

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

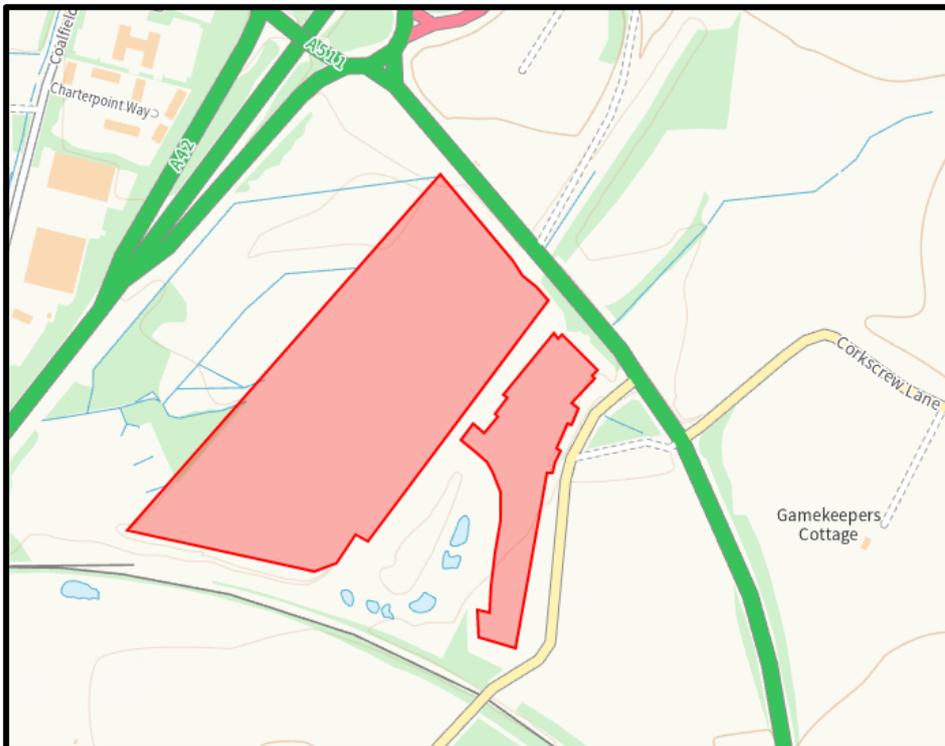
Recommendation:  
PERMIT, subject to conditions

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





### **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 13<sup>th</sup> 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.

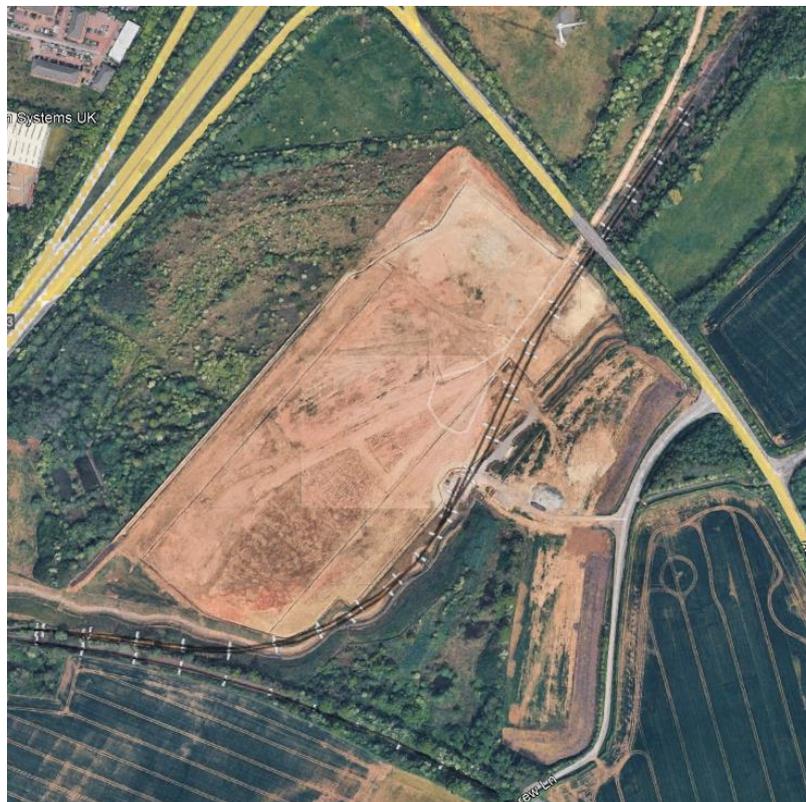
The application site lies to the south-east of Ashby de la Zouch and was formerly occupied by 'The Lounge Coal Preparation and Disposal Point', with the use of the site ceasing in 2004. It also lies outside the defined Limits to Development, as defined by the Policies Map to the adopted Local Plan, but 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



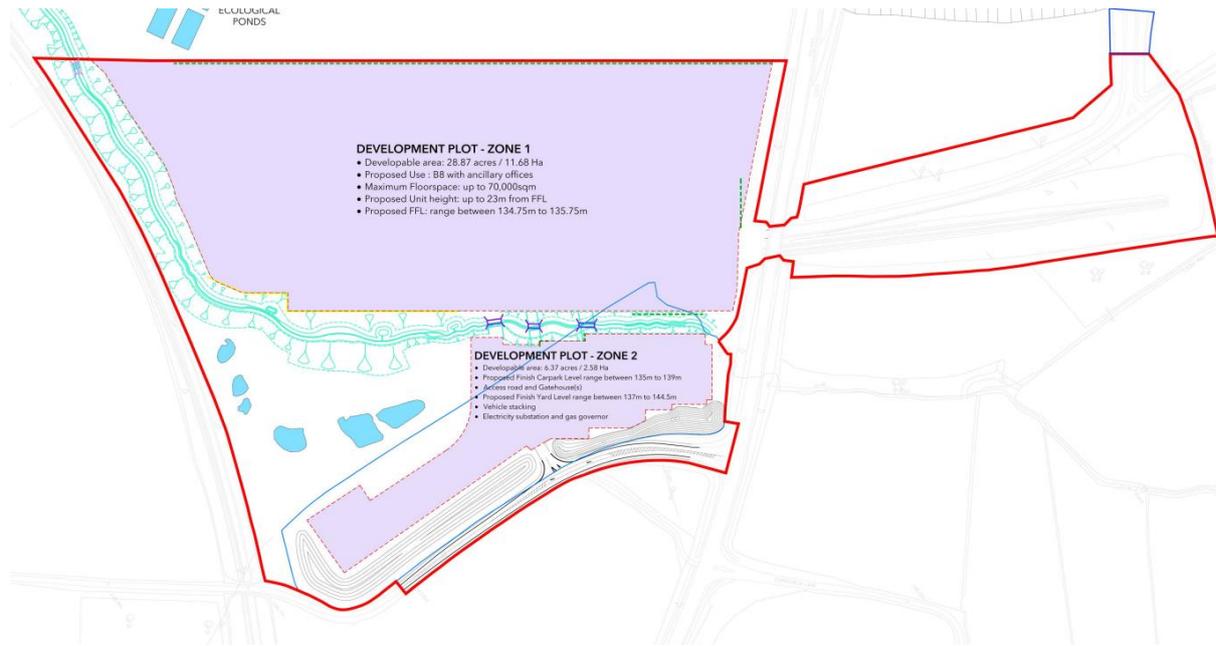
## Aerial Photograph of Application Site



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.



## *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 8<sup>th</sup> 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 21<sup>st</sup> 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 16<sup>th</sup> March 2022.
- 21/01850/DIS – The approval of details reserved by condition 20 (ecology) relating to planning permission reference 19/00652/FULM – Approved 25<sup>th</sup> October 2021.
- 22/00302/DIS – The approval of details reserved by condition 29 (Network Rail) relating to planning permission reference 19/00652/FULM – Approved 11<sup>th</sup> 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 20<sup>th</sup> 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 21<sup>st</sup> September 2023.

