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Meeting	PLANNING COMMITTEE
Time/Day/Date	6:00pm on Tuesday, 10 March 2026
Location	Stenson House, London Road, Coalville, LE67 3FN
Officer to contact	Democratic Services (01530 454512)

AGENDA

Item		Pages
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS	
	Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
3.	MINUTES	
	To confirm and sign the minutes of the meetings held on 21 January 2026 and 10 February 2026.	3 - 12
4.	PLANNING APPLICATIONS AND OTHER MATTERS	
	The report of the Head of Planning and Infrastructure.	13 - 16

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	<p>23/00883/FULM - Erection of 35 B8 units together with associated access, parking and servicing areas</p> <p>Land North of Hilltop Farm, Hill Top, Castle Donington</p>	<p>PERMIT, subject to Section 106 obligations, and subject to conditions</p>	<p>17 - 56</p>
A2	<p>25/01411/REMM - Reserved matters approval (internal access, appearance, landscaping, layout and scale) (hybrid planning permission 19/00652/FULM) for the erection of a 70,000 square metre B8 distribution unit with ancillary offices (E(g)(i)) (formerly use class B1 (a)), service yards and HGV parking, fuel and wash facilities, vehicular and cycle parking, gatehouse(s) and security facilities, plant, hard and soft landscaping including boundary treatments and retaining walls, pedestrian and cycling infrastructure, internal roads, and foul and surface water drainage infrastructure</p> <p>Former Lounge Disposal Point, Ashby Road, Coleorton</p>	<p>PERMIT, subject to conditions</p>	<p>57 - 102</p>
A3	<p>25/01392/FUL - Change of use and conversion of former residential care home to form three no. separate dwelling units to include two no. Houses in Multiple Occupancy (HMO) (Use Class Sui Genesis) with single storey side extension and associated works</p> <p>Lyndhurst Lodge, 87 Burton Road, Ashby-de-la-Zouch</p>	<p>PERMIT, subject to conditions</p>	<p>103 - 132</p>

MINUTES of a meeting of the PLANNING Committee held in the Stenson House, London Road, Coalville, LE67 3FN on WEDNESDAY, 21 January 2026

Present: Councillor R Boam (Chair)

Councillors D Bigby, M Burke, R Canny, D Everitt, J Legrys, P Moulton, C A Sewell, J G Simmons and N Smith

In Attendance: Councillors R Johnson and A C Saffell

Officers: Mr J Arnold, Ms J Davies, Mr B Dooley, Mr J Knightley and Mr L Marshall

48. APOLOGIES FOR ABSENCE

Apologies were received from Councillor R Morris.

49. DECLARATION OF INTERESTS

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

Councillor R Boam declared a registerable interest in item A2, application number 25/01523/PIP, and item A3, application number 25/00916/PIP, of the agenda as ward member. He stated that he would leave the Chamber for item A2 and return to speak for item A3 before leaving the meeting.

Councillors R Blunt, R Canny, D Everitt, J Legrys, N Smith and A Woodman declared an other interest in knowing the applicant of item A2 of the agenda, as they were a former councillor.

Councillor R Canny declared a registerable interest in item A1 of the agenda as she had participated in parish council discussions regarding the matter but had come to the meeting with an open mind.

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 23/00883/FULM

Councillors J Legrys, D Bigby, and R Canny.

Item A3, application number 25/00916/PIP

Councillors R Canny and J Simmons.

50. MINUTES

Consideration was given to the minutes of the meeting held on 26 November 2025.

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

RESOLVED THAT:

The minutes of the meeting held on 26 November 2025 be approved and signed by the Chair as an accurate record of proceedings.

51. 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.

52. 23/00883/FULM - ERECTION OF 35 B8 UNITS TOGETHER WITH ASSOCIATED ACCESS, PARKING AND SERVICING AREAS

Land North of Hilltop Farm, Hill Top, Castle Donington.

Officer's Recommendation: Permit, subject to Section 106 obligations, and subject to conditions.

The Principal Planning Officer presented the report.

Mark Rogers, speaking as parish councillor on behalf of Castle Donington Parish Council, addressed the Committee. He stated that the application did not take suitable alternative sites into consideration. He expressed doubt as to whether the proposed development adhered to several Local Plan policies and noted that it could cause a risk to life and an increase of traffic. He urged the Committee to refuse the application.

Julia Redfearn, speaking as an objector, addressed the Committee. She expressed concern over the potential the development had to increase traffic in the village and exacerbate highway safety. She stated she did not believe the development was vital for employment and emphasised the importance of maintaining green belts in the area.

Jon Imber, speaking as the agent on behalf of JMI Planning Ltd, addressed the Committee. He spoke in support of the application and noted that the proposed development was fully compliant with local and national policies. He encouraged the Committee to approve the application.

After the planning officers addressed several questions of clarity, a discussion was had during which members put forward arguments both for and against the application. They questioned the weight of Policy Ec4 which promoted growth of the neighbouring East Midlands Airport: if the application was approved, this policy would not be as effective.

The Planning and Development Team Manager replied that Policy Ec4 received a number of objections as part of recent consultations and that the policy carried little weight at this stage. It was confirmed that an option was to defer the application.

Members also questioned the immediate demand for this site, noting a recent increase in industrial developments being built across the District, with some raising concern about how this would impact surrounding villages. It was commented that the signs which advised HGV drivers of alternative routes could not be effectively enforced, and that, if the application were deferred, different access to the site from the relief road would be an area to be investigated.

The Legal Advisor made members aware that if they did decide to defer the application, it would risk an appeal for non-determination.

Councillor D Bigby moved that the application be deferred to allow for clarification following further investigation of immediate demand, site access from the relief road and additional weight restriction signage. It was seconded by Councillor C Sewell.

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

RESOLVED THAT:

The application be deferred to allow for clarification following further investigation of immediate demand, site access from the relief road and additional weight restriction signage.

Having declared a registerable interest in the next item, Councillor R Boam left the Chamber.

In the absence of the Chair and Deputy Chair, Councillor P Moulton moved that Councillor J Simmons be appointed as Chair for the remainder of the meeting. It was seconded by Councillor M Burke and

RESOLVED THAT:

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

Motion to defer the application to allow for clarification following further investigation of immediate demand, site access from the relief road and additional weight restriction signage. (Motion)	
Councillor Russell Boam	For
Councillor Dave Bigby	For
Councillor Morgan Burke	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moulton	Against
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Nigel Smith	For
Councillor Andrew Woodman	For
Carried	

53. 25/01523/PIP - PERMISSION IN PRINCIPLE FOR THE ERECTION OF TWO SELF-BUILD DWELLINGS

67 Loughborough Road, Coleorton.

Officer's Recommendation: Permit

The Principal Planning Officer presented the report.

Steve Burd, speaking as parish councillor on behalf of Swannington Parish Council, addressed the Committee. He stated that, if granted, the development would undermine the Local Plan, and that the development conflicted with several policies included within the Neighbourhood Plan and the Local Plan.

James Mattley, speaking as the agent on behalf of David Granger Architectural Design Ltd, addressed the Committee. He emphasised that it was only the principle that was to be considered by the Committee, and that, if the application was refused, it would risk a two-tier approach to proposals. He urged the Committee to approve the application in principle.

Members had a discussion during which it was noted that the development had been refused by officers several times previously, and it was felt that the Committee were recommended to approve the application at this stage to meet the self-build quota.

The Planning and Development Team Manager advised the Committee against refusal on technical grounds. Members were reminded that reasons for refusal would have to be in principle and only consider the location, land use and amount of development.

Members noted that the Planning Inspectorate had previously upheld the decision at appeal stage to refuse the application on the grounds of location.

Councillor D Bigby moved that the application be refused on the grounds that it did not comply with Policy H2 of the Swannington Neighbourhood Plan, and Policies S2 and S3 of the Local Plan. It was seconded by Councillor P Moulton.

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

RESOLVED THAT:

The application be refused on the grounds that it did not comply with Policy H2 of the Swannington Neighbourhood Plan, and Policies S2 and S3 of the Local Plan.

Motion to refuse the application on the grounds that it did not comply with Policy H2 of the Swannington Neighbourhood Plan, and Policies S2 and S3 of the Local Plan. (Motion)	
Councillor Dave Bigby	For
Councillor Morgan Burke	For
Councillor Rachel Canny	For
Councillor David Everitt	Against
Councillor John Legrys	For
Councillor Peter Moulton	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	Against
Councillor Nigel Smith	For
Councillor Richard Blunt	Against
Councillor Andrew Woodman	Against
Carried	

54. 25/00916/PIP - PERMISSION IN PRINCIPLE FOR 1 SELF-BUILD DWELLING

Land Rear of 71 Main Street, Osgathorpe.

Officer's Recommendation: Permit

Prior to this item, Councillor R Boam returned to sit in the public gallery until he was called to speak as ward member.

The Planning and Development Team Manager presented the report, after which a letter was read out from Osgathorpe Parish Council requesting the Committee refuse the application.

Emma Pearson, speaking as objector, addressed the Committee. She highlighted that the area was not suitable for the development as it would be overbearing on nearby buildings. She added that the applicant did not live within the District and believed the development was purely for profit. She urged the Committee to refuse the application.

James Mattley, speaking as the agent on behalf of David Granger Architectural Design Plan Ltd, addressed the Committee. He stated that the objection in the report was not

relevant to the principle of the application. He urged the Committee to approve the application.

Councillor R Boam, speaking as ward member, addressed the Committee. He stated that the application did not comply with Policies S2 and S3 of the Local Plan and highlighted a lack of shops and bus stops nearby. He doubted the development's potential to encourage employment and urged the Committee to refuse the application.

After addressing the Committee, Councillor R Boam left the meeting.

A discussion was had during which several questions of clarity were addressed by the planning officers and the Legal Advisor, including whether the area concerned was a highway, bridleway or public footpath, and the implications of this. Members felt there was a lack of information, and they were advised that the option to defer the application would allow time for further research to be undertaken.

Councillor R Blunt moved to defer the application due to a lack of information or clarity to make a well-informed judgement in respect of the lane and highway safety. It was seconded by Councillor C Sewell and

RESOLVED BY GENERAL AFFIRMATION THAT:

The application be deferred due to a lack of information or clarity to make a well-informed judgement in respect of the lane and highway safety.

The meeting commenced at 6:00pm.

Councillor R Boam left the meeting at 7:57pm.

The Chair closed the meeting at 8:17pm.

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MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 10 February 2026

Present: Councillor R Boam (Chair)

Councillors R L Morris, A Barker (substitute for Councillor C Sewell), D Bigby, R Canny, D Everitt, J Legrys, P Moul, J G Simmons, M Wyatt (substitute for Councillor R Boam for item A1 and Councillor R L Morris for item A2)

Officers: Mr J Arnold, Ms J Davies, Mr B Dooley, and Mr D Gill

55. APOLOGIES FOR ABSENCE

Apologies were received from Councillor M Burke, Councillor N Smith, and Councillor C Sewell for whom Councillor A Barker was substituting.

56. DECLARATION OF INTERESTS

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

Councillor R Boam declared a registerable interest in item A1, application number 25/00916/PIP, as ward member, and Councillor M Wyatt would be joining the meeting as his substitute for that item. He stated that he would retire to the gallery to speak for item A1 before leaving the Chamber.

Councillor R Morris declared a registerable interest in item A2, application number 25/01465/FUL, as ward member, and Councillor M Wyatt would act as his substitute for that item.

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 25/00916/PIP

Councillors A Barker, D Bigby, R Canny, D Everitt, R Morris, P Moul, J Simmons.

57. MINUTES

Consideration was given to the minutes of the meeting held on 9 December 2025.

It was moved by Councillor R Canny, seconded by Councillor D Everitt and

RESOLVED THAT:

The minutes of the meeting held on 9 December 2025 be approved and signed by the Chair as an accurate record of proceedings.

58. 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.

Having declared a registerable interest in the next item, Councillor R Boam retired to sit in the public gallery until he was called to speak as ward member. Councillor M Wyatt joined the meeting as his substitute.

Councillor R Morris took the Chair as Deputy.

59. 25/00916/PIP: PERMISSION IN PRINCIPLE FOR 1 SELF-BUILD DWELLING

Land rear of 71 Main Street, Osgathorpe.

Officer's Recommendation: Permit

The Planning and Development Team Manager presented the report.

James Mattley, speaking as the agent on behalf of David Granger Architectural Design Ltd, addressed the Committee. He expressed support for the application and noted that highway safety was not an issue that could be raised lawfully at the Planning in Principle (PIP) stage of an application. He recommended that the Committee grant the application and noted that opposition to its technical details could be dealt at the next stage of the application in the event it returned to the Committee.

Emma Pearson, speaking as an objector, addressed the Committee. She noted that the development would diminish the open character of the environment and believed that the impact had been understated by officers. It was added that the site was remote from basic amenities and resources.

Councillor R Boam, speaking as the ward member, addressed the Committee. He noted the site was unacceptable with its lack of light and nearby bus stops, that it was outside the limits of development and would harm the character of the environment. It was added that the development does not comply with Policies S2 and S3 of the Local Plan.

After addressing the Committee, Councillor R Boam left the Chamber.

The Planning and Development Team Manager read out a letter from Osgathorpe Parish Council objecting to the development.

During discussion, members noted the application was outside the limits of development, as it was contrary to Policies S2 and S3 in the Local Plan which promote sustainable development, and the location was unsuitable due to a lack of amenities. Possible issues related to flooding were also highlighted which members believed could have occurred beyond the Planning in Principle (PIP) stage of the application.

Members also commented that there was no requirement to take into account the undersupply of self-build properties at this stage.

Several questions of clarity were addressed by the planning officers.

Members were advised that, if the application were approved, the technical details of the application could be considered at a later date if it was brought back to the Committee.

Councillor A Barker moved that the application be approved in accordance with the officer's recommendations. It was seconded by Councillor R Morris.

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

The motion was LOST.

Councillor D Bigby moved to refuse the application on the grounds that it would conflict with Policies S2 and S3 in the Local Plan and would have a visual impact on the area. It was seconded by Councillor R Canny.

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

RESOLVED THAT:

The application be refused on the grounds that it would conflict with Policies S2 and S3 in the Local Plan and would have a visual impact on the area.

Having declared a registerable interest in the next item, Councillor R Morris left the meeting, and Councillor R Boam returned as Chair.

Councillor M Wyatt joined the meeting as a substitute for Councillor R Morris.

Motion to permit the application in accordance with the officer's recommendations. (Motion)	
Councillor Ray Morris	Against
Councillor Dave Bigby	Against
Councillor Rachel Canny	Against
Councillor David Everitt	Against
Councillor John Legrys	Against
Councillor Peter Moulton	For
Councillor Jenny Simmons	Against
Councillor Anthony Barker	For
Councillor Michael Wyatt	Against
Rejected	
Motion to refuse the application on the grounds that it would conflict with Policies S2 and S3 in the Local Plan and would have a visual impact on the area. (Motion)	
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moulton	Abstain
Councillor Jenny Simmons	For
Councillor Anthony Barker	For
Councillor Michael Wyatt	For
Carried	

60. 25/01465/FUL: ERECTION OF A DETACHED BUNGALOW

Land at former Priory Nursery Garden Centre, Ashby Road, Breedon.

Officer's Recommendation: Permit, subject to conditions

The Principal Planning Officer presented the report.

Emily Christie, speaking as the agent on behalf of Cameron Homes Ltd, addressed the Committee. She noted that the design made sufficient and appropriate use of the land and ensured the needs of residents are effectively met. She urged the Committee to approve the application.

Members expressed support for the application.

Councillor D Bigby moved that the application be approved in accordance with the officer's recommendations. It was seconded by Councillor J Legrys.

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

RESOLVED THAT:

The application be approved in accordance with officer's recommendations.

Motion to approve the application in accordance with the officer's recommendations. (Motion)	
Councillor Russell Boam	For
Councillor Dave Bigby	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Mout	For
Councillor Jenny Simmons	For
Councillor Anthony Barker	For
Councillor Michael Wyatt	For
Carried	

The meeting commenced at 6:00pm

The Chair closed the meeting at 7:01pm



**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.

**Erection of 35 B8 units together with associated access,
parking and servicing areas**

**Report Item No
A1**

**Land North of Hilltop Farm, Hill Top, Castle Donington,
Leicestershire**

**Application Reference
23/00883/FULM**

**Grid Reference (E) 443929
Grid Reference (N) 326517**

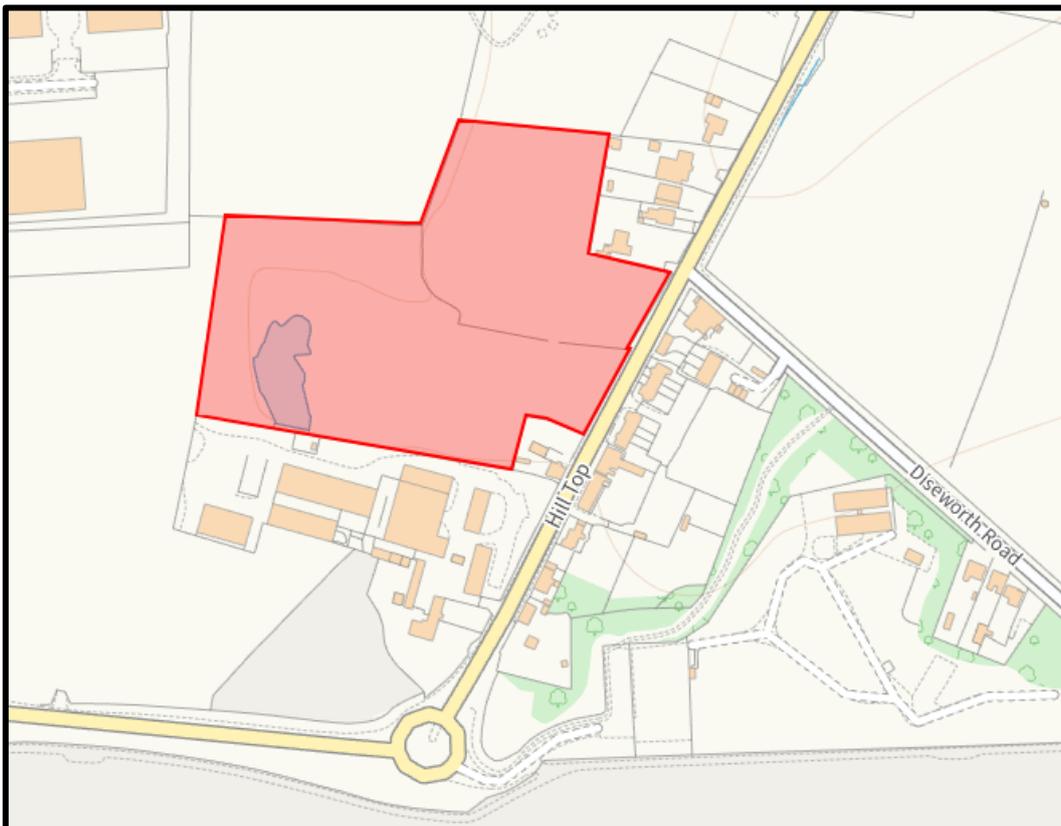
**Date Registered:
4 December 2023
Consultation Expiry:
12 January 2026
13 Week Date:
4 March 2024
Extension of Time:
13 March 2026**

**Applicant:
Brickyard Storage Ltd**

**Case Officer:
James Knightley**

**Recommendation: Permit, subject to Section 106
obligations, and subject to conditions**

Site Location - Plan for indicative purposes only



Reason the case is called to the Planning Committee:

The application is referred to Planning Committee for determination at the request of Councillor Morley on the basis of the level of concern raised by residents living within Castle Donington Park Ward.

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

- 1 Payment of Traffic Regulation Order (TRO) fee of £7,500 to Leicestershire County Council in respect of proposed relocation of weight limit

Conditions

- 1 Time limit (commencement within 3 years)
- 2 Approved plans
- 3 Definition of approved use (Class B8)
- 4 Hours of Use (0730 to 2100 Mondays to Sundays)
- 5 Materials (submission / approval and compliance with details prior to any construction above damp proof course)
- 6 Levels as shown
- 7 Removal of permitted development rights for extensions / alterations to proposed units
- 8 Retaining walls (details of any proposed to be submitted / agreed prior to their construction)
- 9 Landscaping / BNG (submission / approval and compliance with a scheme (including a timetable for implementation) prior to occupation, and maintenance / replanting)
- 10 Hard surfacing (submission / approval and compliance with details prior to occupation)
- 11 Boundary treatment (submission / approval and compliance with details prior to occupation)
- 12 Tree / hedgerow protection (submission / approval and compliance with details prior to commencement)
- 13 External lighting (submission / approval and compliance with details prior to installation) (including assessment of any impacts on residential amenity, highway safety, aviation and bats)
- 14 Foul drainage (submission / approval and compliance with details prior to occupation)
- 15 Submission / approval and compliance with a scheme of surface water drainage prior to occupation
- 16 Submission / approval and compliance with a scheme for the treatment of surface water during construction prior to commencement
- 17 Submission / approval and compliance with a scheme for the long term maintenance of surface water drainage prior to occupation
- 18 Hours of construction work (0800 to 1800 Mondays to Fridays and 0800 to 1300 Saturdays)
- 19 Provision of off-site highways works as shown prior to occupation
- 20 Provision of site access (including visibility splays) as shown prior to occupation
- 21 Provision of parking, cycle parking and turning facilities as shown prior to occupation
- 22 Routing of construction traffic (submission and approval of details prior to commencement)
- 23 Submission / approval and compliance with a scheme of any proposed outside storage prior to installation
- 24 Submission / approval and compliance with an archaeological Written Scheme of Investigation (WSI) prior to commencement (if required by Leicestershire County Council Archaeology)
- 25 Compliance with proposed construction phase air quality mitigation measures
- 26 Submission / approval (together with compliance with any recommended mitigation measures) of an updated badger survey prior to commencement

- 27 Ecological Construction Environmental Management Plan (submission / approval and compliance with details prior to commencement)
- 28 Landscape and Ecology Management Plan (submission / approval and compliance with details prior to commencement)
- 29 Instrument Flight Procedure Assessment of the proposed buildings and any associated tall equipment to be used during construction (submission and approval of details prior to commencement)
- 30 Aviation Bird Hazard Management Plan (submission and approval of details prior to commencement)
- 31 Aviation Construction Management Plan (submission and approval of details prior to commencement)
- 32 No trade counters
- 33 No subdivision or merging of units
- 34 Provision of barriers to site access (submission / approval and compliance with details prior to occupation)

Main Report

1. Proposals and Background

The application was considered at the Planning Committee meeting of 21 January 2026 where it was resolved that the application be deferred to allow for clarification following further investigation of immediate demand, site access from the relief road and additional weight restriction signage.

Officers have investigated these matters and the application is brought back to the Planning Committee for Members to make their decision.

The original Committee Report has been updated with additional text and for ease of reference, the additional text throughout the report is highlighted in grey (including in the list of conditions above).

This is a full application for the erection of 35 units of a range of sizes with associated access, parking and servicing. The units would be used for uses falling within Class B8 (storage or distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The site comprises agricultural land located to the western side of Hill Top, and to the north of Hill Top Farm (although it is not currently used in association with that farm, or any other agricultural unit). The site is also adjacent to existing residential properties fronting onto Hill Top and High Street, and to the proposed Village Park, a new area of public open space to be delivered in association with the Park Lane mixed use development.



Image © 2025 Airbus

Vehicular access to the site would be provided from Hill Top via a new access road, located in a similar position to a smaller existing field access and with footways tied into the existing facilities on Hill Top.

The proposed units would provide a total approximate gross internal floorspace of 3,511sqm, and would be arranged in blocks of between two and four units, with the units' internal dimensions being typically around 11.8m by 8.4m. The units would be 4.2m high to ridge (3.0m to eaves).

The site currently comprises two distinct parcels (north and south), separated by hedgerows / vegetation, and the scheme is proposed to be arranged in two principal groups, with 17 units located within the northern parcel and 18 within the southern one. The majority of the existing area of vegetation separating the parcels would be retained (with the sections proposed to be removed principally relating to those required to accommodate the route of the access road serving the northern parcel).

Site Plan



Site Photos

Agricultural buildings on adjacent farm complex



View of site from adjacent farm complex



Rear of existing properties on Hill Top (to the southern side of the proposed site access)



View towards Hill Top (including location of site access)



Rear of existing properties on Hill Top (to the northern side of the proposed site access)



Hill Top (Site of Proposed Access)



Relevant Planning History

Application Ref.	Description	Decision / Date
93/0480	Residential development including the provision of part of a perimeter for distribution road (36.5ha) (Outline)	No Decision (submitted 17/05/93)

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for major applications as required by the Environment Act came into force on 12 February 2024. However, this requirement would only be applicable to those applications received on or after 12 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 10% BNG.

2. Publicity

39 Neighbours have been notified

Site Notice displayed 5 January 2024 and 19 January 2024

Press Notice published Derby Telegraph 10 January 2024 and 24 January 2024

3. Summary of Consultations and Representations Received

Castle Donington Parish Council strongly objects on the following grounds

- Need is not demonstrated especially considering there are other similar units available in the vicinity
- Site access via Hill Top inappropriate as the entrance is within a weight restricted area and which was implemented to deter HGVs from going through the conservation area
- Site should be accessed via the relief road
- Outside Limits to Development and contrary to Policy S3 of the Local Plan
- Drainage proposals should provide for betterment
- Type of units proposed will attract an increase of traffic movements as the majority of employees are likely to be from outside the village
- Any access should only be via a non-weight restricted road (i.e. the relief road)
- If approved, the units should be shielded from Hill Top by planting of mature trees
- If approved, the Parish Council would insist on being a party to any associated Section 106 agreement
- Strong local public opinion opposing the development on the grounds of loss of amenity, increased noise, increased traffic etc. - it is not satisfactory to suggest that, because there is already a high level of noise, more noise would be acceptable

East Midlands Airport has no objections subject to conditions

Leicestershire County Council Archaeology has no objections

Leicestershire County Council Ecology has no objections

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

Leicestershire County Council Local Highway Authority has no objections subject to conditions and planning obligations

Leicestershire Police makes several recommendations in respect of reducing the opportunities for crime

Natural England has no objections

North West Leicestershire District Council Environmental Protection has no objections subject to conditions

Third Party representations

85 representations have been received, objecting on the following grounds:

Subject	Reason for Objection
Principle of Development	No need for development / employment land
	Existing vacant / unbuilt units in the area
	Low unemployment rate in Castle Donington
	Reduces separation between the historic part of the village and employment sites
	Loss of green space
	Loss of countryside
	Loss of agricultural land
	Locality is drowning in industrial and domestic building projects with scant regard given to their impacts
	Planners and applicants indifferent to adverse effects of development
	Council only interested in increased Business Rates and Council Tax receipts
	Site outside Limits to Development in the Local Plan
	Proposals contrary to Local Plan Policy S3
Access Issues	Access via Hill Top unsuitable due to width
	Unsafe access
	Access needs to address existing bus stop
	Site is within a weight limit
	Site should be accessed via the relief road
	Danger to pedestrians and cyclists from site access
	Increased traffic on residential roads
	Increased congestion / insufficient capacity on existing roads
	Access would be difficult during the Download Festival
	Additional traffic calming required
	HGVs will access via the village centre
	Insufficient measures proposed for sustainable travel to / from the site
	Insufficient parking space proposed
	Misspelling in submitted Transport Assessment
Hill Top is already extremely busy	

	Road system already frequently overloaded
	All traffic accessing the site to / from the north will route via Hill Top / High Street
	Large number of single occupant cars / vans likely to use the site given that the units would be occupied by small businesses
	Few employees will come from Castle Donington given existing low unemployment in the area
	Site should be accessed via Studbrook Business Park
	Would create more roadworks
	M1 motorway needs widening to 5 lanes before approval
Amenity Issues	Noise and fumes from passing vehicles
	Noise from use of the site
	Existing background noise issues do not justify additional noise from the proposed development
	Pollution / air quality concerns
	Light pollution
	Proposals out of keeping with existing landscape
	Overlooking of adjacent properties
	Not appropriate adjacent to a new housing development
	Proposed hours of operation too late
Flood Risk	Flood risk assessment out of date as it refers to the 2016 North West Leicestershire Strategic Flood Risk Assessment
	Existing flooding issues in the area would be exacerbated
	Surface water run-off and drainage strategies inadequate and based on out of date data
	Can't assume that will be able to discharge to Severn Trent Water system
Other	Use of the site outside of working hours / anti-social behaviour
	Loss of property value
	Loss of habitat
	Adverse impact on wildlife
	Ecology report insufficiently detailed
	Concerns over the types of items stored
	Adverse impact on health
	Insufficient local facilities (including in respect of leisure and healthcare)
	No local or community benefit
	Proposals out of keeping with existing landscape

	Previous refusals of planning permission in the area
	Loss of village character
	Litter
	Impact on existing trees
	An existing tree on the site is unsafe
	Employees likely to be from outside of the local area
	Existing employees on industrial estates on minimum wage
	Unsafe to have more people visiting the area during the evening
	Toilet facilities would need to be provided for drivers etc.
	Too many units proposed for the site
	Adverse impact on the Conservation Area
	Other developments are proposed adjacent to the site, to the western and northern sides of Castle Donington, at the proposed Freeport, at East Midlands Airport, in Kegworth, and at Isley Walton
	Impacts on air quality
	Proposed fencing unacceptable
	One of the properties closest to the existing farm access has recently been sold
	Village will become an industrial estate

In addition, **Councillor Morley** (ward member) objects on the following grounds:

- Suggested access route via Hill Top is wholly inappropriate for traffic and especially HGVs as this is a weight restricted area
- Outside the limits of development
- The proposed units' employees would be likely to come from outside of Castle Donington meaning an increase in traffic and pollution to the village
- No evidence of need for these types of units are needed, particularly given existing empty units in Castle Donington
- Drainage figures on the proposal are out of date and there has been an increase in flooding in the area
- Adverse impact on habitats, green space and biodiversity

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, 11 and 12 (Achieving sustainable development)
- Paragraphs 48, 56, 57 and 58 (Decision-making)
- Paragraphs 85, 87, 88 and 89 (Building a strong, competitive economy)

Paragraphs 109, 110, 113, 114, 115, 116, 117 and 118 (Promoting sustainable transport)
Paragraphs 124 and 125 (Making effective use of land)
Paragraphs 131, 135, 136, 137 and 139 (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 and 199 (Conserving and enhancing the natural environment)
Paragraphs 207, 208, 210, 212, 213, 215, 216 and 218 (Conserving and enhancing the historic environment)

Further advice is provided within the MHCLG's Planning Practice Guidance.

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 Local Plan policies are relevant to this application:

Policy S1 – Future housing and economic development needs
Policy S2 – Settlement Hierarchy
Policy S3 - Countryside
Policy D1 - Design of new development
Policy D2 – Amenity
Policy Ec2 – New employment sites
Policy Ec5 – East Midlands Airport: Safeguarding
Policy IF1 – Development and Infrastructure
Policy IF4 – Transport Infrastructure and new development
Policy IF7 – Parking provision and new development
Policy En1 – Nature 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
ODPM Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System)
Good Design for North West Leicestershire Supplementary Planning Document (SPD)

Air Quality SPD
Leicestershire Highway Design Guide (Leicestershire County Council)
National Design Guide

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:

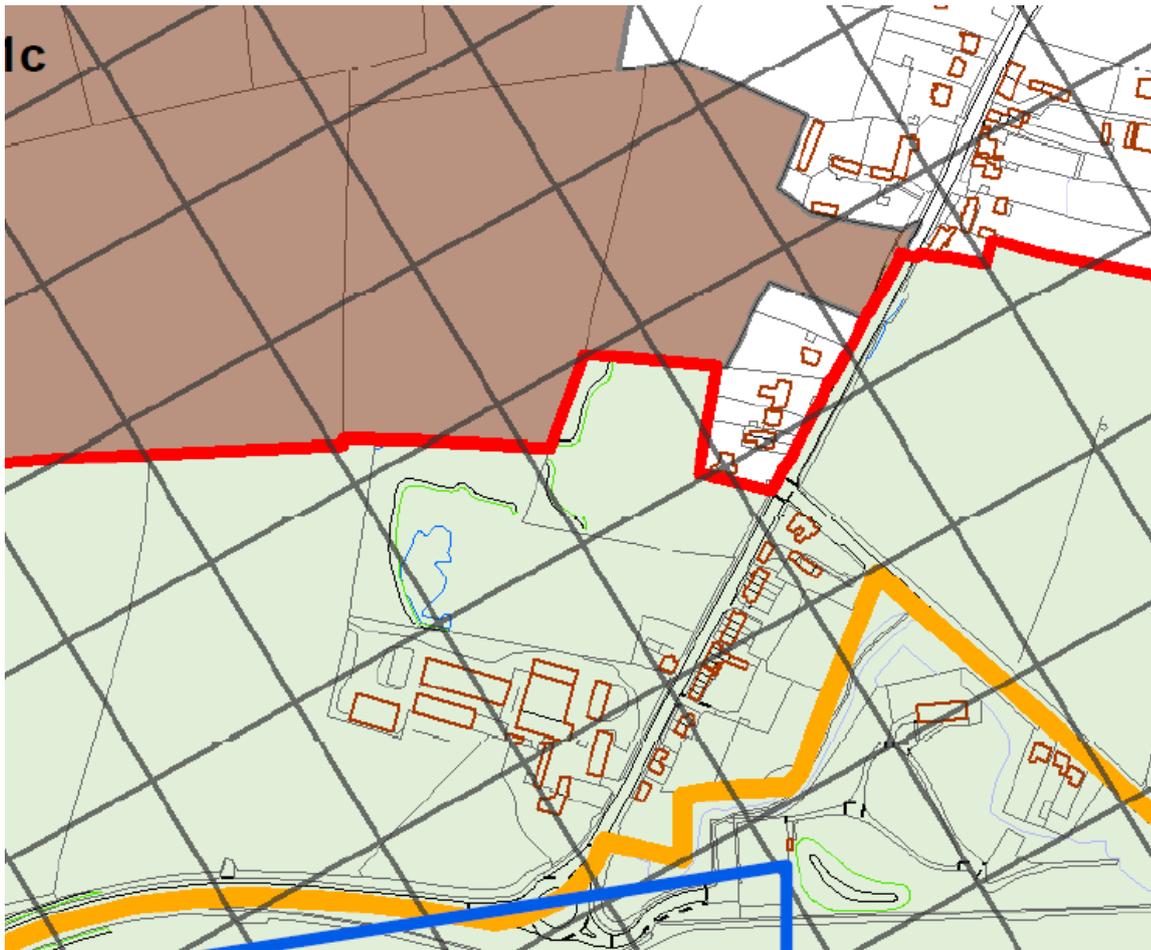
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies 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”.*

The areas or assets referred to under Paragraph 11 (d) (i) include Sites of Special Scientific Interest (SSSIs).

