storey dwelling that would form the end of the current terrace made up of nos. 2-8 Central Road. The proposed dwelling would address both Central Road and Grange Road with some articulation and detail, such as a bay window and a chimney stack to the south elevation fronting Grange Road. The proposal includes accommodation at second floor level within the roof space and a single storey element to the rear. Outbuildings are also proposed to provide cycle and bin storage. Hard and soft landscaping is proposed with metal

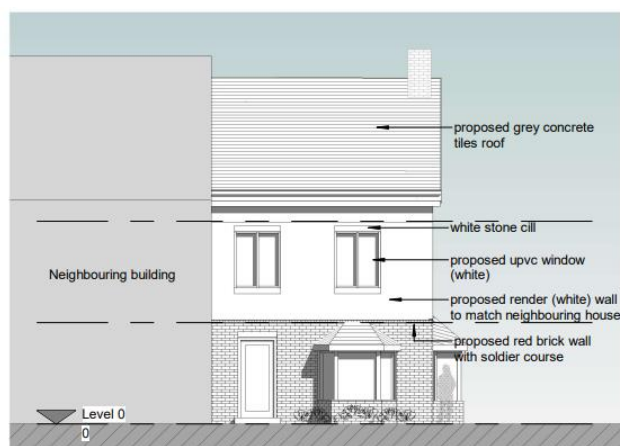


railings to the boundaries and tree planting within the front and side gardens addressing the street. The proposed elevations and supporting visual imagery submitted as part of the application are below.



The proposed design has been amended through the course of the application to address some concerns raised by the case officer in respect of the scale and appearance. The amended proposal in terms of the external scale and appearance is very similar to the already consented scheme granted under 24/00009/FUL. The key differences between the approved and proposed buildings relate to the number and position of the openings in the side elevation and the length of the two storey rear element and the single storey rear element (which have both increased in length in the current scheme). The previously approved elevations are shown below.

**Front Elevation**  
1 : 100



**Side Elevation**  
1 : 100



Overall, the proposal would mirror the scale of the existing terraced properties and would correspond to the building line of both Grange Road and Central Road. This would be considered acceptable in its context and would not appear out of place within the local street scene or appear overbearing. Furthermore, the mix of red brick and render with the use of bay windows at ground floor level reflects other properties in the area. Overall, the proposed appearance is considered to be sympathetic and in keeping with the surrounding area.

Metal railings are proposed along the site boundary fronting Central Road and Grange Road. It is noted that there are a wide range of boundary treatment designs and styles in the local area including at the Community Centre (including railings like that proposed under the current application). The provision of tree planting within the open garden area would provide an attractive enhancement to the street scene in this prominent location.

Hugglescote Community Centre is to the south of the site and is identified as a non-designated heritage asset in the Neighbourhood Plan and as such Policy ENV4 of the Neighbourhood Plan applies.

Paragraph 216 of the NPPF states that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

## Hugglescote Community Centre – Non-designated heritage asset



Throughout the course of the application, the Conservation Officer has been consulted to establish the potential impacts on the nearby non-designated heritage asset. The Conservation Officer requested some changes to the proposals to avoid harm to the setting of the Community Centre. These included the omission of the single storey flat roof extension to the rear and a reduction in the number of openings to the south elevation to avoid a “fussy” appearance. Suggestions were also made to omit and re-position a number of the roof lights. As a result, the proposed elevations have been amended through the course of the application with the previously proposed flat roof extension now proposed with a mono-pitch lean to roof and the number of openings in the south elevation reduced. The position of the roof lights has also been amended to ensure where they are placed within a single roof slope, they are evenly spaced and in horizontal alignment. A chimney stack has also been included to the south elevation.

As set out above, the proposed scale, appearance and layout would respond to and respect the existing character and appearance of the area and it therefore follows that no harm would befall the setting of the non-designated heritage asset. Furthermore, it is considered that the current untidy condition of the site is harmful to the setting of the heritage asset and the street scene more widely and the proposal, if implemented and completed, would enhance the setting of the heritage asset and the wider street scene.

Whilst other requests such as the removal of rooflights were not addressed, these are required to provide adequate natural light to the second floor bedrooms and while due consideration has been given to the advice provided by the Conservation Officer as well as the NPPF which notes that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposal is therefore considered to be acceptable having regard for the provisions of Policies D1 and En3 of the adopted Local Plan, Policy ENV4 of the Hugglescote and Donington Le Heath Neighbourhood Plan, the Council's Good Design SPD, National Design Guide and the NPPF.