## **2. Publicity**

38 no. neighbours notified 30<sup>th</sup> of October 2025.

A site notice was displayed on the 6<sup>th</sup> of November 2025.

A press notice was published in the Leicester Mercury on the 12<sup>th</sup> 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
<b>Highway Impacts</b>	<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 13<sup>th</sup> 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.*

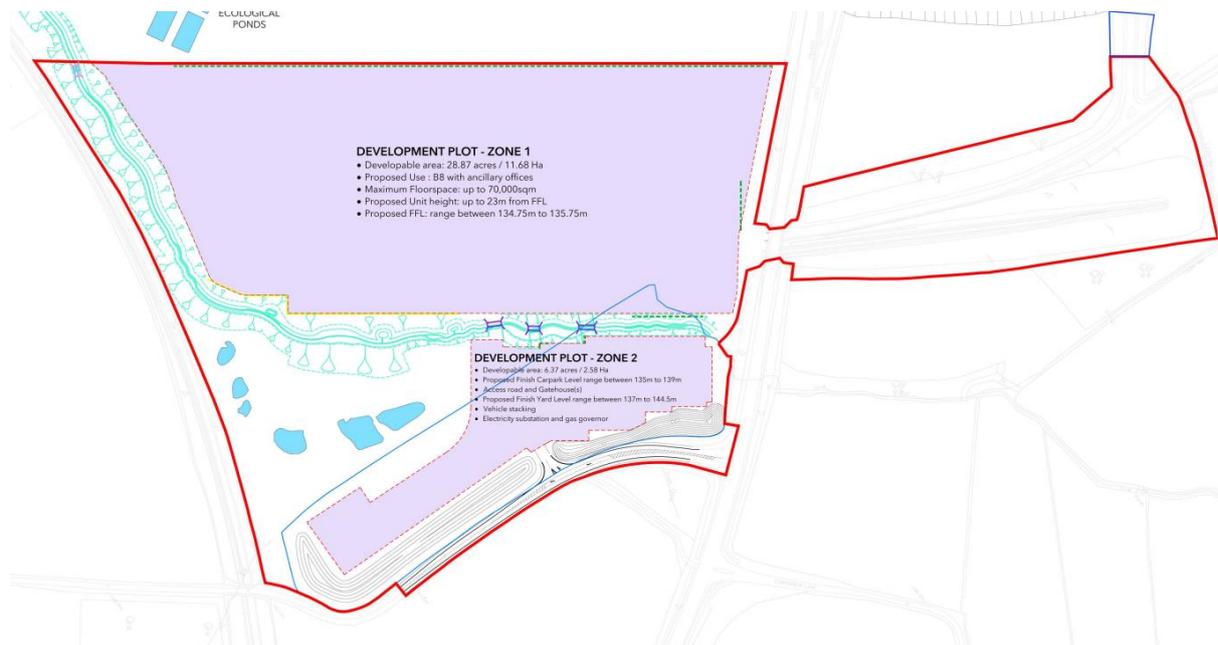
*Land levels are also higher on Corkscrew Lane and the A511 and the site sits in a natural hollow. This enables the scale of the building(s) and the overall development to be reduced.*

*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:

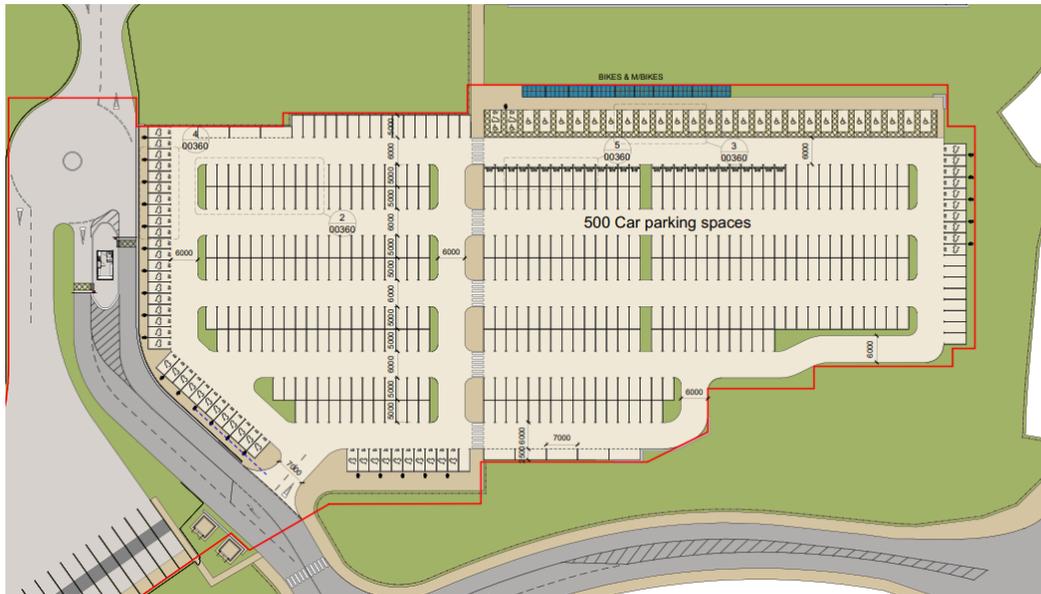
*"In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves, the application site is in close proximity to a limited number of existing residential properties, albeit, given the proposed unit(s) scale and surrounding topography and landscaping, they are likely to 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.

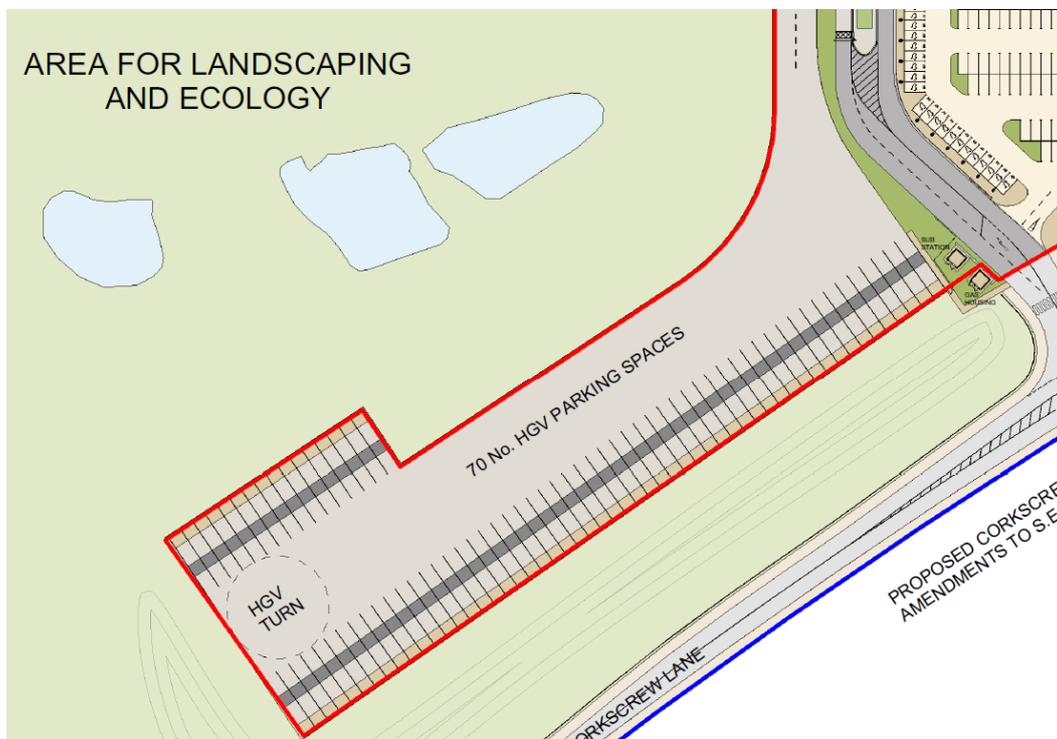
#### *Assessment against Criterion b)*

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.