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 is not identified for any particular purposes or any other specific use within the Local Plan. The relevant extract of the Local Plan Proposals Map is shown on the following page.



The application site is located outside (albeit adjacent to) Limits to Development and is, accordingly, subject to Policy S3 of the adopted Local Plan. Policy S3 allows for a range of development types outside Limits to Development, including (under category (s)) employment land in accordance with the provisions of Policy Ec2. Whilst outside the Limits to Development of the village, it is noted that Castle Donington itself is identified as a “Key Service Centre” in the adopted Local Plan (i.e. the second highest order settlement type defined in the Local Plan following the “Principal Town” of the Coalville Urban Area).

Insofar as development under category (s) is concerned, it is noted that this cross-references to 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.

As reported to the Planning Committee on 21 January 2026, evidence had previously been submitted on behalf of the applicant to demonstrate interest from 26 businesses (including both sole traders and companies) in a total of 32 units. Following the deferral of the application at that Committee, updated details have been provided, now indicating interest from 58 businesses in a total of up to 49 units. Of these, 36 are currently based in North West Leicestershire or within 5 miles of the site; as previously, each enquiry indicates that premises are required immediately / as soon as possible, and that they have been unable to find suitable units in the local area. The agent has also confirmed that the units have been specifically marketed for storage or distribution purposes, and not for trade counter use. The agent describes typical end users that have made enquiries as including:

- Accountants wanting to file records
- A car dealer wanting to store surplus cars
- Local businesses selling online who would normally use their garage for storage of stock
- A local hotel wanting to store furniture
- Local retailers wanting delivery to be away from centre of village due to difficulties with offloading
- Local tradesmen such as plumbers and carpet fitters wanting to store equipment

Reasons provided for seeking units include expansion of existing business, changes in direction such that storage is required, the need for additional storage close to customers, and because existing premises are no longer available / suitable. The level of interest identified would appear to be of an extent such that the quantum of development proposed would be required (assuming all the enquiries were to come to fruition).

Local Plan Policy Ec1 identifies two sites for B8 use; the Former Lounge Disposal Point (now called G-Park) at Ashby and Land at Sawley Crossroads. Both these sites now have planning permission for strategic scale warehousing. The form of development on both sites is significantly different from the application proposal. It is accepted that the application proposal cannot reasonably be accommodated on either of these sites. Insofar as the allocated employment land at Money Hill at Ashby de la Zouch is concerned, the current outline application (relating to Phase 2 of the wider Money Hill site) includes land for up to 14.1ha of gross employment use (Use Classes B2 / B8). The current application on the Money Hill site is in outline with all matters reserved apart from part access, and so the precise amount of B2 and B8 floorspace would not be determined at this stage and would form part of reserved matters applications should the outline application be approved. An indicative layout shows seven units ranging in size from around 4,000 sqm up to just over 10,000 sqm, which are significantly larger than the units proposed at the application site. The application is still under consideration by officers and a recommendation has not yet been formulated.

The other allocated employment site at Money Hill is not within the current outline application for Phase 2. Therefore both of the Money Hill sites are not sufficiently advanced through the planning process to meet the immediate demand.

Whilst it would seem unlikely that everyone who has shown interest to date would go ahead and rent unit(s) in the proposed development (due to changing circumstances etc.), having regard to the above, it is nevertheless considered that the evidence demonstrates the immediacy, location and scale of demand as required by Policy Ec2(2) for an immediate demand for employment land in North West Leicestershire which cannot be met on sites allocated in the Local Plan.

In terms of other sites / premises where the businesses identified could potentially relocate within the local area, details provided by the applicant's agent indicate the availability of warehousing to rent on 19 other sites within a 10 mile radius of Castle Donington. However, only 2 of these would include units with a floorspace of below 200sqm (which are twice the size of the application units which would be 100sqm approx. each). Officers' investigations would indicate that, at the time of preparing this report, there were 10 other sites within 10 miles of Castle Donington with warehouse units available with a floorspace of below 200sqm (but none within 5 miles). Within a five mile radius of the site there are 21 warehouse units available; all but five of these have a floorspace of between 2,000sqm and 24,300sqm so are significantly larger than the proposed units. The other five units are at Studbrook Business Park; details of these are set out in the next paragraph.

Attention has also been drawn to a proposed scheme for the erection of 13 new B2 / B8 units at the Duflex site on Newbold Drive in Castle Donington (ref. 25/00696/FULM). Whilst it is acknowledged that this is an application that has not yet been determined (and, as such, it is not known whether these units would come forward (and, if so, when)), the floorspaces of the units proposed would, in any event, all be larger than those proposed on the Hill Top site (ranging between 219 and 529sqm). Similarly, recently constructed units at the western end of the Studbrook Business Park (adjacent to the relief road) would, whilst of a smaller scale than those elsewhere on the Studbrook Business Park, still nevertheless have floorspace of around 300sqm and above.

Paragraph 85 of the NPPF 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.

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

In terms of the additional criteria applicable under Policy Ec2(2) (and as identified as (a) to (c) above), it is considered as follows:

- (a) See Means of Access, Highways and Transportation Issues below.
- (b) The site is considered to be well related to the strategic network, given its proximity to the A453 and the Castle Donington Relief Road which, in turn, provide for good access to the M1 (Junctions 23A and 24), the A42 (Junction 14) and the A50 (Junction 1).
- (c) As set out in more detail in later sections of this report.

Under the provisions of Policy S3, where a development is considered to meet the requirements (and, hence, be acceptable in principle), compliance with a number of additional criteria must be met; the scheme's performance in respect of these criteria is considered to be 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

Whilst located outside Limits to Development, it is accepted that the northern part of the site is, at present, relatively well screened by virtue of existing development along Hill Top and High Street, and the topography of the area. The southern part of the site is more visible in views from the site's eastern boundary with Hill Top due to the height of the frontage hedgerow and the existing field access. It is also acknowledged that the site is immediately adjacent to land within Limits to Development. The proposed buildings would be of limited scale in terms of height (4.2m high to ridge), and would be set back from the road frontage and partly located behind existing development, with soft landscaping proposed to the front of the site. and it is not considered that the scale of the proposed new units would be likely to lead to unacceptable impacts on the wider landscape. It therefore could be argued that 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 also be *enhanced*.

(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

Whilst outside Limits to Development, the existing farm buildings to the south (and existing houses to their east, to the opposite side of the road) would, in effect, be the "last" elements of built development at this southern end of Castle Donington, and no conflict would therefore be considered to arise in terms of undermining the physical or perceived separation between nearby settlements.

(iii) It does not create or exacerbate ribbon development

Whilst some of the proposed development would be "behind" the existing frontage housing to Hill Top / High Street, the site includes a section of its frontage to this route so, in this sense, could be considered to contribute to the existing dwellings' ribbon development effects. However, it is acknowledged that the area of frontage to the road would be between the existing dwellings to the north and south. The actual frontage section would also, it is noted, not include any proposed buildings (being limited to use as the site access and areas of landscaping and SuDS). As such, the proposed development would not be considered to materially create or exacerbate ribbon development.

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

Given the site's proximity to Limits to Development and nearby buildings, it is considered that the proposed development would be reasonably well related to existing development within the immediate vicinity.

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

Given the nature of the proposal, it is not considered the proposal would impact on the vitality and viability of existing town and local centres. The uses proposed are not those in respect of which the town centre / retail type uses' sequential or impact tests would be considered applicable.

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

See section of the report relating to Means of Access, Highways and Transportation Issues below.

On the basis of the above, the principle of the development is considered acceptable (and subject to other matters as considered under Detailed Issues below).

Detailed Issues

In addition to the issues of the principle of development, consideration of other issues relevant to the application is set out in more detail below. The proposed site layout plan is shown below.

Proposed Site Layout

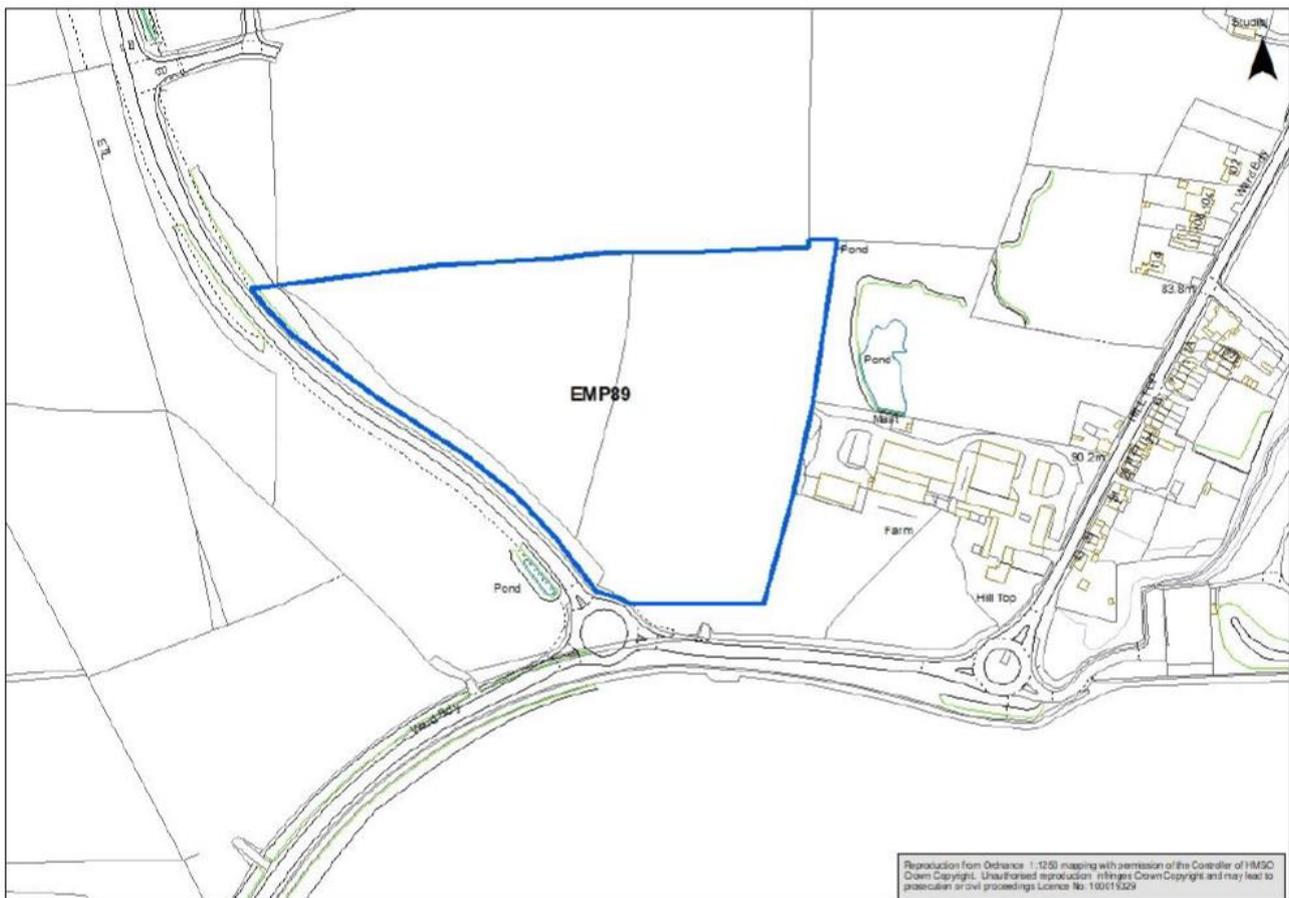


Means of Access, Highways and Transportation Issues

As set out above, the site is intended to be accessed via a new access road to Hill Top, located in a similar position to a smaller existing field access. As referred to under the Proposals and Background section of the report above, the application was deferred at the Planning Committee meeting of 21 January 2026 so as to allow for clarification following further investigation of the potential for site access to be provided from the Castle Donington relief road. In this regard, it is noted that the application as submitted relates to the scheme as shown on the layout above (i.e. with access via

Hill Top) and to the application site as shown on the first page of this report. As such, notwithstanding any potential for delivery of an alternative scheme accessed via a different route, the application needs to be determined on its merits (and based on the suitability (or otherwise) of the access arrangements proposed within the application).

Insofar as the potential for an alternative form of development served via the relief road is concerned, it is noted that there is currently no direct access to the relief road (with the site located approximately 200m from the relief road at its nearest point). As per the application site, this intervening land is also outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. However, it is also noted that an area of land to the south of the recently completed Studbrook Business Park (constructed as part of the wider Park Lane development, pursuant to adopted Local Plan site H1c) has been agreed to be included as an employment land allocation under emerging Policy Ec3 in the forthcoming Regulation 19 version of the Local Plan by the Council's Local Plan Committee on 16 December 2024 (site EMP89, shown below). This decision is subject to the outcomes of transport modelling, viability assessment and infrastructure requirements.



The proposed policy identifies that the site would accommodate 17,253sqm of industry / smaller scale warehousing (within Use Classes B2 / B8), and that access would be taken via the Studbrook Business Park. It is understood that the promoter would intend to access the land via a "spur" road passing through the approved landscaped bund on the southern side of the existing Studbrook Business Park (towards the western end of that southern boundary); vehicles would therefore access / egress the proposed EMP89 site via the Studbrook Business Park estate road and Welsted Road (which, in turn, connects to the relief road at its western end). The Regulation 18 Site Allocations for Consultation document (2024) notes that the County Highway Authority considers such an approach to be acceptable in principle; insofar as potential access of the current application site via this same route is concerned, the County Highway Authority again advises that such an approach would be

likely to be acceptable in principle (subject to the capacity of the affected junctions (including the Welsted Road / relief road junction) being demonstrated as sufficient to accommodate the additional vehicular movements generated).

It would also be anticipated that, in the event that the proposed estate road serving the EMP89 site were to extend further east so as to connect with the current application site, this would be likely to have the effect of reducing the extent of developable land within EMP89 (i.e. as additional land at its eastern end would need to be repurposed from potential use as an employment unit(s) to use as an "extension" of the estate road). This could then, it is considered, impact upon the amount of employment floorspace that would be delivered within the proposed allocation. This could then, it is considered, impact upon the amount of employment floorspace that would be delivered within the proposed allocation in a situation where the emerging plan already has a shortfall of available suitable employment land compared with the evidenced need. This would worsen the Council's position at the Local Plan Examination, in officers' opinion unnecessarily.

On this basis, it is considered that whilst, in principle, it could be possible to provide access from the west, there appears to be some considerable doubt as to whether or not such an option could be deliverable (and within a reasonable length of time, given the immediacy of the demand considered to be demonstrated by the applicant). It also remains the case that, regardless of the merits or otherwise of notional alternative forms of access, the application needs to be determined on its merits, and based on the access via Hill Top as proposed within the application. The suitability or otherwise of the means of access proposed is set out in more detail below.

The application is accompanied by a Transport Assessment and supplementary Transport Assessment Addendum (submitted during the course of the application's consideration in response to issues raised by the County Highway Authority). Whilst concerns had been identified with respect to the implementability of a previously submitted Workplace Travel Plan, this document was withdrawn following advice from the County Highway Authority that, under the provisions of the Leicestershire Highway Design Guide applicable at that time, a Travel Plan would not normally be required for a scheme of this scale. In terms of other issues, the County Highway Authority had initially raised concerns with respect to access geometry and visibility, traffic generation calculations, junction capacity assessment and over-provision of car parking space.

Following the submission of the supplementary documents / data, the County Highway Authority advises as follows:

Site Access and Highway Safety

The setting out of the proposed site access has, as a result of alterations required to address the concerns of the County Highway Authority, been amended during the course of the application. Following these changes, the County Highway Authority notes that the scheme would now comply with the relevant access geometry standards set out in the Leicestershire Highway Design Guide.

In terms of access visibility, the County Highway Authority advises that, based on recorded traffic speeds in the vicinity of the site access, visibility splays of 2.4m by 54m are required to the north of the access and of 2.4m by 63m to the south. The relevant splays have been demonstrated on the updated drawings within the Transport Assessment Addendum and are therefore considered acceptable by the County Highway Authority.

In terms of access safety, the County Highway Authority had previously requested the submission of a Stage 1 Road Safety Audit (RSA). Following submission of the Transport Assessment Addendum, however, the County Highway Authority agrees to the applicant's transport consultants' suggestion that this be undertaken once the principles of the site access arrangement have been established. In particular, whilst it no longer requires the submission of an acceptable Stage 1 RSA prior to determination of the planning application, the County Highway Authority nevertheless advises that a

combined Stage 1 and 2 RSA would be required at the detailed design stage, and that choosing to combine RSAs at a later stage is at the applicant's own risk should there be obstacles to delivery of the scheme which otherwise may have been noted during a Stage 1 RSA. The County Highway Authority also comments that, should the RSAs identify any fundamental matters that would require amendment of the scheme, this may result in the requirement for a subsequent Section 73 application to accommodate any changes in terms of the planning process. As such, whilst the County Highway Authority still considers that a Stage 1 RSA is required, it acknowledges that this can be addressed at a later stage (and in combination with the Stage 2 RSA), but that it is at the applicant's risk, given the potential for the RSAs to highlight the need to make changes to the access's design before it could be installed.

In terms of other highway safety considerations, the County Highway Authority had previously advised that the applicant's Personal Injury Collision (PIC) data should include data for a minimum distance of 500m in either direction of the site access and any junctions that are subject to junction capacity assessments. In terms of the data assessed, the submissions noted the occurrence of two PICs at the roundabout to the south of the site (both from 2022, one identified as "slight" and one as "serious" in terms of severity). Whilst some requested more recent data (March 2023 onwards) remained unsubmitted, based on its own records of PICs, the County Highway Authority confirms that (as of the date of its final observations), no further PICs had taken place within 500m of the site access. As such, the County Highway Authority considers that the proposed development would not exacerbate any known highway safety concerns.

Weight Restriction

The site access is located within an existing 7.5 tonne weight restriction (albeit this would not prevent the site being accessed by HGVs (as above-weight vehicles can travel within a weight restricted area if their destination is also within that restricted area)). However, having regard to the site's location towards the southern end of the existing restricted area, it is considered that, given the ability for larger vehicles to enter a restricted area to reach a destination within it, the development could result in HGVs etc. entering / exiting the restricted area at its northern end (on Station Road, in the vicinity of its junction with Carnival Way) and, hence, travelling through the village centre (i.e. along Bondgate / High Street etc.) to and from the site entrance.

Whereas the scheme proposes signage / access road markings advising drivers to turn right when exiting the site (and which are welcomed by the County Highway Authority), such measures would not be the subject of a Traffic Regulation Order and, therefore, not enforceable by the Police. (Also, such signage would only be observed by drivers when exiting the site, and by which time they would have already accessed the site).

Given the location of the site access within the weight restriction, therefore, the logical solution would, it is considered, be to effectively take the site access outside of the restricted area such that HGV drivers would have no option but to remain outside of the weight restricted area (i.e. by relocating the southern "start" of the weight limit to a point to the north of the site access), and all HGV access / egress would then need to be via the A453 / Castle Donington Relief Road etc.

As such, the County Highway Authority confirms that it would expect the existing weight limit signage to be removed and new weight limit signage (including illumination) installed. The County Council confirms that these works would need to be completed by the applicant and be approved by the County Council as part of the Section 278 process. A Traffic Regulation Order (TRO) fee (£7,500) would also be required to advertise the TRO, and is requested to be secured by way of a Section 106 contribution; the applicant is agreeable to making this contribution. Further to queries raised at Planning Committee on 21 January 2026 (and at the Planning Committee Technical Briefing prior to that meeting), the County Highway Authority advises that advanced signage would be installed at the roundabouts at the southern end of the relief road and adjacent to the Aeropark entrance so as

to provide opportunities for HGVs not associated with the site to turn at the roundabout (and as per the example image below).



Wider Highway Network

In response to the County Highway Authority’s request, updated TRICS (Trip Rate Information Computer System) trip generation data has been produced in respect of the application. The revised trip generation figures are set out below; the figures shown include total person-based trip generation (i.e. including all modes of travel to and from the site) and, specifically, those arriving / leaving by HGV. The County Highway Authority considers that these figures are now robust.

	Weekday AM Peak (0800 – 0900)			Weekday PM Peak (1700 – 1800)			Weekday 12 Hour (0700 – 1900)		
	<i>Arrive</i>	<i>Depart</i>	<i>Total</i>	<i>Arrive</i>	<i>Depart</i>	<i>Total</i>	<i>Arrive</i>	<i>Depart</i>	<i>Total</i>
<i>Person Trips</i>	11	9	20	12	20	32	180	189	369
<i>HGV</i>	3	2	5	3	5	8	45	47	92

The revised data has been incorporated into an updated junction capacity assessment for the site access and which demonstrates, the County Highway Authority confirms, that the junction would operate well within capacity in the future year scenario (2028).

Internal Layout and Parking

The proposed layout indicates provision of 2 car parking spaces per unit (i.e. a total of 70 spaces); whilst the County Highway Authority had initially commented that the amount of car parking space was in excess of its requirements, but noted that no HGV parking was shown. In response, the applicant has reconfigured the site to show some HGV parking provision (albeit whilst retaining the original number of car parking spaces). The County Highway Authority confirms it is content with the revised configuration / parking arrangements, together with the applicant’s intention to provide 8 cycle parking spaces.

Site Accessibility

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 sustainable transport, and has good access to the strategic highway network.

The site’s relationship to the strategic highway network is addressed under *Approach to Determination and Principle of Development* above. In terms of the accessibility of the site generally, it is noted that, whilst within the countryside, the site would be located adjacent to the Limits to Development for Castle Donington, with the site access located approximately 850m from the edge of Castle Donington Town Centre (*sic*) as defined in the adopted Local Plan. The site is adjacent to bus stops served by frequent Skylink services connecting to a range of destinations, including Derby,

Nottingham, Leicester and Coalville. There are footways and street lighting on both sides of Hill Top and High Street in both directions in the vicinity of the site, and the footway on the western side of Hill Top continues southwards to link into the footway along the road that follows the north western perimeter of East Midlands Airport and on to the Castle Donington Relief Road. A cycle path also runs along part of the airport perimeter road. On this basis, and given that the site is located adjacent to the defined Limits to Development of Castle Donington (identified, as set out above, as a “Key Service Centre” in the Local Plan), it is considered that the development would be acceptable in terms of the accessibility of the site.

Other Matters

Further to queries raised by members in respect of the potential for the proposed units to operate trade counters (i.e. to such an extent as to not represent a material change of use), an additional condition is recommended to prevent trade counters. In terms of queries raised regarding the potential for any future merging or subdivision to have additional transportation impacts (e.g. in terms of increased likelihood of HGVs being used to serve larger units if merged, or, conversely, more smaller vehicles accessing an increased number of smaller units if units were subdivided), a condition to prevent such changes is also recommended.

Overall in respect of means of access, highways and transportation issues, therefore, the scheme is considered acceptable, and would comply with the relevant national and local policies in this regard.

Residential Amenity and Noise

Policy D2 of the North West Leicestershire Local Plan provides 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, and provides that proposals will be supported where they do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing and overbearing impact, nor generate a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard. The policy also requires that external lighting schemes should be designed to minimise potential pollution from glare or spillage of light.

The application is accompanied by an Acoustic Assessment. This indicates that, whilst the exact nature of future occupiers’ operations are not known at this stage, operations within the yard are likely to be the most significant acoustically, and would be expected to include loading and unloading of vehicles with the use of an electric pedestrian pallet truck (assumed to take place for around 50% of an hourly period). Other potential sources of noise identified in the Assessment include the use of motor operated roller shutter doors. The Assessment states that the sound generated by movement of vehicles in the service yard would be similar to that on the local road network and would be “masked” by local activity.

Based on the calculations set out in the Assessment (and having regard to an assumption that there would be no night time (between 2300 and 0700) activity on the site), the specific sound levels calculated for the nearest receptors (i.e. the residential properties to the northern and southern sides of the site access) would be in the area of 16 to 18dB below the existing residual level and, as such, would result in no increase to the existing residual sound level, indicating a “low” impact on nearby receptors.

The Acoustic Assessment also addresses the impacts of increased traffic noise. In this regard, the Assessment considers the increased noise associated with the development (and when taking into account both the new development and other predicted increases in traffic generally) to result in an increased noise level of 0.1dB which, it indicates, would be “negligible”.

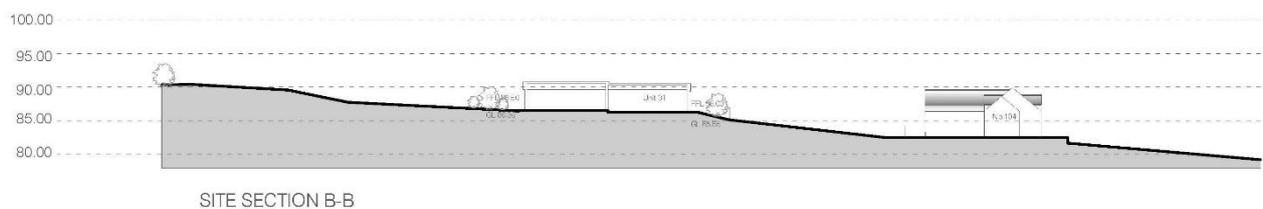
The application and accompanying Acoustic Assessment have been reviewed by the District Council's Environmental Protection team, and no objections are raised. The Environmental Protection team had initially requested the installation of an acoustic fence to the site boundary so as to provide for additional noise protection but, having reconsidered the findings of the Acoustic Assessment, the Environmental Protection team acknowledges that this would not be necessary in order to achieve the noise levels identified. However, the Environmental Protection team considers that slightly more restrictive hours of operation than those assumed in the Acoustic Assessment (limited to between 0730 and 2100 Mondays to Sundays) would be appropriate; the applicant is agreeable to the imposition of a condition to secure these more restrictive hours of operation.

The closest residential properties to the proposed development are those fronting onto Hill Top and High Street, located to both the north and the south of the site access, and with gardens (and including outbuildings etc.) backing onto the site. Based on the submitted plans, the closest sections of the neighbouring properties' "main" houses would be in the order of 22 to 23 metres away from the closest proposed building, although access / manoeuvring / parking areas would be closer than this. The relationship can be seen on the site layout plan reproduced earlier in this report, as well as on the various extracts from the submitted sections drawing provided below.

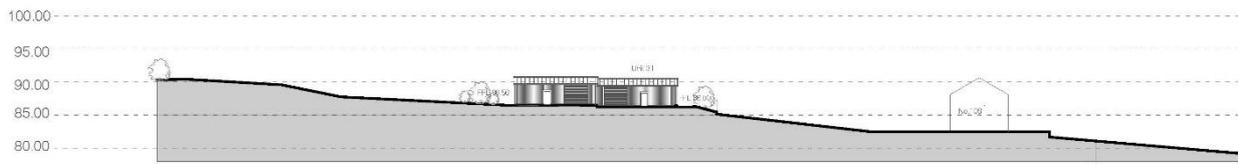
Sections Key Plan



Section B-B

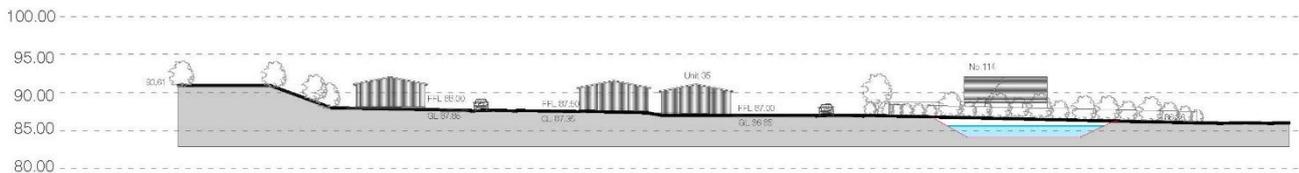


Section C-C



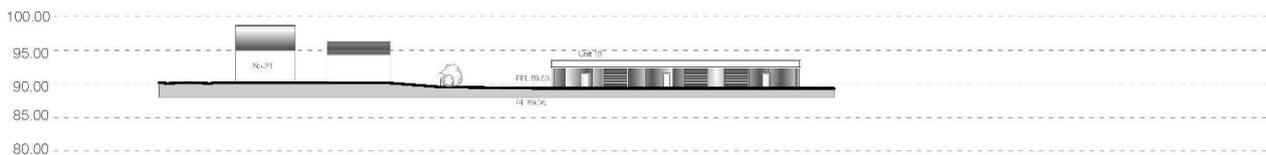
SITE SECTION C-C

Section D-D



SITE SECTION D-D

Section E-E



SITE SECTION E-E

As demonstrated on the proposed sections, whilst the units in some areas of the site (including those areas to the west of High Street) would be sited at a higher finished floor level (FFL) (in AOD (i.e. Above Ordnance Datum) terms) than those of nearby residential properties, the overall height of the buildings would be lower, with the result being maximum roof heights of a similar overall AOD. The buildings would all be single storey.

Having regard to this, and having regard to the separation between existing and proposed buildings generally, it is accepted that adverse residential amenity impacts would be unlikely to result in terms of overlooking, overdominance, overshadowing or loss of light.

It is noted nevertheless that there would be areas of "activity" associated with the proposed use (including access roads and manoeuvring / parking areas) in closer proximity to neighbouring property, and there would, it is considered, be likely to be some impacts on adjacent properties arising from that relationship. Whereas (as set out above) the noise impacts are not predicted to be unacceptable on neighbouring properties, there could, it is considered, nevertheless be other effects arising as a result of the different uses' proximity to one another, and the various types of ancillary activities / movements etc. likely to take place in association with business premises. However, it is not considered that these would, in themselves, be sufficient to warrant a refusal of the application. Furthermore, the applicant's proposed landscaping adjacent to neighbouring boundaries would serve to provide an additional visual "buffer" in this regard.

In terms of lighting impacts, no proposals have been made at this stage, albeit uses of this nature would normally be expected to require some element of illumination (and which, potentially, could have some residential amenity impacts (as well as in respect of other matters such as ecology and aviation)). It is recommended that a condition be attached so as to ensure that any illumination proposed is able to be assessed separately in due course prior to installation.

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

Design, Visual Impact and Heritage Issues

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. 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.

Designated Heritage Assets

The closest listed building to the site is the Long Well, sited on High Street, approximately 170m to the north of the application site frontage, and is not considered to be materially affected by the proposals (nor would any other listed building). The site is, however, located close to the Castle Donington High Street Conservation Area, the High Street frontage edge of which is located approximately 100m to the north east of the site frontage; behind the High Street frontages, the site is approximately 41m away from the Conservation Area at its closest point. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of any functions under the planning acts with respect to any buildings or other land in a Conservation Area, special attention be paid to the desirability of preserving or enhancing its character or appearance.

In response to the application, the District Council's Conservation Officer noted that, based on historic Ordnance Survey maps, the site was formerly a brickyard and an old clay pit (such uses having ceased prior to the Ordnance Survey map's publication in 1923). He commented that views south out of the conservation area are limited by natural topography and by a belt of trees although he (so as to avoid the potential for any risk) nevertheless suggested the omission of the two units (30 and 31) located closest to the northern boundary.

In response, the applicant's agent has confirmed that the applicant does not propose to delete these units, and wishes the application to be determined as proposed; further to this confirmation, no further comments / objections were raised by the District Council's Conservation Officer. Whereas no specific objections have been raised, nor any harm has been identified by the Conservation Officer, it is considered that, if there was to be harm to the setting of the Conservation Area, it would be less than substantial in NPPF terms.

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 would need 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 any less than substantial harm that would occur to the significance of the Conservation Area.

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 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this case, and when applying the duty under Section 72 of the Act together with the tests set out in the Planning Practice Guidance, the view is taken that, whilst there *could* be a degree of harm to the setting of the Conservation Area, the overall impact would be acceptable.

Non-Designated Heritage Assets:

Insofar as non-designated heritage assets are concerned, the application is accompanied by an Archaeological Desk Based Assessment (DBA). Further to the comments set out above relating to the site's former use, the DBA identifies "medium" potential for archaeological remains within the central and western parts of the site relating to a brickyard operated from the mid 19th century until the early 20th century. The DBA suggests that, if any archaeological remains associated with the brickyard were discovered, they would be of "evidential and historical illustrative value" and, as such, would be of local significance (depending on their condition and the nature of the remains recovered). Insofar as earlier archaeological remains are concerned, the DBA suggests that these are likely to have been either truncated or destroyed by the former clay extraction on the site.

Some of the proposed units and parking areas would be in the location of the former brickyard, and the works associated with the construction of the development would, the DBA suggests, be likely to remove or truncate archaeological remains related to the brickyard, should they exist. Therefore, the groundworks associated with the proposed development should be deemed to have a moderate adverse physical impact on the potential remains of the post-medieval brickyard in some locations; elsewhere, the impacts would be expected to be "negligible to low" given the previous clay extraction.

Due to the potential for remains within the site, therefore, the DBA recommends that archaeological monitoring in the form of a watching brief be undertaken during the groundworks of the proposed development, in accordance with a Written Scheme of Investigation (WSI). Notwithstanding the recommendations of the DBA, the County Archaeologist does not consider that any further mitigation would be necessary, given the likely effects of the former clay pit use of the site, and has not requested any conditions be attached to secure a WSI. The County Archaeologist has, however, been asked to re-confirm this position, given the findings of the DBA; any further comments received will be provided on the Update Sheet.