## **Impact on Residential Amenities**

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

The site is located within a residential area in close proximity to the surrounding neighbouring properties. Concerns have been raised by neighbouring residents that the proposal would give rise to additional noise, disturbance, overbearing impacts and loss of privacy.

No. 4 Central Road currently forms the end of the terrace and is a two-storey building with a painted façade under a slate roof. There is a bay window on the ground floor and pedestrian access from Central Road. The proposed development would be situated built along the shared boundary to create a newly formed dwelling at the end of the terrace.

In terms of the impact upon the occupants of No. 4, it is noted that the proposed dwelling would be located to the south of No. 4 Central Road. The proposed three storey section of the proposals would extend approximately 2.2m in depth beyond the rear elevation of No. 4, with the proposed single storey rear element extending a further 5.5m in depth (equating to approximately 7.7m in depth overall).

When having consideration to the 45-degree rule, it is noted that the proposals would result in a breach in the 45-degree line when measured from the nearest habitable windows which consist of a kitchen window within the rear (east) elevation of No. 4 at ground floor level. A bedroom window exists at first floor level. Nevertheless, it is noted that this breach is mitigated by the neighbouring dwelling and the ground floor kitchen benefiting from multiple windows across two elevations thus it is not considered that the proposed rear projection and the height overall as proposed would result in unacceptable impact on the outlook or result in unacceptable loss of light to the neighbouring occupiers.

As such, having consideration to the above, along with noting that the previous dilapidated structure and single storey rear extensions also resulted in breaches in the 45-degree rule, it is not considered reasonable to resist the application on these grounds.

In terms of overlooking to the neighbour at No. 4, it is noted that there would be 2 no. rear habitable windows to serve a bedroom at first floor level and a kitchen at second floor level. Whilst it is considered this would result in some overlooking to the adjacent garden amenity space, given this does not directly face onto the amenity space and that such a relationship is not uncommon in the immediate area, it is not considered these windows alone would warrant the refusal of the application on overlooking or loss of privacy grounds.

In terms of the impacts upon the neighbour at No. 1 Grange Road, it is noted there would be a minimum separation distance from the boundary to the two and a half storey element of the proposed dwelling of approximately 9.8m. The single storey rear extension would be constructed 4.3m from the shared boundary. Given that the proposals would maintain a minimum 9.8m separation distance between two and a half storey development and the adjacent neighbouring boundary, and that the single storey element of the proposals would be constructed with a lean-to roof adjacent to this neighbour, it is not considered the proposed dwelling would result in undue overshadowing or overbearing impacts to this neighbour. The proposals would result in the addition of first and second floor windows which would face onto the side elevation and garden of No.1 Grange Road which contains its own first floor window. No. 1 Grange Road benefits from a 32m rear garden.

Whilst it is considered the proposals would result in some level of overlooking, given the separation distances involved (at least 9.8m distance at upper floors) and that a similar relationship currently exists between rear and side windows with No. 4 Central Road and such a relationship is not

uncommon in the immediate area, it is not considered the proposal would lead to undue overlooking or loss of privacy of this neighbouring property or its rear amenity space to justify a reason for refusal.

Whilst there would be first floor windows and second floor rooflights which would face to the south of the site, given the separation distances involved to neighbouring properties and that the Hugglescote Community Centre would intervene any potential views, it is not considered these proposed windows would result in any unacceptable levels of overlooking.

Bin and cycle storage are also proposed to the southeastern corner of the site, and it is considered that subject to a condition detailing the nature of the storage, this would not lead to undue impacts on the neighbouring properties.

In terms of the concerns raised about noise from the number of occupants and an over intensive use, it is a material consideration in the determination of the application that the previously approved application for four residential apartments could have accommodated up to 9 individuals across the different units when having regard for the number of bedrooms and bed spaces. The current proposal is for up to 10 occupants across the 10 bedrooms. While concerns have been raised that the double bedrooms could accommodate more than one person, it is possible to impose a condition as recommended that restricts the total number of occupants to a maximum of 10 people. The use of such a condition is considered necessary having regard for the living conditions of existing neighbouring and future occupiers of the property. Having regard for the fall-back position provided by the existing permission, it is not considered that the proposal would result in an over intensive use that would result in unacceptable noise or disturbance to nearby neighbouring properties. Furthermore, noise and antisocial behaviour concerns are dealt with under separate legislation should such problems occur. It is not considered that there is any evidence to suggest that a large HMO in this location as proposed would result in such noise or antisocial behaviour issues that would justify a refusal of planning permission in this case.