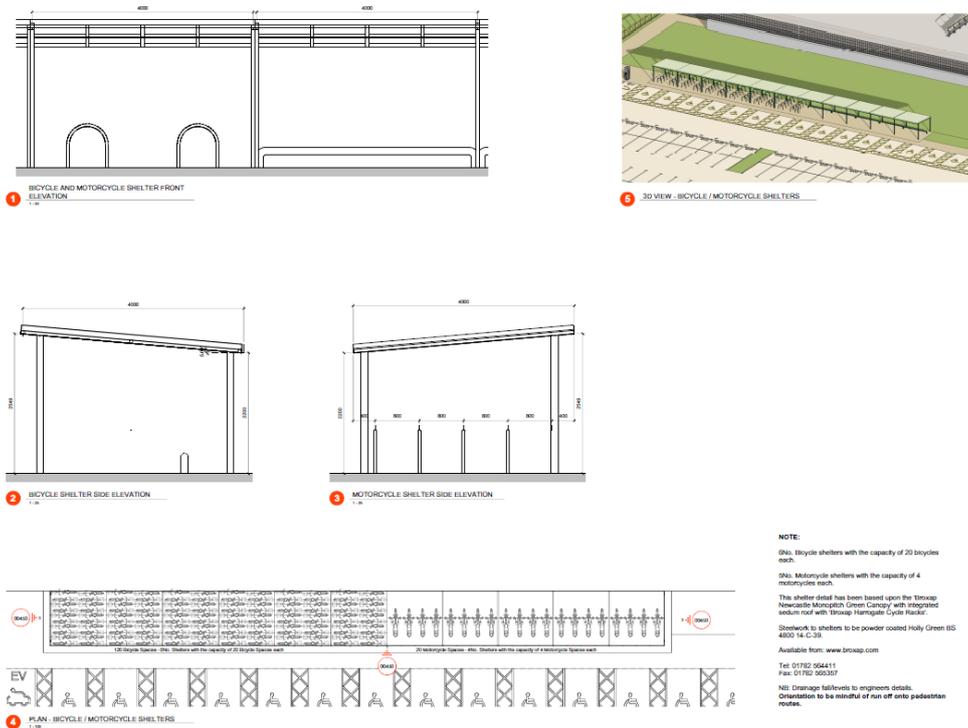
## Car Parking Plan



## 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.

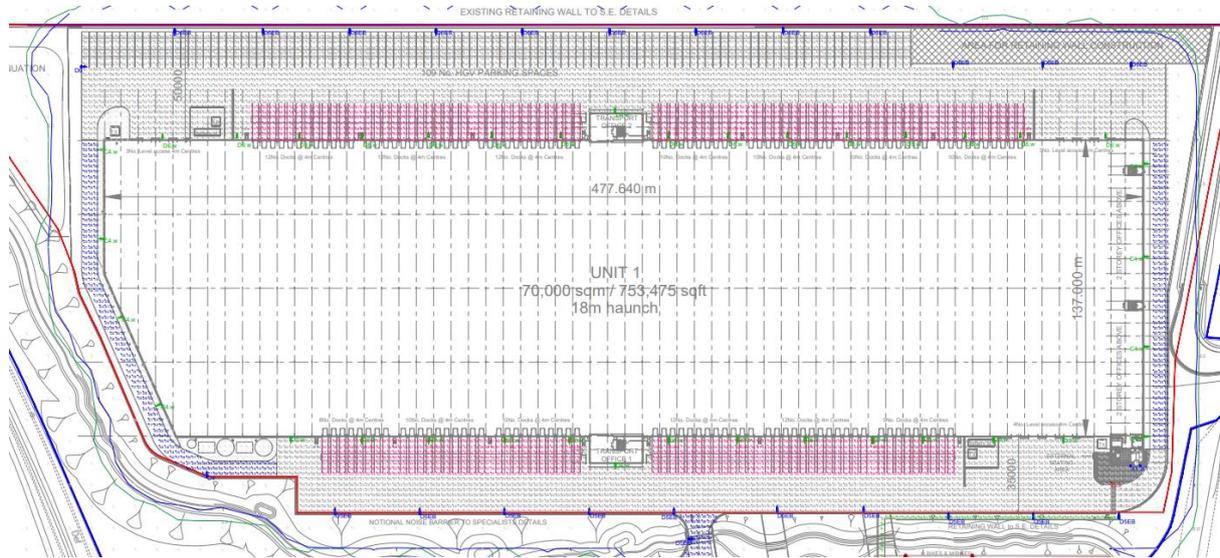
Within the submitted Transport Statement (TS) swept path analysis of a HGV, refuse vehicle and large car have been provided and following a review of the TS the CHA has confirmed that all vehicle types would be in a position to safely navigate and turn within the site so as to exit in a forward direction.

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.