In terms of other non-designated heritage assets, the District Council's Conservation Officer noted that Hill Top Farm is a non-designated asset, advising that it is a late Georgian gentleman's farmhouse, but that there would be no harm to the setting of Hill Top Farm from the development due to the presence of intervening modern farm buildings.

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.

Design and Visual Impact

Insofar as other design issues are concerned, the application has been assessed by the District Council's Urban Designer. In response to the submissions, concern has been raised regarding the configuration of the proposed site layout; whilst the existing hedgerow has been maintained through the centre of the site (and effectively splitting the site into two sections), the Urban Designer is concerned that the site's proposed configuration means that the units would not relate particularly well to it. Of particular concern is the effect the layout could have in terms of the rear of units, and how they would be secured in the event that the layout proposed resulted in a requirement for additional fencing etc. In response to this point, the agent confirms that the applicant's preference would be not to have any rear fencing to the units. Whilst this would, in itself, appear to resolve this particular concern, it is considered that this position could change if future occupiers were to have a different view from the applicant. Having regard to this, the agent has provided details of potential fencing type (a dark green mesh / paladin style fencing), should this be required. In principle, this form of fencing would appear appropriate in this location (potentially subject to the provision of appropriate additional landscaping so as to assist in assimilating it into its surroundings). On this basis, it is considered that the remaining concerns relating to the scheme's layout could be addressed to a satisfactory degree. Similarly, whilst concerns raised by the District Council's Urban Designer relating to the provision of limited landscaping to the units' frontages remain unresolved, it is considered that this could be addressed by way of condition.

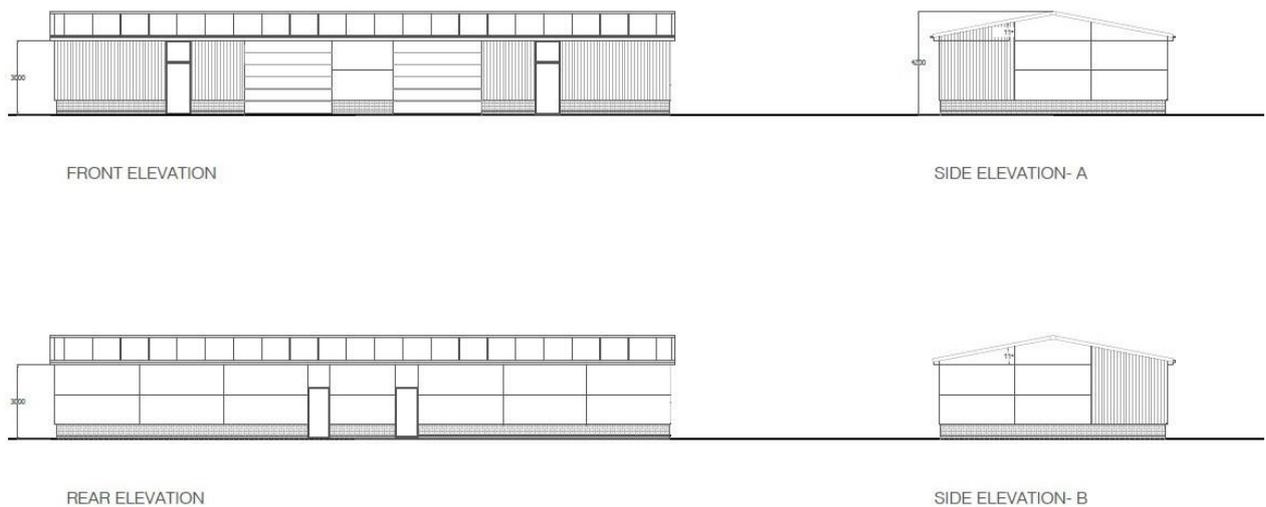
In terms of the units themselves, the scheme as originally submitted proposed buildings that, it is considered, were somewhat “utilitarian” in terms of elevational approach (and as shown in the example elevation below). Examples of the original elevation drawings are shown below.

Typical elevations as per original submission:



However, in response to officer requests to enhance the elevations, the units are now proposed to be clad in timber to their front and side elevations (and with the units closest to the northern boundary, backing onto the new Village Park, clad with timber to their rear also).

Typical elevations as per amended submission:

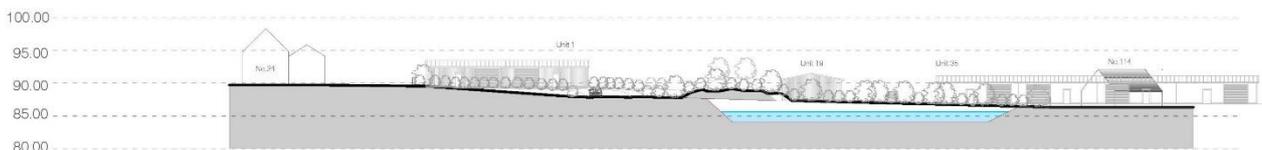


Whereas officers had also sought to encourage inclusion of additional glazed panels to the units, this suggestion has not been incorporated within the amendments but, overall, the revised scheme is considered to represent a significant improvement beyond the original proposals. A CGI of one of the proposed units is provided on the next page, so as to help demonstrate the visual effects / appearance following addition of the timber cladding.



The relationship of the site with its surroundings in north-south axis is demonstrated on Section F-F below; given the relative heights of the proposed units to the existing dwellings to the south (shown on the left end of Section F-F), and to the slightly taller agricultural units (overall, when taking into account ground levels) to the south of them (not shown on the section), it is considered that the effect of the topography and the existing adjacent buildings would serve to limit the visibility of the development significantly from the southern direction (as shown on the photo on the following page).

Section F-F



SITE SECTION F-F



Overall in terms of the design of the scheme, therefore, whilst not all of the amendments sought by the District Council's Urban Designer have been incorporated, the changes made are considered to represent significant improvements and, overall, a good standard of design would be considered to have been achieved. The scheme as a whole is, therefore, 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.

Ecology and Biodiversity

Local Plan Policy En1 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 application is accompanied by an Ecological Assessment (which includes a detailed appraisal of the ecological and biodiversity implications of the proposed development on various receptors of ecological value, and which has been assessed by the County Ecologist).

The Ecological Assessment provides that the closest statutorily designated site of nature conservation interest to the application site is approximately 1.9km from the site (being the Donington Park 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 Ecological Assessment identifies a total of 35 Local Wildlife Sites within the 2km radius (the closest being Castle Donington, Gothic House Lime, located 200 metres from the site). The Ecological Assessment identifies no impacts on the Donington Park SSSI and, subject to the implementation of a Construction and Environmental Management Plan (CEMP) securing precautionary measures, no impacts on any non-statutory sites. In terms of habitats within the site, these are noted as including:

- Dense scrub (identified as of "negligible" ecological importance)
- Neutral grassland ("negligible" ecological importance)
- Species poor hedgerow with and without trees ("local" ecological importance)
- Broadleaved woodland – semi-natural ("local" ecological importance)
- Waterbodies ("negligible" ecological importance)

Having regard to the respective importance of the various habitats on site, the mitigation proposed is, in part, dependent on their status in this regard. Mitigation includes:

- Protection of broadleaved woodland during construction
- Planting of wildflower and scrub species within remaining habitat to mitigate for the loss of neutral grassland (notwithstanding its identified importance)
- Provision of replacement (species-rich) hedgerow planting (including within existing gaps)

Insofar as the impacts on fauna are concerned, the Ecological Assessment concludes as follows:

Amphibians:

Whilst the majority of the habitats that would be affected by the proposed development are considered to be of low importance and would provide only terrestrial habitats away from breeding sites, the retention and creation of habitats would provide positive opportunities for amphibians.

Badgers:

Evidence of badgers was recorded during survey work. Whereas the proposals have been designed so as to accommodate identified badger habitat, the Ecological Assessment states that an updated survey would be required in advance of construction (and a licence obtained from Natural England, if applicable).

Bats:

The Ecological Assessment comments that the majority of bat activity recorded on site was centred around the hedgerows located in the centre of the site and around the northern site boundary (and which are proposed to be retained). The Ecological Assessment states that, in order to ensure no harm to bats using these areas around the hedgerows for foraging and commuting, they should be subject to a bat sensitive lighting strategy, with lighting around the hedgerows and broadleaved woodland avoided where possible and, where it is required, designed to minimise disturbance of bats and to maintain dark corridors.

Insofar as the Ecological Assessment's conclusions in respect of habitat and fauna are concerned, the County Ecologist had initially raised some queries in respect of the methodology used for eDNA surveys for great crested newts. Following further clarification provided by the applicant's ecological consultants, however, the County Ecologist has confirmed that no objections are raised to the application.

Biodiversity Net Gain

As noted in the introduction above, the proposed development would not be subject to the statutory requirement to demonstrate 10% BNG. Nevertheless, the more general requirements for development to provide net gains for biodiversity as set out in Paragraph 187 of the NPPF would still apply and, to this end, information has been provided with the application setting out the overall impacts on existing biodiversity (in terms of units), together with details of proposed measures to address / mitigate for the loss.

The submitted metric indicates that, in terms of the on-site baseline, there are currently 12.62 habitat units and 5.46 hedgerow units. Having regard to the proposed on-site mitigation measures (including landscaping), the site would (post mitigation) provide for 14.61 habitat units and 5.80 hedgerow units. This equates to the following:

Habitat Units:	Increase of 1.99 units (+15.76%)
Hedgerow Units:	Increase of 0.34 units (+6.30%)

As such, whilst no statutory BNG is applicable in this instance (and which would require a minimum of 10% net gain in terms of both habitat and hedgerow units), the scheme would nevertheless result in a net gain in the biodiversity of the site overall and, as such, would be considered to accord with the provisions of Paragraph 187 of the NPPF.

On this basis, therefore, the submitted scheme is considered acceptable in terms of ecology and biodiversity, meeting the requirements of Local Plan Policy En1.

Impacts on Existing Trees

The application is accompanied by an Arboricultural Impact Assessment (AIA). This identifies the trees / hedgerows required to be removed or pruned in order to accommodate the development.

In terms of those that would be lost in order to accommodate the development, these include: a single common elder (Tree T2) falling within Retention Category U (unsuitable for retention); a group comprising a multi-stem hawthorn and surrounding scrub within Retention Category C (low quality); various sections of a wider group (described as outgrown hedgerow bisecting the site) (G4), also within Retention Category C; and a 10m (approx.) section of hedgerow (H7) along the site frontage, required to accommodate the proposed access alterations, again falling within Retention Category C.

In response to the application, and having reviewed the submitted AIA, the District Council's Tree Officer notes that the existing vegetation on site consists of mainly lower quality tree groups and hedgerows, with only one individual tree and one group (neither of which would be removed to accommodate the development) considered to be of Category B (moderate quality) or above.

Regardless of the generally low quality of the existing trees, however, the Tree Officer notes that the proposed site layout has been designed to retain the majority of the vegetation, with only very limited pruning and removals from the tree groups required to facilitate the new internal access and units. As such, he takes the view that the development would not be likely to result in any significant loss to the local tree cover and raises no arboricultural objections, subject to the imposition of conditions in respect of the submission / approval of a detailed tree protection plan.

In terms of other issues relating to trees, the County Highway Authority has drawn the applicant's attention to the presence of two highway trees located to the southern side of the site access. One of these ash trees is identified in the AIA as being within Retention Category B (with the other within Category C): both are proposed to be retained as part of the scheme. In response to queries raised by the County Highway Authority, the applicant's transport consultants have provided further information to demonstrate that the existing trees' trunks would not conflict with the required access visibility. The County Highway Authority therefore raises no objections in this regard, but nevertheless reminds the applicant that (notwithstanding the above) if any works to highway trees were to be necessary, this would require a separate consent and the potential cost implications of any such removal of highway trees (given their "Capital Asset Value for Amenity Trees" (CAVAT) values) would be taken into consideration.

Comments have also been received from residents living to the opposite side of Hill Top regarding potential impacts on the stability of trees on the site (and, it is understood, with specific reference to the larger of the highway trees referred to above). In response to these concerns, the District Council's Tree Officer notes that there are no proposed development works in the tree's Root Protection Area (RPA) and, as long as a suitable protection plan is secured by condition, there would be no reason to expect that the development would cause any significant impacts to the tree. He also notes that the submitted AIA rates its physiological condition as good and its structural condition as fair. The AIA doesn't highlight any significant defects (only some dead branches within the canopy which, the Tree Officer advises, would be expected for an ash of this size / age, even in good health). Given the absence of any indication to suggest that the tree would become unstable as a direct result of the development, it is not considered that this is a matter that would be material to the determination of the planning application, and any separate concerns residents may have regarding the health of the tree would need to be raised with the relevant owner(s).

Flood Risk and Drainage

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 application is accompanied by a Flood Risk Assessment and Detailed Drainage report (FRA), and which has been updated during the course of the application. Additional Addendum Notes have also been provided in response to specific issues that had been raised in earlier responses by the Lead Local Flood Authority (LLFA).

Fluvial:

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.

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 surface water flood risk. Following the Environment Agency's updating of surface water flood risk mapping in 2025, however, the FRA has been updated, and now notes the presence of some areas of low, medium and high surface water risk (including the existing pond at the south western part of the site, and other smaller topographic depressions where surface water can naturally collect).

Insofar as the sequential approach is concerned (in respect of the surface water element), it is noted that the proposed units would, for the most part, be sited outside of the areas of surface water flooding. Whilst some of the proposed buildings would appear to encroach into (limited) areas of higher risk, it is accepted that the layout proposed would 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 the existing (retained) pond and landscaping. 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. Having regard to the advice of the LLFA (and the absence of any identified harm to the risk of surface water flooding as a result of the development, either within the site or beyond), 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 in relation to this scheme.

Groundwater:

The submitted FRA notes that there is no indication of the site or surrounding area being affected by groundwater flooding in the SFRA. It refers to the site's previous brickyard and clay pit uses and comments that the pond in the south west part of the site lies within the area that was worked and excavated, and is unlikely to be representative of groundwater level in the area. As such, the FRA indicates that further assessment of groundwater flooding would not be appropriate.

Sewer Flooding:

The FRA notes that there is no indication of the site being affected by sewer flooding in the SFRA.

Mitigation and Proposed Surface Water Measures:

The FRA sets out a range of proposed mitigation measures. In terms of measures in respect of protecting the site / proposed units themselves, the FRA recommends setting finished FFLs 0.6m

above the modelled 1% Annual Exceedance Probability (AEP) (plus climate change) level (identifying a FFL of at least 150mm above the level of adjoining ground). In addition, exceedance flow routing is proposed to form part of the surface water drainage strategy, utilising the access road through the site to convey on-surface flows safely. Given the limited level of risk, no additional measures are proposed in respect of reducing the amount of flood water that could enter the proposed buildings.

Insofar as the risk to other land / property is concerned, the FRA draws attention to Environment Agency guidance which provides that there must be no loss of flood storage capacity for flooding up to the 1% AEP plus climate change event. The FRA confirms that the scheme would include SuDS measures to meet this requirement (whilst also providing water quality improvements and other benefits).

In terms of the proposed surface water drainage system, the FRA includes a drainage strategy which proposes incorporation of SuDS within the on-site drainage design. In particular, the FRA proposes a peak surface water discharge rate of 5.2 l/s in the 1 in 100 year (+40% climate change) event. To achieve this, the proposed development includes SuDS features (including an attenuation basin) intended to manage surface water through attenuation on-site prior to off-site discharge via a culverted watercourse further north along High Street. Subject to the use of appropriate planting, the attenuation basin would, the FRA indicates, also provide for a good level of filtration, assisting in terms of water quality of the site run-off (and as referred to above).

In response to the application, the LLFA had initially raised a number of queries in respect of the submissions, and including in terms of the ability to discharge surface water to a combined sewer on Hill Top (as had originally been proposed by the applicant), and details of the proposed hydrobrake and spillway. The issues raised have all however been addressed to the LLFA's satisfaction, and no objections are raised subject to the imposition of conditions requiring precise details of the surface water drainage scheme to be agreed (including the undertaking of additional investigation so as to ascertain whether or not the site may be suitable for the use of infiltration as a drainage element), together with details of a scheme setting out measures for the surface water drainage scheme's long-term maintenance.

Foul Drainage:

Insofar as foul drainage is concerned, the developer proposes discharging to the existing combined sewer (as referred to above), and the FRA comments that "Severn Trent Water have stated that a gravity connection from the site for the disposal of domestic foul flows is acceptable at a new or existing manhole subject to formal S106 approval". It is recommended that a condition be attached so as to ensure that an appropriate scheme of foul drainage is implemented; no comments have been received from Severn Trent Water in response to the application.

Having regard to the above, the proposed development is considered acceptable in flood risk and drainage terms, and would meet the relevant requirements of Local Plan Policies Cc2 and Cc3.

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 are 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. Additional provisions are set out in the District Council's Air Quality SPD. 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 should be identified and secured.

The application is accompanied by an Air Quality Assessment; this provides that, whilst the site does not lie within an AQMA, it is located approximately 780m away from the Castle Donington AQMA. In terms of the status of the Castle Donington AQMA generally, it is noted that the District Council's 2025 Air Quality Annual Status Report confirmed that all monitoring locations within the Castle Donington AQMA recorded nitrogen dioxide (NO₂) concentrations below the air quality standard (i.e. all complied with the maximum NO₂ concentration of 40µg.m⁻³), and had been doing so since 2020. Notwithstanding this, however, given that (i) the monitoring locations showed considerable variability year to year (assumed to be caused by the undertaking of significant construction projects within the wider area in recent years); (ii) the previous five year monitoring period also included the impacts from the Covid lockdowns; and (iii) the expected improvements associated with the recently installed traffic calming would need to be assessed, the Annual Status Report indicated that a further year of monitoring of the AQMA would be appropriate.

Construction Impacts

Insofar as the construction phase is concerned, the Air Quality Assessment indicates that, in terms of the risk to ecological receptors, the risk of construction dust impacts would be negligible. Insofar as residential receptors are concerned, the Assessment identifies a "medium" risk of dust soiling in respect of earthworks and construction activities (but "low" in respect of human health impacts). As such, a range of construction phase mitigation measures are proposed within the Assessment. Subject to these measures being implemented, the Assessment identifies the impacts from the construction phase as "not significant".

Operational Impacts

In terms of the operational impacts, the Assessment considers in particular the effects of nitrogen dioxide (NO₂) and particles (PM₁₀ and PM_{2.5}) associated with the development, including impacts arising from the additional traffic associated with the development once it is in use. (It is noted that the Castle Donington AQMA is designated having regard to the effects of NO₂).

The Assessment concludes that the annual mean and one hour mean NO₂ objectives are forecast to be met at all modelled receptors (which are within the AQMA area), and also that the PM₁₀ and PM_{2.5} concentrations would meet their respective long and short term Air Quality Objectives at all modelled receptors. Overall, therefore, the Assessment identifies that the impact on local air quality from the proposed development would not be significant.

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.

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 (and based on Natural England's Post 1988 Agricultural Land Classification), other than some small areas of Grade 3a land adjacent to the northern and north western edges of the site, the site would predominantly fall within Grade 3b and so would, for the most part, not constitute BMV agricultural land. Whilst the irreversible loss of higher quality agricultural land would weigh against the proposals in terms of the environmental objective of sustainable development, given the very limited quantum of BMV involved, the scheme would not be considered to conflict with the relevant Local Plan and NPPF provisions in this regard.

Insofar as the impact on the existing agricultural business at Hill Top Farm is concerned, the applicant advises that the previous owners confirm that, whilst they had previously owned the site since the early 1900s, they were not themselves farmers. He also advises that, whilst the adjacent farm had an informal agreement to graze on the land many years ago via an annual licence, the farmer has (the applicant states) described the land as being of poor quality and "not safe for animals".

Whilst the agricultural quality of the land would, it is considered, be more properly determined by way of the Agricultural Land Classification (and with the conclusions reached above), the apparent absence of any agricultural use of the site for some considerable time by the operators of Hill Top Farm would, it is considered, suggest that there would be no evidence that the loss of the site to non-agricultural use would have any material impacts on the ongoing viability of the adjacent agricultural operations.

Aerodrome Safeguarding

Policy Ec5 of the adopted North West Leicestershire Local Plan presumes against development that would adversely affect the operation, safety or planned growth of East Midlands Airport. The application is accompanied by a Technical Safeguarding Assessment in respect of aviation (together with a subsequently submitted Addendum), submitted in response to requests by East Midlands Airport.

The scheme has been the subject of extensive dialogue with East Midlands Airport regarding a wide range of safeguarding concerns, including cumulative impacts with other developments on navigation systems (namely at the recently constructed Studbrook Business Park), proposed building materials (in terms of their potential for glint and glare), bird hazard management (and including in respect of the potential for the proposed attenuation pond to attract additional birdlife when containing water) and landscaping.

Following the submission of the additional technical assessment documents, East Midlands Airport is content with the proposals and raises no objections subject to the imposition of conditions. The scheme would therefore be considered to meet the relevant requirements of Local Plan Policy Ec5.

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, as such, the in-principle elements of these policies can be shown to be satisfied.

However, 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). Whereas the site is located outside Limits to Development as defined in the Local Plan, having regard to the close relationship between the site and areas within Limits to Development (and other land / buildings that are also outside Limits to Development), and the good accessibility of the site, it is considered that the scheme would perform relatively well in terms of these criteria, and 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.

As per most employment-related development, the scheme would be expected to generate a range of direct and indirect jobs both during the construction and operational phases. Furthermore, given the relationship of the site to the village itself and its good accessibility on foot and by cycling and from further afield by public transport, 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 NPPF refers to the need to foster well-designed, beautiful and safe places; following the improvements secured in respect of the appearance of the proposed units, 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.

As above, given the site's relationship to the existing village, and the presence of other development in its vicinity, together with the limited scale of the proposed buildings themselves, it is not considered that the development would have a significantly adverse landscape or visual impact on the surrounding countryside. For the reasons set out within the relevant sections above, the scheme would also be considered acceptable in terms of its impact on the built and historic environment.

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. As set out in the relevant section above, the site would predominantly fall within Grade 3b of the Agricultural Land

Classification, so the development would not result in a significant loss of Best and Most Versatile (BMV) agricultural land. As set out under the comments relating to the Economic Objective above, the site also benefits from good accessibility by public transport.

Having regard to the three dimensions of sustainable development, therefore, and whilst the scheme would represent development outside of the existing Limits to Development, the development would nevertheless be considered to perform well in respect of these objectives.

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. Approval is therefore recommended.

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

Former Lounge Disposal Point, Ashby Road, Coleorton, Leicestershire.

**Grid Reference (E) 437485
Grid Reference (N) 316475**

**Applicant:
GLP**

**Case Officer:
Adam Mellor**

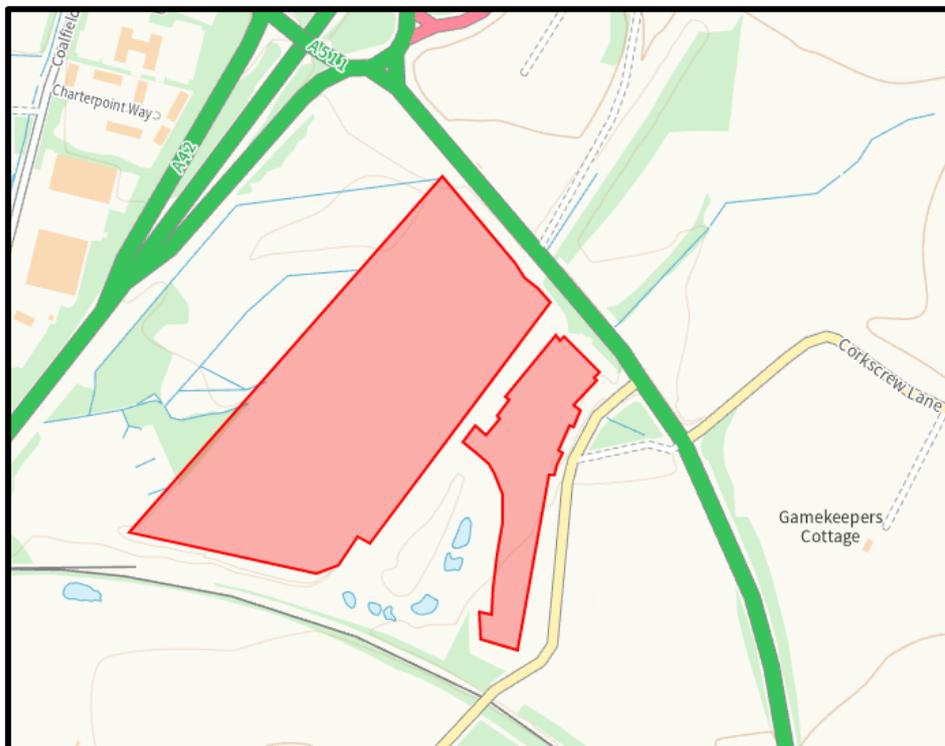
**Recommendation:
PERMIT, subject to conditions**

**Report Item No
A2**

**Application Reference:
25/01411/REMM**

**Date Registered:
22 October 2025
Consultation Expiry:
27 November 2025
13 Week Date:
21 January 2026
Extension of Time:
11 March 2026**

Site Location - Plan for indicative purposes only



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Reasons the case is referred to the Planning Committee:

This application is referred to the Planning Committee for determination as 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:

1. Compliance with hybrid planning permission.
2. Approved plans.
3. Finished floor and ground levels in accordance with submitted details.
4. External materials in accordance with submitted details.
5. Tree protection scheme prior to commencement to be submitted, approved and implemented.
6. Soft landscaping scheme in accordance with submitted details.
7. Replacement of soft landscaping if any failures.
8. Hard landscaping scheme in accordance with submitted details.
9. Boundary treatment scheme prior to B8 unit being occupied to be submitted, approved and implemented.
10. No retaining walls constructed above a height of 0.5 metres unless details of retaining walls first submitted and approved.
11. No storage of goods or materials outside of the proposed building at any time unless in accordance with a scheme for external storage to be submitted, approved and implemented.
12. External lighting scheme in accordance with submitted details.
13. Provision of off-street parking (including car, heavy goods vehicles (HGVs), motorbike and cycle parking) in accordance with submitted details.
14. Delivery of turning facilities in accordance with submitted details.
15. Foul drainage required to discharge outside of the catchment of the River Mease SAC/SSSI.
16. Bird hazard management plan prior to commencement to be submitted, approved and implemented.

Main Report

1. Proposals and Background

This is a reserved matters application for the erection of a 70,000 square metre B8 distribution unit with ancillary offices (E(g)(i) (formerly use class B1(a)), service yards and HGV parking, fuel and wash facilities, vehicular and cycle parking, gatehouse(s) and security facilities, plant, hard and soft landscaping including boundary treatments and retaining walls, pedestrian and cycling infrastructure, internal roads, and foul and surface water drainage infrastructure at the Former Lounge Disposal Point, Ashby Road, Coleorton.

An application for hybrid planning permission for the redevelopment of the site comprising:

Outline permission (all matters reserved) for the erection of Class B8 distribution unit(s) and ancillary offices (B1a), service yards and HGV parking, fuel and wash facilities, vehicular and cycle parking, gatehouse(s) and security facilities, plant, hard and soft landscaping including boundary treatments and retaining walls, pedestrian and cycling infrastructure, internal roads and foul and surface water drainage infrastructure; and

Full planning permission for site clearance works (including removal of railway, existing trees / hedgerows and existing hardstanding), access from (and alterations to) Corkscrew Lane, brook diversion and crossings, earthworks and structural landscaping (including boundary treatments), associated utilities infrastructure, surface water drainage outfall, and construction access and compounds

was granted by the Council on the 13th May 2021 under application reference 19/00652/FULM. As a result, matters of internal access, appearance, landscaping, layout and scale for the development as described above are now submitted for consideration.

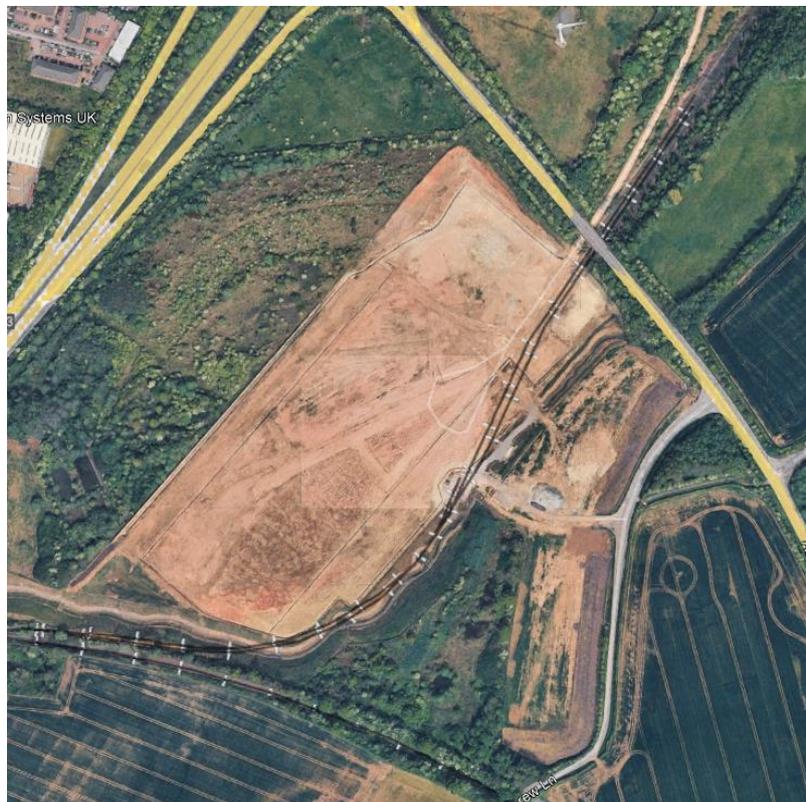
The application site lies to the south-east of Ashby de la Zouch and was formerly occupied by 'The Lounge Coal Preparation and Disposal Point', with the use of the site ceasing in 2004. It also lies outside the defined Limits to Development, as defined by the Policies Map to the adopted Local Plan, but is recognised under Policy Ec1a as an 'Employment Provision' with planning permission. In addition, the application site is also within the catchment area of the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), as well as the National Forest.

The site location plan associated with the hybrid planning permission, as well as an aerial photograph of the site, are as shown in the images on the following page.

Site Location Plan



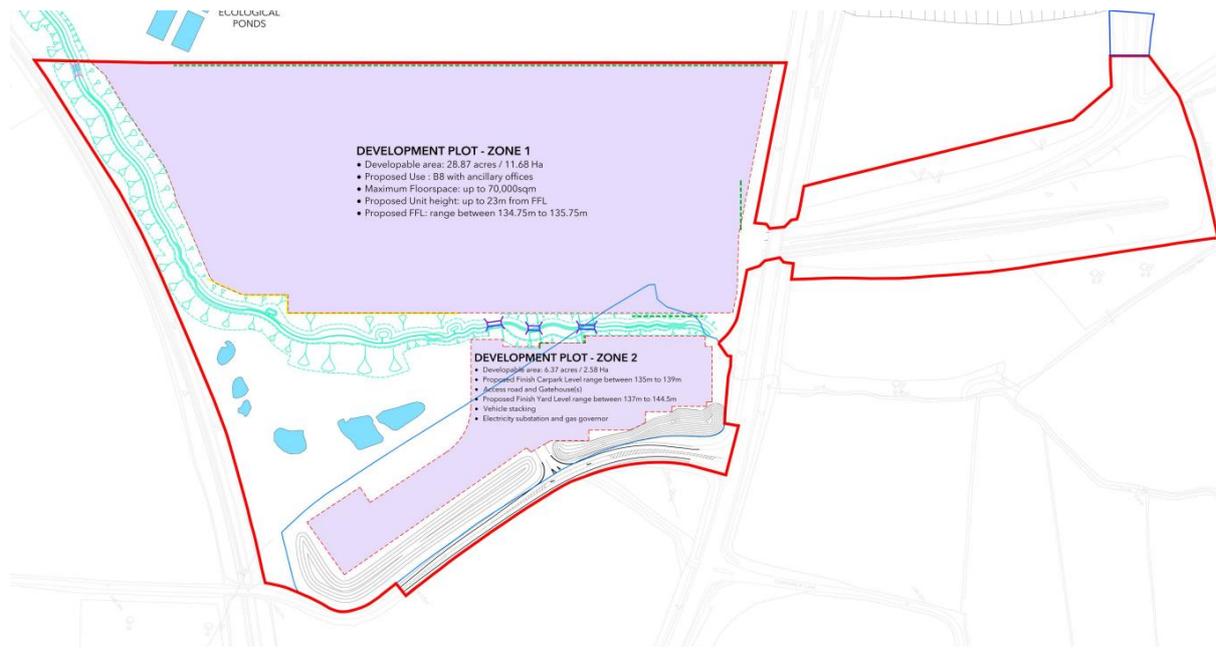
Aerial Photograph of Application Site



The hybrid planning permission was structured to allow the site infrastructure and enabling works (which fall within the 'full' element as outlined above) to be implemented and delivered following the grant of the hybrid planning permission. Following the discharge of the relevant pre-commencement conditions, the 'full' element has been implemented.

A 'Parameters Plan for Outline Development' (Outline Parameter Plan) was listed as an approved plan under Condition 34 of the hybrid planning permission 19/00652/FULM and this identifies two 'development plots' (Zone 1 and Zone 2) with Zone 1 measuring 11.68 hectares in size and Zone 2 measuring 2.58 hectares in size. This outline parameter plan is as shown in the image below.

