

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

**Report Item No
A1**

Land Adjoining Ashby Road, Kegworth, Derbyshire.

**Application Reference:
16/00378/FULM**

Grid Reference (E) 447659

Date Registered:

Grid Reference (N) 326689

7 April 2016

Applicant:

Consultation Expiry:

Persimmon Homes North Midlands

3 July 2026

13 Week Date:

7 July 2016

Case Officer:

Extension of Time:

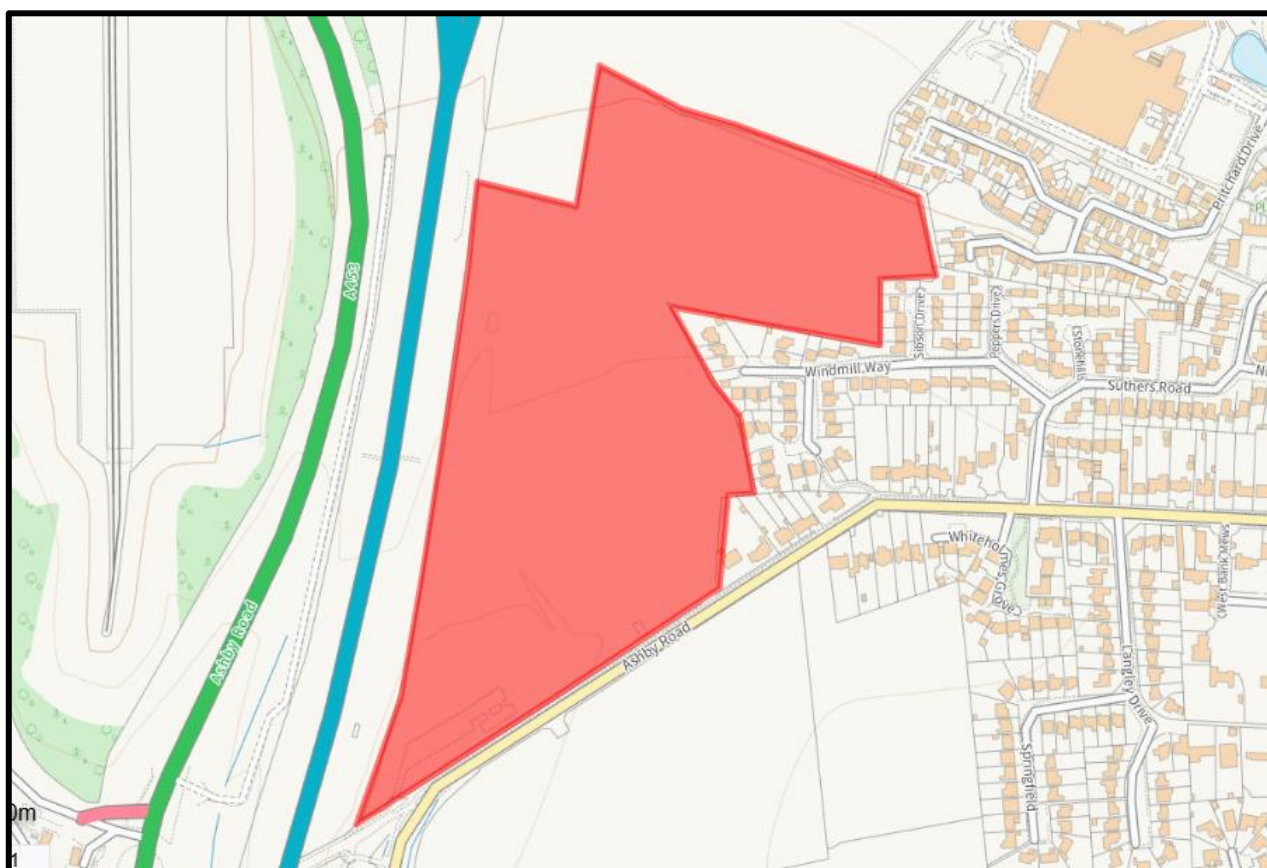
Adam Mellor

14 August 2026

Recommendation:

PERMIT, subject to Section 106

Site Location – Plan for indicative purposes only



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Reason for Call In

The application is referred to the Planning Committee for determination at the request of Councillor Sutton on the following grounds:

- 1) Concerns about the poor design in relation to the site's location and that the development does not address the significant environmental, light and noise pollution arising from nearby sources.
- 2) That the additional traffic generated by 150 dwellings would impact negatively on the settlement and due to the presence of the bus gate on Ashby Road all highway movements would be through the settlement.
- 3) The limited pedestrian and cycling links through the neighbouring estates which would be needed to improve sustainability.
- 4) The reduction in community facilities on the development in comparison to the previously approved scheme.
- 5) That the proposed development is not sustainable given the pressure that would be placed on local services such as the primary school and local health centre.
- 6) That the proposed density of the development is not appropriate and would not integrate with neighbouring development at Windmill Way or Suthers Road.
- 7) When considered in combination with other development, including the East Midlands Gateway 2 and the draft allocation on the opposite site of Ashby Road, there would be additional impacts to Kegworth.

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

- (a) Affordable Housing – 45 dwellings on site (30 social rent and 15 discounted open market).
- (b) Education - £725,625.19.
- (c) Civic Amenity - £6,406.50.
- (d) Libraries - £4,408.86.
- (e) Transportation - £287,465.00.
- (f) Health - £159,375.00.
- (g) On-site public open space.
- (h) On-site locally equipped area of play.
- (i) On-site sports pitch.

Total Financial Contribution - £1,183,280.55

1. Time limit (3 years).
2. Approved plans.
3. Construction environmental management plan for biodiversity prior to commencement to be submitted, approved and implemented.
4. Compliance with mitigation measures for the construction phase as outlined within the submitted air quality assessment.
5. Delivery of temporary construction access in accordance with submitted details prior to the development commencing.
6. Details of how the temporary construction access would be closed permanently prior to the development commencing to be submitted, approved and implemented.
7. Construction traffic management plan prior to commencement to be submitted, approved and implemented.
8. Aviation safety construction management plan prior to commencement to be submitted, approved and implemented.
9. Bird hazard management plan prior to commencement to be submitted, approved and implemented.
10. Tree protection scheme prior to commencement to be submitted, approved and implemented.

11. Arboricultural method statement prior to commencement to be submitted, approved and implemented.
12. Construction hours.
13. Details of finished floor and ground levels, including sections to show the relationships with residential receptors on Ashby Road, Windmill Way, Sibson Drive and Pritchard Drive, and which will detail that no part of the development (including construction equipment i.e. cranes) exceeds 15 metres in height above existing ground levels, prior to commencement to be submitted, approved and implemented.
14. Programme of archaeological work prior to commencement to be submitted, approved and implemented.
15. Scheme of external materials (which shall be supported by a glint and glare assessment to demonstrate that there will be no ocular hazard to aviation) prior to any dwelling being built above damp proof course level to be submitted, approved and implemented.
16. Scheme of design detailing prior to any dwelling being built above damp proof course level to be submitted, approved and implemented.
17. External meter boxes to be coloured matched to external materials and rainwater goods to be finished black.
18. All bathroom and en-suite windows at first floor level and above to be obscure glazed and non-opening unless the opening is at a height of no less than 1.7 metres above the internal floor level.
19. First floor windows serving landings in plots 85 and 118, and the first and second floor windows serving landings in plot 70, to be obscure glazed and non-opening unless the opening is at a height of no less than 1.7 metres above the internal floor level.
20. No pumping station(s) or substation(s) to be constructed unless precise details of any pumping station(s) and / or substation(s) are first submitted, approved and implemented.
21. Colour scheme for the acoustic fencing, prior to the acoustic fencing being installed to be submitted, approved and implemented.
22. Implementation of development in accordance with noise mitigation strategy stated within noise assessment.
23. Submission of a post-completion noise assessment to demonstrate that the noise mitigation strategy approved achieves its recommendations prior to any dwelling being occupied to be submitted, approved and implemented.
24. Implementation of development in strict accordance with mitigation measures stated within the ecological impact assessment.
25. Evidence of the obtaining of a mitigation licence from Natural England for the damage and disturbance to a badger sett prior to the commencement of development to be submitted, approved and implemented.
26. Revised soft landscaping scheme for the public open space (including timetable for implementation), prior to any dwelling being built above damp proof course level to be submitted, approved and implemented.
27. Soft landscaping for plots and internal highways in accordance with submitted details.
28. Replacement of soft landscaping if any failures.
29. Landscape and ecological management and maintenance plan prior to any dwelling being occupied to be submitted, approved and implemented.
30. Habitat management and monitoring plan prior to any dwelling being occupied to be submitted, approved and implemented.
31. Details of a scheme specifying how soft landscaping within or adjacent to hard surfacing would be planted and protected prior to any dwelling being built above damp proof course level to be submitted, approved and implemented.
32. Hard landscaping scheme (including timetable for implementation) prior to any dwelling being built above damp proof course level to be submitted, approved and implemented.
33. Boundary treatment scheme in accordance with submitted details.
34. No retaining walls constructed above a height of 0.2 metres unless details of the retaining walls are first submitted and approved.

35. External lighting scheme (which will also include a lighting strategy for bats and nocturnal wildlife as well as addressing aviation safety) prior to any dwelling being occupied to be submitted, approved and implemented.
36. Surface water drainage scheme during the construction phase prior to commencement to be submitted, approved and implemented.
37. Surface water drainage scheme (to include details addressing how the impacts to aviation safety would be mitigated) prior to commencement to be submitted, approved and implemented.
38. Surface water drainage maintenance scheme prior to any dwelling being occupied to be submitted, approved and implemented.
39. Delivery of the access arrangements, including vehicular and pedestrian visibility splays, in accordance with submitted details prior to any dwelling being occupied.
40. Delivery of the off-site highway works (including bus stops) in accordance with submitted details prior to any dwelling being occupied.
41. Delivery of off-street parking, visitor parking, sports pitch parking and turning facilities in accordance with submitted details prior to any dwelling being occupied.
42. Development to be compliant with submitted framework travel plan.
43. Timetable for the delivery of the pedestrian (and where applicable cycling) connections depicted on the submitted plans prior to any dwelling being built above damp proof course level to be submitted, approved and implemented.
44. Details of signage for the pedestrian (and where applicable cycling) connections depicted on the submitted plans prior to any dwelling being occupied to be submitted, approved and implemented.
45. Wind impact assessment prior to any dwelling being occupied to be submitted, approved and implemented.
46. Technical airport safeguarding assessment prior to any dwelling being occupied to be submitted, approved and implemented.
47. Provision of bin collection points in accordance with submitted details prior to those dwellings on private drives being occupied.
48. Scheme of bin storage points (including details of enclosure if the bin storage point is located to the frontage of the dwelling) prior to any dwelling being built above damp proof course to be submitted, approved and implemented.

MAIN REPORT

1. Proposals and Background

It is noted that the application was submitted in April 2016 but was held in abeyance following an objection from the High Speed Rail 2 (HS2) Consortium, on the 3rd February 2017, given that land towards the eastern boundary of the application site was safeguarded for the delivery of HS2 Phase 2b. The Council received written confirmation from the Department for Transport (DfT) on the 18th July 2025 that the safeguarding direction for Phase 2b of HS2 had been removed.

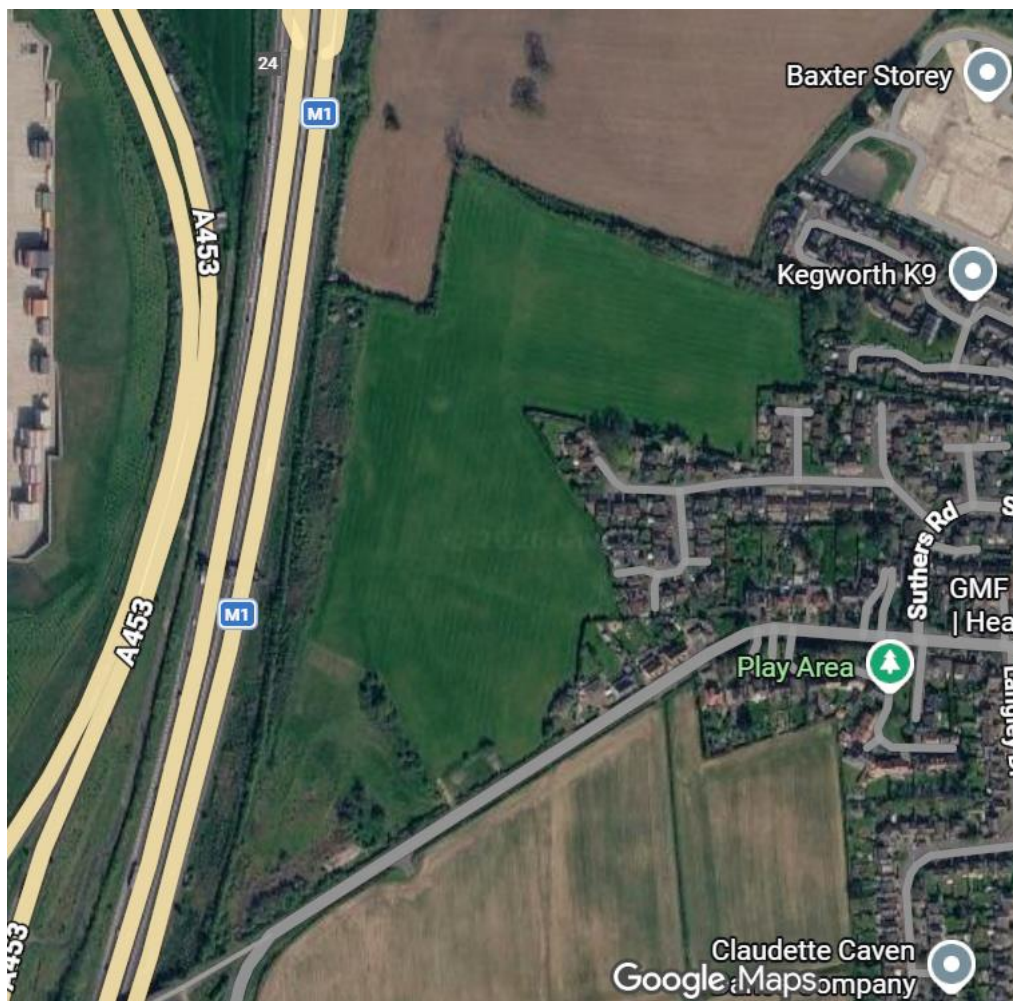
Planning permission is sought for the erection of 150 residential dwellings and associated infrastructure, public open space and landscaping along with the provision of a temporary construction access at land adjoining Ashby Road, Kegworth. The 11.2 hectare site comprises greenfield land situated to the east of the M1, north-west of residential properties on Ashby Road and west of residential properties on Windmill Way, Sibson Drive and Pritchard Drive and is within the Limits to Development as defined on the Policies Map associated with the adopted Local Plan.