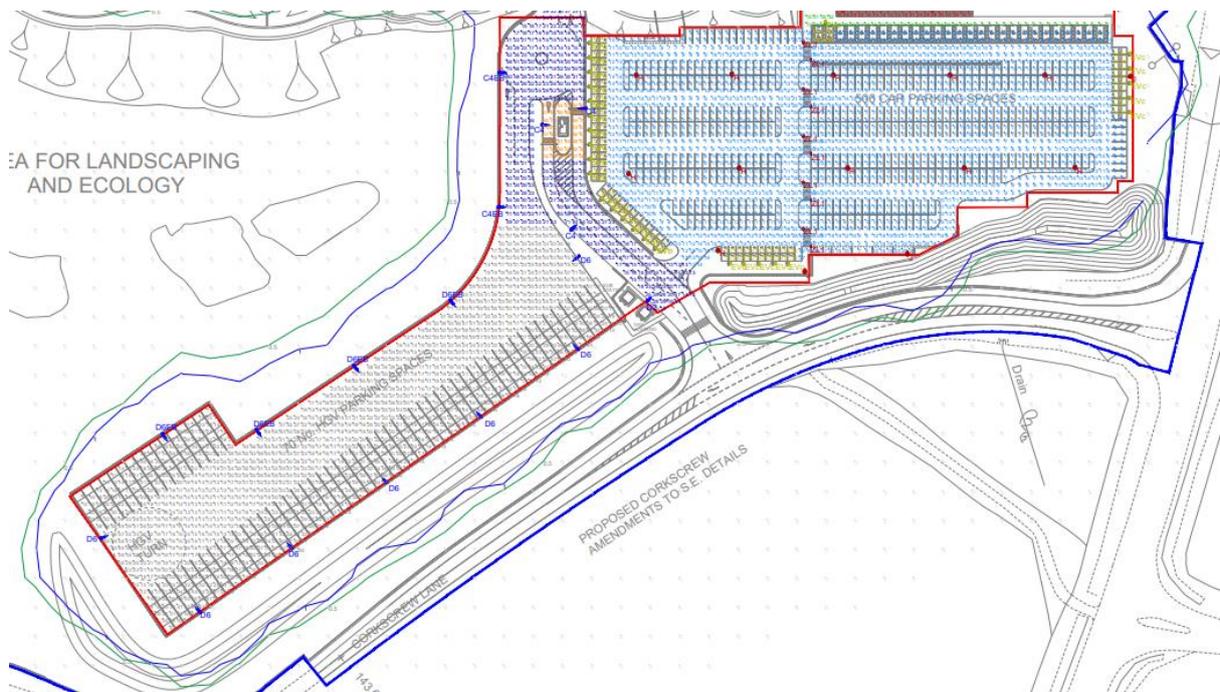
*Assessment against Criterion c)*

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**

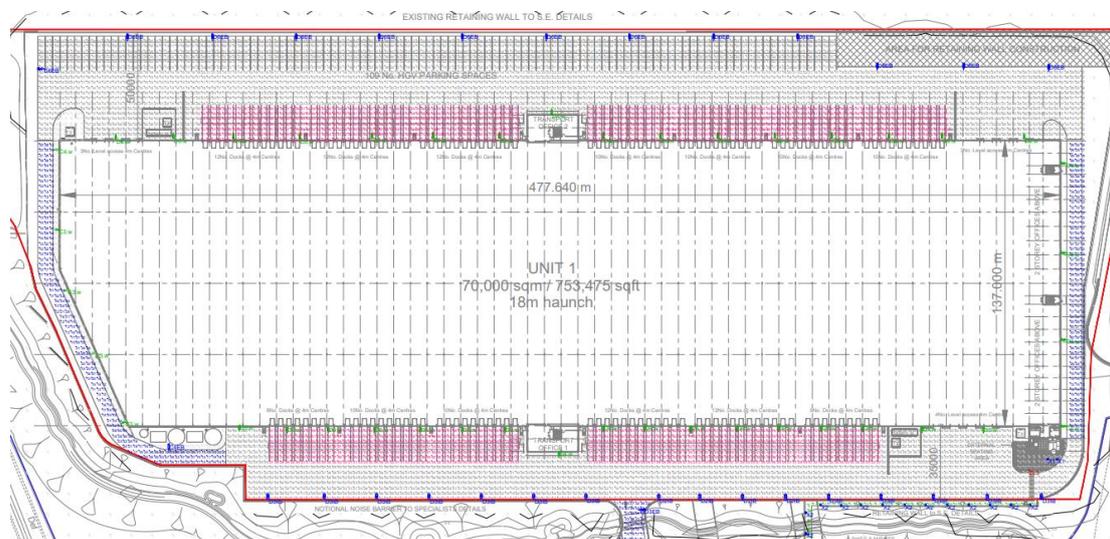


As part of the consideration of the application the Council's Environmental Protection Team and County Council Ecologist have been consulted and whilst the Council's Environmental Protection Team had no objections to the originally submitted ELAR and ELP, an objection was raised by the County Council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

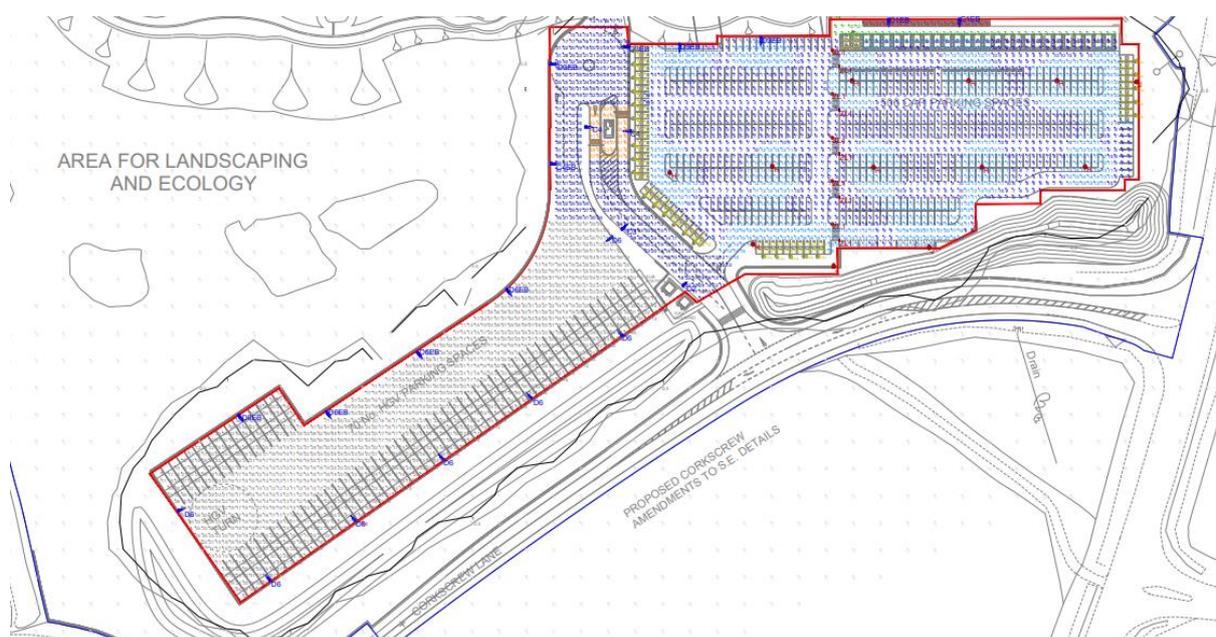
This objection was based on the submitted information demonstrating lux levels of between 6 and 40 lux within a wildlife corridor between the proposed building and the proposed car park and that in order to minimise impacts to bat activity and not sever bat foraging corridors, the lux levels would need 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 16<sup>th</sup> March 2022, Conditions 47 and 51 were discharged under application reference 22/01240/DIS on the 20<sup>th</sup> October 2022 and Condition 52 was discharged under application reference 21/00956/DIS on the 8<sup>th</sup> 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.

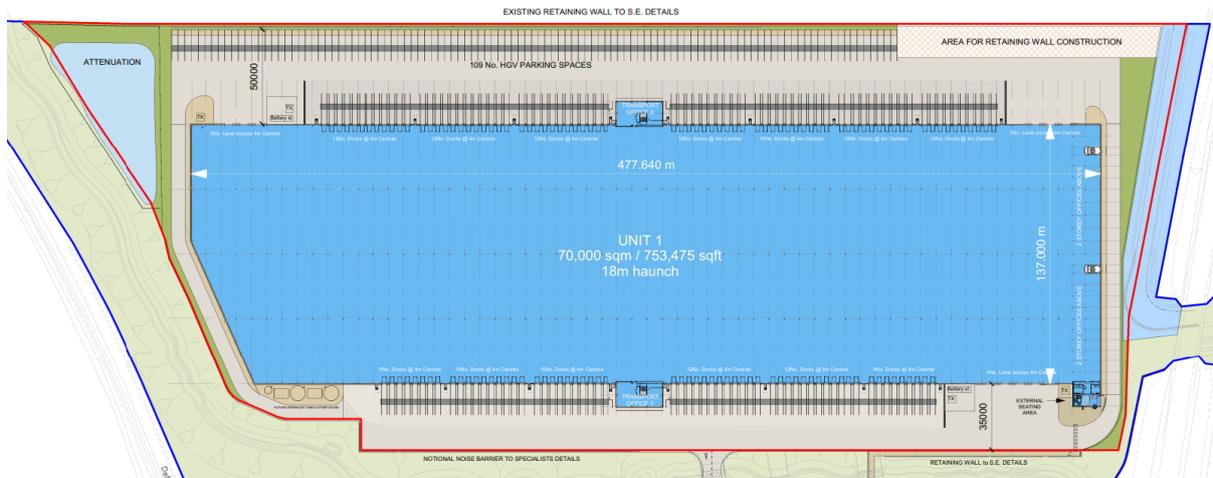
In addition, Condition 35 of the hybrid planning permission specifies that with the exception of the car park(s), substation(s), gas governor(s), gatehouse(s) or other ancillary development there would be no built floorspace within Zone 2.