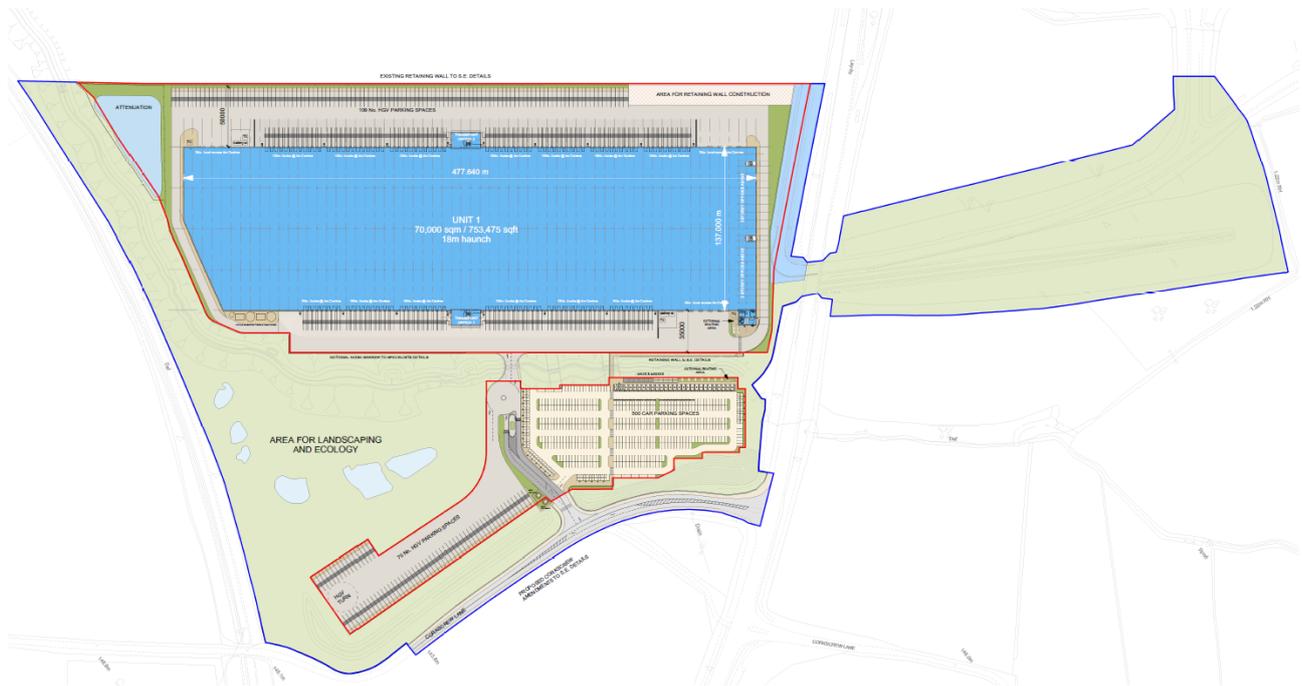
Parameters Plan for Outline Development



This reserved matters application seeks to develop a single employment unit within Zone 1 and associated parking areas and infrastructure within Zone 2. As proposed the employment unit would deliver 70,000 gross internal area (GIA) square metres of Class B8 (storage or distribution) employment floorspace and have an overall height of 21.5 metres from the finished floor level. Additionally, a two-storey office building (a Class E (commercial, business and service) (g)(i) (an office to carry out any operational or administrative functions)) would be incorporated into the building and be ancillary to the B8 use.

The layout of the proposed development within Zones 1 and 2 is as shown in the image on the following page.

Proposed Layout



The plans and supporting information, including amended information received during the consideration of the application, can be viewed on the Council's website.

The original application was Environmental Impact Assessment (EIA) development and was therefore accompanied by an Environmental Statement (ES) (including addendum); the current application is considered to be a subsequent application for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and has been screened accordingly. For the reasons set out in the screening opinion of the 31st of October 2025, no further ES is required in association with the current application.

Relevant Planning History

In 2007, under application reference 07/01372/FUL, Gazeley and UK Coal Ltd submitted a full planning application for the "erection of a rail connected distribution building and associated works." This application was approved on the 16th of July 2012, and a material start on the approved development occurred. The approved scheme was for a distribution building with a gross floorspace of 78,740 square metres and measuring 416 metres by 189 metres with an overall height of 18.6 metres. In order to facilitate the development, the watercourse running through the site was to be diverted around the southern and eastern parts of the site.

A Certificate of Appropriate Alternative Development (CAAD) was applied for in November 2018, under application reference 18/02114/CAAD, following the receipt of a notification from High Speed Rail Two (HS2) Ltd of its intention to acquire part of the site in connection with the HS2 project. A CAAD is intended to identify development which is considered to be acceptable and likely to obtain planning permission (were a submission to made). This application was for employment development and was approved on the 31st of January 2019.

An application for the construction of an access road to serve the land associated with the CAAD, application reference 23/01676/FUL, remains under consideration.

Discharge of Condition Applications

- 21/00956/DIS – The approval of details reserved by conditions 13 (HRA mitigation), 14 (construction dust), 15 (fish refuge), 16 (fish rescue), 18 (Orchid colonies), 19 (invertebrate survey and mitigation plan), 23 (surface water drainage scheme), 24 (construction surface water management) and 52 (scheme for suspended solids from surface water run off) relating to planning permission reference 19/00652/FULM – Approved 8th December 2021.
- 21/01353/DIS – The approval of details reserved by conditions 17 (FUL – botanical) and 22 (FUL – culverts and crossings) relating to planning permission reference 19/00652/FULM – Approved 21st December 2021.
- 21/01751/DIS – The approval of details reserved by condition 43 (OUT – earthwork details) relating to planning permission reference 19/00652/FULM – Approved 16th March 2022.
- 21/01850/DIS – The approval of details reserved by condition 20 (ecology) relating to planning permission reference 19/00652/FULM – Approved 25th October 2021.
- 22/00302/DIS – The approval of details reserved by condition 29 (Network Rail) relating to planning permission reference 19/00652/FULM – Approved 11th April 2022.
- 22/01240/DIS – The approval of details reserved by conditions 47 (construction environmental management plan) and 51 (surface water construction) relating to planning permission reference 19/00652/FULM – Approved 20th October 2022.
- 23/00796/DIS – The approval of details reserved by conditions 25 (landscape management plan) and 26 (biodiversity management plan) relating to planning permission reference 19/00652/FULM – Approved 21st September 2023.

2. Publicity

38 no. neighbours notified 30th of October 2025.

A site notice was displayed on the 6th of November 2025.

A press notice was published in the Leicester Mercury on the 12th of November 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:

The Coal Authority (CA) (Mining Remediation Authority (MRA)) who have commented that conditions 45 and 46 imposed on the hybrid planning permission seek to address the coal legacy of the site and in particular the presence of a coal high wall(s) which would have an associated no-build zone. As submitted the plans do not indicate the precise location of the coal high wall(s), nor any designated no-build zone, and therefore the CA (MRA) consider that the proposed layout is not justified.

Comments from:

Ashby de la Zouch Town Council whose comments are summarised as follows:

- 1) The applicant has included bicycle parking provision but has not yet provided any means of safe access and egress for cyclists using the site. It should be demonstrated by the applicant how users of the site can safely cycle to work (e.g. by the delivery of cycle paths (along with footpaths) with links to Ashby and other major towns and villages). The provision for a cycle path (and footpath) should be secured within a Section 106 agreement.

- 2) Clarification also needs to be provided on any proposed upgrade to the A42 to meet the demands of this development, as well as other nearby employment developments.

Coleorton Parish Council whose comments are summarised as follows:

- 1) The size and height of the building will impact upon the visual amenity of the area for both Ashby de la Zouch and Coleorton, with the considerable height of the building not being screened by landscaping infrastructure.
- 2) The number of vehicles potentially allowed to park at the site would suggest that the development would have a significant impact upon the local road network.
- 3) Traffic direction controls at both junctions out of Corkscrew Lane onto the A511 (Ashby Road) need to only allow a left-hand turn to be undertaken. This would reduce the likelihood of a severe incident on the A511 (Ashby Road) and would help to reduce the volume of traffic that may be tempted to utilise the narrow roads through Farm Town as a cut through.
- 4) The proposed lighting would impact on the area and be harmful to animals and human health, warmer red / orange lighting should be utilised which would be more in keeping with natural night light.

Leicestershire County Council Tree Officer who has commented that relevant conditions were imposed on the hybrid planning permission to ensure the appropriate protection of trees to be retained within the development and proposed phased works. The tree protection plan will still be acceptable to ensure the protection of existing trees but the fencing may need to be repositioned so as to be applicable to the boundaries of Zones 1 and 2. They have also noted that an extensive landscape / ecology enhancement scheme has been implemented as part of the first phase of works but consider that additional tree planting could be provided to effectively screen the development from the north-east and east.

National Forest Company who whilst welcoming an increase in the standard tree sizes to 14 – 16 centimetres and the introduction of tree planting within the car park, have commented that the proposed tree planting remains limited (including within the car park) in comparison to the scale of development proposed and that it is unclear how the National Forest location has influenced the proposal.

No Objections from:

Active Travel England (subject to standing advice being considered).
Environment Agency.
Leicestershire County Council – Archaeology.
Leicestershire County Council – Lead Local Flood Authority.
National Highways.
Natural England.

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

East Midlands Airport Safeguarding.
Leicestershire County Council – Ecology.
Leicestershire County Council – Highways Authority.
Leicestershire Police – Designing Out Crime Officer.
Network Rail.
NWLDC Environmental Protection.
NWLDC Urban Designer.

Third Party Representations

One letter of representation has been received objecting to the application with the comments raised summarised as follows:

Grounds of Objection	Description of Impact
<p>Highway Impacts</p>	<p>The proposed development would significantly increase traffic on the A511 (Ashby Road), which is already heavily congested at peak times.</p>
	<p>There are no bus services along the A511 (Ashby Road) or Corkscrew Lane, nor is there a footpath, with cycling being considered unsafe. Employees would therefore be heavily reliant on private cars to access the site.</p>
	<p>There is concern around the impact on the highway infrastructure in and around Farm Town, which is accessed via narrow, single-track lanes with no pavements. Problems have been experienced with heavy goods vehicles (HGVs) utilising the highways and such HGVs will seek to divert to these highways if there is congestion on the A511 (Ashby Road).</p>
	<p>There would be cumulative impacts with other developments proposed in the area which would further impact on the A511 (Ashby Road) and other highways.</p>

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

- 1) The proposed development would fill the land owned by the applicant and has a considerable height thereby making it highly visible. The introduction of a small landscaped area and woodland strip will not compensate for the removal of the surface hedges, trees, plants and animal habitats.
- 2) The design of the development is of poor quality and has merely repeated that suggested by the hybrid planning application.
- 3) The environmental impacts of the vehicle movements will add a great deal of pollution that is not mitigated against.
- 4) The number of vehicular movements will have a considerable impact on the highway network.
- 5) The proposed development is not sustainable given its location and the reliance on private cars for employees to access the site. The ability to walk to the site is not achievable, with cycling being dangerous and no public transport infrastructure being in place.
- 6) There are no benefits associated with the proposed development.
- 7) The public consultation exercise undertaken was not a public consultation.

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 S2 – Settlement Hierarchy;
Policy S3 – Countryside;
Policy D1 – Design of New Development;
Policy D2 – Amenity;
Policy Ec1 – Employment Provision: Permissions;
Policy Ec2 – New Employment Sites;
Policy IF4 – Transport Infrastructure and New Development;
Policy IF5 – Leicester to Burton Rail Line.
Policy IF7 – Parking Provision and New Development;
Policy En1 – Nature Conservation;
Policy En2 – River Mease Special Area of Conservation;
Policy En3 – The National Forest;
Policy En6 – Land and Air Quality;
Policy Cc2 – Water – Flood Risk; and
Policy Cc3 – Water – Sustainable Drainage Systems.

Made Ashby de la Zouch Neighbourhood Plan (2025)

The Ashby de la Zouch 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 G2 – Design;
Policy ENV 4 – Sites and Features of Natural Environment Significance;
Policy ENV 5 – Biodiversity and Habitat Connectivity;
Policy ENV 7 – Flood Risk Resilience;
Policy E1 – Employment Land and Buildings;
Policy E2 – Business Development;
Policy E5 – Broadband Infrastructure;
Policy T1 – Traffic Management;
Policy T3 – Travel Plans;
Policy T4 – Walking and Cycling;
Policy T5 – Leicester to Burton Railway Line; and
Policy CF6 – Infrastructure.

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.
Leicestershire Highways Design Guide (Leicestershire County Council).
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 Habitat Sites – March 2022.
National Forest Guide for Developers and Planners.

5. Assessment

Principle of Development

The principle of the development of this site was established by the grant of the hybrid planning permission on the 13th May 2021 (19/00652/FULM) and, as a submission for reserved matters approval, the present application essentially seeks agreement of details in respect of the reserved matters of internal access, appearance, landscaping, layout and scale. Assessment of this application should therefore relate to the implications of the particular scheme proposed under this reserved matters application and whether it is compliant with policies of the adopted North West Leicestershire Local Plan (adopted Local Plan) (2021), the made Ashby de la Zouch Neighbourhood Plan (made AdIZNP) (2025), adopted Leicestershire Minerals and Waste Local Plan (adopted LMWLP) (2019) and National Planning Policy Framework (NPPF) (2024). Issues relating to the principle of the development and associated matters are not relevant to this application.

Other Matters Relating to the Hybrid Planning Permission

In addition to a range of conditions requiring submission and approval of details in respect of various matters prior to trigger points such as commencement / occupation etc., the hybrid planning permission also requires certain matters to be included as part of the reserved matters application(s) (either for the site as a whole or the relevant phase), and the appropriateness of these submissions as part of the reserved matters application therefore need to be considered in the context of the proposed scheme.

These conditions include requirements in respect of the finished ground and floor levels, parking and turning areas for vehicles and heavy goods vehicles (HGVs) along with cycle and motorcycle parking and a detailed lighting scheme which were all secured under Condition 42. In terms of this relevant condition, the following conclusions are reached:

Condition 42 – Finished Ground and Floor Levels; Parking and Turning Areas for Vehicles and Heavy Goods Vehicles (HGVs) along with Cycle and Motorcycle Parking and Detailed Lighting Scheme

Condition 42 of the hybrid planning permission (19/00652/FULM) states the following:

“The first reserved matters application for layout of any plot within a Development Zone shall include details of: -

- a) finished site and ground levels in relation to the existing site levels, adjoining land and buildings;*
- b) parking and turning areas for vehicles and HGVs and details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles for each plot; and*
- c) a detailed lighting scheme for that plot.*

Reason: To ensure a satisfactory relationship within its surroundings as insufficient details have been provided, in order to secure the satisfactory development of the application site in the interests of highway safety and in the interests of sustainable travel options and to ensure a high quality of external environment.”

Assessment against Criterion a)

With regards to landscape and visual impact matters the officer report associated with the hybrid planning permission stated the following:

“In terms of the development itself, the site is bound to the east by Corkscrew Lane to the north by the A511, to the south and south west by the Leicester to Burton rail line. To the west it is proposed to be adjoined by employment land and beyond the site to the west, the existing A42 and proposed route of HS2. The development and building(s) would therefore be viewed in conjunction with and against the backdrop of existing infrastructure.

Whilst the site and proposed building(s) are of significant scale, the indicative design of the building(s) and suggested materials, a use of horizontally emphasised metal cladding in graded shades to the elevations of the buildings would help to break up the massing and reduce their prominence within the landscape against the backdrop of the sky.

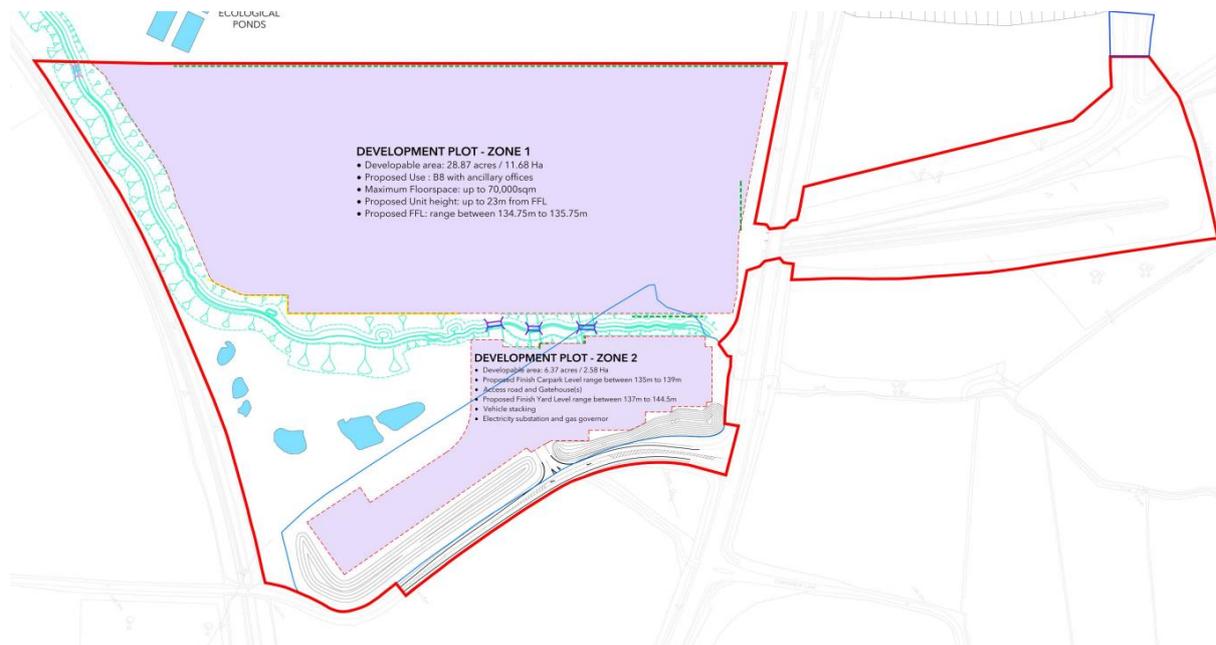
Land levels are also higher on Corkscrew Lane and the A511 and the site sits in a natural hollow. This enables the scale of the building(s) and the overall development to be reduced.

On the basis of the information included within the ES [Environmental Statement], officers are satisfied that there would be relatively few locations from which the development would have its full scale experienced. The approach to cladding would assist in terms of breaking up the mass of the

building(s) and helping it / them to blend into the sky and whilst a significant extent of landscape mitigation is proposed, the scheme would nevertheless have a visual impact upon the landscape. However, this would be reduced and limited overtime as a result of the mitigation, particularly the landscaping methods proposed.”

As part of the hybrid planning permission granted, Condition 34 was imposed which requires the reserved matters submission(s) to comply with the ‘Parameter Plan for Outline Development’ which is as shown in the image below.

Parameter Plan for Outline Development



The ‘Parameter Plan for Outline Development’ was based on the ‘worst-case’ scenario assessed within the Landscape and Visual Impact Assessment (LVIA) which accompanied the hybrid application. In this respect it is considered that the decision made on the hybrid application has determined that the soft landscaping planting to be introduced outside of the development zones, which was secured as part of the ‘full’ element of the hybrid application, would be sufficient to offer screening mitigation for the maximum scale of building envisaged as part of that application.

Based on the approved ‘Parameter Plan for Outline Development’, the finished floor level (FFL) of any B8 unit within Zone 1 is required to be between 134.75 metres to 135.75 metres above ordnance datum (AOD), have an overall height no greater than 23 metres from FFL, and have a maximum gross internal area (GIA) of 70,000 square metres (this also being secured under Condition 36 of the hybrid planning permission).

The submitted proposed levels plan for Zone 1 is as shown in the image on the following page.

Within Zone 2 on the approved 'Parameters Plan for Outline Development' it is specified that the car park would require a finished ground level (FGL) between 135 metres to 139 metres AOD and that the 'yard' would require a FGL between 137 metres to 144.5 metres AOD. Based on the submitted proposed levels plan, the FGL within the proposed car park would be between 136 and 138.7 metres AOD, with the HGV yard having a FGL between 138 metres and 143 metres AOD. In such circumstances the FGL within both the car park and HGV yard would fall within the acceptable parameter limits.

As is outlined above the soft landscaping planting required as a means of visually mitigating the impact of the B8 unit was assessed and secured as part of the full element of the hybrid application (under Condition 4), and the relevant earthworks (including mounding secured under Condition 3 of the hybrid planning permission) as well as the soft landscaping planting has been implemented on the site. The landscaping associated with the development proposed within Zones 1 and 2 is assessed within the '*Landscaping*' section of this report below.

In terms of the physical impact of the B8 unit proposed within Zone 1, this was assessed to be acceptable as part of the hybrid application where the officer report stated the following:

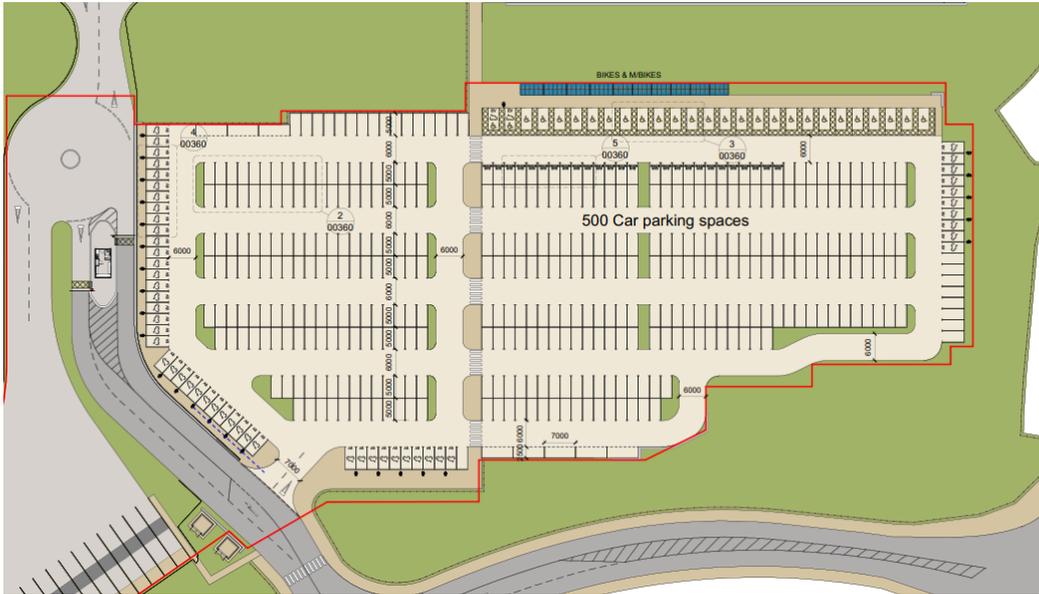
"In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves, the application site is in close proximity to a limited number of existing residential properties, albeit, given the proposed unit(s) scale and surrounding topography and landscaping, they are likely to be visible to a varying extent from residential properties in a number of directions from the site. These existing dwellings would, however, be some distance from the proposed building(s) and, whilst the proposed development would clearly be of some scale in terms of height and width, when viewed from surrounding land, it is considered that significant impacts on existing dwellings in terms of loss of light / overshadowing or overdominance would seem unlikely (and at any time of year) given the distances involved."

Overall, the FFL and FGLs within both Zones 1 and 2 would be acceptable and compliant with the ranges specified on the 'Parameter Plan for Outline Development' and criterion a) of Condition 42. On this basis the proposed development would be compliant with criterion (i) of Policy S3, and Policies D1 and D2 of the adopted Local Plan as well as Policy G2 of the made AdIZNP.

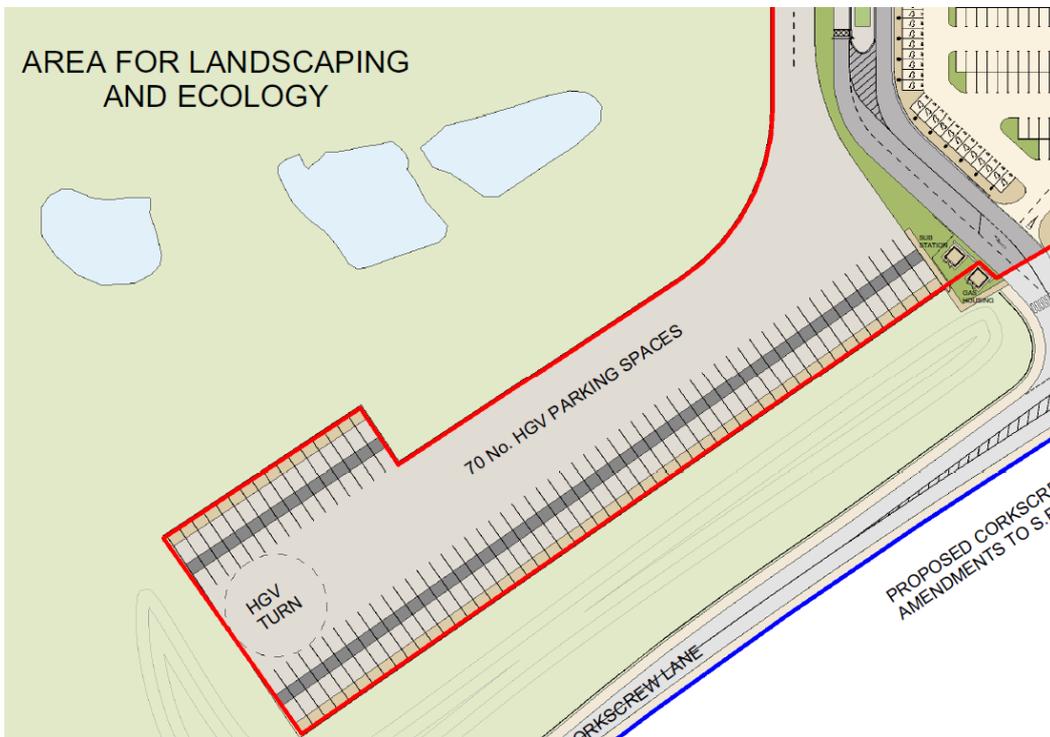
Assessment against Criterion b)

The application is accompanied by a car parking plan, HGV parking and turning details, and cycle and motorcycle parking and shelter details, and these are as shown in the following images. Car parking, HGV parking and turning and cycle and motorcycle parking would be undertaken in Zone 2, with further HGV parking and turning also delivered in Zone 1.

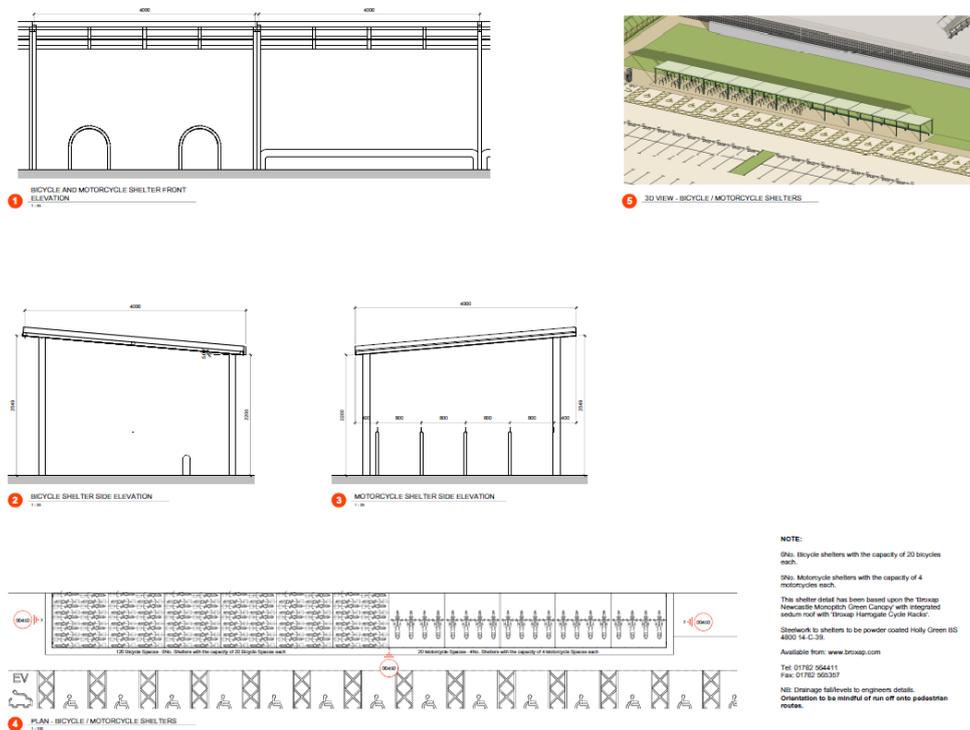
Car Parking Plan



HGV Parking and Turning Details



Bicycle and Motorcycle Parking and Shelter Details



As part of the consideration of the application the County Highways Authority (CHA) has been consulted, and their advice has accounted for the guidance within the Leicestershire Highways Design Guide (LHDG).

The above plans demonstrate the following levels of parking provision:

- (i) Car parking – 500 spaces (comprising 394 standard spaces, 27 disabled spaces (two with electric vehicle (EV) charging), 26 car sharing spaces and 52 EV charging spaces);
- (ii) HGV parking – 179 spaces;
- (iii) Motorcycle parking – 20 spaces; and
- (iv) Cycle parking – 120 spaces.

On the basis of the LHDG, the CHA has confirmed that the quantum of car, HGV, motorcycle and cycle parking proposed is in excess of that required by the LHDG (when accounting for the intended use of the unit and its overall floor space) and is therefore acceptable to the CHA. The CHA has also outlined that the 27 accessible parking spaces proposed is compliant with the LHDG and that the delivery of 54 electric vehicle (EV) charging spaces is welcomed.

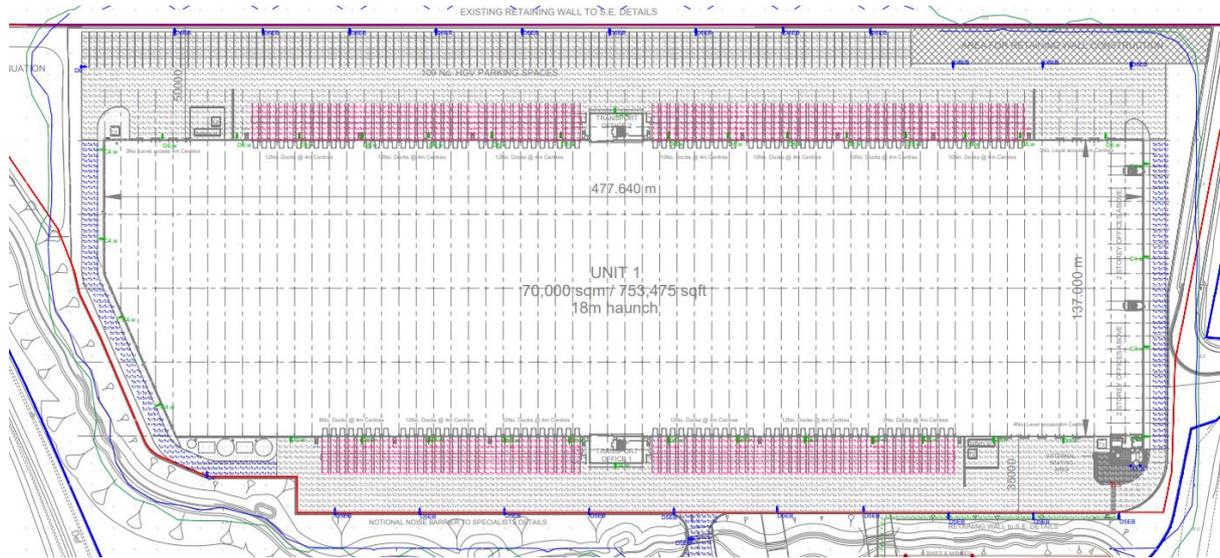
Within the submitted Transport Statement (TS) swept path analysis of a HGV, refuse vehicle and large car have been provided and following a review of the TS the CHA has confirmed that all vehicle types would be in a position to safely navigate and turn within the site so as to exit in a forward direction.

On the above basis compliance with criterion b) of Condition 42 is demonstrated and the proposal would be compliant with Policies IF4 and IF7 of the adopted Local Plan, Policy T1 of the made AdIzNP and Paragraphs 112, 113, 114, 115, 116 and 117 of the NPPF.

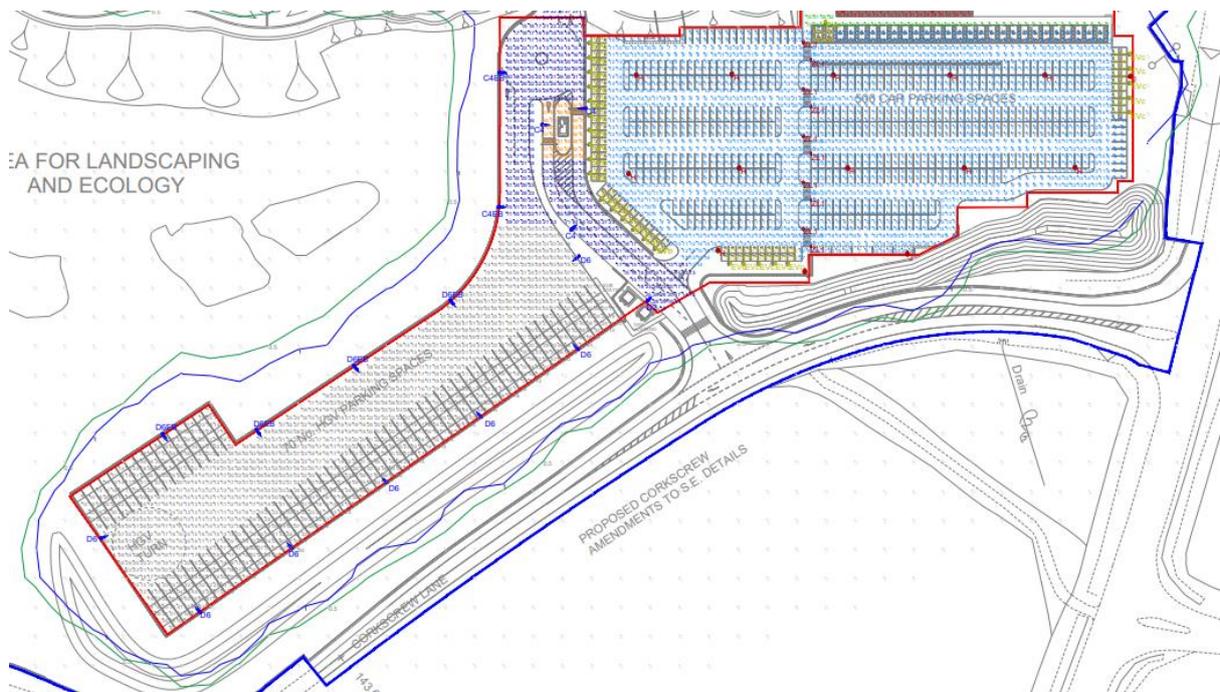
Assessment against Criterion c)

The application as originally submitted was accompanied by an External Lighting Assessment Report (ELAR) and External Lighting Plan (ELP). An image of the originally submitted ELP is as shown in the following images.