The site location plan associated with the planning application, as well as an aerial photograph of the site, are as shown in the below images.

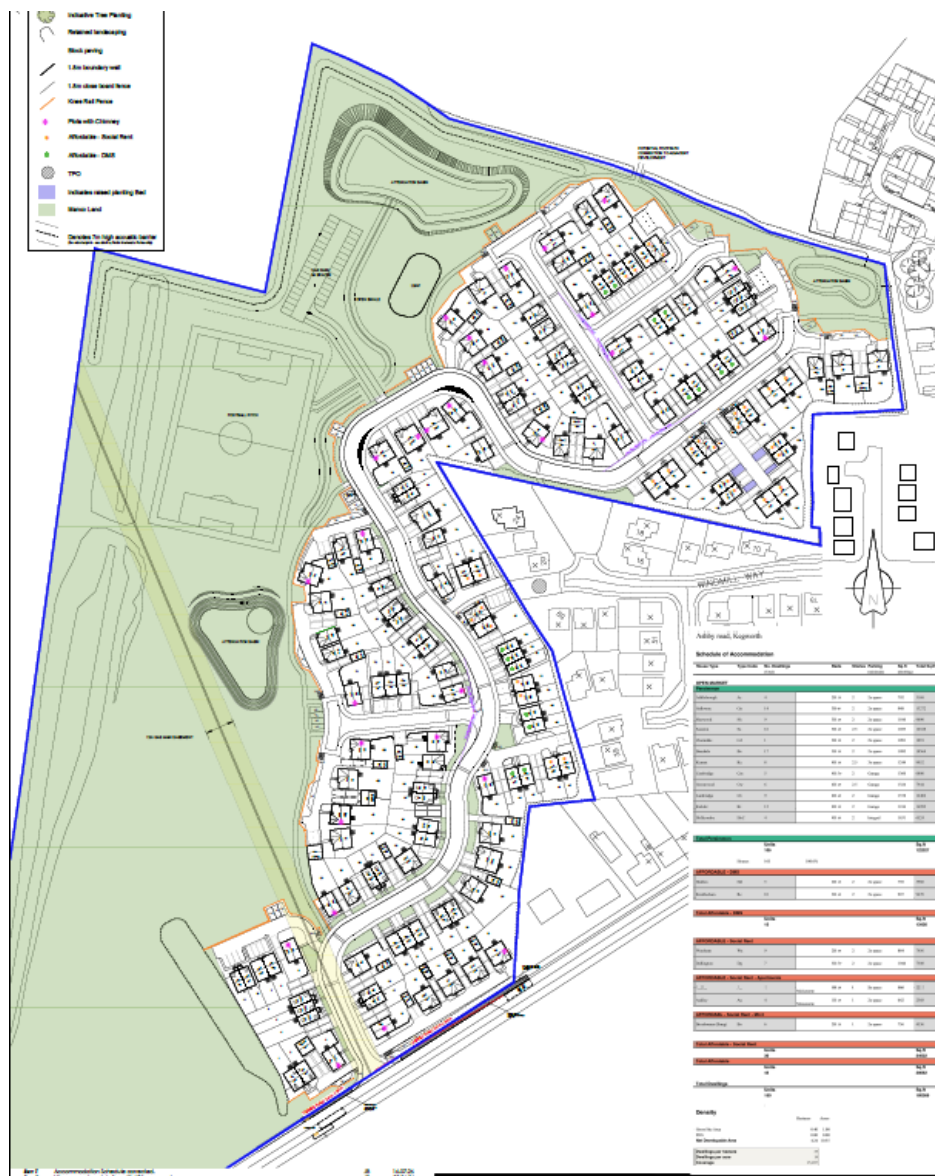
Site Location Plan



Aerial Photograph of Application Site



The proposed site layout of the development is as shown in the image on the following page.



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4 x 2 bed two-storey dwellings;
57 x 3 bed dwellings (a mix of two-storey and two and a half storey dwellings); and
44 x 4 bed dwellings (a mix of two-storey and two and a half storey dwellings).

8 x 1 bed two-storey dwellings;
20 x 2 bed dwellings (a mix of single and two-storey dwellings); and
17 x 3 bed two-storey dwellings.

In terms of vehicular access, a simple priority junction onto Ashby Road would be formed, with the temporary construction access also comprising a simple priority junction onto Ashby Road. Pedestrian connections would also be formed onto Windmill Way and Pritchard Drive, as well as

onto the land to the north which is subject to an extant planning permission for the construction of 141 dwellings (as permitted under application references 14/00541/OUTM, 19/00878/REMM and 19/01757/REMM).

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

Relevant Planning History

- 12/00323/OUTM – Residential development of up to 110 dwellings including means of access, associated earthworks, open space provision, community facilities and other associated infrastructure (outline – all matters other than part access reserved) – Approved 18th April 2013.
- 15/00442/FULM – Proposed erection of 160 dwellings with associated infrastructure, public open space and landscaping – Refused 10th September 2015.
- 16/00394/REMM – Erection of 110 dwellings with associated landscaping, infrastructure, earthworks and open space provision (reserved matters application to 12/00323/OUTM) – Approved 27th November 2018.
- 19/02361/DIS – The approval of details reserved by condition 16 (archaeology) relating to planning permission 12/00323/OUTM – Approved 24th March 2020.
- 19/02319/DIS – The approval of details reserved by condition 13 (proposed ground and finished floor levels) relating to planning permission 16/00394/REMM – Approved 27th January 2020.

Following the discharge of relevant pre-commencement conditions associated with application references 12/00323/OUTM and 16/00394/REMM a material start was made on the application site in connection with these permissions. They are therefore considered to be extant.

2. Publicity

154 third parties were initially notified on the 12th April 2016 with 166 third parties being re-consulted on amended plans on the 12th July 2016, 8th February 2017, 18th December 2018, and 11th February 2025.

A site notice was originally displayed on the 18th April 2016 with a revised site notice (following the amendment to the description of the development to include a temporary construction access) being displayed on the 16th April 2026.

A press notice was originally published in the Derby Evening Telegraph on the 20th April 2016 with a revised press notice published on the 29th April 2026.

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:

Kegworth Parish Council whose objections are summarised as follows:

- 1) Design and Environmental Impact – Proposal does not adequately address the significant environmental, light and noise pollution arising from the M1, East Midlands Gateway (EMG) and East Midlands Airport (EMA) with future residents exposed to continuous transport and

aircraft noise. The development should incorporate the highest possible standards of noise mitigation.

- 2) Traffic and Highway Impact – Additional traffic from 150 dwellings will have a negative effect on Kegworth, with traffic from Ashby Road having to travel through High Street or through residential areas on Broadhill and Whatton Road to reach the bypass following its opening in 2018. Such traffic will impact adversely on the amenity and safety of existing residents.
- 3) Lack of Sustainable Transport Links – There is limited pedestrian connectivity to the village thereby increasing the reliance on private vehicles.
- 4) Loss of Community and Sports Facilities – There is a reduction in community facilities when compared with previously approved plans with the loss of a pavilion and full-sized sports pitch.
- 5) Unsustainable Development and Pressure on Local Services – Existing infrastructure in Kegworth is already under significant strain, including the primary school which has no additional capacity. The local health centre would also struggle to support further population growth with no dental surgery available.
- 6) Excessive Housing Density, Overdevelopment and Massing Concerns – The proposed density does not align with local planning policies and results in an overdevelopment of the site.
- 7) Overall Amenity Impact – Future residents would be provided with an inadequate level of amenity with existing residential amenity also significantly reduced due to traffic congestion within the centre of Kegworth and once the proposed dwellings are occupied.
- 8) Frontages and Green Spaces – Comments from the Council's Urban Designer in relation to frontage parking, vehicle turning analysis and safeguarding of green spaces supports the Parish Council's position that the density is too high and the site is constrained.

Comments from:

East Midlands Airport (EMA) who have advised that aircraft noise needs to be carefully considered in the determination of the planning application and that appropriate measures and conditions would need to be in place, should planning permission be granted, that adequately mitigate the impact of aircraft noise. This is to ensure that the operations of EMA are not compromised as a result of sensitive development within the vicinity of EMA.

No Objections from:

High Speed Rail 2 (HS2) Consortium.
Leicestershire County Council – Minerals and Waste Planning Authority.
National Highways.
NWLDC Conservation Officer.

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

Active Travel England.
East Midlands Airport Safeguarding.
Leicestershire County Council – Archaeology.
Leicestershire County Council – Ecology.
Leicestershire County Council – Highways Authority.
Leicestershire County Council – Lead Local Flood Authority.
Leicestershire County Council – Planning Obligations.
Leicestershire County Council – Tree Officer.
Leicestershire Police – Designing Out Crime Officer.
NHS Nottingham and Nottinghamshire Integrated Care Board.
NWLDC Affordable Housing Enabler.
NWLDC Environmental Protection.
NWLDC Environmental Protection – Air Quality.

NWLDC Urban Designer.
NWLDC Waste Services.

Third Party Representations

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

Grounds of Objection	Description of Impact
Principle of Development	There is no requirement for further housing given the amount already constructed in the settlement and surrounding areas.
	The development would need to be considered in conjunction with other developments in Kegworth so that plans are clear on how roads, schools, medical services and public transport would be improved. No proportional investment in infrastructure or public services has occurred despite residential developments occurring.
Residential Amenity	The proposed construction of the development will result in adverse noise and dust impacts to residents.
	The amenities of any future occupants would be adversely affected due to the relationship the site has with the M1, East Midlands Gateway and East Midlands Airport particularly from noise and light pollution.
	The proximity of the proposed dwellings to existing residential properties will result in adverse overlooking, overbearing and overshadowing impacts to the amenities of existing occupants.
	Vehicular noise will impact adversely on residential amenity with regular car cruising also occurring on the Kegworth Bypass and A453.
	The impacts of noise to residential amenity would not be appropriately mitigated and would result in conflict with relevant policy and guidance in respect of this matter. Compliance with Building Regulations would also not be demonstrated when

	seeking to address internal noise impacts.
Design	The proposed extension to the settlement would alter the character of Kegworth particularly the Ashby Road end.
	Connectivity into the adjacent housing developments will increase the risk of crime occurring.
	Footpaths and connecting routes should be provided to enable access onto the site.
Highway Impacts	The delivery of an emergency access from Windmill Way will impact on highway safety.
	The public transport availability is inadequate and will not be used.
	Ashby Road will become a car park as the new bus stops will prove attractive to those who use East Midlands Airport.
	Vehicular movements through Kegworth will increase as Ashby Road has no direct access to the Kegworth Bypass. Additional traffic will result in detriment to highway safety.
	The additional traffic generated as a result of the development will impact adversely on the highway network.
	Vehicular speeds on Ashby Road are excessive and will increase as a result of the development.
	Insufficient off-street parking will be provided for the dwellings with garages not generally used for parking.
	Rat running still occurs on Ashby Road despite the presence of the bus gate.

	Construction traffic will have to use Whatton Road as access via Ashby Road to the south-west will not be possible due to the bus gate. This will result in detriment to highway safety.
Ecology	The proposed development will result in adverse impacts to ecological species, such as badgers, bats, hedgehogs, birds and newts, due to the loss of habitat.
Developer Contributions and Infrastructure	The local services and amenities such as roads, schools and GP surgeries will not cope with the additional pressures placed on them by further residents.
	The proposed development does not deliver the same facilities as was previously approved under 16/00394/REMM.
	The proposal offers no amenities to the settlement.
Other Matters	The application site is impacted by the route of HS2.