### 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.

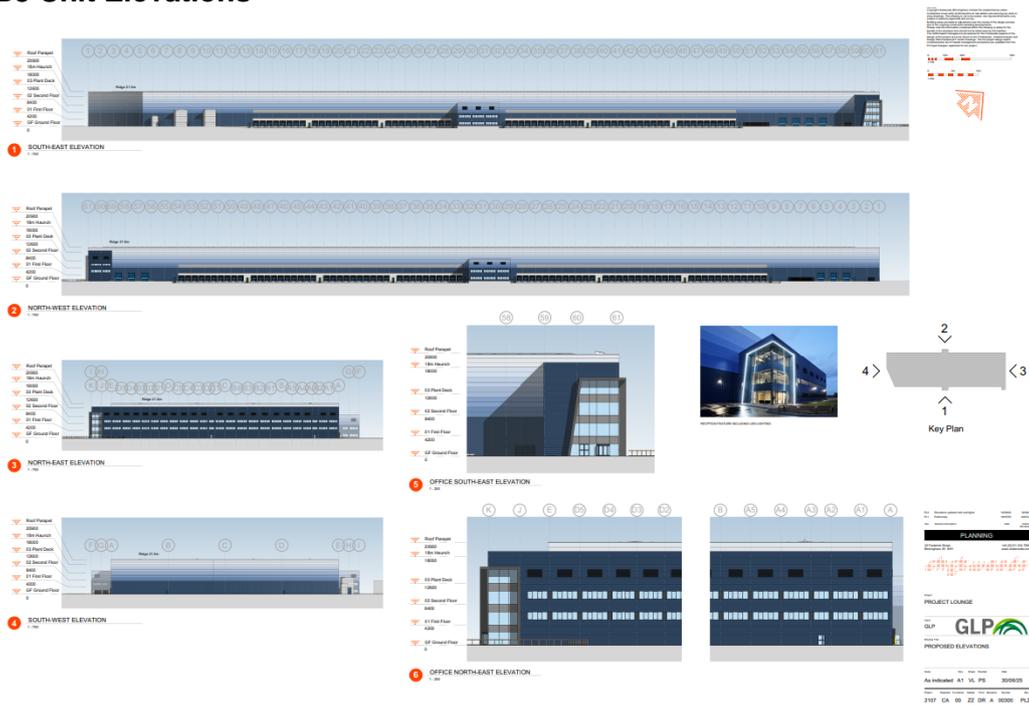
The original layout of the development within Zone 1 is as shown in the image below.

### 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



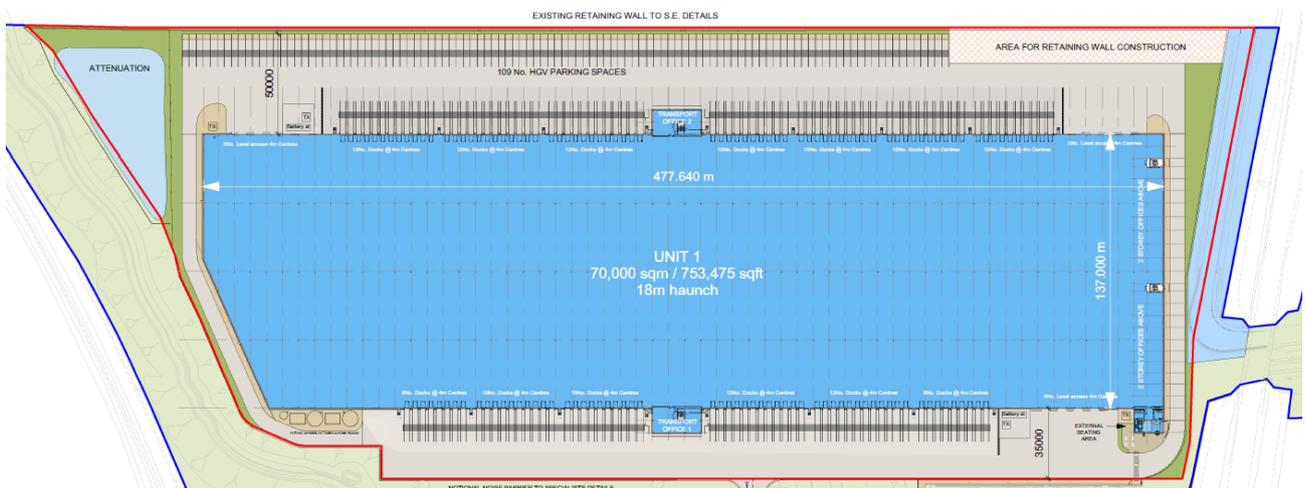
In commenting on the scheme as initially submitted the Council's Urban Designer outlined that the building had two elevations which comprised delivery docks, including the prominent south-eastern elevation presented to the site access off Corkscrew Lane. In addition, whilst the offices presented to the 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.

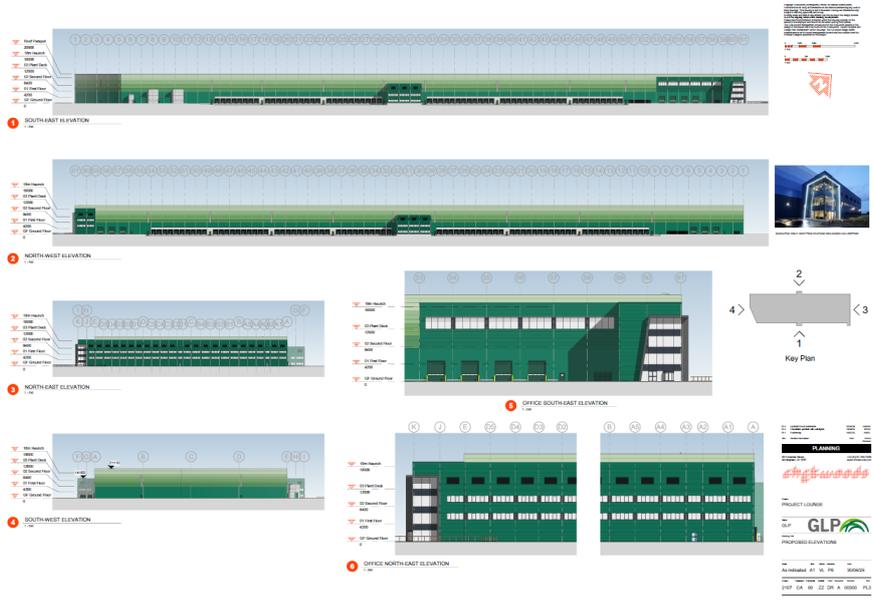
For their part the National Forest Company (NFC) commented that it was not evident how the site's location within the National Forest had influenced the proposal.

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.

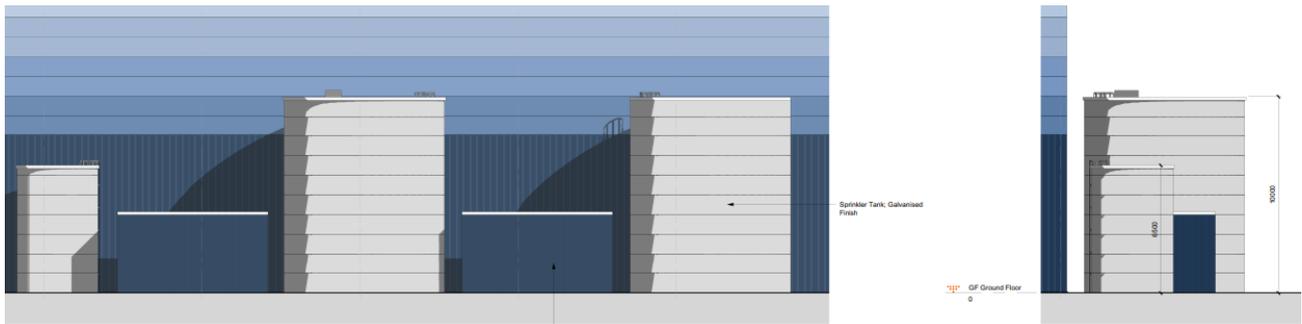
Overall, the visual appearance of the B8 unit would be positive when accounting for the functional nature of the use to be undertaken within and would not impact adversely on the visual amenities of the wider environment.