Originally Submitted External Lighting Plan – Zone 1



Originally Submitted External Lighting Plan – Zone 2

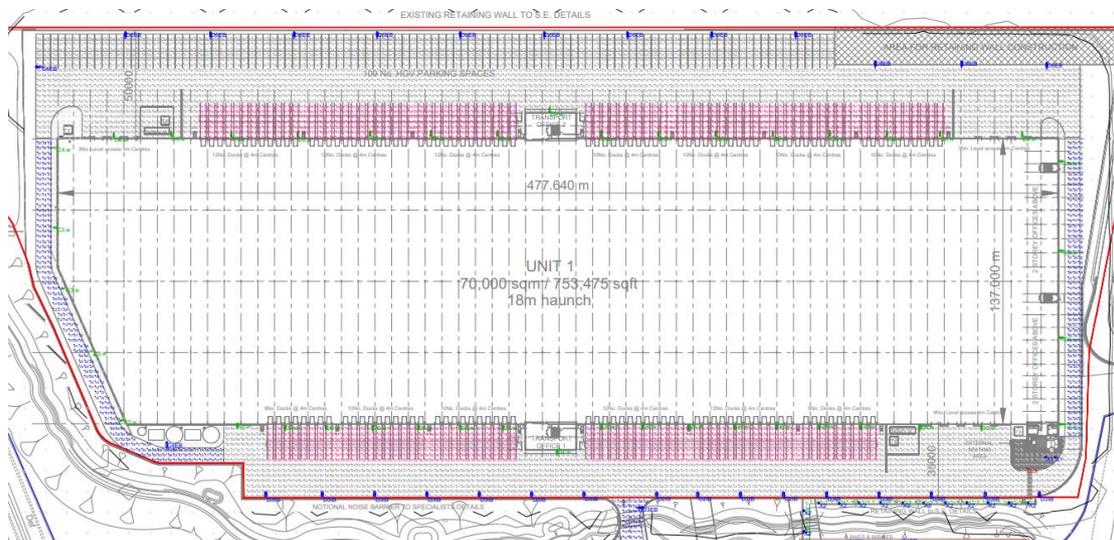


As part of the consideration of the application the Council's Environmental Protection Team and County Council Ecologist have been consulted and whilst the Council's Environmental Protection Team had no objections to the originally submitted ELAR and ELP, an objection was raised by the County Council Ecologist.

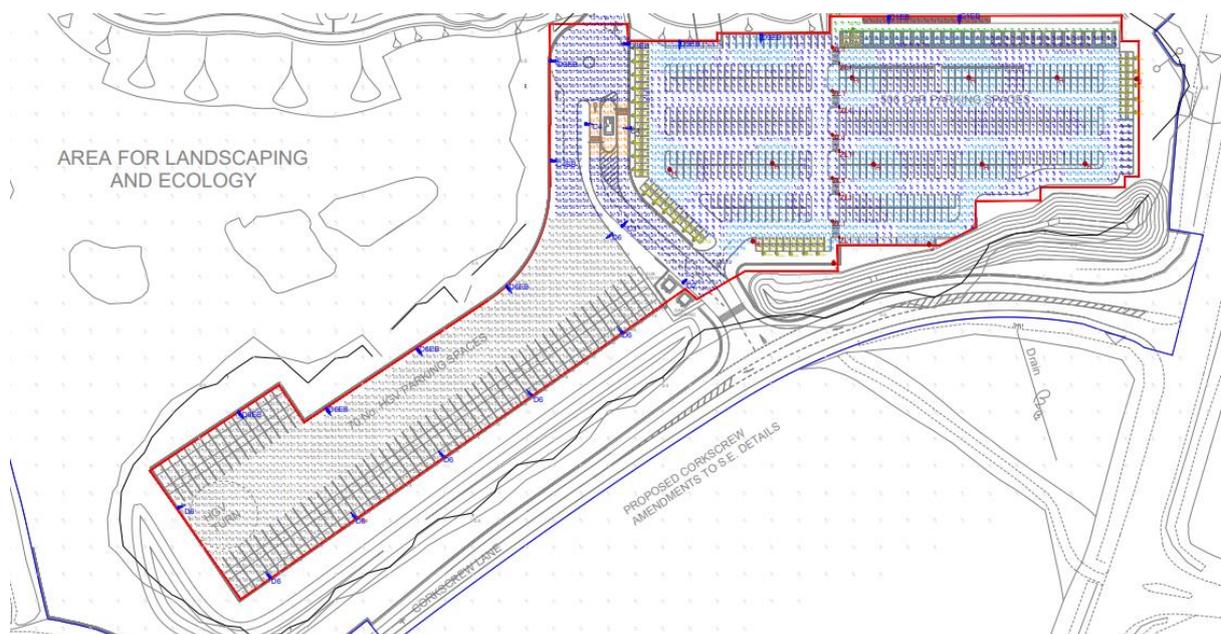
This objection was based on the submitted information demonstrating lux levels of between 6 and 40 lux within a wildlife corridor between the proposed building and the proposed car park and that in order to minimise impacts to bat activity and not sever bat foraging corridors, the lux levels would need to be a maximum of 1 lux which may be achieved by reducing the height of the lighting or reducing its wattage.

The applicant has subsequently submitted an amended ELAR and ELP, with the details of the amended ELP being shown in the following images.

Amended External Lighting Plan – Zone 1



Amended External Lighting Plan – Zone 2



It is specified by the applicant that adequate lighting is required to ensure the safety and security of the site for all users during hours of darkness, however in responding to the objection of the County Council Ecologist amendments have been made so that lux levels of 0.5 are achieved along the brook corridor which has been attained by lowering the height of the columns around the brook and reducing the wattage of the luminaries. However, to compensate for such amendments and to maintain the required standard of lighting levels across Zones 1 and 2 additional lighting has been introduced (total number increased from 135 to 160).

In addition, a 'Lighting Ecological Compliance' note has been submitted by the applicant's ecologist which advises that a lux level of 0.5 would be below the Bat Conservation Trust (BCT) guidance on bats and artificial lighting of 1 lux. Whilst a lux level below 1 lux is not achieved at the bridge corridor between Zones 1 and 2, where lighting is crucial for health and safety purposes, the applicant's ecologist is satisfied that the overall lighting scheme minimises the impacts on bat activity and that the bat foraging corridors would not be adversely affected.

Following consideration of the revised information, the County Council Ecologist has confirmed that the reduction in the lux levels would ensure that the bat foraging corridor would not be adversely impacted on and therefore they have no objections to the proposed external lighting scheme. The Council's Environmental Protection Team also have no objections to the revised external lighting scheme.

On the above basis compliance with criterion c) of Condition 42 is demonstrated and the proposal would be compliant with Policies D2 and En1 of the adopted Local Plan, Policy ENV 5 of the made AdIZNP and Paragraphs 187 and 193 of the NPPF.

Conditions 43 (Earthwork Details), 47 (Construction Environmental Management Plan), 51 (Surface Water – Construction), 52 (Scheme for Suspended Solids from Surface Water Run Off)

Conditions 43, 47, 51 and 52 of the hybrid planning permission (and being associated with the outline element of the hybrid planning permission) do not have triggers which require them to be discharged as part of the submission of a reserved matters application(s) with all these conditions requiring discharge before the development commences.

Condition 43 was discharged under application reference 21/01751/DIS on the 16th March 2022, Conditions 47 and 51 were discharged under application reference 22/01240/DIS on the 20th October 2022 and Condition 52 was discharged under application reference 21/00956/DIS on the 8th December 2021.

Access and 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.

Policy T1 of the made Ashby de la Zouch Neighbourhood Plan (AdIZNP) seeks to ensure that development is designed to minimise the additional traffic generation and movement through Ashby de la Zouch, incorporates sufficient off-road parking, provides any necessary improvements to site access, communal parking and the highway network, and (where practicable) improves and creates footpaths and cycleways to improve access to services and the countryside. Policy T3 of the made AdIZNP promotes and encourages the use of travel plans, and Policy T4 of the made AdIZNP seeks to secure new footpaths and / or the enhancement of existing footpaths and cycleways where appropriate.

As part of the consideration of the application consultation has been undertaken with the County Highways Authority (CHA) and National Highways (NH). The consultation response from the CHA has accounted for the advice with the Leicestershire Highways Design Guide (LHDG).

The site is accessed from Corkscrew Lane, and this access was approved as part of the full element of the hybrid planning (19/00652/FULM). Whilst noting the terms of the third party representation received, as well as the comments of Ashby de la Zouch Town Council, Coleorton Parish Council and Ashby de la Zouch Civic Society, the impact of the development to highway safety and the highway network were also subjected to detailed assessment as part of the hybrid application.

In this regard the consultation response from the CHA makes it clear that matters relating to the site access, as well as off-site highway works, trip generation, highway safety, junction capacity assessments and sustainable travel connectivity, were determined and appropriately secured as part of the hybrid planning permission. Contributions were also secured as part of a Section 106 agreement against the hybrid planning permission.

For their part, National Highways (NH) have also confirmed that they have no objections and have advised that their response to the hybrid application established that there would be no traffic related issues that would adversely impact the safe operation of the Strategic Road Network (SRN), namely the A42.

Consequently, there is no requirement to revisit matters associated with the impacts to the highway network or highway safety outside the confines of the application site as part of the assessment of this application, with there also being no justification to refuse the application in respect of these matters.

The hybrid application was also subject to assessment against policies of the now superseded AdIZNP and whilst there may have been amendments made to the wording of those policies referred to above, it would not be reasonable to retrospectively apply the terms of the revised policies of the made AdIZNP to this reserved matters application given that they seek to control matters which have already been assessed to be acceptable as part of the hybrid planning permission.

On the above basis the 'access' to be assessed as part of this reserved matters application is the internal access within Zones 1 and 2.

Access with Zones 1 and 2

Within Zone 2 access into the car parking area (which includes the cycle and motorcycle parking) is taken from the main access into the site prior to the gatehouse with heavy goods vehicles (HGVs) directed around a roundabout to the south of the gatehouse to access the HGV parking area. Beyond the gatehouse is the vehicular access into Zone 1 which crosses over the brook and into the service yard associated with the B8 unit. Pedestrian access to the B8 unit is separate to that to be utilised by HGVs and would again cross over the brook before providing access to the ancillary office element associated with the B8 unit.

A Transport Statement (TS) accompanies the application which includes details of the swept path analysis associated with the various vehicles utilising the site (including large cars, refuse vehicles and HGVs) and following an assessment of the submitted information the CHA has raised no objections to the proposed access arrangements within Zones 1 and 2.

Internal Layout and Parking Provision

For the reasons as outlined in the 'Assessment against criterion b)' section of the 'Condition 42 – Finished Ground and Floor Levels; Parking and Turning Areas for Vehicles and Heavy Goods Vehicles (HGVs) along with Cycle and Motorcycle Parking and Detailed Lighting Scheme' sub-

section of the 'Other Matters Relating to the Hybrid Planning Permission' section of this report above, the internal layout and parking provision is considered acceptable to the CHA and conditions imposed on any reserved matters consent granted would secure such parking provision.

Active Travel England

Paragraph 1.4 of Active Travel England's (ATE) 'Standing Advice Note: Active Travel and Sustainable Development' outlines that the government's ambition is for "England to be a great walking and cycling nation, supporting a shift in the way people across England think about undertaking short journeys within towns and cities. The aim is for walking, wheeling (trips made by wheelchair and mobility scooters) and cycling to be seen as the most convenient, desirable and affordable way to travel."

ATE provide access to an Assessment Toolkit which assesses proposed development against 10 criteria including:

- a) Criterion One – Trip generation and assignment;
- b) Criterion Two – Active travel route audit;
- c) Criterion Three – Pedestrian access to local amenities;
- d) Criterion Four – Cycling accessibility;
- e) Criterion Five – Access to public transport;
- f) Criterion Six – Off-site transport contributions;
- g) Criterion Seven – Site permeability;
- h) Criterion Eight – Placemaking;
- i) Criterion Nine – Cycle parking and trip-end facilities; and
- j) Criterion Ten – Travel planning.

Whilst ATE was not established at the time the hybrid application was determined it is considered that the terms of its Standing Advice Note would have been more appropriate to such an application given that the accessibility of the site location (be that via walking, cycling and public transport) as well as its impacts to the highway network were formally assessed at that time. In granting the hybrid planning permission it was determined that the location of the site was acceptable, subject to the imposition of conditions and / or securing of relevant obligations within a Section 106 agreement, which included:

- a) A financial contribution towards the interim Coalville Transport Strategy (ICTS) (within the Section 106);
- b) Bus passes (within the Section 106);
- c) Travel packs (within the Section 106);
- d) Construction traffic routing agreement (within the Section 106);
- e) Delivery of the access (including appropriate visibility splays) and off-site highway works (Condition 27);
- f) Closure of any redundant accesses on Corkscrew Lane (Condition 28);
- g) Off-street parking provision (Condition 42);
- h) A travel plan (Condition 56); and
- i) A public transport strategy (Condition 57).

In the above circumstances it is considered that the criteria of ATE's Standing Advice cannot be retrospectively applied to this reserved matters application which specifically deals with the appearance, scale, access, layout and landscaping of the proposed development within Zones 1 and 2. The only criterion which may be of merit would be criterion 9 (associated with cycle parking) and whereby the facilities proposed in this respect are acceptable to the CHA and would be secured by condition on any reserved matters consent granted.

Other Highway Matters

It is noted that the objections received from Ashby de la Zouch Town Council, Coleorton Parish Council, third parties, and Ashby de la Zouch Civic Society, along with comments from the Council's Urban Designer, have referred to the accessibility of the site location via means other than the private car as well as its impacts to the highway network and whether highway improvement works are required.

Whilst noting the terms of these representations it is outlined above that the accessibility of the site location via means other than the private car was assessed to be acceptable as part of the determination of the hybrid application. The imposition of the conditions on the hybrid planning permission requiring the approval of a travel plan and a public transport strategy would also deliver improvements which would enhance the accessibility of the site. Relevant mitigation measures to reduce the impacts to the highway network were also secured as part of the hybrid planning permission within the Section 106 agreement, including the financial contribution towards the ICTS, with NH determining that no contribution requirements were necessary to mitigate the impacts of the development to the A42.

Access and Highway Impacts Conclusion

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

In the circumstances that there are no objections to the application from the CHA (subject to the imposition of conditions) and NH, it is considered that the development proposed under this reserved matters application would be compliant with Policies IF4 and IF7 of the adopted Local Plan, Policies T1, T3 and T4 of the made AdIZNP and Paragraphs 112, 113, 114, 115, 116 and 117 of the NPPF.

Scale and Appearance

Policy D1 of the adopted Local Plan requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal, with developments also being assessed against the Council's adopted Good Design SPD.

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.

Policy G2 of the made Ashby de la Zouch Neighbourhood Plan (AdIZNP) specifies that all development proposals must demonstrate a high quality of design, layout and use of materials which make a positive contribution to the special character of the Neighbourhood Area and that development should make specific reference to how the design guidance and codes (within appendix 2 of the made AdIZNP) and the National Forest Company's Guide for Developers and Planners has been taken into account.

The 'Parameters Plan for Outline Development' secured as part of the hybrid planning permission (Condition 34) identifies Zones 1 and 2, with it being specified that the overall height of any unit(s) within Zone 1 would be no greater than 23 metres above the finished floor level (FFL) and have a maximum gross internal area (GIA) of 70,000 square metres. This restriction on floorspace was also secured under Condition 36 of the hybrid planning permission.

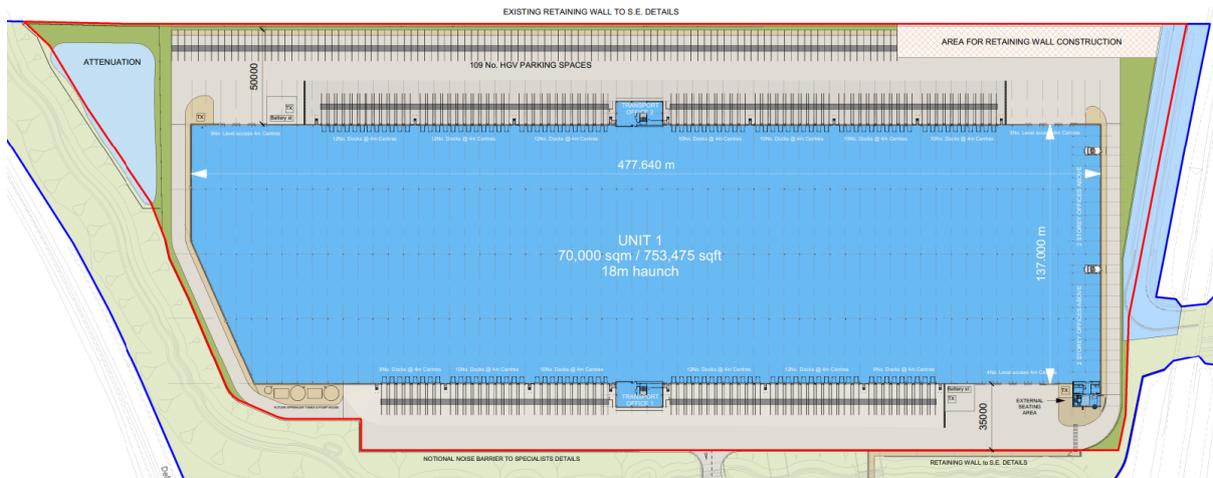
In addition, Condition 35 of the hybrid planning permission specifies that with the exception of the car park(s), substation(s), gas governor(s), gatehouse(s) or other ancillary development there would be no built floorspace within Zone 2.

Zone 1 Development

As proposed, the B8 unit would have an overall GIA of 70,000 square metres and height of 21.5 metres and would therefore be in accordance with the parameters set by Conditions 34 and 36 of the hybrid planning permission.

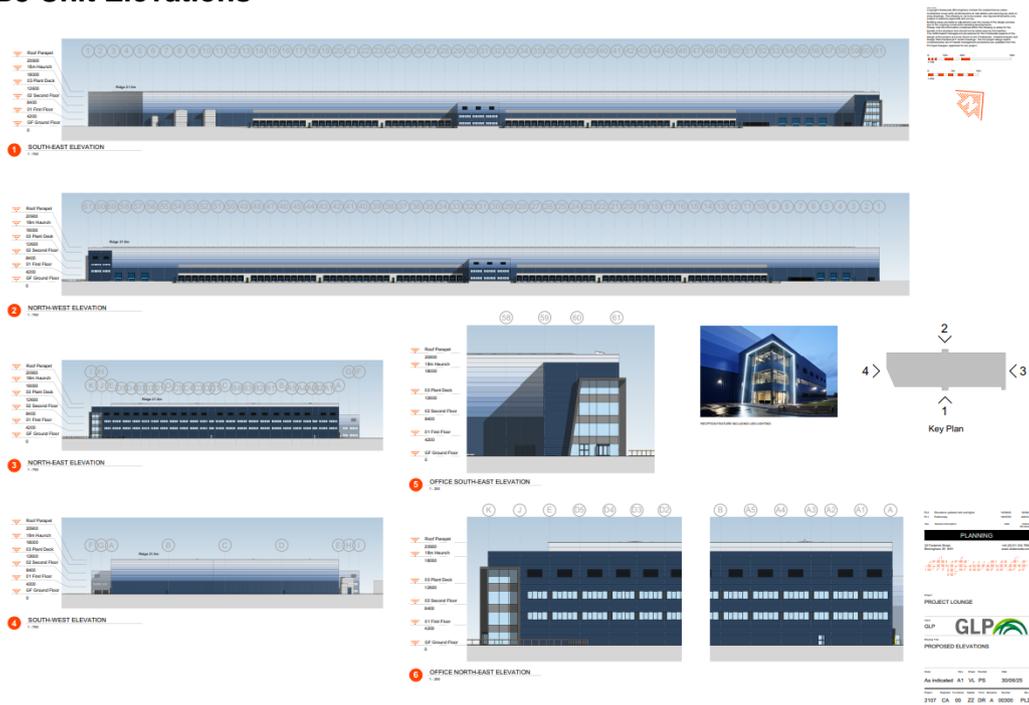
The original layout of the development within Zone 1 is as shown in the image below.

Original Site Layout within Zone 1



The elevation details of the B8 unit originally proposed to be delivered in Zone 1 are as shown in the image below.

Original B8 Unit Elevations



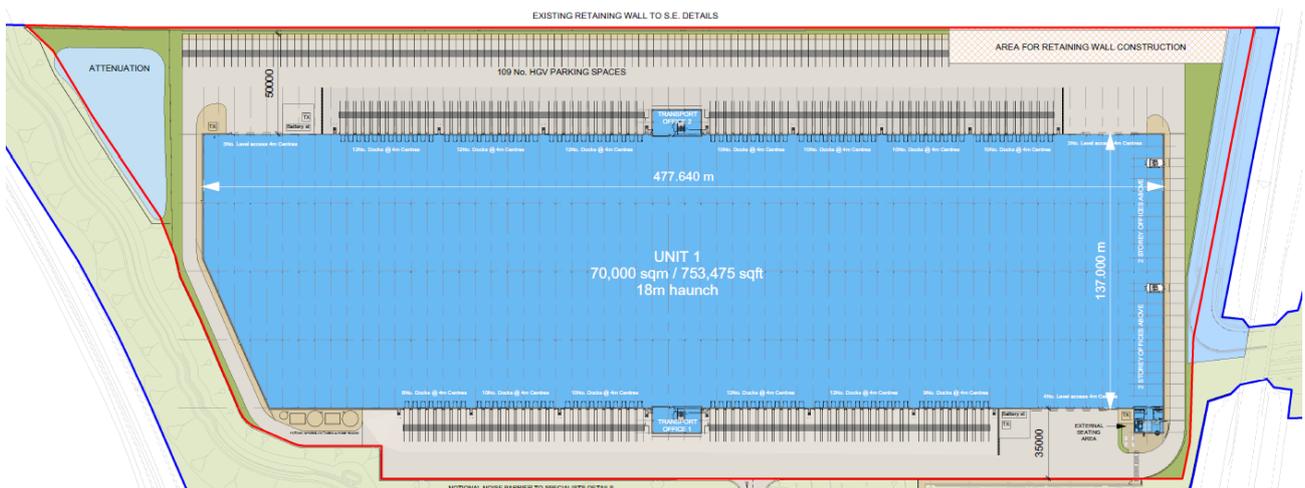
In commenting on the scheme as initially submitted the Council's Urban Designer outlined that the building had two elevations which comprised delivery docks, including the prominent south-eastern elevation presented to the site access off Corkscrew Lane. In addition, whilst the offices presented to the A511 (Ashby Road) offered some visual interest they had a poor relationship with the car park with the journey from the car park to the offices being alongside the service yard rather than more direct. The design of the crossing and the landing area of public realm around the offices would therefore be important, and consequently the Council's Urban Designer determined that the offices should 'wrap around the corner' to offer a more appropriate relationship with the car park.

The Council's Urban Designer also commented on the nature of soft landscaping around the building, and this is a matter which is discussed in more detail in the 'Landscaping' section of this report below.

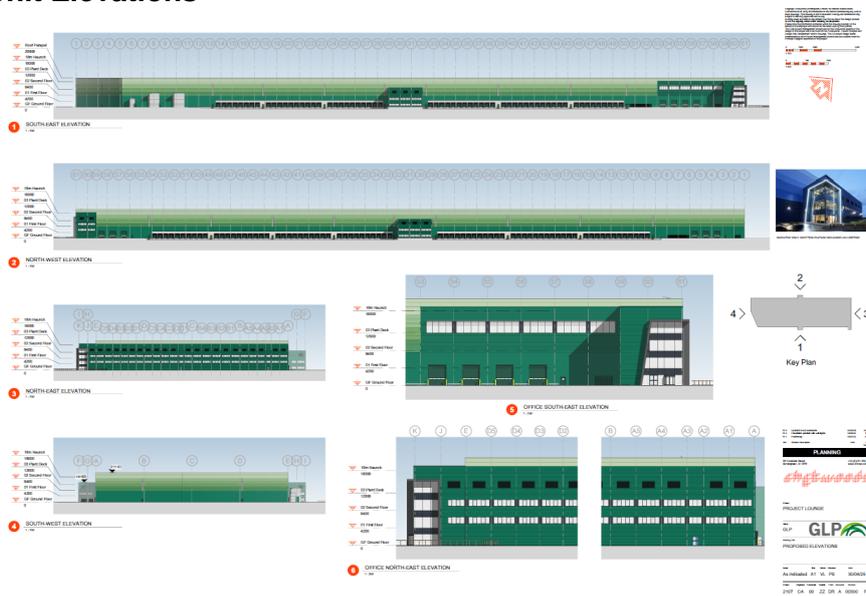
For their part the National Forest Company (NFC) commented that it was not evident how the site's location within the National Forest had influenced the proposal.

In response to officer comments, as well as comments from the Council's Urban Designer and the NFC, the approach to the design and layout of the B8 unit have subsequently been revised and are as shown in the images below.

Proposed Site Layout within Zone 1



Proposed B8 Unit Elevations



Principally the cladding utilised for the offices has been 'wrapped around' onto the south-eastern elevation for an additional length of 48 metres and windows installed at a first floor level which would provide natural light into the warehouse. Additionally, the appearance of the transport office has been amended so that the cladding utilised to the main offices is also incorporated on this element of the south-eastern elevation thereby providing greater definition and articulation to this feature.

In responding to the National Forest setting of the development, and in the circumstances that the development would predominantly be viewed in the context of landscaping infrastructure to the site boundaries rather than the sky, the cladding to be utilised would now comprise graded greens rather than graded blues.

Eight vertical windows, aligning with the fire escape doors, and a drop in the parapet where such windows are installed have also been introduced as a means of breaking up the mass of the south-eastern elevation whilst also allowing natural light to filter into the warehouse and provide a means of wayfinding internally as the vertical windows would identify the escape routes in an emergency situation.

Externally a seating area for employees would be delivered alongside the main offices, with a further seating area also being provided within Zone 2 alongside the car park, and the introduction of such seating would improve the public realm aspects of the scheme.

It is considered that such changes are positive in addressing concerns raised, and the Council's Urban Designer is now supportive of the design of the B8 unit. The amendments are also deemed to address comments raised by the NFC.

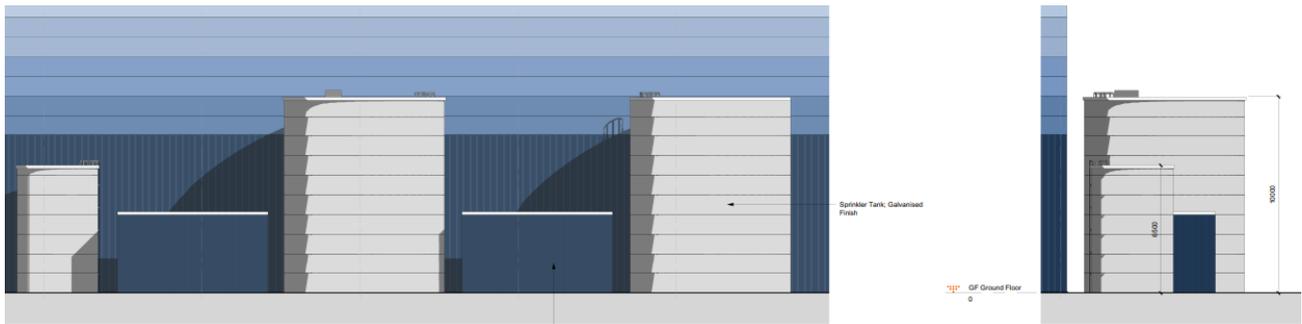
Overall, the visual appearance of the B8 unit would be positive when accounting for the functional nature of the use to be undertaken within and would not impact adversely on the visual amenities of the wider environment.

In terms of the footbridge providing access from the car park (within Zone 2) to the B8 unit (in Zone 1), this lies within land associated with the full element of the hybrid planning permission and was therefore approved as part of that application. Condition 50 of the hybrid planning permission requires precise details of the crossings over the brook (including the footbridge) to be subject to approval before they are constructed.

Notwithstanding the approved position of the footbridge, the applicant has indicated that such a footbridge crossing could be repositioned to improve the access to the entrance to the main offices but this would be a matter to be explored separately given its association with the full element of the hybrid planning permission. Given that the current position of the footbridge is approved there would be no justification to refuse this reserved matters, with there being a reasonable likelihood that the position of the footbridge would be relocated to reflect the advice of the Council's Urban Designer via a separate approval process.

In addition to the B8 unit, three sprinkler tanks and associated pump houses may also be delivered in the future within Zone 1 and which would be positioned alongside the southern part of the south-eastern elevation. All of the sprinkler tanks would be cylindrical in shape and have galvanized steel finishes with two having diameters of 8 metres and overall heights of 10 metres, and the other being 4 metres in diameter and 6.5 metres in height. The two pump houses would cover ground areas of 37.5 square metres and have overall heights of 4 metres. The sprinkler tanks and pump houses are as shown in the image on the following page.

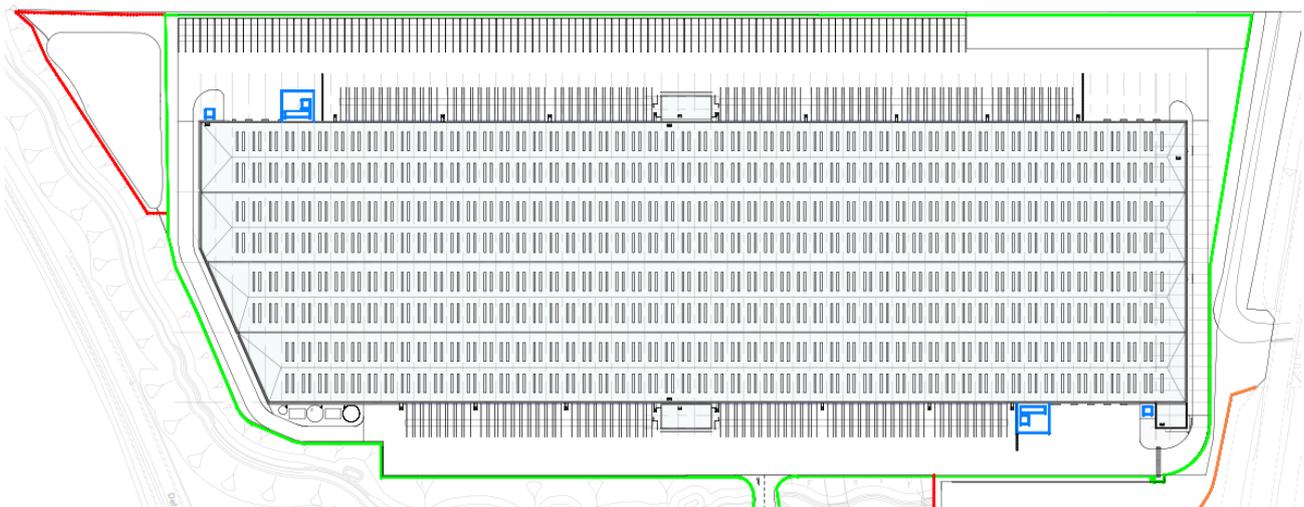
Sprinkler Tanks and Pump Houses



In the context of the scale of the overall development to be delivered, the proposed sprinkler tanks and pump houses would not impact adversely on the visual amenities of the streetscape or wider area.

With regards to the boundary treatments within Zone 1 these are as identified in the image below.

Zone 1 Boundary Treatments



As proposed, 2.4 metre high paladin fencing coloured Green (RAL 6005) would be provided around the B8 unit and associated service yard, with 1.1 metre high timber post and rail fencing provided around the attenuation basin. Whilst the use of the timber post and rail fencing, along with the colouring of the paladin fencing in green, would respond to the National Forest setting of the development, it is unclear as to why there is a necessity for the south-eastern boundary of the service yard to be defined by the proposed paladin fencing when accounting for the security of the site being predominantly delivered by the gatehouse and gates proposed within Zone 2 (as discussed in more detail below). Consequently, a condition imposed on the reserved matters consent would allow consideration to be given to an alternative, and lower, boundary treatment to the south-eastern boundary of Zone 1.