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 38, 39, 40, 41, 42, 44, 45, 47, 48, 49, 50 and 55 (Decision-making);
 Paragraphs 56, 57 and 58 (Planning conditions and obligations);
 Paragraphs 61, 65, 66, 71 and 81 (Delivering a sufficient supply of homes);
 Paragraphs 96, 98 and 102 (Promoting healthy and safe communities);
 Paragraphs 109, 110, 113, 115, 116, 117 and 118 (Promoting sustainable transport);
 Paragraphs 124, 125, 129 and 130 (Making effective use of land);
 Paragraphs 131, 133, 135, 136, 137, 139 and 140 (Achieving well-designed places);
 Paragraphs 161, 163, 164, 166, 170, 173, 174, 175, 178, 179, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change);
 Paragraphs 187, 193, 196, 197, 198, 199, 200 and 201 (Conserving and enhancing the natural environment);
 Paragraphs 202, 207, 208, 210, 212, 213, 215, 216 and 218 (Conserving and enhancing the historic

environment); and
Paragraph 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 D1 – Design of New Development;
Policy D2 – Amenity;
Policy H4 – Affordable Housing;
Policy H6 – House Types and Mix;
Policy Ec5 – East Midlands Airport
Policy IF1 – Development and Infrastructure;
Policy IF3 – Open Space, Sports and Recreation Facilities;
Policy IF4 – Transport Infrastructure and New Development;
Policy IF7 – Parking Provision and New Development;
Policy En1 – Nature Conservation;
Policy En6 – Land and Air Quality;
Policy He1 – Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 – Water – Flood Risk; and
Policy Cc3 – Water – Sustainable Drainage Systems.

Adopted Leicestershire Minerals and Waste Local Plan (2019)

The Leicestershire Minerals and Waste Local Plan was adopted on the 25th September 2019 and forms part of the development plan. The following policies are relevant to the determination of the application.

Providing for Minerals:

Policy M11: Safeguarding of Mineral Resources.

Providing for Waste:

Policy W9: Safeguarding Waste Management Facilities.

Other Policies

National Planning Practice Guidance.
National Design Guide.
North West Leicestershire Good Design Guide Supplementary Planning Document – April 2026.
North West Leicestershire Air Quality Supplementary Planning Document – October 2023.
North West Leicestershire Affordable Housing Supplementary Planning Document – December 2021 (including September 2022 clarification).
Leicestershire Highway Design Guide (Leicestershire County Council).
The Community Infrastructure Levy Regulations 2010.
The Conservation of Habitats and Species Regulations 2017.
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).
Noise Policy Statement for England.

5. Assessment

Principle of Development and Sustainability

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance comprises the adopted North West Leicestershire Local Plan (2021) and the adopted Leicestershire Minerals and Waste Local Plan (2019).

The site is located within the defined Limits to Development where the principle of residential development is acceptable subject to compliance with relevant policies of the adopted Local Plan and other material considerations. Within the NPPF (2024) there is a presumption in favour of sustainable development, and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

The sustainability credentials of the scheme would need to be assessed against the NPPF and in this respect Policy S2 of the adopted Local Plan defines Kegworth as a 'Local Service Centre' which is a settlement that provides some services and facilities primarily of a local nature which meet day-to-day needs and where a reasonable amount of new development will take place.

On the basis of the above the application site would be considered a sustainable location for new development due to it benefitting from a range of services and being readily accessible via public transport, as such future residents would not be heavily reliant on the private car to access the most basic of services.

From a social perspective, the provision of 150 dwellings with a mix of 1, 2, 3 and 4 bedroomed properties would support and contribute to the housing needs of different groups in the community.

It is also the case, in accordance with Policy IF1 of the adopted Local Plan, that the level of proposed development (i.e. a major application) is required to mitigate its impact to infrastructure (such as schools and doctors' surgeries) by the provision of relevant developer contributions. The '*Developer Contributions and Infrastructure*' section of this report below outlines in more detail the contributions which would be secured, but in brief these would include monetary contributions towards education, civic amenity, libraries, doctors' surgeries and transportation, with a sports pitch and locally equipped area of play (LEAP) provided on site. Affordable housing to meet the needs of the District would also be delivered on the site. Overall, the securing of such contributions within a Section 106 agreement would further ensure that the development is socially sustainable.

Whilst noting comments from the Parish Council and third parties in relation to the cumulative impacts of development to the above infrastructure, it is the case that the calculations used by the relevant consultees to determine whether financial contributions are required to mitigate against the impacts of development account for other developments consented which impact on such infrastructure. The relevant contributions secured from such developments are then utilised in combination to undertake improvements to the infrastructure as and when required (i.e. creating additional school space by expanding schools and extending and adapting doctors' surgeries).

From an environmental perspective the provision of the housing would result in development on a greenfield site, but an extant planning permission for 110 dwellings exists on the site as permitted under application references 12/00323/OUTM and 16/00394/REMM. Also, Policy H1k of the adopted Local Plan recognises that if the above consents had lapsed, then they would be renewed, subject

to the policies of the adopted Local Plan and any other material planning considerations. It has therefore been determined that the loss of the greenfield site to accommodate the form of development proposed (i.e. residential) would be acceptable and would not result in significant conflict with the environmental objective enshrined within the NPPF.

To conclude, there would be no substantial harm to the built and natural environment, with any harm being outweighed by the economic benefits associated with the construction of the dwellings and the positive social sustainability aspects of the scheme. As a result, the proposal is considered sustainable in accordance with Policy S2 of the adopted Local Plan as well as the core objectives of the NPPF.

The housing figures required for the District in the adopted Local Plan are only minimum figures, not maximum figures, and consequently the provision of housing in appropriate locations (i.e. within the Limits to Development and within appropriate settlements as outlined in Policy S2 of the adopted Local Plan) will remain acceptable in principle.

Overall, therefore, the principle of the development is considered to be acceptable, subject to all other material planning matters being addressed.

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

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

As part of the consideration of the application the Council's Urban Designer has been consulted.

Density

Based on the area of the application site (11.2 hectares), the net density of the development would be 13 dwellings per hectare. However, based on the developable site area of 4.24 hectares, which excludes areas of the site where building would be prohibited due to the proximity to the M1 motorway and presence of a gas easement, the net density of the development would be 35 dwellings per hectare.

One of the reasons for the refusal of planning permission under application reference 15/00442/FULM (for 160 dwellings) related to the density being too high (38 dwellings per hectare) when compared with that of Windmill Way (22 dwellings per hectare). The extant consent for 110 dwellings has a density of 26 dwellings per hectare.

It is recognised that the Local Plan which application 15/00442/FULM was assessed against had a specific policy which related to housing density (Policy H6) whereas the adopted Local Plan does not. In addition, the content of the NPPF has been updated since the time application reference 15/00442/FULM was determined.

Paragraph 129 of the NPPF requires planning decisions to support development that makes efficient use of land when taking into account, amongst other things, the identified need for different types of housing and the availability of land to accommodate it (criterion a) and the desirability of maintaining an area's prevailing character and setting (criterion d).

Notwithstanding this, Paragraph 130 of the NPPF identifies that it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site. This is of particular importance where there is an anticipated shortage of land for meeting identified housing needs.

Whilst acknowledging the concerns raised by the Parish Council and third parties in respect of this matter, the scheme has been reduced from 163 dwellings (as was originally proposed) to 150 dwellings, and for the reasons as discussed in the '*Site Layout*' subsection below, the proposed layout is considered to be acceptable to the Council's Urban Designer and consistent with the Council's adopted Good Design Guide SPD.

Although the density would be higher than that of the extant consent and the residential properties comprising Windmill Way, it is noted that Windmill Way largely comprises detached dwellings. The delivery of detached dwellings would ordinarily result in a lower density of development when compared with the proposed scheme which seeks to deliver an appropriate level of affordable housing and a mix of dwellings (including 2 and 3 bed properties) which results in terraced and semi-detached properties being provided.

It is clear that Paragraph 130 of the NPPF requires development to make optimal use of the potential of a site and whilst accepting the site constraints, residential properties would only be provided on around 40% of the overall site area which ordinarily would be considered a significant underuse of land. In this case, the proposal is not considered to be an underuse of land given the constraints set out above relating to the presence of the M1 motorway, and the gas easement which both limit the developable areas of land that is capable of being developed for housing.

When accounting for the delivery of affordable housing and an acceptable housing mix, it is considered that the proposed density, when accounting for the layout and arrangement of the dwellings, would not be of significant detriment to the area's character and setting and would result in the optimal use of the site. On this basis, it is considered that there would not be conflict with Paragraphs 129 and 130 of the NPPF and a reason to refuse the application in this respect would not be justified.

Site Layout

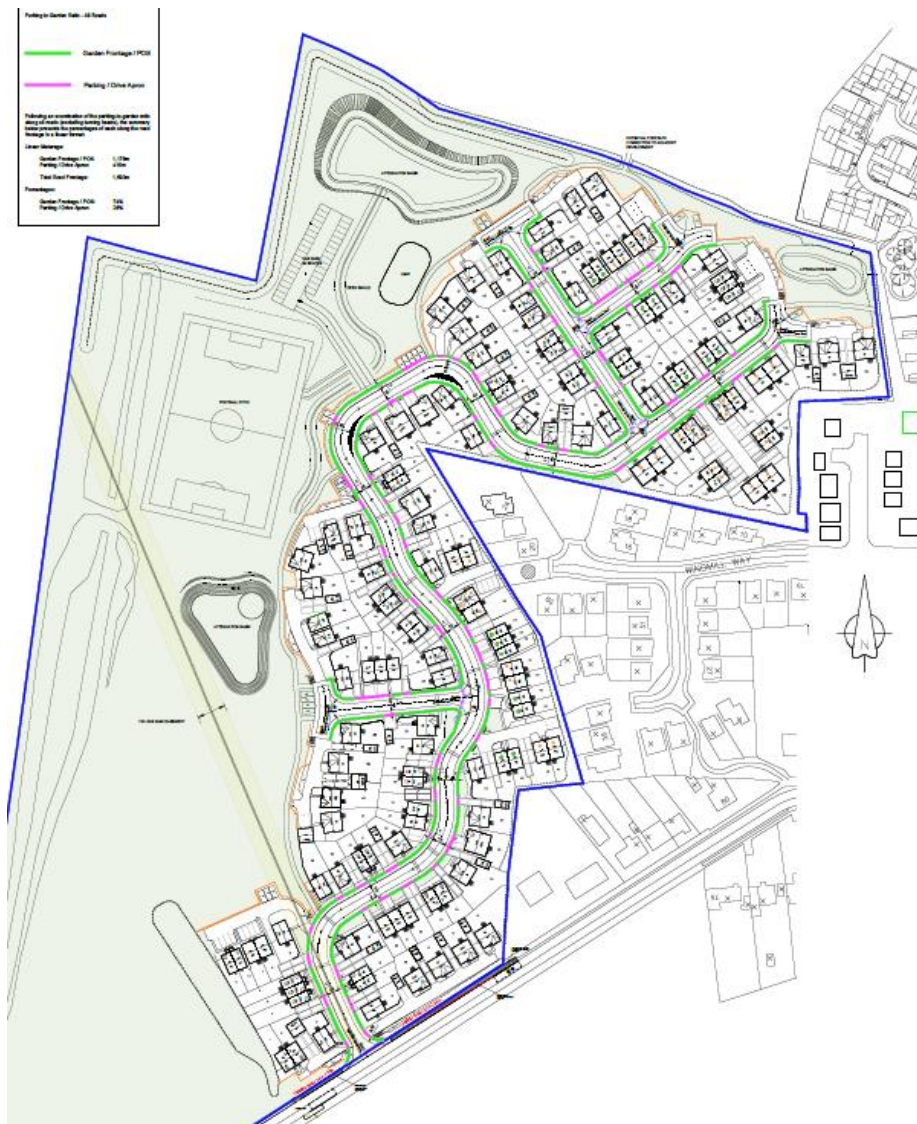
The proposed application has been through multiple revisions of a site layout to address comments raised by the Council's Urban Designer, with the scheme as originally proposed comprising 163 dwellings which has subsequently been reduced to 150 dwellings.

Proposed Site Layout

The proposed site layout of the residential development (for 150 dwellings) is as outlined on the following page.

infrastructure to reduce the expanse of hard surfacing which would be created, with the image below indicating the extent of land which would comprise an access and frontage parking area, and those which comprise soft landscaping delivered to the frontage of the plots.

Parking to Garden Ratio



Based on the contents of this plan, the access and frontage parking areas (identified in purple) would amount to 28% with frontage soft landscaping (identified in green) comprising 74% of the overall streetscape. In this context it is considered that, overall, compliance with the aims of the Council's adopted Good Design Guide SPD in relation to the '50 / 50 split' would be achieved.

The main outstanding matter of the Council's Urban Designer relates to the eastern side of the main internal road from plots 43 to 81 as a means of improving the street enclosure by the removal of forecourt parking to the frontage of plots 49 to 55 and 79. As suggested in the image on the following page, the alteration by the Council's Urban Designer would result in the creation of an additional dwelling.