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.

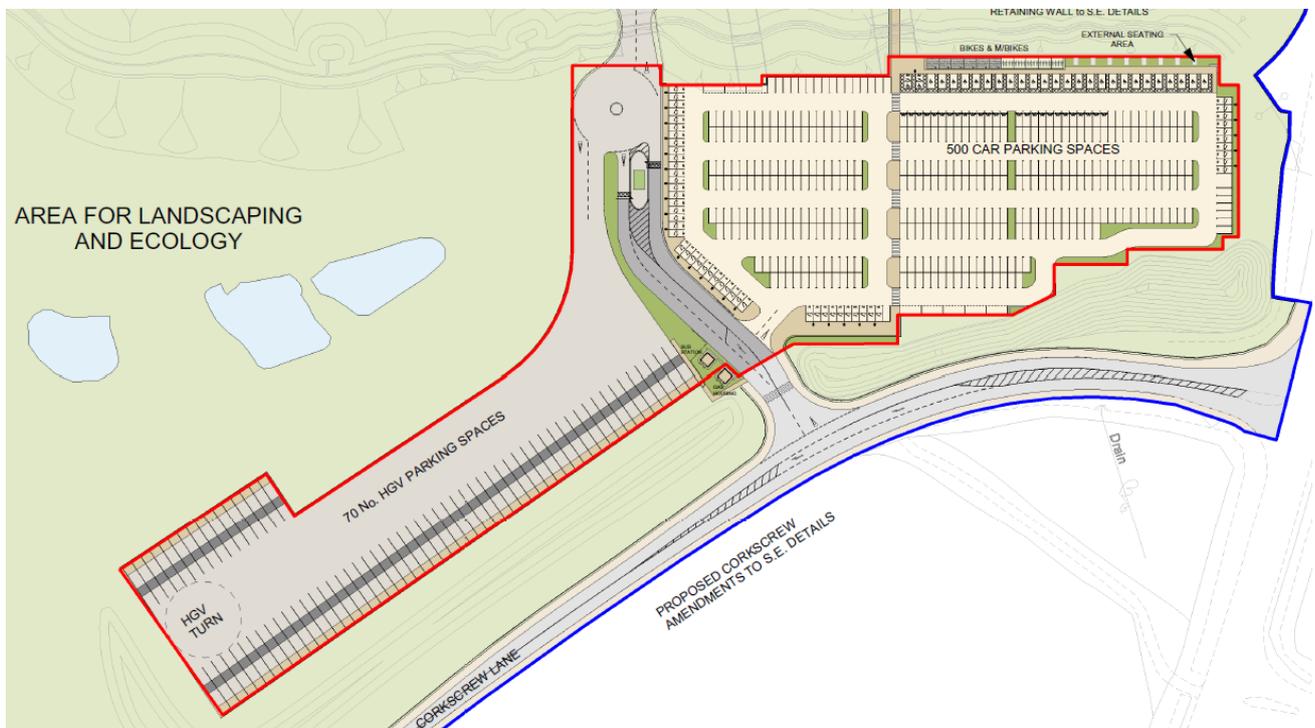
The hard and soft landscaping to be delivered in Zone 1 is as discussed within the '*Soft Landscaping Scheme*' and '*Hard Landscaping Scheme*' sub-sections of the '*Landscaping*' section of this report below, and where it is determined that the information as submitted is acceptable and would be conditioned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