In terms of concerns raised in regards to the impact on the development undermining community cohesion, while it is acknowledged that houses in multiple occupation can result in more transient populations, it is not considered that the single dwelling as proposed and the very limited concentration of Large HMOs in the local area, that it would result in such harm to the community that it would justify a refusal of planning permission.

Concerns have been raised by third parties regarding the living standards of any future occupants of the proposed development due to the limited amount of internal space for the ten occupants as proposed. However, the proposal meets with the Council's published licencing standards in respect of room sizes. Each bedroom would also be provided with an en-suite shower room with three of the bedrooms also benefitting from a small kitchenette reducing the pressure on shared facilities across the dwelling. The Environmental Protection Officer has also recommended that a condition be imposed that secures a scheme of noise mitigation and ventilation to ensure an acceptable internal living environment for any future occupiers.

In terms of access to natural light, it is noted all habitable rooms would be served by windows or rooflights, with the majority of windows being either south or west facing to maximise levels of natural light.

The Council's Environmental Protection team have raised no objections, it is not considered that the amenity concerns raised by neighbouring residents could justify a refusal of the application and therefore the development would accord with the aims of Policy D2 of the adopted Local Plan.

It should be noted that any development has the potential to result in impact on amenity during the construction period, however, this is controlled by other legislation and regimes to mitigate impact in terms of noise, dust and traffic.

Overall, the proposal is not considered to result in significant impacts upon the amenities of the occupiers of surrounding residential dwellings or the future occupiers of the development. Therefore, the proposal is considered to be in accordance with Policy D2 of the adopted Local Plan, Policy G3 of the Neighbourhood Plan, the Council's Good Design SPD, and relevant sections of the NPPF.

## **Ecology**

Policy EN1 of the Local Plan supports proposals that conserve, restore or enhance the biodiversity of the district.

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for small sites as required by the Environment Act came into force on 2 April 2024. On the basis the proposed development is a brownfield site that is hard surfaced, no more than 25sqm of vegetated habitat will be lost as a result of the development and it would therefore be exempt from the requirement to demonstrate 10% BNG. Notwithstanding this, Paragraphs 187(d) and 193(d) of the NPPF set out a requirement for developments to minimise their impacts on and provide net gains for biodiversity.

The application is not supported by a Preliminary Ecological Appraisal. However, the site is considered to be low ecological value given its location and condition, with the previous building on the site already demolished and laid to hardstanding. The site is located in a Swift alert area. LCC Ecology has been consulted on the application and following confirmation that the previous building on the site has been demolished, they have raised no objections to the application subject to conditions. A condition is recommended to secure a scheme of biodiversity enhancements, to include Swift boxes.

It is considered that the proposal would comply with the provisions of Paragraph 187(d) and 193(d) of the NPPF. Furthermore, subject to conditions, it is not considered that the proposal would result in any adverse impacts to protected species and would increase biodiversity in accordance with Policy En1 of the Local Plan, and relevant sections of the NPPF and the statutory provisions of the Environment Act.

## **Highway Impacts**

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.

The site is located adjacent to the signalised crossroads junction of Central Road, Grange Road, Ashburton Road and Station Road. The site has existing vehicular access on Grange Road, a Class C road subject to a 30mph speed limit. Surrounding the entire frontage of the site on Central Road and Grange Road are waiting restrictions.

Concerns have been raised by third parties throughout the course of the application relating to highway safety (including a lack of car parking within the development) and that on-street parking on a busy crossroads would further exacerbate existing parking issues and highway safety issues. Similar concerns were raised regarding construction workers, traffic, and deliveries.

Vehicular access is not proposed as part of the application with only pedestrian access and a cycle store proposed. It should be noted that the previously permitted application for four residential apartments on the site (24/0009/FUL) was permitted on the basis that no off-street parking or vehicular access was proposed.

The site is located adjacent to the signalised crossroads junction of Central Road, Grange Road, Ashburton Road and Station Road. The site has an existing vehicular access on Grange Road, a

Classified 'C' road subject to a 30mph speed limit. Surrounding the entire frontage of the site on Central Road and Grange Road are waiting restrictions.