Council's Urban Designer Suggested Amendment to Eastern Side of the Main Internal Road

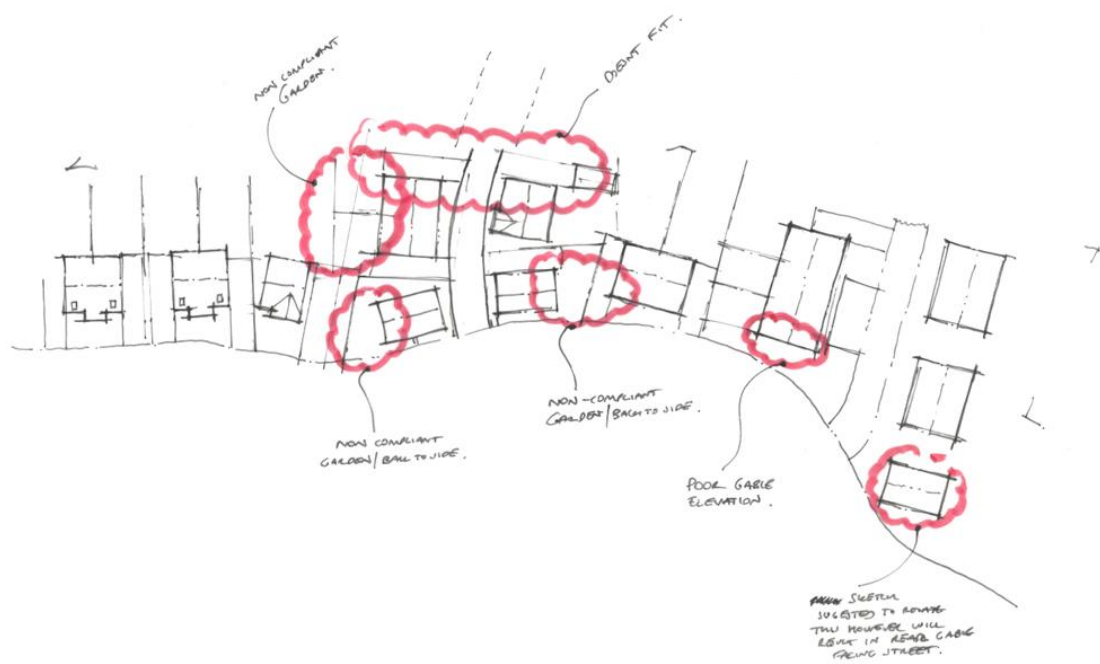


The applicant has reviewed the Council's Urban Designer's suggested amendment and when applying their house types, and following fixed points demonstrated on the Council's Urban Designer's amendment, the plotting would not allow for garden sizes or relationships between certain plots which would be compliant with the Council's adopted Good Design Guide SPD. In addition, the parking on the private drive would fall outside of the red line boundary of the application site and therefore lie within land associated with nos. 20 and 59 Windmill Way. The Council's Urban Designer's suggested amendment would also result in the rear elevations of three terraced properties being visible within the streetscape, which is not the case with the currently proposed layout where side and rear elevations are not prominent from the main internal highway. Plot 43 as orientated within the Council's Urban Designer's suggested amendment would also result in the rear elevation being highly visible within the streetscape. The sketches provided by the applicant, as shown on the following page, demonstrate their concerns as are identified above.

Applicant's Sketch of Amended Layout 1



Applicant's Sketch of Amended Layout 2



The Council's Affordable Housing Enabler (AHE) has also reviewed the Council's Urban Designer's suggested amendment and has outlined that the applicant has struggled to attract interest from a Registered Provider (RP) in relation to the affordable housing. In this respect, securing affordable housing on site, in line with policies of the adopted Local Plan, has been an area of concern to the Council's AHE across all planning gain sites in the District (i.e. residential developments that are not wholly affordable housing). Presently the Council's Housing Department, as an RP, has submitted an offer which remains under consideration by the applicant and which would ensure on-site affordable housing delivery. The Council's AHE considers that the scheme has been designed so that the affordable housing meets the identified priority housing needs and therefore there are no objections to the proposed layout, as those properties largely suggested to be redesigned in line with the Council's Urban Designer's suggested amendment comprise the affordable housing.

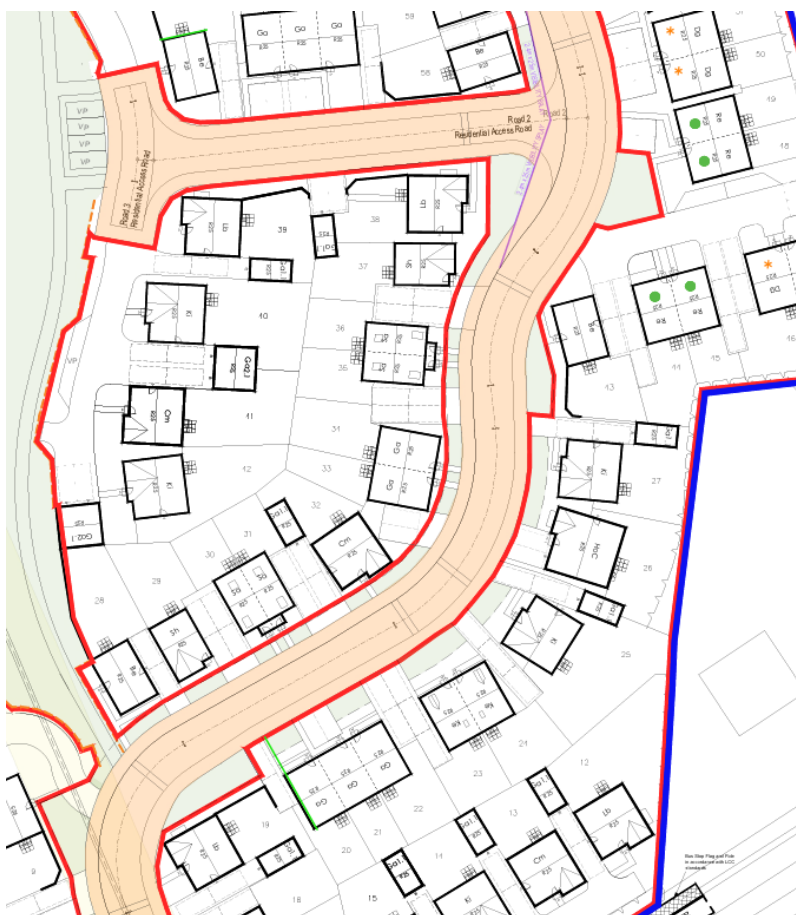
Whilst the layout has not been amended to suit the request of the Council's Urban Designer, it is considered that such a change would be marginal in the overall layout of the development which has been substantially amended in line with the recommendations of the Council's Urban Designer so as to be compliant with the Council's adopted Good Design Guide SPD. In addition, the proposed amendment would result in implications to the affordable housing delivery which, as designed, is acceptable to the Council's AHE and reflects priority needs within the District.

Overall, it is considered that the proposed layout is acceptable and would allow the development to integrate successfully into the environment in which it is set given its close association with existing residential development. On this basis, there would be no detriment to the visual amenities of the streetscape or the wider environment. The acceptance of the layout would also address the placemaking (toolkit criterion 8) of Active Travel England's (ATE's) standing advice.

Street Trees

As required by Paragraph 136 of the NPPF, the layout of the development has been altered to enable the delivery of street trees principally to the western side of the main internal highway area. The areas where such trees would be planted now falls outside the 'curtilage' of the individual plots and would therefore be subject to future maintenance (once provided) by a management company acting on behalf of the developer. The extract within the image on the following page is taken from the Land Transfer Plan and indicates (in green) areas which would be the responsibility of the management company.

Extract Showing Areas Subject to Management Company Arrangements (Identified in Green)



Such trees being delivered outside of the curtilage of individual plots would allow for their long term establishment and survival, whilst also ensuring that they would not be subject to piecemeal management by individual homeowners. On this basis, they would contribute positively to the visual amenities of the streetscape in line with the Council's adopted Good Design Guide SPD, as well as Paragraph 136 of the NPPF. The Council's Urban Designer has welcomed this amendment.

Street Scene

In order to respond to comments raised by the Council's Urban Designer around the relationship between certain dwellings with differing roof heights and widths, the applicant has provided a street scene image associated with plots 75 and 78 to 82 which includes both two-storey dwellings and a two and a half storey dwelling. This image is shown on the following page.

Street Scene – Plots 75 and 78 to 82



Precise finished floor and ground levels are recommended to be subject to condition on any planning permission granted, in the absence of any precise details. Notwithstanding this, the Council's Urban Designer is satisfied with the arrangement as suggested by the proposed street scene.

Linkages

Notwithstanding pedestrian movements via the main vehicular and pedestrian access into the site off Ashby Road, the scheme proposes four more pedestrian linkages as are highlighted in the image below.

Proposed Linkages



Two linkages would be onto Windmill Way, with one onto Pritchard Drive and the other in a northern direction towards the site which has extant consent for 141 residential dwellings as permitted under application references 14/00541/OUTM, 19/00878/REMM and 19/01757/REMM. The development

to the north, if built out, would also provide further sports pitches and a pavilion.

The delivery of the linkages, along with a timetable for their implementation and relevant signage, would be secured by condition on any planning permission granted and whereby it could be demonstrated whether such linkages would also provide for cycle movements.

It is considered that the delivery of such linkages would address concerns raised by the Parish Council and third parties in relation to the access to facilities within the settlement given that ease of movement would be afforded towards Packington Hill and Derby Road, as well as High Street. Additionally, the linkages would also enable existing residents on Windmill Way and Pritchard Drive, as well as the surrounding streets, an appropriate opportunity to access the public open space (POS), sports pitch and locally equipped area of play (LEAP) to be delivered as part of the proposed development. If the residential development to the north is also built out, then access to further sports pitches and the pavilion to existing residents would also be afforded through the application site.

The delivery of the linkages would also address the site permeability (toolkit criterion 7) section of ATE's standing advice.

Although a further third party representation has outlined that the delivery of the linkages would increase the risk of crime, this is not substantiated by any evidence. It is considered that the proposed linkages would be subject to natural surveillance by both the proposed dwellings as well as existing dwellings (where linkages lead into neighbouring streets) given the openness of the routes that would be created. This is in line with the Council's adopted Good Design Guide SPD, with there being no objections from the Council's Urban Designer or the Leicestershire Police Designing Out Crime Officer (DOCO) in this respect.

Acoustic Bund

As is discussed in the '*Neighbours and Future Occupants Amenities*' section of this report below, there is a requirement to provide an acoustic bund as a means of addressing noise impacts associated with the operation of the M1 motorway. The location of the acoustic bund is as shown in the image on the following page.

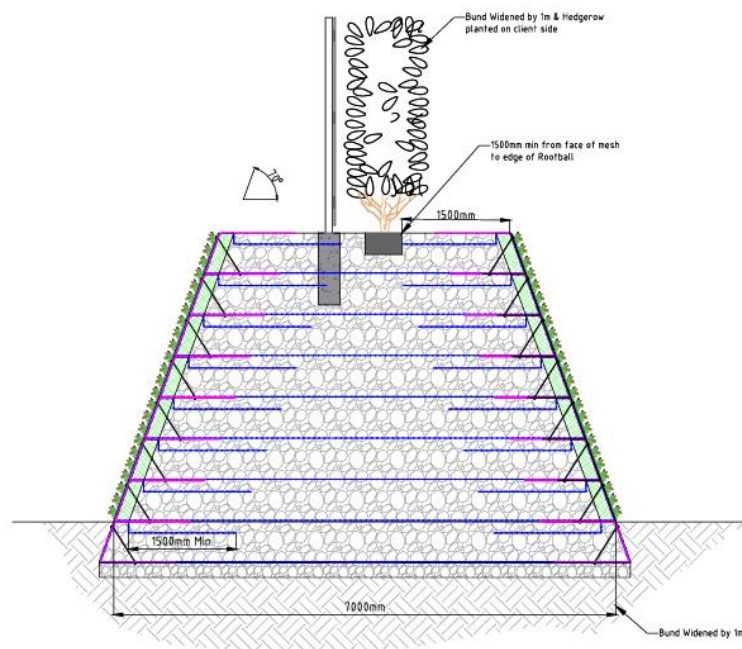
Acoustic Bund Location



This acoustic bund would have an overall height of 7 metres, which comprises a bund of 4 metres and an acoustic fence of 3 metres, and is as shown in the image below.

Acoustic Bund

2 Hedgrow Option
Scale: 1:50



The acoustic bund would be built using GeoGrow which is a vegetated wall system and therefore would have a landscaped appearance. In addition, amendments made to the design of the acoustic bund at the request of the Council's Urban Designer and officers have resulted in its width being extended so that hedgerow planting can be provided on the plateau of the acoustic bund in order to assist in screening the acoustic fence. This, in time, would reduce the visual impact of the acoustic fence whilst also reducing the impact to those future residential receptors located close to the acoustic bund.

In line with advice from the Council's Urban Designer, the applicant has also stated that additional tree planting would be delivered around the base of the acoustic bund which, again, in time, would assist in providing natural screening. Such tree planting is recommended to be secured by condition on any planning permission granted.

Consideration should also be given to painting the acoustic fence so that its overall appearance is more recessive in appearance. A condition is therefore recommended to be imposed on any planning permission granted to secure this.

Garden Sizes

The '*Rear Garden Size*' specification GH-GB.7 within the '*Garden & Balconies*' table on page 183 of the Council's adopted Good Design Guide SPD states that "*private gardens **must** be at least equal to the footprint of the property, without including any space allocated for bin storage.*" In addition, the '*Apartments*' specification GH-GB.9 and GH-GB.10 within the same table specify, respectively, that "*ground floor apartments **should** have semi-private spaces*" and "*apartments above ground floor **should** provide private balconies for units of at least 2.0 x 1.5m*" (**emphasis from document**).