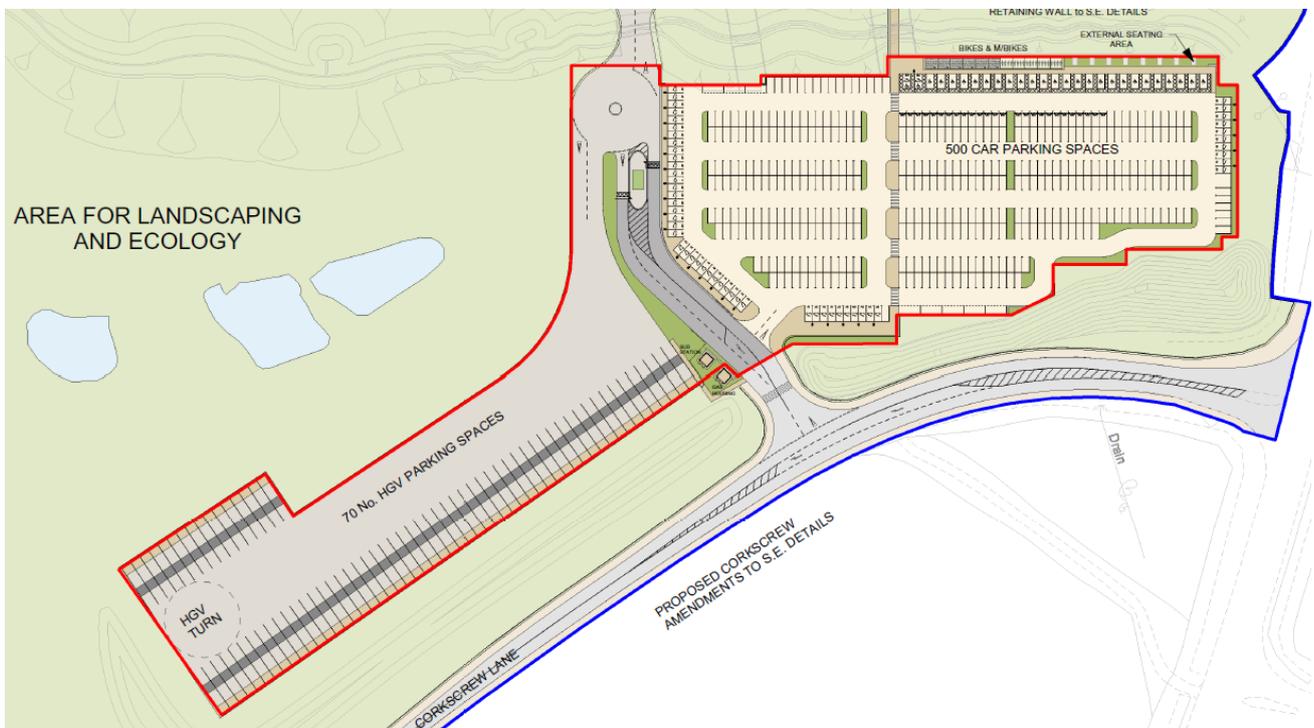
The hard and soft landscaping to be delivered in Zone 1 is as discussed within the '*Soft Landscaping Scheme*' and '*Hard Landscaping Scheme*' sub-sections of the '*Landscaping*' section of this report below, and where it is determined that the information as submitted is acceptable and would be conditioned on any reserved matters consent granted.

Zone 2 Development

For the purposes of Zone 2 the submitted site plan (as shown in the image below demonstrates that the development to be undertaken as part of the reserved matters application would comprise the following:

- 500 surfaced car parking spaces (including maneuvering facilities);
- 70 heavy goods vehicle (HGV) surfaced parking spaces (including HGV turning area);
- A covered cycle and motorbike shelter delivering 120 cycle spaces and 20 motorbike spaces;
- A gatehouse with entrance barriers;
- A substation;
- Hard landscaping infrastructure to the access roads; and
- Soft landscaping within the car park and to certain boundaries.

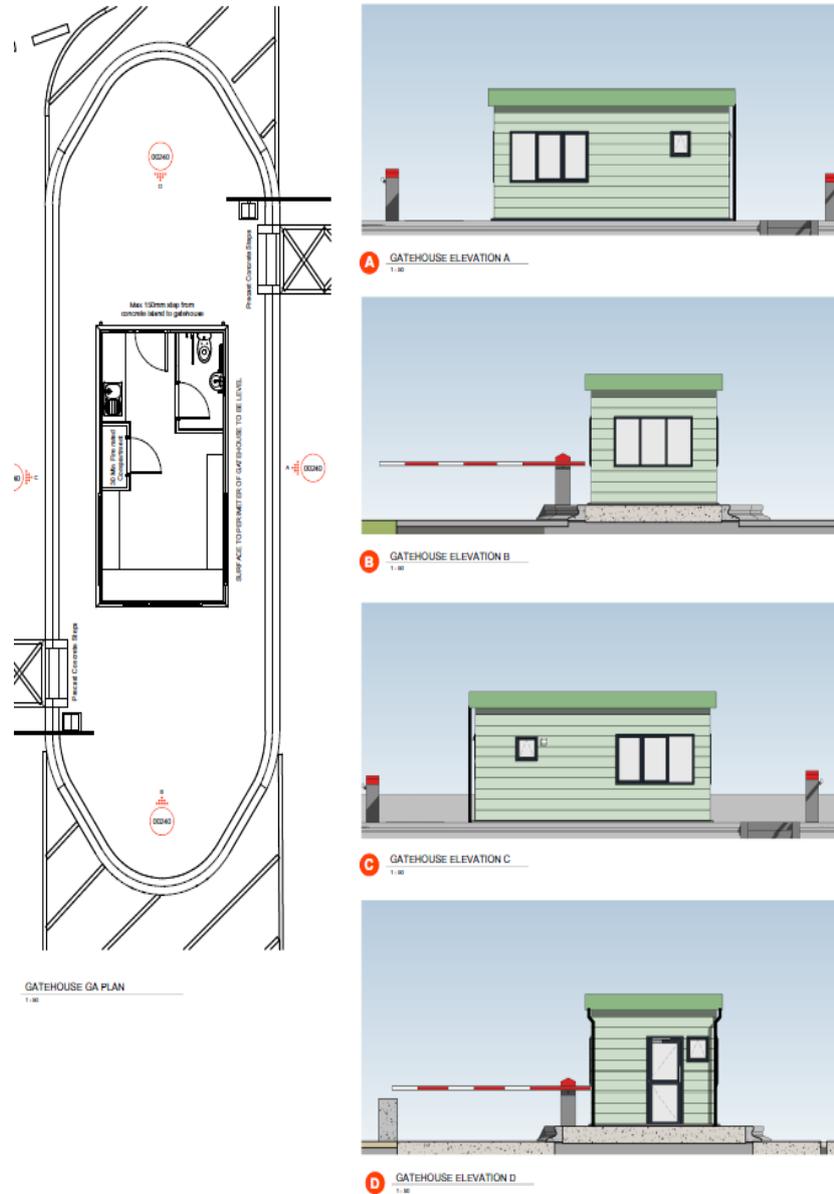
Zone 2 Site Layout



It is considered that such development to be undertaken in Zone 2 would not conflict with the terms of Condition 35 of the hybrid planning permission.

Details of the proposed gatehouse are as shown in the image below.

Gatehouse



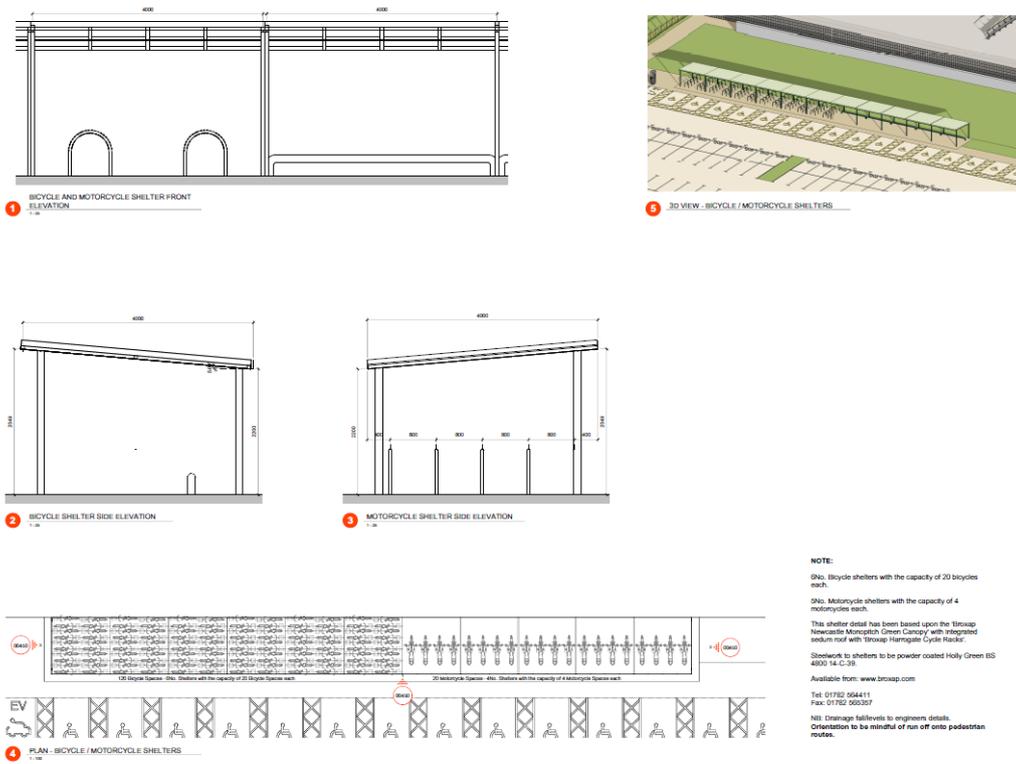
As proposed, the gatehouse would cover a ground area of 23.6 square metres and utilise a flat roof with an overall height of 3.1 metres.

Originally the gatehouse was to be clad with Sapphire Blue (RAL 5003) composite cladding laid horizontally, with the window and door frames being constructed from aluminium coloured Anthracite (RAL 7016). Following discussions with the applicant the design of the gatehouse has been amended to that which is shown in the above image and whereby the gatehouse would be constructed from Cedral timber effect cladding coloured Tea Green and utilise a Sedum grass roof.

In commenting on the ancillary buildings, which also includes the cycle and motorbike shelter, the NFC advised that consideration should be given to green roofs, and the introduction of the Sedum grass roof is a direct response to the NFC's comments. The use of Cedral timber effect cladding coloured green would also respond to the National Forest setting of the proposed development.

In terms of the cycle and motorbike shelter this is as shown in the image below:

Cycle and Motorbike Shelter

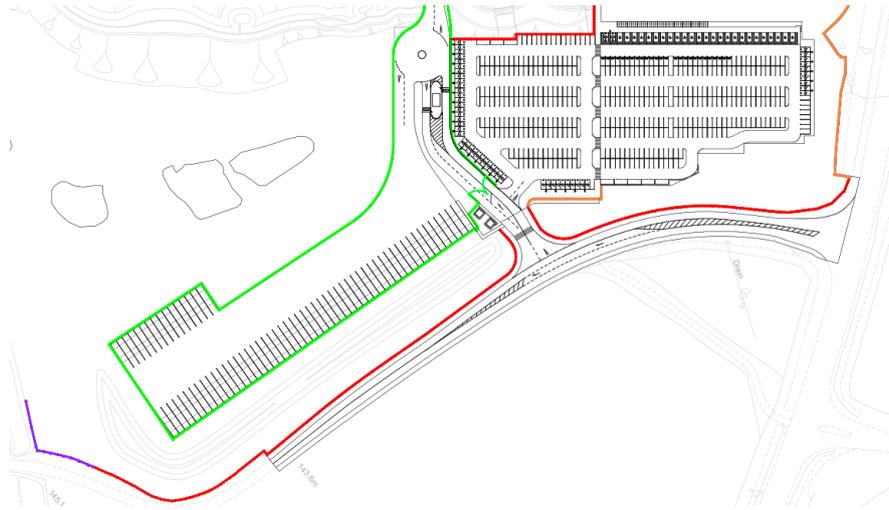


Originally the cycle and motorbike shelter was to comprise a steel framed structure powder coated White (RAL 9003). Following discussions with the applicant, the cycle and motorbike shelter would still comprise a steel framed structure but would now be coloured Holly Green and utilise a Sedum green roof.

As is the case above, the introduction of the Sedum green roof and the green colouring of the shelter would respond to the comments made by the NFC as well as the setting of the site within the National Forest.

In terms of the boundary treatments proposed in Zone 2 these are as identified in the image on the following page.

Zone 2 Boundary Treatments



The boundary treatment to the proposed car park would comprise either 1.1 metre high timber post and rail fencing or timber post and knee fencing (albeit the plan suggests that the timber post and knee fencing has already been delivered as part of the hybrid planning permission). It is considered that such boundary treatments would reflect the National Forest setting of the development and would not have any impact on the visual amenities of the streetscape or wider rural area.

Around the entrance to Zone 2 and the HGV parking area, 2.4 metre high paladin fencing and gates coloured Green (RAL 6005) would be delivered. When accounting for the need for there to be security to the site entrance and around the HGV parking area it is considered that the use of the proposed paladin fencing would be acceptable and would not impact adversely on the visual amenities of the streetscape or wider rural area given the screening afforded by the landscaping bund which is sited between the access into the site off Corkscrew Lane and Zone 2. Such fencing and gates being coloured green would also respond to the National Forest setting of the application site.

As is the case above, the hard surfacing and soft landscaping to be delivered in Zone 2 are as discussed within the 'Soft Landscaping Scheme' and 'Hard Landscaping Scheme' sub-sections of the 'Landscaping' section of this report below, and where it is determined that the information as submitted is acceptable and would be conditioned on any reserved matters consent granted.

Ashby de la Zouch Design Guidance and Codes

Code EM at Section 4.5 of the Ashby de la Zouch Guidance and Codes (AdIZGC) relates to Employment Buildings and covers the application site. It is, however, noted that the AdIZGC states that Code EM intends to cover out-of-town retail outlets, light industrial and manufacturing units and therefore does not appear to be directly applicable to a B8 unit which falls within a different use class to both light industrial and manufacturing units. Whilst not considered to be directly applicable, the proposed development has still been assessed against the criteria of Code EM of the AdIZGC.

The principles of Code EM include:

- 1) *Screening* – developments should incorporate screening from main roads using natural features such as trees and hedges.
- 2) *Building Line* – is specific to building lines in light industrial areas and is therefore not applicable in this circumstance.
- 3) *Outside Circulation* – clear pedestrian pathways should be preserved.
- 4) *Green Verges* – the introduction of green verges, where possible, is encouraged.
- 5) *Tree Planting* – tree planting is encouraged to create a natural setting.

- 6) *Solar Panels* – solar panels should be incorporated to roof areas, where possible.
- 7) *Materials* – high quality materials should be utilised which decrease the visual presence of employment buildings.
- 8) *Height* – employment buildings should be low in height to minimise the impact on the landscape.
- 9) *Frontages* – any offices proposed as part of employment buildings should face onto the street.
- 10) *Parking* – sufficient car parking should be provided along with cycle parking.

As is outlined elsewhere in this report, the soft landscaping required to screen the proposed B8 unit was secured as part of the hybrid planning permission and therefore compliance with principle 1) is demonstrated, with tree planting and green verges also being delivered in line with principles 4) and 5). Following amendments, and as discussed above, alterations have been made to the proposed layout, external materials and office arrangements and therefore compliance with principles 3), 7) and 9) is demonstrated. Sufficient car parking and cycle parking is also provided in line with principle 10).

In terms of principle 6), whilst the proposed plans do not show the delivery of solar panels to the roof of the B8 unit it is noted that the roof plan states that the roof has been designed to allow 100% coverage by solar panels. Condition 58 of the hybrid planning permission also requires the proposed development to demonstrate compliance with a Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'Excellent', in relation to water and energy efficiency, and consequently it is probable that solar panels would be utilised as a means of demonstrating compliance with this requirement.

Although it is considered that the overall height of the building would exceed the specification associated with principle 8) of the AdlZGC, which states that employment buildings should be one to two-storey in height, on the basis that the hybrid planning permission has established an acceptable height parameter for development on the site there would be no justification to refuse the application based on any conflict with this principle.

Retaining Walls

The proposed levels plan identifies that retaining walls would be provided within both Zones 1 and 2 of varying heights with the highest being 5.7 metres and set to the north-west of the B8 unit. Such a retaining wall would be screened by the B8 unit and only visible from the circulation route, consequently it would not have an adverse impact on the visual amenities of the wider area. In order to ensure an appropriate design finish to the retaining walls, in terms of their material of construction and appearance, a condition would be imposed on any reserved matters consent granted.

Scale and Appearance Conclusion

On the basis of the above assessment, the proposed development as part of this reserved matters application would be compliant with criterion (i) of Policy S3 and Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD, Policy G2 of the made AdlZNP, the AdlZGC, and Paragraphs 131 and 135 of the NPPF.

Landscaping

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

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

Policy ENV 5 of the made Ashby de la Zouch Neighbourhood Plan (AdIZNP) specifies that development proposals which adversely affect trees, woodland and hedges of environmental (biodiversity, historical, arboricultural) significance, or of landscape or amenity value will be resisted. It also expects new development to be designed to retain such trees and hedges wherever possible and provide replacement planting where such removal cannot be avoided.

Impact to Existing Trees

A Tree Survey (TS) which accompanied the hybrid application assessed one individual tree, 10 groups of trees and one hedgerow, which consisted of mostly scattered, self-seeded species such as Birch and Willow (which were predominantly located within the centre of the site). The TS also identified that the site hosts several broad-leafed wooded areas, surrounded by dense scrub and expanding margins and that such areas have been poorly managed.

In order to facilitate the development, the TS identified that the removal of one group of trees would be necessary (identified as G10) which were classified as Category C (*trees of low quality*), with sections of a further seven tree groups also being removed of which three were identified as Category B (*trees of moderate quality*) (identified as G2, G4 and G7) and four as Category C (identified as G1, G3, G5 and G9).

It is noted that the Council's Tree Officer had no objections to the removal of the trees identified within the TS which accompanied the hybrid application.

For the purposes of the development to be undertaken in Zones 1 and 2 in connection with this reserved matters application, there would be no requirement to remove any existing trees or hedges.

As part of the consideration of the reserved matters application, the Leicestershire County Council (LCC) Tree Officer has commented that in addition to the TS, the hybrid application was accompanied by an Arboricultural Impact Assessment (ArlA), Method Statement (MS) and Tree Protection Plan (TPP). The TPP ensured that the trees to be retained were adequately protected during the construction phase, and the LCC Tree Officer considers that the approved TPP is appropriate in ensuring the protection of existing trees as a result of any development proposed as part of the reserved matters application, albeit the existing tree protection fencing may need to be repositioned so that it is to the boundaries of Zones 1 and 2.

A condition could be imposed on any reserved matters consent granted to ensure that a revised TPP is approved prior to any development commencing within Zones 1 and 2.

Soft Landscaping Scheme

The original soft landscaping scheme submitted in support of the reserved matters application is as shown in the image on the following page.

RES) could not be met on the Lounge site given that it would represent an inefficient use of the allocated employment land, and sterilise around 20,000 square metres of the approved floorspace.

On this basis, a reduction in the overall floorspace to potentially accommodate more soft landscaping would conflict with the intentions of the decision made in connection with application reference 23/00427/OUTM whilst also being contrary to Paragraph 129 of the NPPF which seeks to ensure that development which makes an efficient use of land is supported.

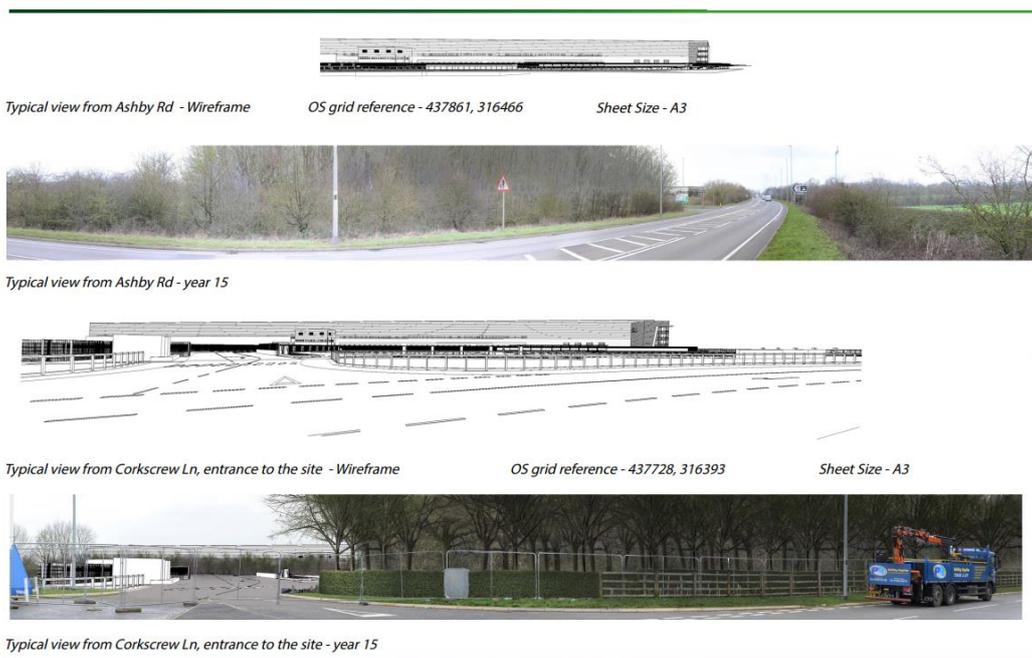
The overall amount of floorspace associated with the B8 unit also has a direct impact on the number of parking spaces which are required in line with the Leicestershire Highways Design Guide (LHDG), this therefore limits the soft landscaping which can be accommodated in Zone 2. Notwithstanding this, additional tree planting is now incorporated into the car park area and the soft landscaping scheme secured as part of the hybrid planning permission delivers soft landscaping around the prominent boundaries of Zone 2.

In terms of the comments from the LCC Tree Officer and Council's Urban Designer it is considered that these predominantly relate to the visual impact of the proposed building given its overall scale. In the 'Other Matters Relating to the Hybrid Planning Permission' section of this report above it is established that the 'Parameter Plan for Outline Development' was based on the 'worst-case' scenario assessed within the Landscape and Visual Impact Assessment (LVIA) which accompanied the hybrid application.

On this basis, it is considered that the decision made on the hybrid application has determined that the soft landscaping planting to be introduced outside of Zones 1 and 2, and which was secured as part of the 'full' element of the hybrid planning permission, would be sufficient to offer screening mitigation for the maximum scale of building envisaged as part of that application.

Further to this, the applicant has also provided photomontages which show views from Corkscrew Lane and the A511 (Ashby Road) at the entrance to the site to illustrate how the building would be seen in the landscape once the soft landscaping has matured (within the 15th year). These photomontages are as shown in the below image.

Photomontages



It is considered that these photomontages demonstrate that the proposed building would be well screened from outside the confines of the application site by the soft landscaping once matured.

On this basis, there would be no substantial justification to seek to secure additional screening landscaping mitigation when accounting for the decision made as part of the hybrid application. In addition, it is concluded above that the introduction of further landscaping within Zone 1, including bunding and a landscape buffer, as suggested by the Council's Urban Designer, would result in the inefficient use of the land within Zone 1.

Accordingly, the soft landscaping scheme would be secured by condition on any reserved matters consent to be granted, with Condition 44 of the hybrid planning permission requiring the submission of a landscape management plan prior to the development within either Zone 1 or 2 commencing.

Hard Landscaping Scheme

The application is also accompanied by a plan identifying the hard landscaping which would be introduced as part of the reserved matters development, and which is as identified in the image below.

Hard Landscaping Scheme



Such a plan shows the introduction of various materials on the site including permeable block paving within the car park, charcoal block paving around the main entrance to the office element of the B8 unit, concrete to the yard areas, gravel and tarmac.

It is considered the hard landscaping scheme would be acceptable, when accounting for the nature of the use to be undertaken on the site and the vehicles associated with such a use, and would be conditioned accordingly on any reserved matters consent granted.

Landscaping Conclusion

Overall, and when accounting for the above assessment, it is considered that the proposed development would be compliant with Policies En1 and En3 of the adopted Local Plan as well as Policy ENV 5 of the made AdZNP.

Other Matters

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).

Policy ENV 7 of the made Ashby de la Zouch Neighbourhood Plan (AdlZNP) requires certain forms of development to demonstrate that no alternative site is available if the location is susceptible to flooding from rivers or surface water, that the location and design of development respect the geology, flood risk and natural drainage characteristics of the site and immediate area, that a surface water drainage strategy should demonstrate that flood risk will not be exacerbated, that sustainable drainage systems (SuDS) are incorporated into the surface water drainage design, and that the effects of climate change are accounted for.

Conditions (nos. 23 and 24) were imposed on the hybrid planning permission to secure the submission of a surface water drainage scheme and scheme of future management and maintenance of the surface water drainage system (Condition 23), as well as a scheme of surface water management during the construction phase (Condition 24) for the full element of the hybrid planning permission. Information to discharge the terms of these conditions was considered and approved under application reference 21/00956/DIS on the 8th December 2021.

Conditions (nos. 50, 51 and 53) were also imposed on the hybrid planning permission to secure the submission of a surface water drainage scheme (Condition 50), a scheme of surface water management during the construction phase (Condition 51), and the future management and maintenance of the surface water drainage system (Condition 53) for the outline element of the hybrid planning permission. Information to discharge the terms of Condition 51 were considered and approved under application reference 22/01240/DIS on the 20th October 2022.

Whilst it would be necessary for the applicant to demonstrate at the appropriate time (i.e. when submitting details to comply with the terms of Conditions 50 and 53 of the hybrid planning permission) that a suitable surface water drainage solution would be provided as part of the development, a Drainage Strategy (DS) has been submitted in support of the reserved matters application.

Condition 40 of the hybrid planning permission, associated with the outline element of the development, also required the development to be undertaken in accordance with an approved Flood Risk Assessment (FRA), addendum FRA and Drainage Management Strategy (DMS) which all referenced the various mitigation measures including greenfield runoff rates, discharging into the watercourse, providing attenuation, and silt capture.

The submitted DS provides further detail on the proposed surface water drainage strategy, and accounts for the information contained within the documents approved under Condition 40, with it being intended that surface water drainage from Zones 1 and 2 would be discharged to the Gilwiskaw Brook at the discharge rates previously specified as part of the hybrid planning permission. Attenuation features and SuDS features would also be provided as part of the proposed development and would complement those constructed as part of the full element of the hybrid planning permission which included the diversion of Gilwiskaw Brook through the site.

As part of the consideration of the reserved matters application the Lead Local Flood Authority (LLFA) has been consulted, and they have advised that such applications are reviewed in relation to the matters submitted for reserved matters consent. Whilst the LLFA have made no specific comments on the merits of the information contained within the DS, it would be necessary for the precise surface water drainage scheme to be approved before any development is undertaken within Zones 1 and 2 (as required by Condition 51), with the long-term maintenance and management of

any surface water drainage scheme approved under Condition 51 being subject to approval before such time as the B8 unit is first brought into use (as required by Condition 53).

In these circumstances an appropriate mechanism exists which would allow a detailed surface water drainage solution for the development within Zones 1 and 2, as well as its long-term maintenance and management, to be subject to consideration by the LLFA as part of a discharge of condition application. On this basis there would be no requirement to impose relevant surface water drainage conditions on any reserved matters consent to be granted.

The application site lies within Flood Zone 1 as defined by the Environment Agency (EA) '*Flood Map for Planning*' and the Council's Strategic Flood Risk Assessment (SFRA). It is therefore at a low risk of fluvial flooding.

In terms of the Environment Agency (EA) they have raised no objections to the application and whilst they have commented that the details associated with the type and location of the oil and petrol separators are acceptable there would be a necessity for the relevant details to be approved under the terms of Condition 48 of the hybrid planning permission.

Overall, the proposed development submitted for reserved matters approval would be considered compliant with Policies Cc2 and Cc3 of the adopted Local Plan, Policy ENV 7 of the made AdIZNP and Paragraphs 181 and 182 of the NPPF.

In terms of foul drainage, the Section 106 associated with the hybrid planning permission required foul waste to be dealt with via a non-mains drainage system (in this case a cesspool) for a temporary basis until capacity became available to allow connection to the foul drainage network. This was due to the location of the development within the catchment area of the River Mease Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI).

Since the determination of the hybrid planning permission, Severn Trent Water (STW) has confirmed that the proposed development can connect into the foul drainage network and a Deed of Variation (DoV) to the Section 106 agreement has been entered into (completed on the 4th December 2025) which amended Schedule 4 and states that the development shall not be occupied, or be allowed to be occupied, unless and until the development is connected to the foul drainage network. As part of the hybrid planning permission a foul pumping station was consented, which has since been constructed, along with a rising main which directs foul waste towards the STW sewer in Farm Town.

In such circumstances the foul drainage strategy would be to discharge foul waste to the consented pumping station, with foul waste then discharged to the STW sewer in Farm Town. It is noted that discharge to the STW sewer in Farm Town would also ensure that foul waste was discharged outside of the catchment area of the River Mease SAC / SSSI.

The implications to the integrity of the River Mease SAC / SSSI are discussed further in the '*River Mease Special Area of Conservation / SSSI – Habitat Regulations Assessment*' sub-section of this report below.

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 outlines, amongst other things, that the Council will work with Natural England (NE), the Environment Agency (EA), Severn Trent Water (STW), 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.

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 Gilwiskaw Brook, which runs through the site, and which has been re-aligned as part of the hybrid planning permission granted, is a tributary of the river. 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, the Gilwiskaw Brook is a tributary of the River Mease.

Foul Drainage

In March 2022 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 is outlined in the '*Flood Risk and Drainage*' sub-section of the '*Other Matters*' section of this report above, the Section 106 originally secured against the hybrid planning permission required foul waste to be dealt with via a cesspool (non-mains drainage system) which was for a temporary period until capacity became available to allow connection to the foul drainage network.

However, since the determination of the hybrid application, STW has confirmed that the proposed development can connect into the foul drainage network and a Deed of Variation (DoV) to the Section 106 agreement has been entered into (completed on the 4th December 2025) which specifies (at Schedule 4) that the development shall not be occupied, or be allowed to be occupied, unless and until the development is connected to the foul drainage network. As part of the hybrid planning permission a foul pumping station was consented, which has since been constructed, along with a rising main which directs foul waste towards the STW sewer in Farm Town.

In these circumstances the foul drainage strategy would be to discharge foul waste to the consented pumping station, with foul waste then discharged to the STW sewer in Farm Town which lies outside of the catchment area of the River Mease SAC / Site of Special Scientific Interest (SSSI).

As part of the consideration of the application NE has been consulted and no objections have been raised.

Whilst noting the terms of the DoV, it is not explicitly stated that foul drainage should be directed outside the catchment area of the River Mease SAC just that a connection to the foul drainage network should be made before the first occupation of the building. In these circumstances it is considered reasonable to impose a condition on any reserved matters consent to be granted to specify that foul waste should be discharged outside the catchment area of the River Mease SAC in the absence of such a condition as part of the hybrid planning permission.

Subject to the imposition of this condition 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*' sub-section of the '*Other Matters*' section of this report above, Conditions (nos. 23 and 24) were imposed on the hybrid planning permission to secure the submission of a surface water drainage scheme and scheme of future management and maintenance of the surface water drainage scheme (Condition 23), as well as a scheme of surface water management during the construction phase (Condition 24) for the full element of the hybrid planning permission. Information to discharge the terms of these conditions was considered and approved under application reference 21/00956/DIS on the 8th December 2021.

In addition, Conditions (nos. 50, 51 and 53) were also imposed on the hybrid planning permission to secure the submission of a surface water drainage scheme (Condition 50), a scheme of surface water management during the construction phase (Condition 51), and the future management and maintenance of the surface water drainage system (Condition 53) for the outline element of the hybrid planning permission. Information to discharge the terms of Condition 51 was considered and approved under application reference 22/01240/DIS on the 20th October 2022.

Conditions (nos. 7, 10, 11 and 13) imposed on the hybrid planning permission, in connection with the full element, also required the development to be undertaken in accordance with an approved Construction Environmental Management Plan (CEMP) (Condition 7), a brook diversion methodology and watercourse diversion methodology plan (Condition 10), that no waste water or contaminated waste water produced during the construction phase should discharge into the watercourse (Condition 11) and a sediment control plan along with a scheme to treat and remove suspended solids from surface water runoff during the construction phase (Condition 13). Information to discharge the terms of Condition 13 was considered and approved under application reference 21/00956/DIS on the 8th December 2021.

Conditions (nos. 38, 47 and 52) imposed on the hybrid planning permission, in connection with the outline element, also require no waste water or contaminated waste water produced during the construction phase to discharge into the watercourse (Condition 38), the submission of a CEMP (Condition 47) and a scheme to treat and remove suspended solids from surface water runoff during the construction phase (Condition 52). Information to discharge the terms of Condition 52 was considered and approved under application reference 21/00956/DIS on the 8th December 2021.

It is considered that the details approved under Conditions 51 and 52 of the hybrid planning permission will ensure that the construction of the development to be undertaken within Zones 1 and 2 will result in the flow of the River Mease SAC being unaltered and would also prevent adverse impacts to water quality arising. Condition 38 would also prevent adverse impacts on water quality arising.

Whilst the development will result in crossings being provided over Gilwiskaw Brook, in order to enable movement between Zones 1 and 2, Condition 50 of the hybrid planning permission associated with the outline application requires precise details of such crossings to be approved by the Council before such crossings are implemented with the terms of Condition 47 requiring a CEMP to be submitted before the development within Zones 1 and 2 commences. Such conditions will also ensure that there would not be adverse impacts to water quality within the River Mease SAC.

It is also noted that NE have raised no objections to the reserved matters proposals.

Given the conditions imposed on the hybrid planning permission, in relation to both the full and outline elements, there would be no impact on the integrity of the River Mease SAC as a result of surface water discharge.

Overall, and on the basis of the above, it can be ascertained that the reserved matters development 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.

Noise and Vibration

Policy D2 of the adopted Local Plan outlines that development proposals will be supported where they do not have a significant adverse effect on the living conditions of existing and new residents, including any potential impacts arising from noise, dust and fumes.

Paragraph 198 of the NPPF requires development to be appropriate for its location.

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.”*

Condition 54 of the hybrid planning permission requires the submission of a Noise Impact Assessment (NIA) prior to any building within Zone 1 being occupied. Such a NIA is expected to give consideration to the noise and / or vibration from within the building, noise and / or vibration from any activity in external areas, and noise and / or vibration from any fixed plant at any noise sensitive premises (i.e. residential properties).

In the circumstances that a condition is imposed on the hybrid planning permission which is required to be complied with, and which will assess the noise and / or vibration impacts associated with the proposed B8 unit, there is no requirement to duplicate such a condition as part of any reserved matters consent granted.

On this basis the proposed development would not conflict with Policy D2 of the adopted Local Plan or Paragraphs 198 and 201 of the NPPF.