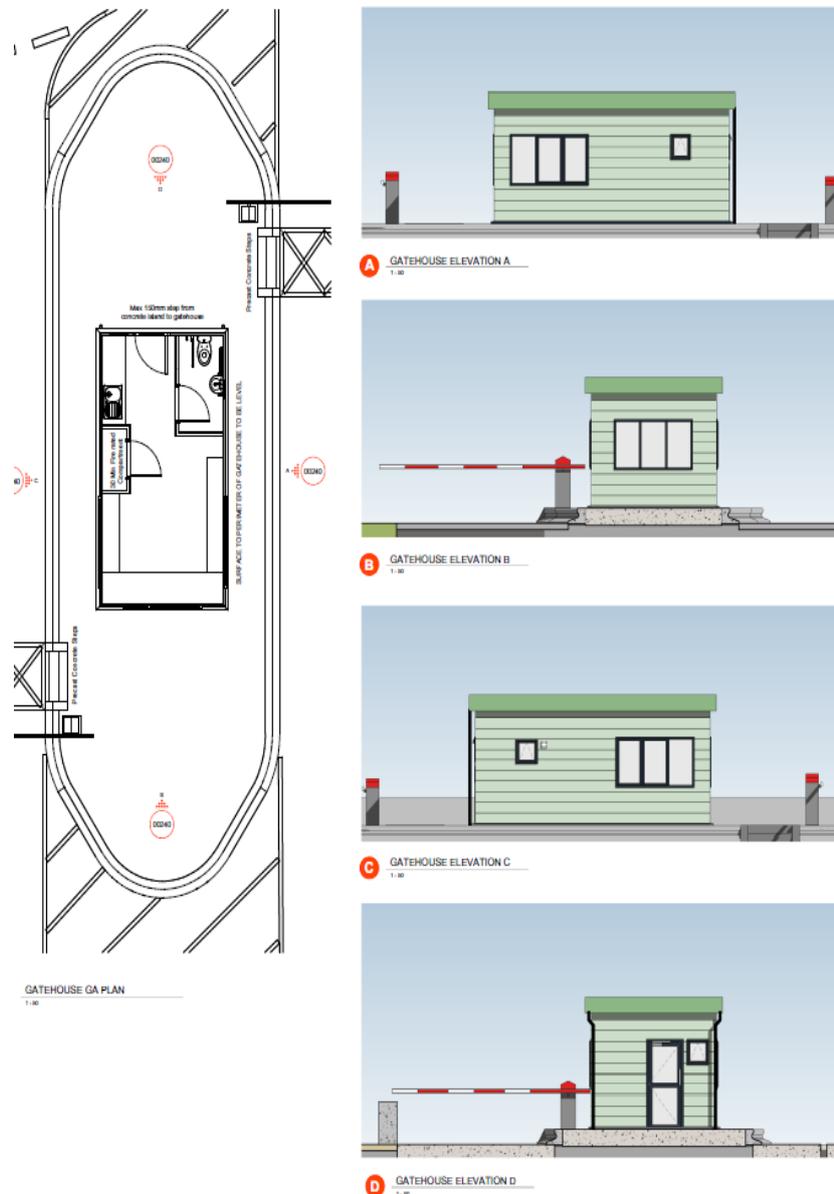
## Zone 2 Site Layout



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



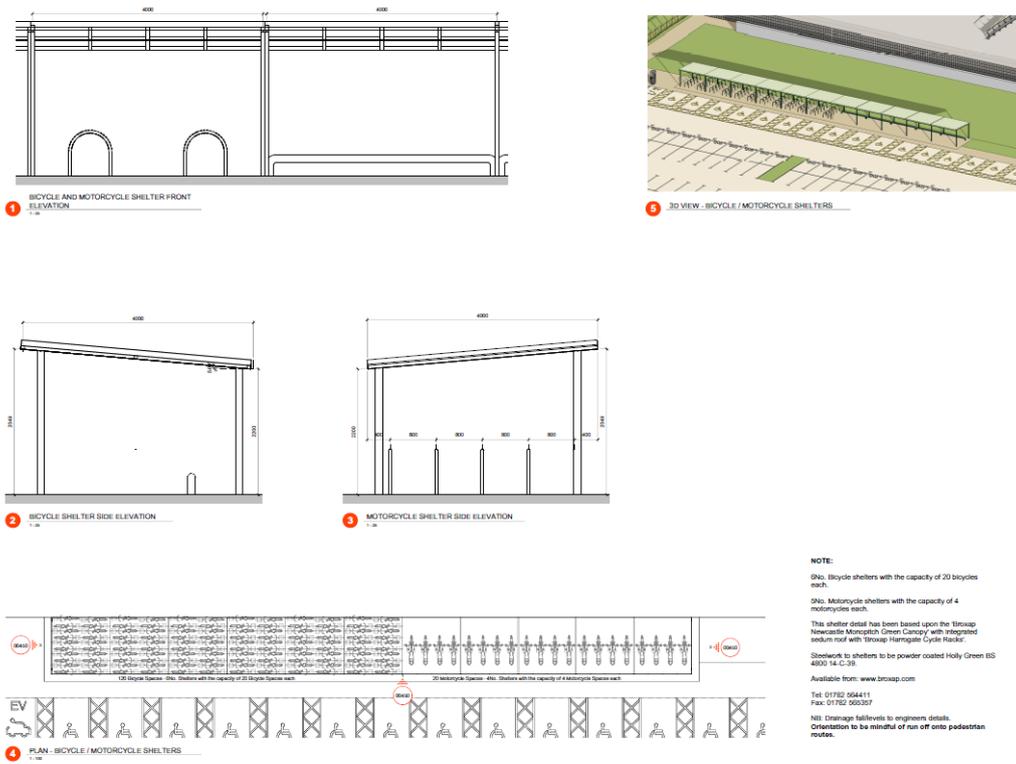
As proposed, the gatehouse would cover a ground area of 23.6 square metres and utilise a flat roof with an overall height of 3.1 metres.

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

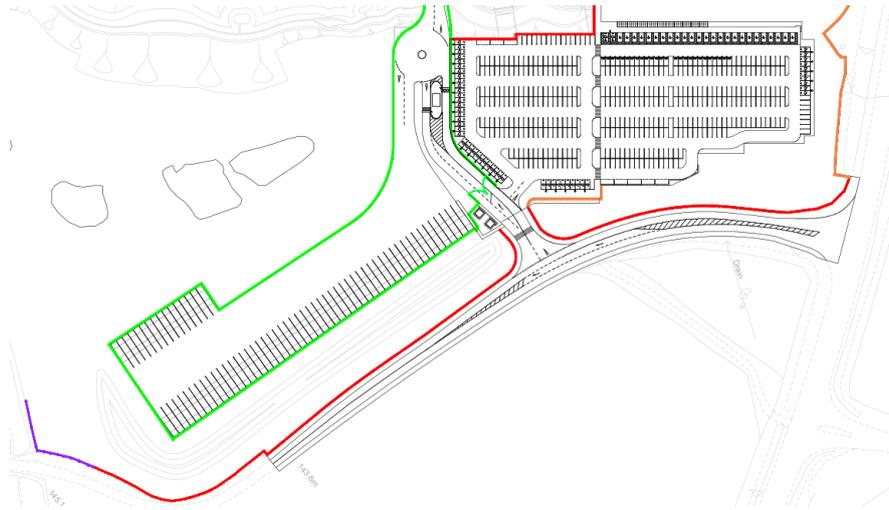


Originally the cycle and motorbike shelter was to comprise a steel framed structure powder coated White (RAL 9003). Following discussions with the applicant, the cycle and motorbike shelter would still comprise a steel framed structure but would now be coloured Holly Green and utilise a Sedum green roof.

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.

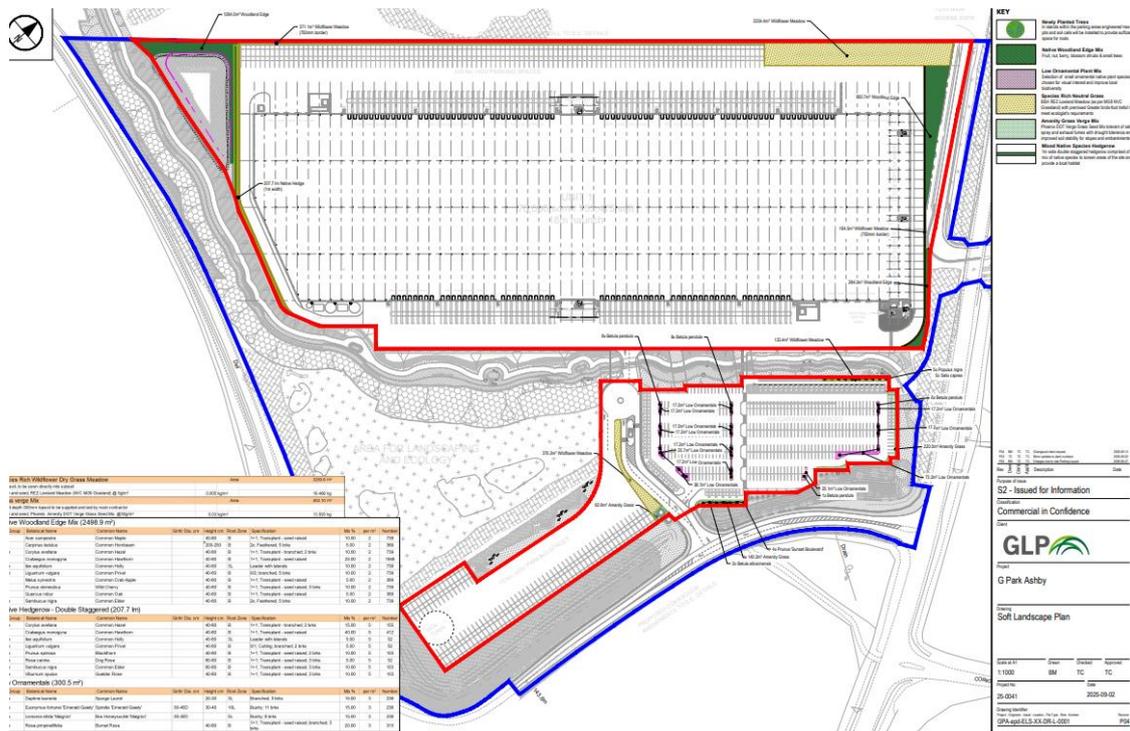
As part of the consideration of the reserved matters application, the Leicestershire County Council (LCC) Tree Officer has commented that in addition to the TS, the hybrid application was accompanied by an Arboricultural Impact Assessment (ArlA), Method Statement (MS) and Tree Protection Plan (TPP). 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.