Based on the proposed layout, the number of dwellings which would not have a private garden which would be equal to the footprint of the property would be limited to 11, with none of the eight apartments having a semi-private space, or a private balcony where situated at the first floor level. Of the 11 properties, the garden size would be the equivalent of around 75% to 80% of the footprint of the property, and therefore whilst not wholly compliant, such a garden would not be considered undersized.

Although this conflicts with the Council's adopted Good Design Guide, the impact is limited to 12.7% of the total number of properties to be created, with the 11 dwellings (or 7.3% of the 12.7%) having garden sizes which would be the equivalent of 75% to 80% of the footprint of the property. It is therefore considered that a reason to refuse the application on this basis could not be substantiated.

House Types

A selection of the proposed house types to be used within the development are as shown in the images on the following pages.

Lambridge House Type (Uplift with Render and Chimney) – Detached – 4 Bedrooms



Barndale House Type (Uplift with Render and Chimney) – Detached – 3 Bedrooms



Kennet House Type (Uplift with Render) – Semi-Detached – 4 Bedrooms



Ground Floor



First Floor



Second Floor

Galloway House Type (Uplift) – Semi-Detached – 3 Bedrooms



Ground Floor



First Floor

Audley-Wareham House Type – Semi-Detached – Combination of Two x 1 Bedroom and One x 2 Bedroom



Broxbourne House Type (Uplift) – Detached – 2 Bedrooms



Amendments have been made to the house types from those originally submitted in response to comments from the Council's Urban Designer and officers so that side elevations presented to the street have 'interest' to them in the form of windows and detailing (this being in line with '*The Role of Corners*' section of the Council's adopted Good Design Guide SPD – page 128). In addition, the majority of the properties which have off-street parking located to their side are provided with a surveillance window within an active room so as to provide overlooking of such parking (in line with the '*Car Parking – Between Plot*' MO-PP.2 specification on page 77 of the Council's adopted Good Design SPD).

It is considered that the house types follow a traditional form with the applicant taking inspiration from the development brought forward by them on Pritchard Drive which lies to the north-east of the site and comprises dwellings that have been designed to contribute positively to the overall character and appearance of the streetscape. Such a traditional approach includes the placement of chimneys, and the use of canopies, cill and lintel detailing, eaves and verge detailing and bay windows. Some images of the dwellings constructed on Pritchard Drive are shown in the images below.

Persimmon Dwellings on Pritchard Drive, Kegworth



A materials schedule submitted proposes the use of three different bricks (Forterra Kimbolton Red, Forterra Lindum Cottage Red Multi and Forterra Clumber Red) along with the use of Ivory / Cream monocouche render. In addition, grey and brown roof tiles would also be utilised. Whilst the use of such materials would be consistent with the colour and type of materials used by the applicant on their development at Pritchard Drive, it is considered that in the absence of samples (or a built example demonstrating how the materials appear), a condition should be imposed on any planning permission granted which would require precise details of the external materials to be submitted for approval. Overall, however, the materials proposed to be used would be consistent with those utilised in the construction of traditional houses within the area.

So as to ensure that the design quality anticipated by the elevational information of the dwellings is achieved, conditions are recommended to be imposed on any planning permission granted which would require details of the following (in addition to the bricks, render (including colour finish) and roof tiles referred to above):

- (i) A detailed section to demonstrate that all joinery would be set in reveal;
- (ii) Precise construction material and design finish to canopies / door surrounds;
- (iii) Colour finish to entrance (front) doors;
- (iv) Colour finish to window and rear doors;
- (v) Precise construction material and design finish of the chimneys;
- (vi) Precise construction finish and design to cills and lintels;
- (vii) Precise design finish to the corbel, eaves, verges, and string course;
- (viii) Use of wet-bedded verges; and
- (ix) Location of external meter boxes.

It is considered that a condition requiring the colour of the windows and doors to be approved is required given that the use of white coloured windows should be avoided and differing colours to the front doors should be utilised. Wet-bedded verges are also recommended to be conditioned given the traditional approach to the design. Glass reinforced plastic (GRP) is also discouraged to chimneys and canopies / door surrounds (as well as the roofs of bay windows) and therefore an informative is recommended to be imposed on any planning permission granted to advise that GRP will not be acceptable.

Overall, the proposed house types have been positively designed in line with the requirements of the Council's adopted policies and Good Design Guide SPD and would be appropriate to their setting.

Boundary Treatments

The proposed site layout plan indicates that the main boundary treatments would include 1.8 metre high brick walls, 1.8 metre high close boarded fencing and timber knee rails. Generally the plan indicates the provision of brick walls to those boundaries which would have visibility within the public domain (as required by the '*Gardens & Balconies*' GH-GB.2 specification on page 183 of the Council's adopted Good Design Guide SPD) but does not define what the boundary treatment would be between the public and private domain. Whilst, based on the proposed on-plot soft landscaping plans (as discussed in more detail in the 'Landscaping' section of this report below), the likely 'boundary treatment' between the public and private domain would comprise hedgerows, it is considered that the boundary treatment plan should make this clear for the avoidance of doubt. In addition, a higher specification for the boundary treatment is required for the purposes of addressing noise (as discussed in the '*Neighbours and Future Occupants Amenities*' section of this report below) with such boundary treatments not currently identified on the plan.

In the absence of precise information, a condition is recommended to be imposed on any planning permission granted which would require an alternative scheme of boundary treatments to be submitted for approval.

As submitted, the information is not precise as to whether there will be a requirement for retaining walls / structures. On this basis, a condition is recommended to be imposed on any planning permission granted which would require the details of any retaining walls / structures above 0.2 metres in height (including an elevation detail) to be submitted for approval. This would ensure that careful consideration can be given to the height and design approach of any retaining structure which may be visible from within the public domain.

Other Infrastructure

The proposed layout does not suggest there is a requirement for the installation of any surface water / foul pumping station and / or a substation. Notwithstanding this, a condition is recommended to be imposed on any planning permission granted which would require precise details of such infrastructure to be submitted for approval (if it is required in connection with the development) so that careful consideration can be given to the placement and design of such infrastructure.

Design and Impact on the Character and Appearance of the Streetscape Conclusion

Overall, the Council's Urban Designer is supportive of the proposals, and subject to the imposition of conditions and informatives, it is considered that the design, appearance and scale of the development would be acceptable and would enable it to successfully integrate into the environment in which it is set. On this basis, the proposal would be compliant with Policy D1 of the adopted Local Plan, the Council's adopted Good Design Guide SPD and Paragraphs 131 and 135 of the NPPF.

Housing Mix

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

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

The submitted scheme proposes the following (%):

- 1 bed – 0% (Market) and 18% (Affordable);
- 2 bed – 4% (Market) and 44% (Affordable);
- 3 bed – 54% (Market) and 38% (Affordable); and
- 4 bed+ - 42% (Market) and 0% (Affordable).

The development would predominantly focus on 3 bed market dwellings with the number of 4 bed market dwellings being significantly above that expected by the HEDNA and the number of 2 bed market dwellings being significantly below. The affordable mix would result in a higher proportion of 2 and 3 bed dwellings, when compared with the HEDNA, and a lower percentage of 1 bed dwellings.

HEDNA mix is one of several factors to have regard to when assessing a housing development of 10 or more dwellings, with regard also given to the “needs and demands of all sectors of the community” (criterion (e) of Part (2) of Policy H6) and the “character and context of the individual site” (criterion (f)). Furthermore, the supporting text to Policy H6 outlines at paragraph 7.48 that “1 bed properties are generally not regarded as providing sufficient flexibility for changing household composition and are therefore not considered sustainable in the long term”, with paragraph 7.49

indicating that there needs to be focus on *“delivering 2 and 3 bedroom properties in order to provide a better balance in the housing market.”*

As is outlined above, Paragraph 129 of the NPPF requires planning decisions to support development that makes efficient use of land when accounting for, amongst other things, the desirability of maintaining an area's prevailing character and setting (criterion d). Additionally, the importance of securing well-designed attractive and healthy places should also be accounted for (criterion e).

In respect of the affordable housing mix, the Council's AHE has outlined that it meets the identified needs in the area and is therefore acceptable.

Whilst it is assessed above that the proposed density of the development is acceptable, it is acknowledged that the Parish Council and third parties have raised concerns in this respect. It is also outlined above that Windmill Way, the residential development which the application site is adjacent to, comprises detached dwellings. Whilst not a 'countryside' edge, the development has been designed so that those plots which sit adjacent to the public open space (POS) are detached dwellings within larger plots, with those plots facing onto Ashby Road also being predominantly detached dwellings in larger plots given their association with no. 90 Ashby Road. This results in the development 'feathering' out at the edges in a manner which would be consistent with how the residential dwellings on Windmill Way were designed. Additionally, the delivery of smaller dwellings in order to 'rebalance' the housing mix would significantly increase the density of the development which would therefore further highlight concerns over the compatibility of the development in this part of Kegworth.

When the market and affordable mixes are combined, 65% of the total number of dwellings to be created would comprise a two or three bedroomed dwelling and it is thereby considered that this would contribute positively towards the aim of providing a better balance in the housing market which is the general purpose of Policy H6 of the adopted Local Plan and the HEDNA. There would also be positive social benefits as a result of the delivery of the sports pitch, the locally equipped area of play (LEAP) and POS given that such facilities are lacking in this part of Kegworth.

It is determined that the compliance with criteria (e) and (f) of Part (2) of Policy H6, as well as Paragraph 129 of the NPPF, would negate the lack of compliance with the housing mix suggested by the HEDNA in this instance.

When accounting for the above, it is considered that the housing mix proposed would be acceptable and not discordant with the aims of Parts (3) and (5) of Policy H4 and Part (2) of Policy H6 of the adopted Local Plan.

Part (3) of Policy H6 of the adopted Local Plan outlines that developments of 50 or more dwellings should provide a proportion of dwellings that are suitable for occupation by the elderly, including bungalows (criterion (a)) and a proportion of dwellings which are suitable for occupation or easily adaptable for people with disabilities (criterion (b)). Part (5) of Policy H4 of the adopted Local Plan also encourages the provision of affordable homes to meet the needs of elderly people, including the provision of bungalows.

Although Part (3) of Policy H6 is applicable both criteria 3(a) and 3(b) are not specific on what 'proportion' of dwellings would be required, nor is it defined what would constitute a dwelling which would be suitable for occupation by an elderly and / or disabled person. In this respect, criterion (a) simply indicates that the proportion of dwellings should include bungalows and that in relation to criterion (b) a dwelling should accord with Part M4(2) of the Building Regulations.

As proposed, the development would provide six affordable bungalows which is acceptable to the Council's AHE, on the basis of the need for these types of dwellings, with four affordable ground floor

flats / apartments also being delivered which would be suitable for elderly or less able occupants. The proposed dwellings could also be constructed to meet the standards outlined in Part M4(2) of the Building Regulations.

On this basis it is considered that the development would be compliant with Part (5) of Policy H4 and Part (3) of Policy H6 of the adopted Local Plan.

Overall, the mix of housing types and tenures would suit local requirements and consequently would be compliant with Building for a Healthy Life (BfHL) criteria relating to '*Homes for Everyone*'.

Neighbours and Future Occupants' Amenities

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

The closest residential receptors to the application site would be those on Ashby Road and Windmill Way to the east, Sibson Drive to the south-east, and Pritchard Drive to the north-east.

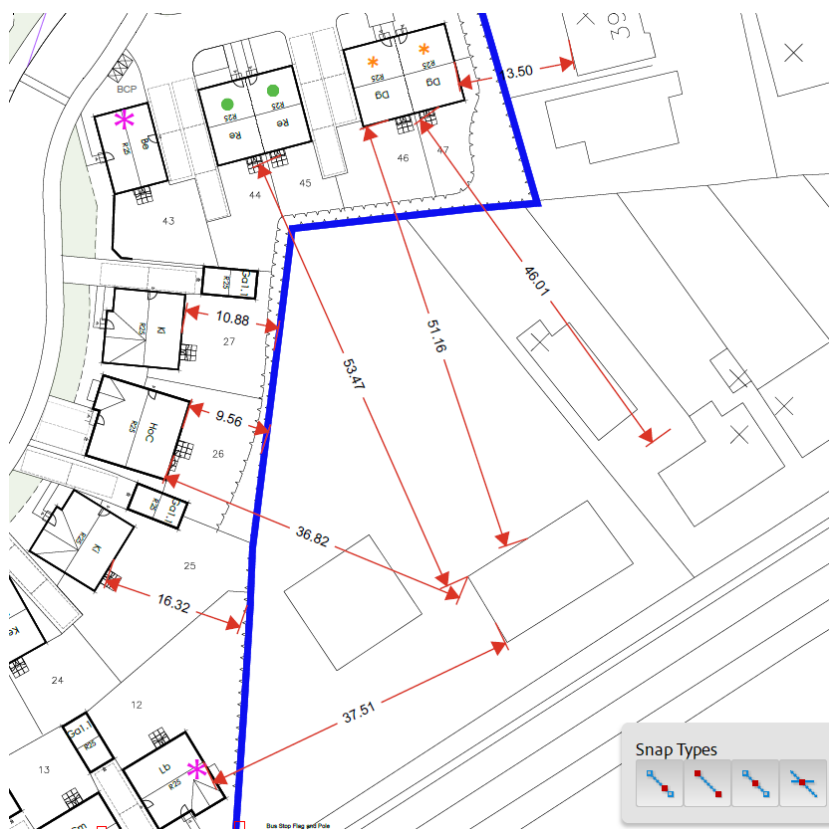
Topographically land levels on the site fall generally in a northern direction with land levels of around 66 metres Above Ordnance Datum (AOD) at the boundary with Ashby Road and those of the northern site boundary being around 50 metres AOD.