Coal Mining Risk

Policy En6 of the adopted Local Plan 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.

As part of the consideration of this reserved matters application the Coal Authority (CA) (now known as the Mining Remediation Authority (MRA)) has been consulted and they have noted that the terms of Conditions 45 and 46 of the hybrid planning permission require the coal mining legacy issues on the site to be addressed.

Whilst the CA (MRA) have reviewed the details associated with the reserved matters application they remain unclear as to the situation associated with the coal high wall(s) of the former surface extraction and whether the layout of the development within Zones 1 and 2 has been designed around this coal mining hazard. This is due to the submitted plans not including any designated no-build zones and the precise location of the high wall(s) within the application site boundary. On this basis the CA (MRA) initially objected to the application.

In response to the objection from the CA (MRA), the applicant has advised that the terms of Conditions 45 and 46 of the hybrid planning permission are worded in a manner which prevents development within Zones 1 and 2 from commencing until details are first submitted to and approved in writing by the Council. As such they are not worded in a manner which requires the relevant information to be discharged prior to the approval of any reserved matters application. In such circumstances the CA (MRA) would retain control and have the opportunity to comment on the details submitted to discharge Conditions 45 and 46 which, as outlined above, are required to be discharged before any development commences within Zones 1 and 2.

Notwithstanding the comments of the applicant, following re-consultation the CA (MRA) has maintained their objection to the application.

Whilst understanding the position of the CA (MRA), as is outlined by the applicant, Conditions 45 and 46 of the hybrid planning permission are pre-commencement conditions and therefore would need to be discharged in their own right before such time as any development is commenced. Consequently, and being fully appreciative of the coal mining risk to the site, it would not be reasonable to delay any decision on the reserved matters application until such time as Conditions 45 and 46 are discharged.

Should it be the case that the details submitted to discharge Conditions 45 and 46 require amendments to be made to any plans approved as part of this reserved matters application (i.e. amendments to the layout of the development) then the applicant would be required to submit an application under Section 73 of the Town and Country Planning Act 1990 (as amended) to make a variation to the approved plans. This is due to the fact that that compliance with conditions imposed on the hybrid planning permission could not be demonstrated.

Overall, and given the relevant conditions imposed on the hybrid planning permission, there would be no justification to refuse the application as being contrary to Policy EN6 of the adopted Local Plan and Paragraphs 196 and 197 of the NPPF as an appropriate opportunity would exist to address issues associated with the coal mining legacy of the site prior to the development being undertaken.

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.

Following a review of the details submitted as part of the reserved matters application, East Midlands Airport Safeguarding (EMAS) has no objections to the application subject to the imposition of a condition which would require the approval of a Bird Hazard Management Plan (BHMP) prior to the commencement of development, and which would require details of:

- a) the management of roofs which may be attractive to nesting, roosting and 'loafing' birds;
- b) prevention of ingress to the underside of the solar photovoltaic (PV) array; and

- c) monitoring and disturbance of any roof loafing / nesting activity.

Subject to the imposition of this condition the proposed development would be considered compliant with Policy Ec5 of the adopted Local Plan.

Impact on the Historic Environment and Archaeology

Policy He1 of the adopted Local Plan 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

The officer report associated with the hybrid application outlined that within one kilometre of the site there are seven listed buildings, two Scheduled Monuments, one Registered Park and Garden and two Conservation Areas. Whilst this is the case the Council's Conservation Officer raised no objections to the hybrid application and based their decision on the parameters specified on the approved 'Parameter Plan for Outline Development'.

When accounting for the fact that the Council's Conservation Officer's response was based on the parameters specified on the approved 'Parameter Plan for Outline Development', and that the proposed scale of the development would not exceed such approved parameters, it is considered 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 the heritage assets would be preserved.

Archaeology

As part of the consideration of the application the County Council Archaeologist has been consulted and has advised that, having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), the proposed development would not result in a significant direct or indirect impact upon archaeological interest or setting of any known or potential heritage assets.

Overall, 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.

Mineral Safeguarding

The implications of the development to mineral resources was assessed to be acceptable as part of the hybrid application and consequently there is no requirement to revisit this matter as part of this reserved matters application. On this basis there is no conflict with Policy M11 of the adopted Leicestershire Minerals and Waste Local Plan and Paragraph 225 of the NPPF.

Leicester to Burton Rail Line

Policy IF5 of the adopted Local Plan outlines that development which would prejudice the route of the Leicester to Burton rail line will not be permitted.

Policy T5 of the made Ashby de la Zouch Neighbourhood Plan (AdIZNP) specifies that proposals

which threaten the integrity of the Leicester to Burton railway line and its infrastructure for potential re-use for public transport services will not be supported.

It was determined as part of the hybrid planning application that the proposed development would not conflict with Policy IF5 of the adopted Local Plan and Policy T5 of the now superseded AdIZNP.

Given that the development proposed as part of this reserved matters application would be situated away from the site boundaries, due to the location of the development Zones, there would be no implications to the Leicester to Burton railway line. It therefore remains the case that the proposed development would not conflict with Policy IF5 of the adopted Local Plan or Policy T5 of the made AdIZNP.

Other Matters

Whilst noting the comments of Ashby de la Zouch Civic Society in relation to the public consultation, the NPPF, at Paragraph 41, encourages applicants' to engage with a Local Planning Authority prior to the submission of a planning application with it also being encouraged that applicants' engage with the local community.

The applicant has submitted a Statement of Community Engagement (SoCG) in support of the application which outlines that a two-week digital pre-application consultation was held between Monday 8th and Monday 22nd September 2025, with a live public webinar held on Tuesday 16th September 2025. The SoCG also outlines how the consultation was promoted.

Based on the contents of the SoCG it appears that the applicant has undertaken a form of public consultation on the proposals before the submission of the reserved matters application. Notwithstanding whether the applicants' consultation was sufficient, or not, there would be no justification to refuse the application on this basis given that it is not a mandatory requirement for a development of this nature (this generally applies to Nationally Significant Infrastructure Projects).

Conclusion

As set out above, the principle of the development has already been established by way of the hybrid planning permission (19/00652/FULM) and whereby elements of the full part of the permission granted have been implemented on site. The assessment, therefore, is limited to those issues failing within the reserved matters.

For the reasons as assessed above, the works proposed under this reserved matters application are considered to be acceptable. There are no other material planning considerations that indicate reserved matters approval should not be granted, particularly given that conditions of the hybrid planning permission would need to be adhered to in developing the site, and accordingly the proposal subject to the imposition of conditions is considered acceptable for the purposes of the aforementioned policies.

It is therefore recommended that the application be permitted.

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

**Report Item No
A3**

**Application Reference:
25/01392/FUL**

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

**Date Registered:
27 November 2025
Consultation Expiry:
26 January 2026
8 Week Date:
22 January 2026
Extension of Time:
None agreed**

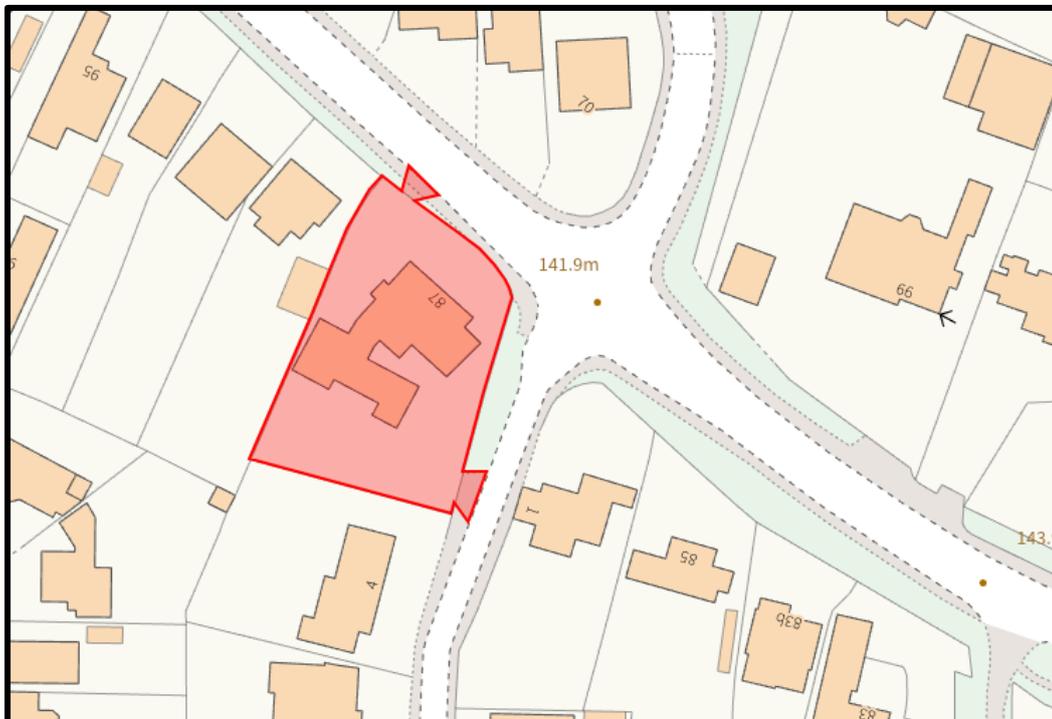
**Grid Reference (E) 435077
Grid Reference (N) 316921**

**Applicant:
Lyndhurst Ashby Ltd**

**Case Officer:
Karina Duncan**

**Recommendation:
PERMIT, 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 at the request of Councillor Parle on the basis of the level of concern raised by residents in respect of highways issues, as there is insufficient provision for parking for the residents of the proposed HMO and Churchill Close is a narrow road where there are already problems with visitor parking and access for delivery drivers.

RECOMMENDATION – PERMIT, subject to the following conditions:

1. Time limit (commencement within 3 years)
2. Approved plans
3. Materials to match
4. Highway conditions - increased access widths (submission / approval and compliance with details prior to occupation) and pedestrian and vehicular visibility splays provided prior to occupation
5. Alternative car parking scheme (submission / approval and compliance with details prior to occupation)
6. Cycle car parking scheme, comprising a minimum of 17 cycle parking spaces which shall be under cover and secure (submission / approval and compliance with details prior to occupation)
7. All hard landscaping provided prior to occupation
8. Sustainable Urban Drainage System to be provided for all new areas of hardstanding proposed on site, prior to their provision
9. Tree protection measures (in accordance with submitted details prior to commencement)
10. Use of no-dig method within tree root protection areas in accordance with submitted details
11. Biodiversity net gain conditions
12. Alternative scheme for bin storage (submission / approval and compliance with details prior to commencement)
13. Removal of Permitted Development Rights for the small HMOs to remove their ability to change use to C3 dwellinghouses without express planning permission
14. The total number of occupants restricted to a maximum of 17 people
15. Gigabit broadband connection provision
16. Bird and bat boxes in accordance with submitted details

Mandatory Biodiversity Gain Plan Condition (as a note to applicant)

MAIN REPORT

1. Proposals and Background

This application seeks full planning permission for the change of use and conversion of a former residential care home 'Lyndhurst Lodge' to form three no. separate dwelling units. The application proposes the creation of two no. Houses in Multiple Occupancy (HMO) (Use Class C4) and one Large HMO (Sui Generis). A total of 17 bedrooms are proposed across the three dwelling units. The application also proposes a single storey side extension and other associated works.

The following schedule of accommodation is proposed:

House in Multiple Occupancy Number 1 (Sui Generis)

'Cluster 1' (as referred to on the submitted floor plans) would be spread across the ground floor and would provide five ensuite bedrooms and a shared kitchen and dining room. Three of the bedrooms are referred to on the submitted floor plans as 'ensuite rooms with food prep area' (sink, fridge and base unit – no hot cooking facilities). Two of the rooms are referred to as 'ensuite bedsits' (i.e. no food prep areas provided).

Large House in Multiple Occupancy (Use Class C4)

'Cluster 2' (Large HMO) would be spread across part of the ground and first floors of the building and would feature seven ensuite bedrooms, as well as a shared kitchen and dining room. Four ensuite bedsits are proposed at ground floor level, three ensuite rooms with food prep areas are proposed to the first floor level.

House in Multiple Occupancy Number 2 (Sui Generis)

Cluster 3 would be spread across part of the first floor and the entirety of the second floor of the building. All five proposed rooms are ensuite bedrooms. The accommodation would be provided with a kitchen and diner to the first floor of the building.

Other proposed facilities

A communal laundry room is proposed to the rear of the building that would be accessed externally.

A bin store is also proposed to one of the eastern side elevations of the building which would be located closest to Churchill Close.

Parking areas for five off-street car parking spaces would be provided to the north (front) of the site, accessed via Burton Road. 12 off-street car parking spaces would be provided to the south and east (side/rear) of the site, accessed via Churchill Close.

In terms of access into the building, Cluster 2 would benefit from two separate accesses into the building (one to the west and one to the east of the building). Clusters 1 and 3 would be accessed from the northern (front) elevation of the building.

Other proposed works

The associated works include the provision of a flat roofed extension to the western side elevation to house a 5m² boiler room, as well as the provision of additional paved areas on site to facilitate the provision of off-street car parking spaces. A paved pathway is also proposed to the eastern side and to the front of the site which would provide pedestrian access from the parking provision to the south of the site to one of the three entrances to the building.

Aerial Imagery of Site Location



Proposed Floor Plans



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Notes:
1. This drawing is a preliminary design and is not to be used for construction purposes. It is intended to illustrate the proposed development and is subject to change without notice.
2. The proposed development is subject to planning permission and other relevant approvals.
3. The proposed development is subject to the following conditions:
a. The proposed development shall be completed within the time period specified in the planning permission.
b. The proposed development shall be completed in accordance with the approved plans.
c. The proposed development shall be completed in accordance with the approved specifications.
d. The proposed development shall be completed in accordance with the approved standards.
e. The proposed development shall be completed in accordance with the approved regulations.
f. The proposed development shall be completed in accordance with the approved codes of practice.
g. The proposed development shall be completed in accordance with the approved best practice.
h. The proposed development shall be completed in accordance with the approved industry standards.
i. The proposed development shall be completed in accordance with the approved industry codes of practice.
j. The proposed development shall be completed in accordance with the approved industry regulations.
k. The proposed development shall be completed in accordance with the approved industry standards.
l. The proposed development shall be completed in accordance with the approved industry codes of practice.
m. The proposed development shall be completed in accordance with the approved industry regulations.
n. The proposed development shall be completed in accordance with the approved industry standards.
o. The proposed development shall be completed in accordance with the approved industry codes of practice.
p. The proposed development shall be completed in accordance with the approved industry regulations.
q. The proposed development shall be completed in accordance with the approved industry standards.
r. The proposed development shall be completed in accordance with the approved industry codes of practice.
s. The proposed development shall be completed in accordance with the approved industry regulations.
t. The proposed development shall be completed in accordance with the approved industry standards.
u. The proposed development shall be completed in accordance with the approved industry codes of practice.
v. The proposed development shall be completed in accordance with the approved industry regulations.
w. The proposed development shall be completed in accordance with the approved industry standards.
x. The proposed development shall be completed in accordance with the approved industry codes of practice.
y. The proposed development shall be completed in accordance with the approved industry regulations.
z. The proposed development shall be completed in accordance with the approved industry standards.



- Ensuite Bed/Bath
- Ensuite
- Shared Kitchen/Dining
- Laundry
- Ensuite room with food prep area
*No hot cooking facilities provided (food prep area includes Sink, Fridge, Base Unit)
- Cluster 1 - 5 Units - 154m²
- Cluster 2 - 7 Units - 105m²
- Cluster 3 - 5 Units - 252m²
- Proposed Walls
- Indicative Layout

Rev	Updated/Revised/Added/Deleted	By	Checked	Date
01	Updated Plans and Cluster Allocation	AS	AS	20/03/20
02		AS	AS	20/03/20
03		AS	AS	20/03/20

PLANNING

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Change of Use to Residential
Lyndhurst Lodge 87 Burton Road Ashby de la Zouche
Leicestershire LE19 7RD

Proposed Ground Floor Plan

Author	Drawn	Checked	Scale
AS	AS	AS	1:200

9392-03-0100

Amended Proposed Elevations



Further information submitted in respect of the application can be found on the Council's website.

Relevant Planning History

- 19/00382/FUL - Erection of two storey and single storey extensions to existing C2 care home - Permitted S106 Agreed – 12.07.2019
- 17/01607/FUL - Proposed two storey and single storey extensions to existing C2 Care Home - Refused – 14.06.2018; Appeal dismissed 13.11.2018.

Members are advised that the above application (ref: 17/01607/FUL) was recommended by Officers for approval but was overturned by the Council's Planning Committee on 9th May 2018 with a decision notice issued on 14th June 2018. The application was refused for two reasons, one being on grounds of residential amenity, and the other on highway safety grounds. The reasons for refusal read:

1. Policy IF4 of the adopted North West Leicestershire Local Plan (2017) outlines that the Council, working with the highway authorities, will ensure that development takes account of the impact upon the highway network with Policy IF7 of the adopted Local Plan (2017) specifying that development should incorporate adequate parking provision for vehicles in order to avoid highway safety impacts. It is considered that the overall scale of the extensions would result in an overdevelopment of the site which would result in the provision of insufficient off-street parking for the users of the facility (both staff and visitors) as well as inadequate parking for emergency vehicles. The ability for vehicles to manoeuvre within the site and exit in a forward direction would

also be compromised by the scale of the works proposed and consequently would lead to vehicles reversing into Burton Road and Churchill Close. An increase in on-street parking and the reversing of vehicles into the highway (in particular Burton Road) would result in severe detriment to pedestrian and highway safety and consequently to permit the proposal would be contrary to Policies IF4 and IF7 of the adopted Local Plan as well as Paragraphs 32 and 39 of the NPPF.

2. Policy D2 of the adopted North West Leicestershire Local Plan (2017) outlines that development proposals should be designed so as to minimise their impact on amenity and quiet enjoyment of both existing and future residents within the development and close to it. It is considered that the proposed position and scale of the extensions in relation to the boundary with no. 89 Burton Road would result in significantly adverse overbearing and overshadowing impacts to neighbouring amenities and as such to permit the proposal would be contrary to part (1) of Policy D2 of the adopted Local Plan.

The refusal was subject to an appeal (ref: APP/G2435/W/18/3207123) which was dismissed by the Planning Inspectorate on 13th November 2018, however neither the highway safety reason for refusal, nor the residential amenity refusal, were upheld. The Planning Inspectorate dismissed the appeal solely on grounds of adverse effects on the integrity of the River Mease Special Area of Conservation.

2. Publicity

20 neighbours were initially notified on the 2nd December 2025.
A site notice was displayed on the 5th December 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:

Ashby de la Zouch Town Council – Objects to the application on grounds of a lack of off-street car parking provision which would force occupiers and visitors to park on nearby roads which would result in congested and dangerous roads. The Town Council also state that there are already car parking issues on Churchill Close, with delivery drivers, carers and other visitors resorting to parking partly on pavements. It has also stated that whilst Churchill Close is a cul-de-sac, it leads to a park and play area so is heavily used by pedestrians. On these grounds, the Town Council considers the site to be unsuitable for a HMO.

No objection, subject to the impositions of conditions from:

Leicestershire County Council Highway Authority
Leicestershire County Council Ecologist

No objection from:

Leicestershire County Council Tree Officer
NWLDC Environmental Health Officer

Comments made by:

NWLDC Waste Services Team

Refers to standing advice:

Natural England

No representation made by:
 Severn Trent Water
 East Midlands Airport Safeguarding

Third Party Representations

35 representations from third parties have been received all objecting to and/or making neutral comments towards the proposal.

Grounds of Objections	Description of Impact
Principle matters	The proposal is entirely unsuitable, highly disruptive and poses a direct threat to the safety, character and liveability of this residential area and should not proceed under any circumstances.
	The proposal would leave residents exposed to significant uncertainty, potential disruption, increased noise, late night noise. The day to day movements would erode residents' safety, the peace and amenity of the area.
	Allowing this planning application would set a precedent within the area with more large residential properties being converted into HMOs which would alter the social fabric of Ashby.
	The proposal would result in long term irreversible impacts and parking, road safety, community feelings, and more importantly the character of Ashby, and the desire for living here. The proposal would result in no benefit to the community.
	The proposal could lead to a gradual erosion of the area's sense of community and result in a transient, short-term population rather than stable, long-term residents. The proposal would be a material difference in use and intensity.
	The two dwellings must be assessed as sui generis HMOs, meaning the application misclassifies the proposed use and materially understates its planning impacts. Concerns in relation to maximum occupancy and whether a condition to restrict occupancy would be enforceable having regard to caselaw. There is a failure to limit occupancy which would result in occupancy for up to 34 people.
	The use classes referred to in the description of development are not correct.
	The proposal would result in the loss of a care home which is needed in Ashby. There is no evidence of

	<p>redundancy. The proposal would conflict with the planning objectives of meeting housing needs for older people.</p>
	<p>The introduction of multiple large HMOs would materially skew the local housing mix and undermine the areas C3 family character. The proposal will have a different social function and will generate different activity patterns than conventional dwellings which runs counter to the objectives of the NP and Local Plan policies on housing mix and place making. There will be a higher turnover of residents, more regular arrivals/departures and intensified servicing compared to settled long stay tenants.</p>
<p>Parking and Highway Impacts</p>	<p>The street is narrow and only wide enough for a single car. Vehicle movements are restricted and difficult to manage safely. Visibility for pedestrians and drivers is already compromised.</p>
	<p>The proposal would increase traffic in the area which would be unsafe and unworkable.</p>
	<p>The proposal is unacceptable on grounds of highway safety, over-intensification of use, and inadequate parking for the number of future occupants (up to 34).</p>
	<p>The scale of occupation represents an over-intensification of the existing infrastructure. The proposal would not provide sufficient car parking for 17 bedrooms.</p>
	<p>The parking provision would not accommodate for partners, visitors & service vehicles which all will add to the parking requirements. Additional vehicles will ultimately park on Churchill Close and other surrounding roads and the added congestion will make the road even more dangerous and potentially block access to people's drives.</p>
	<p>There is no path along part of Churchill Close.</p>
	<p>The extra traffic will cause serious congestion and pose safety risks and danger for residents, pedestrians, (particularly those with mobility issues or a sight impairment) and emergency vehicle access. The number of accidents and near accidents is a problem at the roundabout on Burton Road.</p>
	<p>No swept-path or vehicle-tracking analysis has been provided, and the constrained arrangement means vehicles cannot safely enter and exit the site simultaneously at either access point.</p>

	Car parking bays are undersized and do not account for walls and fences etc.
	There is no cycle parking.
	There is no operator-controlled staffing model, no predictable visitor regime, and no mechanism by which car ownership or travel behaviour can be reliably limited. The highway comments are not consistent with the approach taken in the assessment of the 2017 application.
	Inadequate access widths and failure to accord with the Leicestershire Highway Design Guide in respect of car parking provision. Parking demand has not been properly assessed.
	Requests for the highway authority to review its comments and withdraw the no objection position. Clarifications are also requested on various highway matters.
	Local residents understand that a traffic counter was deployed on Churchill Close in November 2025. If the November 2025 survey data has informed the highway assessment, it is therefore likely to reflect an interim low-activity state. Clarification is requested to ascertain whether this traffic counter has been used to inform the application.
	Lack of clarity in relation to the NPPF 'severity' test and how the Local Highway Authority has determined that the application would not result in a severe impact.
	Highway safety and convenience harms from servicing/private hire churn.
	The Highway Authority's consultation comments do not reference the parking requirements of Table 28 of the Leicestershire Highway Design Guide.
	A proposal accommodating up to 34 unrelated adults across multiple HMOs is not characteristic of the surrounding area and would place unacceptable pressure on local infrastructure and residential streets. The proposal fails to accord with the Neighbourhood Plan. There is no policy justification for the scale or type of development proposed.
Bin Storage and Collection	Consideration needs to be given to waste storage and collection arrangements. There is no waste management strategy submitted.

	Concerns regarding the Waste Services Team's consultation response to the application.
	Lack of clarity with regard to how bins will be collected.
	The proposal relies on a single waste storage provision to serve the development.
Biodiversity	The proposal shows a net loss in biodiversity, contrary to the Environment Act 2021 which requires a 10% gain.
	The widening of the existing accesses on site is likely to result in a further loss of biodiversity.
River Mease Special Area of Conservation (SAC)	The applicant has not demonstrated that there is no likely significant effect upon the River Mease SAC.
Design and Layout matters	The layout and density of the proposed development is out of proportion with neighbouring properties.
	Lack of details in relation to lighting, signage, hardstanding, bin stores and cycle enclosures and inability to assess in terms of landscape and visual impact.
Amenity Impacts	A 17-bed HMO is likely to generate increased noise, activity and disturbance, materially altering the quiet, residential character of Churchill Close and this part of Burton Road.
	The amount of building work needed to be carried out involving constructors, building supply vehicles, and the coming and going of vehicles is likely to be very significant and disruptive.
	Concerns in relation to light pollution.
	Lack of information submitted in relation to acoustic insulation between bedrooms and dwellings.
	Lack of Operational Management Plan, inadequate site management, security and servicing plans.
	The proposal would likely create tensions between residents of the HMOs and those in nearby properties, particularly concerning issues such as access, waste management, and overall living conditions.
Other matters	There is a community garden located adjacent to the entrance. The garden must be protected.
	Sui-generis uses would allow the building to change to other high-intensity uses without further scrutiny. It will

	bypass the usual requirement for separate planning consent and undermine Article 4 protections.
	The proposal conflicts with the Town and Country Planning Act 1990; the Planning and Compulsory Purchase Act 2004; the Use Classes Order; the Environment Act 2021; the Habitat Regulations 2017; National Planning Policy Framework; Local Plan Policies; the Leicestershire Highway Design Guide; the Ashby Neighbourhood Plan; and the 2023 Housing Needs Assessment.
	Concerns regarding inaccuracy in the submitted information.
	Planning history concludes that the site has consistently been subject to precautionary planning control; that parking, access and manoeuvring considerations have always been material to capacity and intensity; and departures from standards have only been accepted where supported by clear, site-specific evidence.
	Loss of outdoor space.
	Lack of designing out crime measures submitted to support the application.

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:

- Chapter 2. Achieving sustainable development;
- Chapter 4. Decision-making;
- Chapter 5. Delivering a sufficient supply of homes;
- Chapter 8. Promoting healthy and safe communities;
- Chapter 9. Promoting sustainable transport;
- Chapter 11. Making effective use of land;
- Chapter 12. Achieving well-designed places;
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change;
- Chapter 15. Conserving and enhancing the natural environment.

Local Policies

Adopted North West Leicestershire Local Plan (2021)

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

- Policy S1 - Future Housing and Economic Development Needs;
- Policy S2 - Settlement Hierarchy;

Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy IF2 - Community and Cultural Facilities;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy Cc2 - Water - Flood Risk;
Policy Cc3 - Water - Sustainable Drainage Systems.

Ashby de la Zouch Neighbourhood Plan (2025)

The Ashby de la Zouch Neighbourhood Development Plan (2025) 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 G2 - Design
Policy H2 - Windfall Sites
Policy H3 - Housing Mix
Policy ENV5 - Biodiversity and Habitat Connectivity
Policy ENV7 - Flood Risk Resilience
Policy E5 - Broadband Infrastructure
Policy T1 - Traffic Management
Policy CF6 – Infrastructure

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).
National Design Guide
Leicestershire Highways Design Guide (Leicestershire County Council)
The Conservation of Habitats and Species Regulations 2017
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

5. Assessment

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 any application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021) (“the Local Plan”, the Ashby de la Zouch Neighbourhood Plan (2025) (“the NP”), and the adopted Leicestershire Minerals and Waste Local Plan (2019).

The site is located within the Limits to Development, as defined by Policy S2 of the Local Plan and Figure 4 (Limits to Development) of the NP, where the principle of development is acceptable, subject to all other planning matters being addressed.

There are no specific policies within the Local Plan relating to proposed HMOs, however Policy S2 of the Local Plan advises that a significant amount of development will take place within Ashby de la Zouch. The proposal would accord with the principle aims of Policy G1 of the NP, however Policy G1 of the NP also states that development proposals will be viewed positively where they are in accordance with the other policies of the Neighbourhood Plan and relevant District and national planning policies and subject to accessibility, design and amenity considerations.

Given the above, whilst there is no objection to the principle of the proposed development, this is subject to all other planning matters being appropriately addressed.

Housing Mix

The application proposes the conversion of a building previously used as a residential care home to create three HMOs (two small HMOs of five bedrooms each and one large seven bedroom HMO). The development would provide accommodation for up to 17 unrelated individuals with the opportunity to reside in private bedrooms within shared accommodation

Policy H3 of the NP states that new development must have regard to local housing needs as identified in the Housing Needs Assessment (2023) (HNA) (Appendix 1 of the NP) (or later document updating these findings). It goes on to state that the provision of 1 bed dwellings and those of 4 or more bedrooms in any development proposal will need to be justified against the conclusions of the HNA. Policy H2 of the NP states that development proposals for windfall housing within the limits of development will be supported where they are in accordance with relevant policies in the Neighbourhood Plan especially G2 on design, and relevant national and District wide policies, and help to meet the identified housing mix for the Plan area.

The HNA states that Ashby's dwelling stock is characterised by larger detached and semi-detached homes (75% of stock). It goes on to state that Ashby's housing stock is dominated by 3 bedroom homes (39%) followed by larger 4 bedroom plus homes (34%). Smaller homes (1-2 bedrooms) form about 27% of the total. The HNA also states that the 2021 stock distribution is somewhat less balanced than that in 2011, showing growth in larger homes (grew from 25% to 34% in the intercensal period) and proportional declines across smaller dwelling sizes. The HNA confirms that this trend towards larger homes confirms the observations reported by the Neighbourhood Plan Steering Group and is likely to worsen affordability issues identified in the HNA.

Notwithstanding the above, the HNA does not take into account the need for HMO accommodation within the Neighbourhood Plan area over the plan period nor assess the amount of accommodation provided within HMOs. There is also no evidence to demonstrate that the proposal would contribute to an imbalance in the local housing mix.

There are also no policies within the Local Plan or the NP relating to Houses in Multiple Occupation nor any policies which would restrict the ability for the existing building to be converted into a cluster of three HMOs.

Loss of the existing residential care home facility

Paragraph 61 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed. It states that the overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

NPPF states that within the context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Policy H6 of the Local Plan sets a mix of housing types, size and tenures in new

housing developments of 10 or more dwellings and of 50 or more dwellings and is therefore not relevant to the assessment of this application for three dwelling units.

A number of objections have been received raising concerns relating to the loss of the existing residential care home which is a needed form of housing for older people. There are no development plan policies within the Local Plan or the NP which would restrict the loss of the existing Use Class C2 residential care home. Consideration has however been given to the HNA given the requirements of Policy H3 (Housing Mix) of the NP.

The HNA identified a total of 102 bed spaces across the three residential care homes identified in the plan area at the time of carrying out the assessment. Two of the three identified residential care homes, Ashby Court Care Home and Fernleigh Care Home, are both still in operation. The proposal would therefore result in a loss of 19 of those 102 bed spaces, resulting in a provision of 83 bed spaces in the Neighbourhood Area. Appendix E (Specialist housing for older people) of the HNA states that Ashby is forecast to see an increase of 1,118 individuals aged 75+ by the end of the Plan period. This increase has translated to a need for conventional sheltered housing to rent, leasehold sheltered housing, enhanced sheltered housing, extra care housing for sale, and housing based provision for dementia. The HNA does not state that there is a further need for residential care home bed spaces in the Neighbourhood Area over the Plan period. In fact, paragraph 30 of the HNA states that when applying the HLIN Strategic Housing for Older People toolkit rates for residential/ nursing homes for older people (75+), the tool gives an estimated need of 73 care home beds in the Neighbourhood Area, 29 below the provision identified at the time of preparing the HNA. As such, a loss of 19 bedspaces as a result of this proposal would still result in a provision of bed spaces in the Neighbourhood Area which would exceed the estimated need by 10 bedspaces. It is therefore not considered that the proposal would fail to accord with the housing needs set out within the NP.

Summary of Housing Mix

The proposal is in a residential area with a cluster of HMOs also comprising a residential use. There is no evidence to demonstrate that the proposal would contribute to an imbalance in the local housing mix. There are also no policies in the development plan specifically relating to the creation of HMOs, and there are no policies which would restrict the loss of the existing residential care home use. It also cannot be said that the proposal would fail to accord with the housing needs set out within the NP. Overall, no conflict has been identified with Policies H2 or H3 of the NP.

Design and Visual Impacts

Policy D1 of the Local Plan states that the Council will support proposed developments that are well designed and as a minimum offer a good standard of design. Policy D1(1) of the Local Plan states that all developments must be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal.

Policy G2 of the NP states that new development must retain and incorporate important existing features into the development and respect surrounding buildings in terms of scale, height, form and massing.

An objection has been received stating that there is a lack of detail in the application relating to lighting, signage, hardstanding, bin stores and cycle enclosures and that there is an inability to assess these matters in terms of landscape and visual impact. An assessment of their impacts is set out below.

Lyndhurst Lodge is a property which, when viewed from Burton Road, is considered to make a positive contribution to the character and visual amenities of the streetscape due to its traditional design and appearance. It is, however, the case that the building has been

somewhat crudely extended in the past and consequently when viewed from Churchill Close the positive qualities of the overall building have been reduced.

The application proposes various changes to the existing building. These include the permanent removal of the existing external staircase to the east of the building which would result in a visual betterment, as well as the erection of a proposed single storey flat roofed extension to the western side elevation. The extension, whilst it would be visible through the existing access from Burton Road, would not be particularly prominent when viewed from the streetscene in particular given its small scale. The extension would not appear out of keeping with the existing building, particularly when considering the design and form of other additions which have taken place to the rear of the building. The extension would be constructed of materials to match that of the existing building which is considered to be acceptable.

The application also proposes the insertion of a number of additional windows, the blocking up of a number of existing windows with brickwork and replacing existing doors with windows or infilled areas of brick. The proposed alterations to existing fenestration would introduce windows of a suitable design, some of which would feature traditional cills and arched heads. The application form sets out that the windows would be a mixture of timber and upvc which is acceptable when having regard to the mixture of materials the existing building already features.