# Original Soft Landscaping Scheme



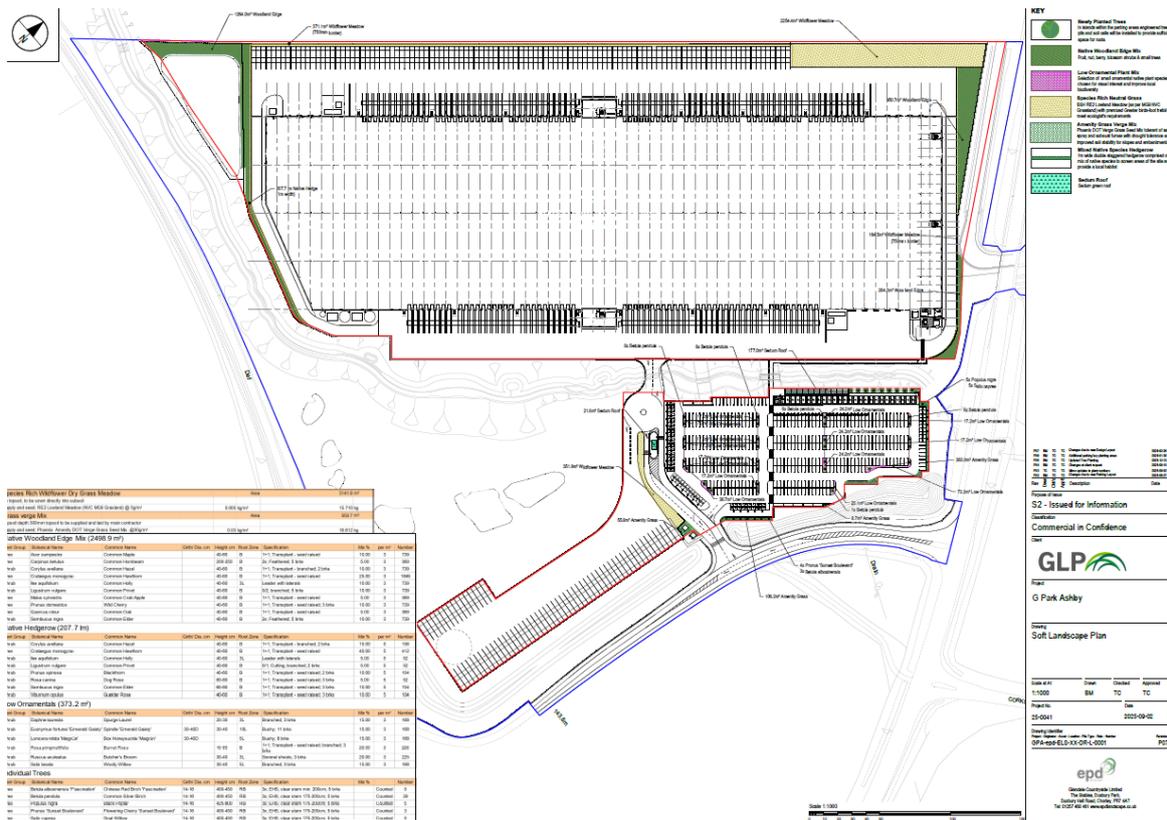
In terms of the original soft landscaping scheme, it was noted by the LCC Tree Officer that a scheme of extensive landscaping and ecological enhancement had been implemented, as secured under the hybrid planning permission, but they considered that there was a lack of additional tree planting within Zones 1 and 2 which would assist in effectively screening the development from the north-east and east.

With regards to the National Forest Company (NFC), they outlined that woodland planting had been undertaken within the wider site but noted that the proposed landscaping within Zones 1 and 2 was limited around the proposed building and that very few trees were proposed within the car park. Additionally, the NFC recommended that a wider variety of tree species be provided, and that the standard trees to be planted should be increased to 14 – 16 centimetres to make them more resilient. It was also recommended by the NFC that tree planting be delivered alongside the access road.

For their part, the Council’s Urban Designer also commented that the proposed building within Zone 1 was of such a scale that limited space remained to deliver landscape planting which would act as a means of screening the building. It was also considered that landscape planting would be required within the car park and to the boundaries of Zone 2 to assist in screening this element of the development. It was recommended by the Council’s Urban Designer that a landscape buffer be introduced along with bunding as a means of reducing the visual mass of the proposed building.

An amended soft landscaping scheme has subsequently been submitted by the applicant and is as shown in the image on the following page.

# Amended Soft Landscaping Scheme



The original soft landscaping scheme proposed individual tree planting to have heights ranging from 250 to 425 centimetres and diameters ranging from 6 to 14 centimetres, whereas the now proposed soft landscaping scheme would see the planting of individual trees with heights ranging from 400 to 600 centimetres and diameters ranging from 14 to 16 centimetres. Additional tree planting is also proposed within the car parking area which includes Silver Birch.

Following re-consultation, the NFC, whilst welcoming the increase in the variety, height and widths of the individual trees to be planted, has reiterated that the tree planting associated with the development remains limited.

Although noting the position of the NFC, as proposed the reserved matters development would deliver a total of 7,387 trees within the native woodland edge mixes as well as the planting of 47 individual trees.

Such planting would be in addition to that secured as part of the hybrid planning permission which delivered 3,355 trees within a native woodland core mix, 9,986 trees within a native woodland edge mix and ten individual heavy standard trees.

In these circumstances it is difficult to support the assertion that the reserved matters development would deliver 'limited' tree planting, with the overall level of tree planting on the site being significant.

Additionally, the 'Parameter Plan for Outline Development' associated with the hybrid planning permission outlined that the gross internal area (GIA) to be delivered in Zone 1 would total 70,000 square metres, which the B8 unit proposed would meet. It was also determined in the assessment of application reference 23/00427/OUTM, relating to employment development to the east of Corkscrew Lane which has a resolution to be permitted following the decision of the Planning Committee on the 9<sup>th</sup> December 2025, that the requirements of DHL Real Estate Solutions (DHL

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.

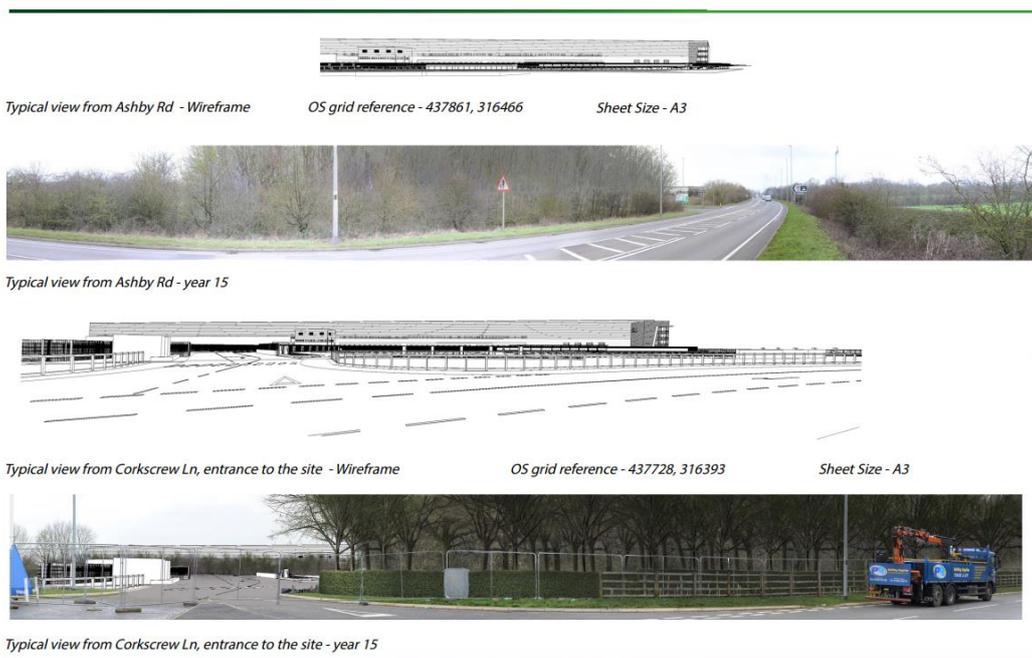
The overall amount of floorspace associated with the B8 unit also has a direct impact on the number of parking spaces which are required in line with the Leicestershire Highways Design Guide (LHDG), this therefore limits the soft landscaping which can be accommodated in Zone 2. Notwithstanding this, 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 15<sup>th</sup> 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 8<sup>th</sup> 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 20<sup>th</sup> 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 4<sup>th</sup> 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 4<sup>th</sup> 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 8<sup>th</sup> 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 20<sup>th</sup> 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 8<sup>th</sup> 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 8<sup>th</sup> 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 8<sup>th</sup> and Monday 22<sup>nd</sup> September 2025, with a live public webinar held on Tuesday 16<sup>th</sup> 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.