Relationship between Existing and Proposed Dwellings

Nos. 86 to 90 (even nos. inclusive) Ashby Road

The proposed separation distances to be established between plots 12, 25 to 27 and 44 to 47 and nos. 86 to 90 Ashby Road (even nos. inclusive) are as shown in the image on the following page.

Proposed Separation Distances to nos. 86 to 90 (even nos. inclusive) Ashby Road



The shortest separation distance between elevations shown in the above image is 36.82 metres between the south-eastern (rear) elevation of plot 26 (a two-storey dwelling) and the north-western corner of no. 90 Ashby Road.

Nos. 37 to 43 Windmill Way (odd nos. inclusive)

The proposed separation distances to be established between plots 47 to 51 and nos. 37 to 43 (odd nos. inclusive) Windmill Way are as shown in the image on the following page.

Proposed Separation Distances to nos. 37 to 43 (odd nos. inclusive) Windmill Way

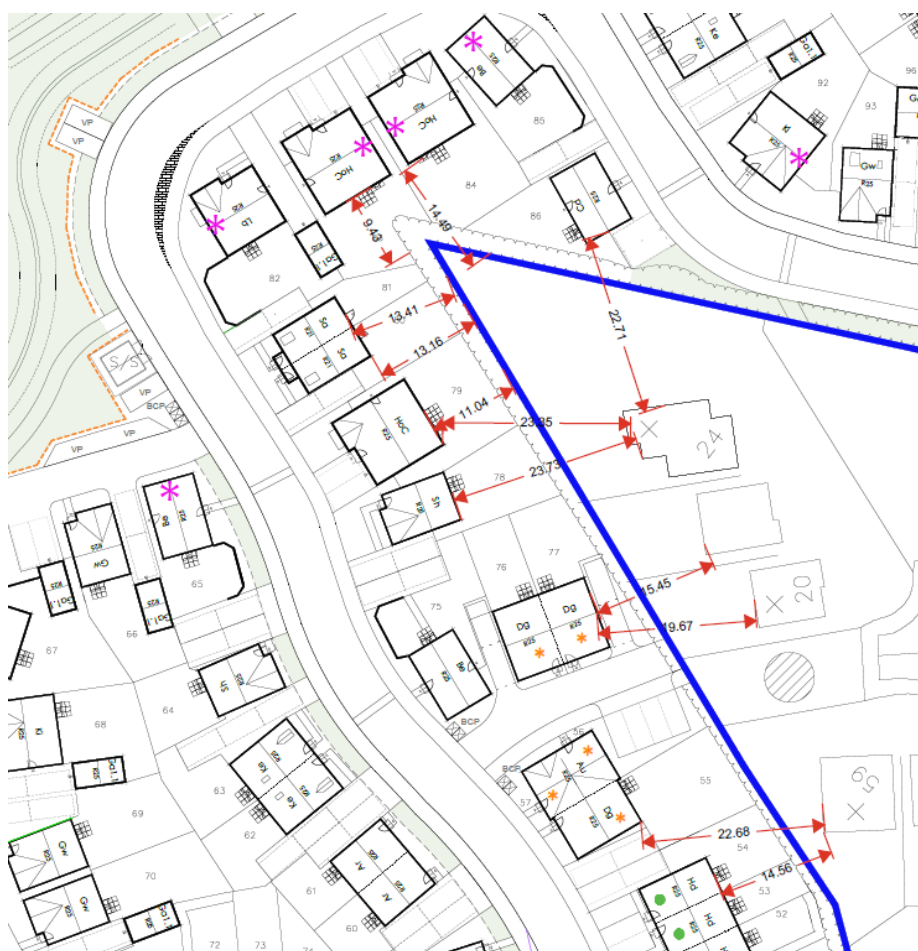


The shortest separation distance between elevations shown in the above image is 8.89 metres between the south-eastern corner of plot 47 (a two-storey dwelling) and the south-western (rear) elevation of no. 37 Windmill Way (a two-storey (with habitable accommodation in the roof slope) dwelling).

Nos. 20 to 24 (even nos. inclusive) and no. 59 Windmill Way

The proposed separation distances to be established between plots 53 to 57 and 75 to 86 and nos. 20 to 24 (even nos. inclusive) and no. 59 Windmill Way are as shown in the image on the following page.

Proposed Separation Distances to nos. 20 to 24 (even nos. inclusive) and no. 59 Windmill Way



The shortest separation distance between elevations shown in the above image is 14.56 metres between the north-eastern (rear) elevation of plot 53 (two-storey dwelling) and the western (side) elevation of no. 59 Windmill Way (a two-storey dwelling).

Nos. 10, 12 and 18 Windmill Way and Nos. 3 to 9 (odd nos. inclusive) and no. 8 Sibson Drive

The proposed separation distances to be established between plots 132 to 145 and nos. 10, 12 and 18 Windmill Way and nos. 3 to 9 (odd nos. inclusive) and no. 8 Sibson Drive is as shown in the image on the following page.

Proposed Separation Distances to nos. 10, 12 and 18 Windmill Way and nos. 3 to 9 (odd numbers inclusive) and no. 8 Sibson Drive



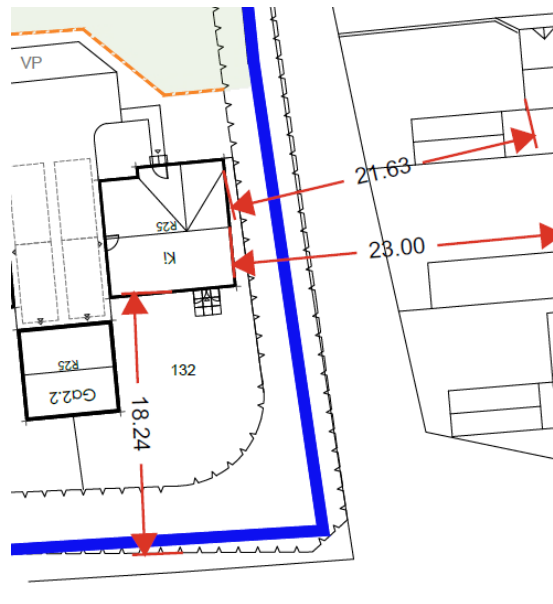
The shortest separation distance between elevations shown in the above image is 10.57 metres between the south-western corner of plot 144 (a single storey dwelling) and the north-eastern (side) elevation of no. 18 Windmill Way (a two-storey dwelling). The next shortest separation distance would be 10.98 metres between the south-western corner of plot 141 (a single storey dwelling) and no. 10 Windmill Way (a two-storey dwelling).

For reference plots 135 to 136, 140 to 141 and 144 to 145 would comprise single storey dwellings (bungalows) with eaves heights of 2.52 metres and overall ridge heights of 6.72 metres.

Nos. 53 to 57 (odd nos. inclusive) Pritchard Drive

The proposed separation distances to be established between plot 132 and nos. 53 to 57 (odd nos. inclusive) Pritchard Drive are as shown in the image on the following page.

Proposed Separation Distances to nos. 53 to 57 (odd numbers inclusive) Pritchard Drive



The shortest separation distance between elevations shown in the above image is 21.63 metres between the eastern (side) elevation of plot 132 and the western (rear) elevation of no. 57 Pritchard Drive.

The Council's adopted Good Design Guide Supplementary Planning Document (SPD) includes, within its *'Householders – Distance and Measurements'* section, what is considered to be an appropriate relationship between new and existing development. Paragraph 03 on page 204 outlines that for *"two-storey development, there should be a 20m distance between properties."* Paragraphs 04 and 05 on page 204 state that:

"Where a principal window of a habitable room is directed to face the blank wall of a neighbouring building, there should be a minimum of 12m distance between the two buildings.

This may need to be greater if there is a difference in height between the buildings."

The first principle (i.e. a separation distance of 20 metres) generally relates to a 'back to back' distance as demonstrated by figure 2 on page 205.

Based on the above images, where a 'true' 'back to back' relationship would exist (e.g. between plot 78 and no. 24 Windmill Way) the separation distances would be in excess of 20 metres. The above images also demonstrate that where the rear elevation of an existing dwelling would be presented to the side elevation of a proposed dwelling (e.g. between plot 47 and 39 Windmill Way) the separation distances would be in excess of 12 metres. This would therefore be compliant with the Council's adopted Good Design Guide SPD. Where the shortest separation distances do exist between elevations (i.e. between plots 141 and 144 and nos. 10 and 18 Windmill Way, respectively), such dwellings are single storey and are angled so that they do not have a direct relationship with the opposing elevation of the existing dwellings. Whilst it is noted that the separation distance between plot 47 and no. 37 Windmill Way is less than that between plots 141 and 144 and nos. 10 and 18 Windmill Way, respectively, it is the case that plot 47 does not sit directly behind no. 37 and therefore the relationship is different. The offset of the proposed dwellings to the boundary with the existing residential properties would also be considered acceptable and compliant with the guidance set out within the Council's adopted Good Design Guide SPD.

On this basis it is considered that no adverse overbearing or overshadowing impacts would arise to the amenities of the occupants of any existing dwelling (either within the property itself or the external amenity area).

In terms of overlooking impacts, it is outlined above that where a 'back to back' relationship does exist, the separation distance exceeds that recommended by the Council's adopted Good Design Guide SPD. Those properties which are two-storey in height and present a side elevation to an adjacent existing dwelling (and its associated amenity area) are also designed so that if a first floor window does exist (as is the case with plots 47 and 77), it serves a non-habitable room and therefore could be conditioned (should planning permission be granted) to be obscure glazed with a restricted opening. In these circumstances, and given that two-storey properties are appropriately off-set from the shared boundaries with existing residential properties and / or are orientated so that a direct view would not be established, it is considered that no adverse overlooking impacts would arise to the amenities of the occupants of any existing dwelling (either within the property itself or its external amenity area).

The only exception where first floor windows do exist which serve habitable rooms is within plot 12 which has two bedroom windows in its north-eastern (side) elevation that would be presented to no. 90 Ashby Road. The direct view from such windows would be onto the front amenity area of no. 90 which largely comprises off-street parking associated with the dwelling, and which can be viewed from the street. On this basis, and when accounting for the overall size of the curtilage associated with no. 90, it is considered that any overlooking impacts arising would not be significantly detrimental to the amenities of the occupants of no. 90 that a refusal of the application could be justified.

When accounting for the separation distances identified above, it is also considered that the amenities of any future occupants of the proposed dwellings would not be adversely affected by the relationship with existing dwellings.

In this respect, the most sensitive relationship would be between no. 10 Windmill Way and plot 141, given that the north-eastern (rear) elevation of no. 10 is presented towards the boundary with plot 141. No. 10 is a two-storey dwelling but given that plot 141 is a single storey dwelling and is not orientated to face the north-eastern (rear) elevation of no. 10, it is considered that there would not be a direct overlooking impact between elevations. Whilst views may be established from first floor windows within no. 10 towards (and potentially onto) the rear amenity area of no. 10, the impact arising in this respect is not considered to be so adverse that a reason to refuse the application could be justified particularly as the occupant of plot 141 would be aware of the relationship with no. 10 prior to their purchase / occupation.

Relationship between Proposed Dwellings

It is considered that the relationship between the plots themselves would be acceptable, with suitable separation distances provided in line with the Council's adopted Good Design Guide SPD. In any event, and as is the case above, any future occupant(s) of the proposed dwellings would be aware of the relationship with neighbouring dwellings prior to their purchase / occupation.

Two mature trees protected by Tree Preservation Order (TPO) T143 were present within the curtilage of no. 43 Windmill Way at the time the application was originally submitted which had the potential to impact on the future amenities of any occupant(s) of plots 48, 49, 51 and 52 by way of shading impacts. During the consideration of this application, however, consent has been given for the removal of these trees under application references 21/01666/TPO and 25/00386/TPO, with the consent granted under 25/00386/TPO only requiring one replacement tree to be provided. A subsequent discharge of condition application (25/00992/DIS) has determined that the replacement tree will comprise an *Acer davidii* (Snake bark maple) which is an ornamental tree species.

In the circumstances that the replacement tree to be planted would not grow to have the stature of the Sycamore removed, it is considered that no adverse overshadowing impacts would arise to the amenities of the occupant(s) of the plots identified above. The County Council Tree Officer also does not have any objections to the application in this respect.

Other Residential Amenity Impacts

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

Paragraph 201 of the NPPF outlines that the focus of planning decisions *“should be 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.”*

Paragraph 200 of the NPPF also identifies that planning decisions should *“ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”*

By its nature, the future occupation of residential properties would not be considered a noisy use and thereby the amenities of the occupant(s) of any existing residential property would not be adversely affected by the provision of the proposed dwellings.

The other issue associated with the amenities of any future occupant(s) of the proposed dwellings would be in relation to noise due to the proximity of the site to the M1 motorway, East Midlands Gateway Strategic Rail Freight Interchange (EMGSRFI), Kegworth Bypass and East Midlands Airport (EMA).