The pedestrian access to the site would be via an opening on the corner of the site on Central Road and Grange Road at Hugglescote Crossroads. Access to the site would also be possible via the cycle storage area off Grange Road. A kerbside bin collection point is to be provided adjacent to the footway where bins can be left on collection days only without causing an obstruction to the public highway. It is recommended that these details be secured by condition.

In terms of parking requirements, the Local Highway Authority (LHA) would typically require one parking space to be provided for each bedroom. The LHA has however considered that there is no scope for residential parking on the site and would generally be unsupportive of permitting a new vehicular access to the site nearby Hugglescote Crossroads. To mitigate the lack of off-street parking the applicant is proposing secure cycle parking, with enough spaces for one per unit. The LHA have also noted that the roads surrounding the development have significant amounts of waiting restrictions which will limit the impact of any displaced parking. Additionally, the site is located nearby bus stops to reduce reliance on car usage. After consideration of these site-specific factors it is not considered that the impact of the lack of vehicle parking as part of the proposed development would be severe in the context of Paragraph 116 of the National Planning Policy Framework.

While concerns have been raised about the impact on the highway network during construction, such impacts can be mitigated by the approval of a construction traffic management plan as recommended by the LHA. Such a condition was imposed on the previously consented development of a similar scale and when submitted, was subsequently found to be acceptable by the LHA (application reference 25/00188/DIS). Furthermore, impacts on the highway network would be limited to the construction period only. It is not considered that concerns raised in this regard would justify a refusal of planning permission.

The LHA advises that "the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe."

Overall and subject to conditions, it is not considered that the proposal would adversely impact upon highway safety and therefore, would comply with the provisions of Policies IF4 and IF7 of the adopted Local Plan, the NPPF and the Leicestershire Highways Design Guide.

## **Other Matters**

The site is located within flood zone 1 and is not at risk of surface water flooding and is largely hard surfaced at present. It is not considered that the proposal would give rise to any risks of flooding to the future occupiers or increase flood risk elsewhere.

Concerns have been raised that the planting of trees within the garden of the proposed dwelling could give rise to damage to the adjacent pedestrian footway and underground gas pipes due to the location of the adjacent gas governor. Notwithstanding that the Local Highway Authority has not raised any concerns in this regard, it is recommended that details of tree pit barriers to be used in the planting of trees can be secured by condition as part of the landscaping condition with the purpose being to guide root growth away from hard surfaces like the pavement to prevent damage. Cadent Gas Plant Protection has been consulted as part of the application and have not have not responded.

The site is within the safeguarded area of East Midlands Airport. The Airport Safeguarding Authority has been consulted on the application and no objection is raised subject to a condition in respect of lighting and a standard informative is recommended to alert the applicant to the permitting procedures in place should tall equipment or cranes be required during construction.



The site is within a Minerals Safeguarding Area for Coal. However, given the scale and nature of the proposed development and the proximity to neighbouring residential uses, in this instance, prior extraction of minerals would not be either practicable or viable. There are also no safeguarded waste sites located within close proximity of the proposed development site.

The Environmental Protection Officer responsible for land contamination matters has recommended conditions to secure a scheme of further investigation, remediation and verification prior to the commencement and occupation of the dwelling. It is understood that the site has been subject to investigation and remediation under the terms of the previously approved application with the relevant condition discharged under 25/00192/DIS. In response to the suggested conditions made by the Environmental Protection Officer, the applicant has submitted further evidence and this has been shared with the Environmental Protection Officer for further consideration. Should any of the recommended conditions change prior to the committee meeting following further comments made by the Environmental Protection Officer, this will be reported to members within the update sheet.

### **Overall Planning Balance, Contribution to Sustainable Development and Conclusions**

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

In this case it is acknowledged that there would be no conflict with the spatial strategy due to the site's location within the defined limits to development of Hugglescote, which forms part of the Coalville Principal Urban Area. Accordingly the site is considered to be highly sustainable and the proposal is considered to be acceptable in principle.

The proposal seeks to meet housing needs of different groups and, subject to conditions, would avoid unacceptable impacts on residential amenity, highway safety, biodiversity or flooding. Furthermore, the proposal would make efficient use of land on a brownfield site that in its current condition, is detracting from the street scene and the character and appearance of the area, and is considered to be of an acceptable scale and design and would not adversely impact on the nearby Community Centre which is an undesignated heritage asset

There are no other material considerations that indicate that permission should be refused. The application is therefore recommended for approval.

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