The waste storage and collection section of this report addresses matters relating to the proposed bin store to the east of the building, and, for the reasons set out later in this report, it is recommended that a condition be imposed to secure an alternative scheme for bin storage. In the event that the application is granted planning permission, the visual impact of the proposed bin store would be assessed when an application is submitted to discharge that condition.

Similarly, no details of the proposed cycle parking provision have been submitted as part of the application. It is recommended that a condition be imposed to secure a scheme for cycle parking which would need to be under cover and secure. In the event the application is granted planning permission, the visual impact of the proposed cycle parking would also be assessed when an application is submitted to discharge that condition.

The application does not propose the installation of lighting, and any signage which may be required, depending on the precise nature of the signage required, may be subject to a further application seeking advertisement consent.

Overall, subject to the imposition of planning conditions, the proposal is considered to be acceptable when having regard to design and visual impacts and would accord with Policy D1 of the Local Plan and Policy G2 of the NP.

Residential Amenity and Living Conditions of Future Occupiers

Policy D2 of the Local Plan 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. Policy D1(4) of the Local Plan states that existing neighbour amenity should be safeguarded in accordance with Policy D2.

Policy G1 of the NP states that within the Limits to Development, development proposals will be viewed positively where they are in accordance with the other policies of this Neighbourhood Plan and relevant District and national planning policies and subject to accessibility, design and amenity considerations. Policy H2(e) of the NP states that development proposals for windfall housing within the limits of development will be supported where they do not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise.

Paragraph 135(f) of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Overlooking, overbearing, overshadowing and privacy impacts

The application proposes an extension to the western side elevation of the building. The extension would measure 1.7 metres high and would have a small footprint of around 5sqm. It would be set off the side boundary shared with No.89 to the west, and owing to its position on site, together with its limited overall scale and footprint, the proposed extension is not considered to result in any unacceptable residential amenity impacts by way of overbearing or overshadowing impacts. The extension would house a boiler room and therefore no impacts in respect of overlooking would arise.

The alterations to existing fenestration would mainly take place at ground floor level where no adverse overlooking or loss of privacy impacts would arise. The only alteration to existing openings to take place at first floor level is the partial bricking up of an existing glazed upvc door which was inserted at first floor level to provide access via the external staircase which would be removed. The lower proportion of the opening would be filled with brickwork, whilst the upper proportion would be replaced with a top hung window. This alteration would not introduce any additional privacy impacts over and above that of the existing arrangement.

Noise, anti-social behaviour, safety and wellbeing

Objections have been received setting out detailed comments and concerns relating to potential noise, disturbances, anti-social behaviour, well-being and safety (amongst other issues) which could directly affect the living conditions of nearby residents.

The proposed development would not result in an increase in the number of occupiers of the property as the existing residential care home contains 19 bedrooms, whereas the proposed HMOs would equate to a total occupancy of up to 17 individuals, with no need for staff members on site. However, owing to the distinct differences between the two uses whereby the occupiers of a residential home are less likely to be coming and going from the site multiple times a day (although the comings and goings associated with staff, deliveries, visitors and healthcare workers is also noted), the proposal would result in an increase of comings and goings to and from the building. However, the level of activity involved and the likely trip patterns of individuals occupying the HMOs is considered to be capable of being accommodated on the proposed site, given its overall size, the availability of the two existing accesses, and the detached nature of the building. Any increase in noise from the proposal would therefore be unlikely to result in noise and disturbance to a degree that would be harmful to nearby occupiers' living conditions.

In respect of HMO uses generally, they are not known to be the cause of antisocial behaviour or community safety issues providing that such uses are well-managed by landlords through robust tenancy agreements. There is also no evidence that the proposal would result in any adverse impacts upon the well-being and safety of nearby residents.

It is also not considered that the proposal in this location would give rise to unacceptable impacts on the community in respect of the mix and balance of the local community, community cohesion, anti-social behaviour or noise that would justify a refusal of planning permission.

Internal noise environment

One objection raises concern relating to the lack of detail submitted in respect of internal noise insulation and acoustic measures. No comments or objections have been raised by the

Council's Environmental Protection team in respect of this matter. The provision of acoustic insulation is also a matter to be addressed under the Building Regulations.

Bin storage

With regard to the storage of waste and recycling, there is no evidence to substantiate that HMO uses causes undue litter or odours. No comments or objections have been raised by the Council's Environmental Protection team in respect of this matter. The bin storage area is capable of being located a sufficient distant from other nearby properties and is recommended to be controlled by a suitably worded planning condition.

Internal Layout

The Council's Good Design for North West Leicestershire Supplementary Planning Document (SPD) (2017) sets out that buildings should be designed internally to ensure that spaces are fit for their intended purpose with adequate internal space for that purpose. The nature of HMO accommodation is that occupants live more independently than in a shared house or family home. This entails keeping most belongings within the room and using it as a space not only to sleep, but to study, work, relax and often to eat meals. Hence, the overall quality of that space, beyond its basic size, is an important consideration.

The proposed bedrooms would range in size from 12.6m² to 23.3m². These would meet with the minimum bedroom size required to obtain an HMO licence. Policy D2 of the Local Plan does not refer to the Technical housing standards – nationally described space standard (March 2015) (the NDSS); however, as a well-established expression of national housing standards, it provides a reasonable guide to appropriate room sizes. All 17 of the proposed bedrooms would meet the NDSS minimum standard for the size of a double bedroom of 11.5m².

All of the 17 proposed bedrooms would also be provided with adequate natural light and positive outlook.

Internal Communal Space

None of the three proposed HMO clusters would be provided with a shared living space, instead each of the clusters would be provided with one shared kitchen/dining room. There is no planning policy or planning guidance setting out a minimum size requirement for kitchen/dining rooms within HMOs, nor any which set a requirement that each HMO must be provided with a shared living space.

All of the bedrooms proposed would, on the basis of the internal layout drawings submitted, be provided with seating areas within the bedrooms themselves, whether that be in the form of a desk with chair, or a sofa, or in some cases both.

Furthermore, the Council's HMO licencing regime allows HMOs where no separate living room is proposed, provided the bedroom sizes meet a minimum size requirement, which in the case of a one person bedroom, would be 10m². The sizes of all of the proposed 17 bedrooms meet this minimum licencing requirement.

The Council's HMO licencing regime requires combined kitchen/dining rooms to measure 19.5m². None of the three proposed shared kitchen/dining rooms would meet this minimum space requirement (they would measure 15m², 16.3m² and 18.2m²), however a separate communal laundry area measuring 6.2m² is proposed in addition to the shared kitchen and dining areas. This extra provision would reduce the amount of space required for washing machines within each of the proposed kitchen/dining rooms. In addition, six out of the 17 proposed bedrooms would also feature private food prep areas within the bedrooms themselves which would in some way reduce the demand on the shared kitchen/dining rooms compared to if all 17 proposed bedrooms were not provided with food prep facilities. The

proposed kitchen/dining provision is considered to be acceptable from a planning perspective, and any failure to meet the Council's HMO licencing requirements would be a matter addressed under separate legislation.

Outdoor space

The external areas of the building comprise mainly of hardstanding for the purposes of car parking/turning and small sections of soft landscaping set alongside or behind proposed car parking provision. A very small section of grass is proposed to be retained to the front of the building; however this area is limited in size and would not be particularly useable by future occupiers for recreational purposes. Whilst outdoor areas are unlikely to be used by all occupiers of the building at the same time, the outdoor space afforded to the HMOs would be extremely limited in size, even for use by a small number of future occupiers.

The Council's Good Design SPD refers to rear private garden spaces being at least equal to the footprint of the property as a minimum standard. The proposal would fail to meet this minimum standard. The SPD also sets a minimum requirement for semi-private amenity space in the form of balconies or ground floor amenity space of 2.0m x 1.5m for each apartment. Whilst the proposal is not for apartments, the need for outdoor space for those occupying rooms within a HMO is considered to be similar to that of those occupying apartments, and the proposal would neither meet the SPD requirement for garden space for dwellings, nor the requirement for balcony/outdoor space set out for apartments.

The areas to the front, side and rear of the site offer little functional space beyond possible areas for drying clothes. The proposal results in the loss of existing grassed areas of the site to create off-street car parking and this car parking is a requirement associated with the number of bedrooms the applicant is proposing across all three clusters.

Overall, it is considered that the quantum of outdoor space provided on site would fail to provide suitable provision to facilitate opportunities for on-site recreation for future occupiers. Whilst the lack of outdoor space counts against the scheme and is considered to undermine the overall quality of the living environment proposed to be provided for future occupiers, it is considered that given the tendency for HMO occupants to live more independently, a larger external space is likely to be of less importance compared to a dwelling intended for family occupation where a garden provides an area for children to play and family units to socialise. In this case, it is also acknowledged that the site is located within the built-up area of Ashby de la Zouch and is accessible to areas of public open space which future occupiers would be capable of accessing for the purposes of recreation. On balance, the lack of useable outdoor space is not considered to warrant a refusal of planning permission in this particular case.

Other Matters

Objections have been received raising concerns that no Operational Management Plan, or other similar plans to include service plans and details on staffing, have been submitted to support the application.

As each of the HMOs would be occupied by 5 or more people who would not form a single household, each of the three proposed HMOs would require a licence from the Council which is dealt with under separate legislation outside the planning system. The licencing regime would address matters such as the facilities and sizes of shared kitchens, shared dining areas, shared living areas, and bedrooms. It would also address matters such as outside areas and the accessibility of bin storage areas.

Residential Amenity and Living Conditions of Future Occupiers Summary

Overall, subject to the imposition of planning conditions, the proposal would be acceptable in respect of impacts upon neighbouring amenity and the living conditions of future occupiers.

The application therefore accords with Policies D1(4) and D2(1) of the Local Plan, Policies G1 and H2(e) of the NP and the advice set out at paragraph 135(f) of the NPPF.

Highway Safety and Parking

Policy IF4 of the Local Plan states that the Council, working with the highway authorities, will ensure that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses and employees.

Policy T1 (Traffic Management) of the NP states that with particular regard to the highway network of the Plan Area and the need to minimise any increase in vehicular traffic all development must:

- a) Be designed to minimise additional traffic generation and movement through the town; and
- b) Incorporate sufficient off-road parking; and
- c) Provide any necessary improvements to site access, communal parking and the highway network either directly or by financial contributions; and
- d) Where practicable, improve and create footpaths and cycle ways to improve access to key services and the countryside.

Policy H2(d) (Windfall Sites) of the NP states that development proposals for windfall housing within the limits of development will be supported where they are in accordance with relevant policies in the Neighbourhood Plan, especially G2 on design, and relevant national and District wide policies and provide for a safe vehicular, cyclist and pedestrian access to the site and that traffic generation and parking impact including mitigation measures does not result in an unacceptable impact on its own, or in combination with other development proposals, on congestion, or road and pedestrian safety.

Policy IF7 of the Local Plan states that development should incorporate adequate parking provision for vehicles and cycles in order to avoid highway safety problems and to minimise the impact upon the local environment.

Paragraph 115(b) of the NPPF states that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if 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.

Access and visibility splays

A number of objections have raised concerns in respect of the proposed access arrangements and that the use of the accesses would be dangerous and not practical, particularly the access on Churchill Close. The application proposes to utilise the existing site accesses on Burton Road and Churchill Close. Burton Road is a classified 'C' road whereas Churchill Close is an adopted unclassified road with both subject to 30mph speed limits.

The County Highway Authority (CHA) has been consulted on the application and has advised that typically, the accesses should be designed to accommodate two-way flows. Based on Figure 7.1 of Manual for Streets (MfS), a minimum width of 4.1m should be provided to accommodate two-way flows. The CHA conducted a site visit on 12th December 2025 and measured the accesses to be 4.0m (Churchill Close) and 3.8m (Burton Road) respectively. Whilst the access widths would be considered sub-standard, the CHA note the red line boundary and land within the applicant's control and consider that a minimum width of 4.1m

could be provided at each of the accesses. A planning condition is therefore recommended to be imposed to secure the required access widths.

Vehicular visibility splays should be provided in accordance with Table 6 of the Leicestershire Highway Design Guide (LHDG). Based on their site visit, the CHA consider that suitable visibility can be achieved in either direction to accord with Table 6 of the LHDG and have recommended the imposition of a planning condition to secure visibility splays. A planning condition is also recommended to secure pedestrian visibility splays measuring 1.0m x 1.0m on either side of the accesses.

Highway Safety

A number of objections have raised concerns in respect of highway safety and that the proposal will increase dangers to pedestrians and road users. The CHA has advised that there has been three Personal Injury Collisions (PICs) that have been recorded within 500m in either direction of the site within the most recent five-year period. One of the PICs was recorded as 'slight' in severity, one as 'serious' and one as 'fatal'. The CHA has advised that the low number of collisions means that there are no discernible trends or patterns within the collision data.

Trip Generation

A number of objections have raised concerns in respect of trips to and from the site and an intensification of the use of the existing accesses. The CHA considers that the proposed change of use will likely result in an increase in two-way trips compared to the building's existing lawful use as a care home, however the CHA has advised that the increase is not considered likely to result in a severe impact upon the highway and therefore the CHA considers that no further assessment is required in this respect.

Internal Layout

A number of objections have raised concerns in respect of insufficient car parking and insufficient turning for vehicles. The objections state that more than 17 occupants would occupy the site and that the proposal does not accommodate for visitor car parking, or parking for delivery vehicles.

Many of the objections also reference car parking issues on Churchill Close, with delivery drivers, carers and other visitors resorting to parking partly on pavements. It has also stated that whilst Churchill Close is a cul-de-sac, it leads to a park and play area so is heavily used by pedestrians.

Table 28 (Residential Parking Standards) of the LHDG requires a minimum of 3 car parking spaces per C4 HMO where planning permission is required, it states that 'up to 6 is desired'. For Sui Generis HMOs (more than 6 residents), Table 28 requires a minimum of 1 car parking space per resident. As such, the proposal requires 3 car parking spaces for each of the two proposed C4 HMOs and 7 car parking spaces for the larger Sui Generis HMO, totalling a minimum requirement of 13 car parking spaces. The LHDG does not require any visitor car parking for the HMOs proposed, nor does it require car parking or available off-highway space for servicing, delivery or emergency vehicles.

17 car parking spaces would be provided as part of the proposed development which accords with the minimum car parking requirements set out within the LHDG. The proposal provides four additional spaces above that of the minimum requirement. The CHA has also reviewed the submitted Proposed Site Layout Plan and are satisfied that sufficient parking and turning can be provided to serve the development. The dimensions of each car parking space have been measured by the Local Planning Authority, each space measures 2.5m x 5.0 metres which is suitable for a standard space, however two of the spaces (the space closest to the western side boundary when accessed from Burton Road, and the space abutting the rear elevation of the building) do not account for the additional 0.5m width required when a space

is bound at one side by a fence, wall or other form of enclosure. As such, it is recommended that an alternative scheme for off-street car parking is submitted for approval. It is also recommended that the approved car parking scheme be properly demarcated on site.

It should be noted that the existing care home, when assessed against the current car parking requirements of the LHDG, would require a minimum car parking requirement of 1 car parking space per three bedrooms, in addition to 1 car parking space for each staff member, plus at least one ambulance space, at least one mini-bus space, and available space off-highway for servicing/delivery vehicles. It is therefore extremely unlikely that the existing parking provision on the site for the care home meets the minimum parking requirements set out within the LHDG.

Whilst a number of objections have raised concerns stating that the proposal could be occupied by up to 34 residents, the application proposes three HMOs which, when combined, can only be occupied by up to 17 unrelated individuals. A planning condition to limit the occupancy of each of the HMOs (so that the total number of occupants is restricted to a maximum of 17 people) is recommended to be imposed upon any permission granted. This condition is considered to meet the tests for imposing planning conditions set out in paragraph 57 of the NPPF, namely that the condition is considered to be necessary, relevant to planning and to the development proposed, enforceable, precise and reasonable in all other respects.

Cycle Parking

Whilst the CHA's comments do not cover cycle parking requirements, Table 27 (Minimum Provisions for Cycle Parking) of the LHDG requires one cycle parking space per resident of each HMO. As such, the proposal is required to provide 17 cycle parking spaces which would need to be under cover and secure to accord with the LHDG. A planning condition to secure a scheme for cycle parking is recommended to be imposed upon any permission granted.

Emergency Services

A number of objections have also raised concern with regard to access by emergency vehicles, in particular that the extra traffic generated by the development would pose safety risks and danger for emergency vehicle access.

It should be noted that access for fire tenders is dealt with under Approved Document B of the Building Regulations. With regard to access for other emergency services, the CHA has not objected to the proposal on the basis of impacts on access by the emergency services or parking provision for their vehicles. As set out earlier in the report, the LHDG does not require car parking or available off-highway space for emergency vehicles for HMOs. As noted above, a planning condition is recommended to increase the width of the two accesses to the site which would improve access for emergency vehicles to the site compared to the care home use. It is therefore considered that a reason for refusal on the basis of impact on access for the emergency services could not be justified in this case.

Other Matters

A number of letters of objection have expressed concern in relation to the consultation comments made by the CHA. The comments raise concern in respect to the approach taken in the consultation comments provided in the assessment of this application when compared to the approach taken by the CHA in the assessment of the 2017 application (ref: 17/01607/FUL) which was previously submitted.

It should however be noted that each application is assessed by the CHA on its own merits and previous proposals for extensions to the care home are not comparable to the application now under consideration.

However, members are nevertheless advised that the 2017 application (ref: 17/01607/FUL) for a proposed two storey and single storey extensions to an existing C2 Care Home was recommended by Officers for approval but was overturned by the Council's Planning Committee on 9th May 2018 with a decision notice issued on 14th June 2018. The application was refused for two reasons, one being on grounds of residential amenity, and the other on highway safety grounds. The highway reason for refusal reads:

1. Policy IF4 of the adopted North West Leicestershire Local Plan (2017) outlines that the Council, working with the highway authorities, will ensure that development takes account of the impact upon the highway network with Policy IF7 of the adopted Local Plan (2017) specifying that development should incorporate adequate parking provision for vehicles in order to avoid highway safety impacts. It is considered that the overall scale of the extensions would result in an overdevelopment of the site which would result in the provision of insufficient off-street parking for the users of the facility (both staff and visitors) as well as inadequate parking for emergency vehicles. The ability for vehicles to manoeuvre within the site and exit in a forward direction would also be compromised by the scale of the works proposed and consequently would lead to vehicles reversing into Burton Road and Churchill Close. An increase in on-street parking and the reversing of vehicles into the highway (in particular Burton Road) would result in severe detriment to pedestrian and highway safety and consequently to permit the proposal would be contrary to Policies IF4 and IF7 of the adopted Local Plan as well as Paragraphs 32 and 39 of the NPPF.

The refusal was subject to an appeal (ref: APP/G2435/W/18/3207123) which was dismissed by the Planning Inspectorate on 13th November 2018, however neither the highway safety reason for refusal, nor the residential amenity refusal, were upheld.

The Planning Inspectorate dismissed the appeal solely on the grounds of adverse effects on the integrity of the River Mease Special Area of Conservation.

With regard to highway and parking impacts, the Inspector concluded that the proposed development would not result in an increase in on road parking or vehicles reversing onto the highway that would cause material harm to highway safety. The Inspector therefore concluded that the development complied with Policies IF4 and IF7 of the Local Plan which seeks to prevent such harm and the provision of adequate on-site parking.

Highway Safety and Parking Summary

The CHA has no objection to the proposal. The application would provide a suitable number of off-street car parking spaces and turning space for the proposed development and, subject to a planning condition to secure the widening of both existing accesses, vehicular and pedestrian visibility splays, as well as off-street cycle parking for a minimum of 17 bicycles, the application would be acceptable in respect of highway safety and parking. The application would therefore accord with Policies IF4 and IF7 of the Local Plan, Policy H2(d) of the NP, paragraph 115 of the National Planning Policy Framework and the Leicestershire Highway Design Guide.

Ecology and Biodiversity Net Gain

Policy En1 of the Local Plan states that proposals for development would be supported which conserve, restore or enhance the biodiversity in the District. This is supported by Paragraph 187 of the NPPF which states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Policy ENV 5 of the NP states that all new development proposals will be expected to safeguard habitats and species across the Neighbourhood Area, including those of local significance, and to deliver biodiversity net gain.

Ecology

The site comprises habitats of low ecological value which consist of urban garden with trees, modified grassland, developed land/sealed surface and hedgerows. The application has been supported by the submission of a Technical Note (TN) which the County Council's Ecologist considers to be satisfactory. The TN confirms that the site is considered to be of low ecological value and therefore no further surveys are required. The TN also states that the building has limited potential for bats and therefore if any works are required to the roof, then a further survey by a suitably licenced ecologist would be required. This matter is recommended to be dealt with through the imposition of an informative.

The vegetation on site does provide suitable nesting habitat for birds and therefore the County Council's Ecologist has recommended that an informative relating to the removal of vegetation and the bird nesting season be attached to any permission granted.

The County Council's Ecologist has also advised that 'wall cotoneaster' (*Cotoneaster horizontalis*) were observed on site and that this species is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) as plants that may not be planted or otherwise caused to grow in the wild. An informative is recommended to be attached to any permission granted to advise the applicant that if removal of this plant is required, Schedule 9 invasive plants are classified as controlled waste and should be handled and disposed of accordingly at a licenced waste facility.

The application also proposes a series of bat and swift boxes to be installed within the application site. The submitted proposed elevations indicate the makes, number and location of the boxes which is considered to be acceptable.

Biodiversity Net Gain

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. Policy ENV 5 of the NP states that all new development proposals will be expected to safeguard habitats and species across the Neighbourhood Area, including those of local significance, and to deliver biodiversity net gain. It goes on to state that if significant harm to biodiversity cannot be avoided (through relocating to an alternative site with less harmful impacts), adequately mitigated, or, in addition, dealt with through onsite or offsite enhancement (via biodiversity net gain at 10%) or compensation, planning permission should be refused, in conformity with paragraph 193(a) of the NPPF.

The submitted TN confirms that the 10% Biodiversity Net Gain is not achievable on site with a -16.93% decrease in Habitat Units and a 0.00% increase in Hedgerow Units. The County Council's Ecologist has reviewed the submission and agrees with the baseline biodiversity values of the existing site. The TN also indicates that the BNG uplift will be sought off-site from a third-party habitat bank and this would be a matter for the applicant to address through discharge of the Biodiversity Gain Plan condition.

An objection has been received which raises concern in relation to further vegetation removal which would be required to widen both existing access points and that this vegetation removal would increase the biodiversity impact of the development above the losses already expressed in the submitted information. It should be noted that any losses arising as a result of the proposed development, including those over and above those set out within the submitted metric, would be addressed via discharge of the Biodiversity Gain Plan condition.

In this case, the applicant does not propose to achieve the 10% net gain on the application site, and therefore a condition requiring the submission of a Habitat Management and Monitoring Plan is not required, nor is there any requirement to secure any on-site BNG for a period of at least 30 years.

Overall, subject to the imposition of conditions and informatives, the application is considered to be acceptable in respect of ecology and biodiversity net gain and accords with Policy En1 of the Local Plan and Policy ENV 5 of the NP.

Arboricultural Impacts

Policy En1 of the Local Plan states that new development will be expected to maintain existing ecological networks, hotspots and landscape features, including trees.

Policy H2(c) of the NP states that development proposals for windfall housing within the limits of development will be supported where they retain existing important natural boundaries such as trees, hedges and streams. Policy ENV 5 of the same plan states that new development should be designed to retain such trees and hedges wherever possible. It goes on to state that where destruction cannot be avoided, developers will be required to plant replacement trees and/or hedges on site or to provide compensatory planting elsewhere in the Neighbourhood Area.

The application has been supported by a Tree Survey, Arboricultural Impact Assessment (AIA), Method Statement and Tree Protection Plan, in accordance with BS5837:2012 – Trees in Relation to Design, Demolition, and Construction. To facilitate the development, it would be necessary to remove G1 (mixed Shrubs), T6 (Holly) & H9 (Leyland cypress). The County Council's Tree Officer has been consulted on the application and has advised that the removal of these trees will have minimal impact upon the character of the site and all other trees recorded within the survey would be retained. The AIA demonstrates that all arboricultural impacts have been adequately considered and appropriate tree protection methodologies are applied to retained trees where necessary. A planning condition is recommended to be imposed upon any permission granted to secure the protective fencing and working methods to include the use of 'no-dig' geocell construction within the RPA of trees where required.

Whilst the requirements of Policy ENV 5 of the NP are noted, G1 (mixed Shrubs), T6 (Holly) & H9 (Leyland cypress) are not protected trees, and therefore these trees and shrubs could be removed from the site without the need to obtain any consent from the Local Planning Authority. As such, a refusal of the application on grounds that the application would not secure replacement trees and/or hedges elsewhere in the Neighbourhood Area could not be sustained in this case.

Overall, the arboricultural impacts of the application are considered to be acceptable and the application accords with Policies En1(3) of the Local Plan and Policy H2(c) of the NP. The identified conflict with Policy ENV 5 (Biodiversity and Habitat Connectivity) of the NP is not considered to warrant a refusal of planning permission.

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

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC).

Discharge from the sewage 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.

As the site is currently a residential care home, consideration must be given to whether the proposed change of use would result in an increase in occupancy overall, and an associated increase in foul drainage discharge. Additional foul drainage discharge from the site would adversely impact on the SAC as it would pass through the sewage treatment works within the catchment area of the River Mease SAC and contribute to the raised phosphate levels in the river.

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.

Foul Drainage

The River Mease Developer Contribution Scheme First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 are considered to meet the three tests of the 2010 CIL Regulations and paragraph 194 of the NPPF. DCS1 was adopted in November 2012 and DCS2 was adopted in September 2016. There is no capacity available under DCS1/DCS2.

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. The River Mease DCS is a mitigation scheme to mitigate against additional phosphate entering the SAC but there is not capacity for the proposed development within the DCS for the proposed development. In relation to nutrient pollution, Natural England's nutrient neutrality advice relates to new development with the potential to affect water quality, resulting in adverse impacts on habitat sites. It advises that excessive levels of nutrients can lead to a loss of biodiversity. The River Mease is identified as being in an unfavourable condition, where nutrient neutrality is a potential solution to enable development to proceed.

The application proposes the change of use of an existing 19 bedroom residential care home to a cluster of three HMOs which would provide 17 bedrooms in total. Both the existing and proposed uses would involve overnight accommodation, however the occupancy of the three HMOs would be for up to 17 unrelated individuals, as opposed to the up to 19 residents which could accommodate the existing residential home. Furthermore, the existing residential home relies on staff to be on site throughout the day and night, which adds to the foul waste discharge from the existing site. In contrast, the proposed cluster of three HMOs would not include any staff on site throughout the day and night. Whilst the existing residential home would presumably accommodate for visitors for its residents, so too would a HMO use, and therefore the impact in terms of visitors is considered to be similar across the existing and proposed uses. Consequently, there is no substantive evidence to indicate that the proposed change of use would result in an increase in foul drainage discharge from the site.

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) as the competent authority, it is necessary to undertake an appropriate assessment in relation to the likely significant effects of the proposed development, alone or in combination with other plans or projects, on the integrity of these sites.

On the basis that the proposed change of use would result in a reduced occupancy level, and therefore a reduced level of foul waste discharge from the site when compared to the existing

lawful use, it is considered that the proposal would achieve nutrient neutrality and no mitigation measures are required.

Surface Water Drainage

The submitted details indicate that surface water would discharge to the mains sewer. It is recognised that the existing building may already discharge surface water to the mains sewer and this application cannot be used to remedy that existing situation. However, it is recommended that the increased surface water arising from additional hardsurfacing now proposed across the site be discharged via a sustainable drainage system. This is recommended to be secured through the use of a planning condition.

Impact on the Watercourse

The application site is not located close to the River Mease or any tributary of the River Mease.

Conclusion

On the basis of the information submitted, the application would not adversely impact on the integrity of the River Mease SAC and SSSI. Subject to the imposition of a planning condition to secure a sustainable form of surface water drainage disposal, it is considered that the proposal will, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. The application therefore complies with the Habitat Regulations 2017, the NPPF and Policies En1 and En2 of the Local Plan.

Flood Risk

Policies Cc2 and Cc3 of the Local Plan relate to Flood Risk and Sustainable Drainage Systems. Policy ENV 7 of the NP relates to flood risk resilience.

The site lies within Flood Zone 1 and is therefore in an area at the lowest risk of fluvial flooding. The site is also not within an area impacted by surface water flooding as defined by the Environment Agency's Surface Water Flood Maps.

As such the proposal is unlikely to result in a significant impact on flood risk and would comply with Policies Cc2 and Cc3 of the Local Plan and Policy ENV 7 of the NP.

Waste Storage and Collection

Criterion (I) of Policy G2 of the NP states that development proposals should make sufficient provision for sustainable waste management (including facilities for kerbside collection, waste separation, and minimisation where appropriate) without adverse impact on the street scene, the local landscape or the amenities of neighbours.

A number of objections have been received on the basis that insufficient details have been submitted in relation to bin storage and collection arrangements, including whether the Council's Waste Collection Crews would be able to service the site from Churchill Close.

Three bin stores are proposed to the eastern side elevation close to the access on Churchill Close, as shown on the proposed block plan. Each would measure 1.6m (w) x 0.90 (d) (measured externally). A detailed plan of the bin stores has not been provided to enable the Local Planning Authority to measure whether the inside of each of the bin stores would be large enough to store all of the bins that would be provided by the Council (1 x 1100 litre bin, 2 x 360 litre bins and 2 x 140 litres bins), however it is clear that the bin stores would not be deep enough to house the 1100 litre bin which would be 1070mm in depth, larger than the depth of the proposed bin stores. Additionally, no proposed elevations of each of the bin stores have been provided.

The site is of a sufficient size to accommodate bin storage without impeding any parking, access or turning facilities. As such, it is recommended that a planning condition be imposed in order to secure full details of an alternative bin storage arrangement which would need to be submitted to and approved in writing by the Local Planning Authority.

Part H6 of the Building Regulations 2010 states that residents should not be expected to carry their refuse more than 30 metres to a storage point, and that the storage point itself should not be more than 25 metres from the collection point specified by NWLDC. The proposal would rely on future occupiers carrying their waste to the dedicated bin storage area. In some cases, this distance would exceed 30 metres, however as the proposal relates to a conversion scheme where the individual bedrooms in three separate dwelling units spread across three floors of a building, this situation is considered to be inevitable.

It is considered possible to locate a sufficiently sized bin store on site which would be within 25 metres from the collection point which would be close to the edge of the adopted highway. The Council's Waste Collection Crews would be capable of servicing the site from the adopted highway, as per the existing arrangement for properties already located on Churchill Close. No objections have been raised by the Council's Waste Services team.

Overall, subject to the imposition of a condition, the application would provide sufficient provision for sustainable waste management and the application would accord with criterion (l) of Policy G2 of the NP.

Other Matters

Use Classes

A number of objections have raised concern with regard to the Use Classes referred to within the description of development, advising that they are incorrect and would allow the dwelling units to change use to other uses without the requirement to obtain express planning permission. For clarity, the Use Classes referred to in the description are correct. Sui Generis uses do not benefit from any Permitted Development Rights to change to other uses, and the large HMO would therefore not be capable of changing to any other use without express planning permission having first been obtained. In respect of the two small HMOs, these would benefit from Permitted Development Rights to change to dwellinghouses without express planning permission under Class L (small HMOs to dwellinghouses and vice versa) of Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In this case, given that three separate dwelling units are proposed within the same building, it is recommended that the Permitted Development Rights referenced above are removed in the interests of amenity. This would ensure that the small HMOs would not be capable of being changed into C3 dwellinghouses without express planning permission having first been obtained.

Broadband

Policy E5 of the NP states that every individual dwelling should have the necessary ducting and infrastructure within the site and building(s) so as to be able to provide gigabit broadband connections. Given the application proposes the creation of additional dwelling units, a condition is recommended to be imposed upon any permission granted to secure such connections.

Conclusion and Planning Balance

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

made Ashby de la Zouch Neighbourhood Plan (2025) and the Leicestershire Minerals and Waste Local Plan (2019).

The provision of residential development within the Limits to Development in a Key Service Centre is considered to be acceptable in principle and would accord with Policy S2 of the Local Plan and Policy G1 of the NP.

The proposal is in a residential area with a cluster of HMOs also comprising a residential use. There is no evidence to demonstrate that the proposal would contribute to an imbalance in the local housing mix. There are also no policies which would restrict the loss of the existing residential care home use, and the proposal would not fail to accord with the housing needs set out within the NP. No conflict has been identified with Policies H2 or H3 of the NP.

The arboricultural impacts of the application are considered to be acceptable and the application accords with Policies En1(3) of the Local Plan and Policy H2(c) of the NP. The identified conflict with Policy EV 5 of the NP is not considered to warrant a refusal of planning permission.

Subject to the imposition of planning conditions, the proposal would also be acceptable with regard to ecology, biodiversity net gain, highway safety and parking, waste storage and collection and design impacts. There are no concerns in respect of residential amenity.

Furthermore, subject to the imposition of a planning condition to secure a sustainable form of surface water drainage disposal, it is considered that the proposal will, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. The application therefore complies with the Habitat Regulations 2017, the NPPF and Policies En1 and En2 of the Local Plan.

The provision of three HMO clusters would deliver social benefits in providing lower cost accommodation for more occupants in an accessible location, in line with the NPPF's support for housing generally and meeting the housing needs of different groups. This benefit would however carry only limited weight considering that there would still be social and economic benefits in having the building remain in its prior use as a residential care home. Other economic benefits would arise from the additional residents spending money in the local area; however, these would be similarly limited in scale.

The harms arising from the proposal are limited to the lack of useable outdoor space for future occupiers and replacement trees and/or hedges not being secured however, on balance, these are not considered to warrant a refusal of planning permission in this particular case.

There are no other material considerations that indicate that planning permission should not be granted. The application is therefore recommended for approval.