In this respect the western boundary of the site lies adjacent to the M1 motorway, beyond which is the A453 and EMGSRFI, with the southern boundary being adjacent to Ashby Road, beyond which is the Kegworth Bypass and EMA being set to the south-west.

Regard has also been given to the potential for a development consent order (DCO) to be granted for the second phase of East Midlands Gateway (EMG2) on land to the north / north-east of the settlement of Diseworth (being on land allocated for employment development under allocation EMP90 of the Regulation 19 proposed submission draft North West Leicestershire Local Plan (‘submission draft Local Plan’), as well as a current outline planning application for employment development on the northern part of the EMP90 site allocation (i.e. land to the north of Hyam’s Lane) (24/00727/OUTM).

The application, as originally submitted in 2016, was accompanied by a Noise Assessment (NA) which was subsequently superseded by an amended Noise Assessment (ANA) submitted at the time of revised information being received in February 2025.

It is concluded by the ANA that road noise is very consistent throughout day and night-time periods at all monitoring positions within the site, but where the variation is as little as two decibels (dB). For simplicity, the ANA has only considered night-time noise levels given that the assessment criteria are more stringent than that of day-time noise. Aircraft by-passes are also considered, and which are assessed to be short in duration and therefore do not significantly impact the already high average noise levels across the site. This has been confirmed within the ANA by excluding aircraft

by-passes within a sample measurement period. On this basis, the ANA determined that all adverse noise is attributed to the dominant road traffic noise from the M1 and not to the surrounding local road network.

In commenting on the ANA, when compared with the originally submitted NA, the Council's Environmental Protection Team noted the proximity of multiple noise sources within the area and determined that, as proposed, the amenities of any future occupants of the proposed dwellings would be adversely affected as a result of noise impacts.

The applicant has subsequently submitted a proposed Noise Mitigation Strategy (NMS) for the development, detailing noise mitigation externally, as well as for sleeping accommodation.

External noise mitigation to road traffic noise comprises of the dwellings being off-set from the M1 by around 145 metres with a 7 metre high noise barrier (comprising a 4 metre high bund and 3 metre high acoustic fence) constructed within the north-western part of the site which would supplement an existing bund to the western boundary. Those plots on the western edge of the development (being plots 1, 4 to 11, 28, 39 to 42, 65 to 71, 80 to 85, 87, 102 to 104 and 114 to 115 – a total of 36 plots) would also be provided with a boundary treatment with acoustic properties of 2.5 metres in height. With the mitigation in place, road noise would be between a level of 55 – 60 dB within the external amenity areas of those plots closest to the M1 (as identified above) with the noise level then being below 50 – 55 dB to the rear of the remaining dwellings. Mitigation also includes providing effective shelter from external noise to those plots affected within the dwelling.

In terms of noise mitigation for sleeping accommodation, due to the sound levels of aircraft measured across the site, their frequency, and resulting internal levels inside the dwellings with windows open (which considers a -15 dB attenuation), the night-time noise level would be in excess of the design criteria (45 dB) with internal noise levels assessed to be 54.5 to 62.4 dB. Such external noise levels are also relevant to Part O (Overheating) of the Building Regulations, which includes an assessment of external noise to consider the feasibility of open windows for ventilation requirements. Part O has a more stringent maximum external noise criteria of 55 dB. Due to the site's proximity to EMA, the majority of the dwelling facades would experience noise maximums which would result in the above criteria being exceeded.

In these circumstances, Part O requires alternative purge ventilation, so that windows can remain closed and occupants can avoid overheating. Purge ventilation would take the form of a through wall extract ventilator, which would be installed in all bedrooms. Acoustic glazing would also be installed within first floor bedrooms, with ceilings being lined with two layers of plasterboard in addition to the minimum natural fibre insulation requirements (circa 300 millimetres). Internal night-time noise levels from road traffic would also be achieved by this specification.

For rooms where the maximum noise criteria are less relevant, such as those only required for daytime resting (e.g. living rooms), a more basic double glazing specification would be required which would be applied throughout the site.

Following a review of the NMS, the Council's Environmental Protection Team have no objections to the application, subject to the imposition of a condition on any planning permission granted which would secure the delivery of the NMS.

Comments from the Parish Council and third parties have outlined concerns regarding the cumulative impact with the operations of EMGSRFI (including whether a Material Change Order (MCO) is granted for an additional warehouse at this site and an increase in the height of the gantry cranes), as well as those potentially arising should EMG2 receive a DCO or outline planning permission be granted under application reference 24/00727/OUTM. EMA, in terms of their business operations rather than as the safeguarding authority, have also outlined that aircraft noise impacts need to be carefully considered.

In terms of the impacts arising from EMG2, or any development associated with application reference 24/00727/OUTM, the applicants have reviewed the Environmental Statement (ES) associated with both of these applications which, based on noise mapping, have determined that there would be no impact to the application site given the intervening distance (around 1.5 kilometres away).

With regards to the EMGSRFI, and the potential MCO, it is the case that outline planning permission existed for residential development on the application site (for 110 dwellings) prior to the EMGSRFI receiving a DCO. In these circumstances, the Secretary of State for Transport (SoST), in coming to their decision, had to account for the noise impact which would arise to residential development on the application site given that the development would be considered to be 'committed' (i.e. benefitted from outline planning permission). The assessment undertaken by the SoST determined that, subject to the proposed Requirements (i.e. the planning conditions of a DCO), the construction and operation of the EMGSRFI would not result in detriment to the future amenities of any occupants of the residential development which benefits from an extant consent on the application site.

In considering any future impacts arising from the MCO, the applicants have reviewed the ES associated with this application which determines that there would be no significant noise effect experienced at the application site in connection with both the construction and operational phases of the MCO. Although the proposed 150 dwellings do not comprise a 'committed' development, the applicant of the MCO has accounted for it within their assessment given that it was identified to them by the Council prior to the MCO being submitted to the SoST.

Notwithstanding the above, the applicants have also specified that industrial noise associated with the EMGSRFI, and the potential MCO, including at the rail terminal, would be absorbed (or masked) by the high background noise levels associated with the M1.

The Council's Environmental Protection Team have concurred with the conclusions reached by the applicant's, whilst also outlining that the impacts of aircraft noise have been accounted for within the NMS.

The Noise Policy Statement for England (NPSE) outlines that its aims, through the effective management and control of environmental, neighbour and neighbourhood noise, is to:

- 1) *Avoid significant adverse impacts on health and quality of life;*
- 2) *Mitigate and minimise adverse impacts on health and quality of life; and*
- 3) *Where possible, contribute to the improvement of health and quality of life.*

In terms of 1), the NPSE refers to concepts applied to noise impacts by the World Health Organisation (WHO) which are '*No Observed Effect Level*' (NOEL) and '*Lowest Observed Adverse Effect Level*' (LOAEL), with NOEL being a noise level that is below the detectable effect to health and quality of life due to noise, and a noise level above LOAEL being where adverse effects on health and quality of life can be detected. For the purposes of the NPSE, these concepts have been expanded to include a '*Significant Observed Adverse Effect Level*' (SOAEL) which is a noise level that which exceeded would result in significant adverse effects on health and quality of life.

It is, however, acknowledged by the NPSE that for SOAEL, further research would be required to understand what constitutes a significant adverse impact on health and quality of life from noise and that not having specific SOAEL values within the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.

The NPSE is dated from March 2010 and has not been updated since this time to provide any further guidance in the above respect.

With regards to 2) listed above, the NPSE outlines that where the noise impact lies somewhere

between LOAEL and SOAEL, it requires all reasonable steps to be taken to mitigate and minimise adverse effects on health and quality of life but does not mean that such adverse effects cannot occur.

The terms of 3) relate to the ability to improve health and quality of life through the pro-active management of noise, whilst recognising that there will be opportunities for such measures to be taken, and that they will deliver potential benefits to society. In this respect, an enhancement of the acoustic environment will assist with delivering this aim.

Consideration has also been given to the 'Noise' chapter of the NPPG which highlights, at Paragraph 006 (Reference ID: 30-006-20190722), that *"more specific factors to consider when relevant include...whether any adverse internal effects can be completely removed by closing windows and, in the case of new residential development, if the proposed mitigation relies on windows being kept closed most of the time (and the effect this may have on living conditions). In both cases a suitable alternative means of ventilation is likely to be necessary...where external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended."*

Paragraph 009 (Reference ID: 30-009-20190722) outlines that *"the agent of change will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified. Adopting this approach may not prevent all complaints from the new residents / users about noise or other effects, but can help to achieve a satisfactory living or working environment, and help to mitigate the risk of a statutory nuisance being found if the new development is used as designed (for example, keeping windows closed and using alternative ventilation systems where noise or other effects are occurring" (officer emphasis).*

Paragraph 010 (Reference ID: 30-010-20190722) specifies that for noise sensitive developments (such as residential) mitigation measures can include, *"designing the development to reduce the impact from noise from adjoining activities or the local environment; incorporating noise barriers; and optimising the sound insulation provided by the building envelope."*

Paragraph 011 (Reference ID: 30-011-20190722) includes that noise impacts can be partially offset if residents have access to one or more of:

- a relatively quiet façade (containing windows to habitable rooms) as part of the dwelling;
- a relatively quiet external amenity space for their sole use (e.g. a garden or balcony). Although the existence of a garden or balcony is generally desirable, the intended benefits will be reduced if this area is exposed to noise levels that result in significant adverse effects;
- a relatively quiet, protected, external publicly accessible amenity space (e.g. a public park or local green space designated because of its tranquillity) that is nearby (e.g. within a 5 minute walking distance).

Paragraph 012 (Reference ID: 30-012-20190722) specifies that the 'agent of change' principle may apply in areas near to airports where the potential for aviation activities to have adverse effects on new noise-sensitive development (such as residential) may be significant. Paragraph 012 further states that the *"need for and type of mitigation will depend on a variety of factors including the nature of the aviation activity, location and normal environmental conditions in that context. Local planning authorities could consider the use of planning conditions or obligations to require the provision of appropriate mitigation measures in the new development."*

Paragraph 015 (Reference ID: 30-015-20190722) also refers to consideration being given to British Standard (BS) 8233:2014 *'Guidance on Planning & Noise – New Residential Development'* (BS GPN) and the *'Professional Practice Guidance on Planning & Noise – New Residential Development'* (PPGPN) by the Association of Noise Consultants, Institute of Acoustics and Chartered Institute of Environmental Health of May 2017. Paragraph 015 also specifically states that *"some of these*

documents contain numerical criteria. These values are not to be regarded as fixed thresholds and as outcomes that have to be achieved in every circumstance.”

The PPGPN largely reflects guidance from the Noise chapter from the NPPG, as well as BS GPN, and outlines, at Paragraph 2.30, that local planning authorities should *“initially seek to achieve the internal noise level guidelines in noise-sensitive rooms in new residential developments. However, national planning and noise policy does not require that these noise levels are always achieved...Note 7 to BS8233:2014 provides advice on the possible relaxation of the internal target levels by up to 5 dB.”* Figure 2 within PPGPN expands on Note 7 within the BS GPN and provides additional derived guidance on the circumstances when people are likely to regard the internal noise levels as ‘unreasonable’ or ‘unacceptable’ Where internal levels are considered ‘unreasonable’ it should be demonstrated by applicant’s how the relevant number of rooms affected has been kept to a minimum, and every effort should be made to avoid occupants of relevant rooms experiencing ‘unacceptable’ noise levels at all. Where such levels are to occur frequently, the development should be prevented.

Paragraph 2.31 specifies that note 4 to BS GPN highlights the potential impact of noise events on sleep but does not provide any specific guidance. Figure 2 within the PPGPN expands on note 4 and provides recommended guidelines for the maximum internal level of noise from individual external noise events. In this respect, it outlines that the maximum internal level of noise from individual external noise events in noise-sensitive rooms at night (e.g. bedrooms) should not normally exceed 45 dB more than 10 times a night, as this would represent a threshold below which the effects of an individual noise events on sleep would be regarded as ‘negligible.’ Paragraph 2.31, however, does state that it *“is difficult, based on currently available evidence, to reach a clear conclusion on when the impact of an individual noise events should be regarded as ‘unreasonable’ or ‘unacceptable.’ It is therefore recommended that a more detailed site and scheme specific assessment of the potential impact on occupants should be undertaken where individual noise events are expected to exceed 45 dB, more than 10 times a night.”*

Paragraph 2.34 indicates that where *“the LPA accepts that there is a justification that the internal target noise levels can only be practically achieved with windows closed, which may be the case in urban areas and at sites adjacent to transportation noise sources, special care must be taken to design the accommodation so that it provides good standards of acoustics, ventilation and thermal comfort without unduly compromising other aspects of the living environment. In such circumstances, internal noise levels can be assessed with windows closed but with any façade openings used to provide “whole dwelling ventilation”...Furthermore, in this scenario the internal target noise levels should not generally be exceeded.”*

Within Paragraph 2.46 of the PPGPN it specifies that BS GPN states that *“the acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed, and noise levels should ideally not be above the range 50 – 55 dB.”* It further states that these *“guideline values may not be achievable in all circumstances where development may be desirable. In such a situation, development should be designed to achieve the lowest practicable noise levels in these external amenity spaces but should not be prohibited.”* The PPGPN therefore outlines at Paragraph 2.48 that the advice of BS GPN is that the resulting noise levels outside are never a reason for refusal, as long as levels are designed to be as low as practicable.

Paragraph A.23 within Appendix A (*‘Dealing with Noise Events’*) of the PPGPN outlines that further advice from the WHO and the relevant underlying studies indicates that more stringent control of maximum noise levels could eliminate all risk of any detectable physiological effect (i.e. achieve NOEL). However, *“controlling to these values is not at present required by policy in England, or considered to be a realistic or achievable goal given there is substantial uncertainty regarding any resulting significant pathological effects at these lower maximum noise levels; and in the context of the current night time acoustic environment across most of urban England which shows that such low values are likely to be exceeded in bedrooms with windows partially open in all but the remote*

and quietest parts of the country.”

It is acknowledged that the proposed means of mitigating the noise impacts to residential amenities would be dependent on occupants having their windows closed both day and night within bedrooms to achieve appropriate internal noise levels, such windows would require specialised glazing, along with the use of purge ventilation to achieve compliance with Part O of the Building Regulations (albeit the lack of compliance with Building Regulations could not constitute a reason to refuse a planning application which is assessed against planning legislation). First floor bedroom ceilings would also be required to be lined with two layers of plasterboard in addition to the minimum mineral fibre insulation requirements.

Whilst the windows would be openable, in practice, the prevailing noise environment is likely to dissuade further residents of the proposed dwellings from opening them.

A closed window with purge ventilation arrangement is not optimal when accounting for the guidance within BS GPN and the PPGPN, however, given the location of the application site in relation to the M1 and EMA, elevated noise levels are to be expected when compared to other locations away from such transportation infrastructure. Thereby, it would not be unusual for future occupants to keep windows closed for extended periods (and which may already be a common practice by existing residents who reside in the immediate area such as on Windmill Way). The submitted NMS has demonstrated, to the satisfaction of the Council's Environmental Protection Team, that adequate ventilation could be achieved within bedrooms without the need to open windows, thereby acceptably mitigating future occupants' exposure to unacceptable levels of noise. Notwithstanding this, and as outlined above, the opportunity to open the windows would not be entirely precluded.

On this basis, there is no substantive evidence to indicate that, with the mitigation in place, the internal environment would be harmful to the living conditions of the future occupants.

The proposed development would largely comprise family housing, so it is likely that children will be present in some of the properties. It is also likely that older people may occupy some of the properties too. None of the properties would provide any form of specialist accommodation, such as extra care or sheltered housing. Therefore, it is highly unlikely that occupants that are so vulnerable to the extent where they are unable to make their own basic decisions, such as closing windows and using the purge ventilation instead, would be living alone. Even if, children or the elderly do occupy the properties, and they require assistance with day to day living due to their age and / or abilities, they are likely to be supported by parents and / or carers respectively, particularly if they are classed as dependent.

Although there is a risk of complaints arising, mitigation is proposed as a means of addressing overheating. Therefore, whilst future occupants may wish to open their bedroom windows, they would also have a genuine alternative that would allow them to keep their windows closed too, whilst not preventing adequate ventilation. In this circumstance, it is considered that such complaints would not be justified, or create an adverse situation through the 'agent of change' principle outlined at Paragraph 200 of the NPPF. This position is further supported by Paragraph 009 of the 'Noise' chapter of the NPPG.

As is outlined above, and within the NMS, 36 of the plots on the western edge of the development would require noise mitigation to be provided in the form of acoustic boundary treatments. The NMS acknowledges that sound levels within the amenity areas of these 36 plots would exceed the 55 dB outlined within the BS GPN by 5 dB. The remaining 114 plots would be provided with external amenity areas which would be compliant with BS GPN and the PPGPN. The impact in this respect would only apply to 24% of the total number of dwellings to be created.

Notwithstanding this exceedance, it is outlined above that Paragraph 2.46 of the PPGPN that BS GPN acknowledges that, in circumstances where the 55 dB is exceeded, that development should

be designed to achieve the lowest external amenity spaces but should not be prohibited. Paragraph 2.48 of the PPGN then clarifies this position by stating that a reason for refusal cannot be substantiated in respect of noise impacts in external amenity areas, provided that the scheme has been designed to achieve as low a noise level as is practicable. This is considered to be the case in this instance, following the redesign to the western edge of the development to reduce the number of external amenity areas which were directly presented to the public open space (POS) (i.e. not screened from the POS by a dwelling). Noise impacts experienced within the affected plots external amenity areas would also be partially offset by effective shelter from such noise being provided within the dwellings themselves which accords with the intentions of Paragraph 011 of the 'Noise' chapter of the NPPG.

A material consideration in the determination of this application is the extant consent for 110 residential dwellings on the site. As part of the determination of the reserved matters application (16/00394/REMM) associated with the extant consent, a NA was submitted which proposed noise mitigation in the form of an acoustic bund with a 3 metre acoustic fence upon its plateau, acoustic boundary treatments to 'exposed' boundary treatments to seven plots, and higher performance glazing with acoustic ventilation to the dwellings.

Whilst accepting that the extant consent would deliver 40 fewer dwellings (110 compared to the 150 now proposed), the noise contour maps within the NA associated with the extant consent indicates that, even with the mitigation in place, noise levels around the dwellings and their associated amenity areas would have been between 55 – 60 dB during the daytime, and between 50 to 60 dB during the night. The approach to the acoustic boundary treatments also only related to 'exposed' boundaries.

In comparison, the proposed NMS would result in noise levels within external amenity areas and around the dwellings being either below 55 dB or below 50 dB (with the exception of the partial extent of some amenity areas to those plots on the western edge where the external noise level is between 55 to 60 dB). As proposed, the NMS would also provide acoustic boundary treatments between dwellings, which would not be considered 'exposed' when accounting for the assessment criteria of the NA associated with the extant consent. In this respect, the assessment criteria of an 'exposed' boundary treatment would only apply to 11 of the proposed plots (being plots 1, 4 to 6, 11, 28, 67, 71, 82, 87 and 104), with 7 plots in a scheme of 110 dwellings amounting to 6.4% and 11 plots in a scheme of 150 dwellings amounting to 7.3% of the total number of dwellings to be constructed.

When accounting for this, it is considered that the proposed development would result in better amenity standards for future occupants in respect of noise than that of the extant consent, particularly as the NMS is based upon noise impacts arising at this time, whereas the NA associated with the extant consent was produced in March 2018 (i.e. prior to the majority of the development at East Midlands Gateway, and prior to the operation of the Kegworth bypass, a number of road improvements in the area, and to the Strategic Road Network, as well as improvements to EMA which have all had an impact on the noise climate).

Policy H1 of the adopted Local Plan also recognises that the site benefits from an extant consent, and whereby if the planning permission had lapsed, it would be renewed (such to compliance with policies of the adopted Local Plan and other material planning considerations being demonstrated). Policy H2 of the submission draft Local Plan also recognises the site as a 'Housing Commitment,' where again, if the planning permission had lapsed it would be renewed, subject to the same criteria as Policy H1 of the adopted Local Plan.

The delivery of residential development on the application site thereby contributes to the Council's five year housing land supply (5YHLS), and therefore the lack of its delivery would impact on the 5YHLS and consequently require further unallocated sites to come forward in order to maintain the Council's housing supply. Any adverse impact to the Council's 5YHLS would also be material to the consideration of the application, albeit given lesser weight than that given to the extant consent on the basis that, even if a scheme of 150 dwellings was not delivered, an extant scheme of 110

dwelling could still be built out.

Furthermore, Members of the Local Plan Committee have also proposed to allocate land to the south of Ashby Road for around 140 dwellings, which is identified as site H3o within the submission draft Local Plan, and whereby it is considered that the noise impacts likely to arise would not be materially different to those associated with the application site.

In addition to the above, future occupants of the proposed dwellings would also be well aware of the relationship with noise generating sources around the site and thereby would have an opportunity to determine whether they would wish to occupy such a dwelling or not. There would also be a duty on the applicant, as well as any Registered Provider (RP) associated with the affordable dwellings, to ensure that future occupants were aware of the relationship with noise generating sources. An informative on any planning permission granted would make the applicant, as well as any RP, aware of this requirement. This is as advised by Paragraph 009 of the 'Noise' chapter of the NPPG.

Notwithstanding the recommended condition on any planning permission granted which would secure the delivery of the noise mitigation measures detailed within the NMS, it is also considered reasonable to impose a condition which would require the submission of a post-completion noise assessment to demonstrate that the requirements of the NMS have been delivered and operate in the manner intended so that the impacts of noise are not experienced by future occupants of the proposed dwellings. The provision of the post-completion noise assessment is recommended to be imposed upon any permission granted which would be required prior to occupation.

To ensure that construction activity is undertaken at reasonable times, a condition limiting the hours of construction is recommended to be imposed on any permission granted. Separate legislation (such as the Control of Pollution Act 1974 (as amended)) can control issues arising from construction activity.

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

In the absence of an external lighting scheme, a condition is recommended to be imposed on any planning permission granted. Such a condition would ensure that any external lighting scheme could be designed to prevent adverse impacts arising to existing and future residential amenities.

Residential Amenity Conclusion

Based on the above assessment, it is considered that no adverse impacts to existing amenities would arise as a result of the development in relation to overbearing, overshadowing or overlooking impacts. The relationship between the proposed dwellings in respect of overbearing, overshadowing and overlooking impacts would also be considered acceptable and compliant with the guidance within the Council's adopted Good Design Guide SPD.

In terms of the impacts of noise to future residential amenities, it is considered that consideration has been given to the requirements of Policy D2 of the adopted Local Plan and Paragraphs 200 and 201 of the NPPF, as well as relevant guidance within the NPSE, 'Noise' chapter of the NPPG, BS GPN and PPGPN. As proposed, the NMS has accounted for road noise associated with the M1 and aviation activity at EMA and has proposed mitigation to negate such impacts which is considered acceptable to the Council's Environmental Protection Team. Such mitigation is recommended to be appropriately secured by condition on any planning permission granted, with a further condition recommended requiring the submission of a post-completion noise assessment to demonstrate that the installed mitigation scheme is effective.

Whilst the proposed mitigation scheme would rely on bedroom windows being closed and purge

ventilation being required to achieve a suitable internal environment, this is not uncommon for residential developments which are situated within an environment where noise has an influencing impact. Regard is also given to the extant consent for 110 dwellings, and that, based on the noise mitigation secured under the extant consent, the proposed scheme for 150 dwellings would secure a more appropriate noise environment for future amenities, with overall noise levels as a result of the proposed mitigation being reduced across the site.

Overall, and subject to the imposition of conditions and informatives on any planning permission granted, the proposed development would be considered compliant with Policy D1 of the adopted Local Plan as well as Paragraphs 200 and 201 of the NPPF, whilst also being in accordance with relevant guidance within the NPSE, 'Noise' chapter of the NPPG, BS GPN, PPGPN and the Council's adopted Good Design Guide SPD.

Air Quality

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

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

The Council also adopted an Air Quality Supplementary Planning Document in October 2023.

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

The application is accompanied by an Air Quality Assessment (AQA), with the High Street / Bondgate Air Quality Management Area (AQMA) in Castle Donington, at a distance of around 2.9 kilometres, being the closest AQMA to the application site.

The AQA determines that the application site is 'Medium Risk' in relation to dust associated with construction activity at the worst affected receptors without mitigation. Mitigation measures based on Section 8.2 of the Institute of Air Quality Management (IAQM) Guidance on the '*Assessment of Dust from Demolition, Earthworks, Construction and Trackout*' are recommended to be conditioned on any planning permission granted associated with communications, preparing and maintaining the site, operating vehicles / machinery, the encouragement of sustainable travel options, site operations, waste management, earthworks, construction activity, trackout and monitoring. The introduction of such mitigation measures would ensure that the impacts arising to air quality as a result of construction activity would be 'not significant' with the construction phase being a temporary element of the development in its overall lifetime.

In accordance with the Environmental Protection UK (EPUK) and IAQM document '*Land-Use Planning and Development Control: Planning for Air Quality*', the air quality impact arising from the operational phase of the development would be 'negligible' and therefore no mitigation measures would be required.

Notwithstanding this, as discussed within the '*Highway Impacts*' and '*Infrastructure and Developer Contributions*' sections of this report below, financial contributions are sought and would be secured towards travel packs and bus passes, with a framework travel plan recommended to be secured by condition on any planning permission granted. The securing of such measures would assist in supporting the use of sustainable forms of transport and thereby contribute positively towards air quality as a result of further reductions in emissions from private cars.

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

Air Quality Conclusion

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

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.

Leicestershire County Council (LCC), as the Highways Authority (CHA), and National Highways (NH), have been consulted on the application, with the assessment of the CHA being based on guidance within the Leicestershire Highway Design Guide (LHDG).

The application as originally submitted was accompanied by a Transport Assessment (TA) and Framework Travel Plan (FTP) which have been amended during the course of the application. In addition, two Highway Technical Notes (HTNs) and a Stage 1 Road Safety Audit (RSA) (with associated Designers Response (DR)) have also been submitted following the consultation responses of the CHA and NH.

In assessing the development, the CHA has had regard to the extant planning permission under application references 12/00323/OUTM and 16/00394/REMM for 110 dwellings on the site and whereby the net increase in dwellings above that previously consented would be 40. In line with the LHDG, this quantum of development would not typically trigger the need for a TA.

Access

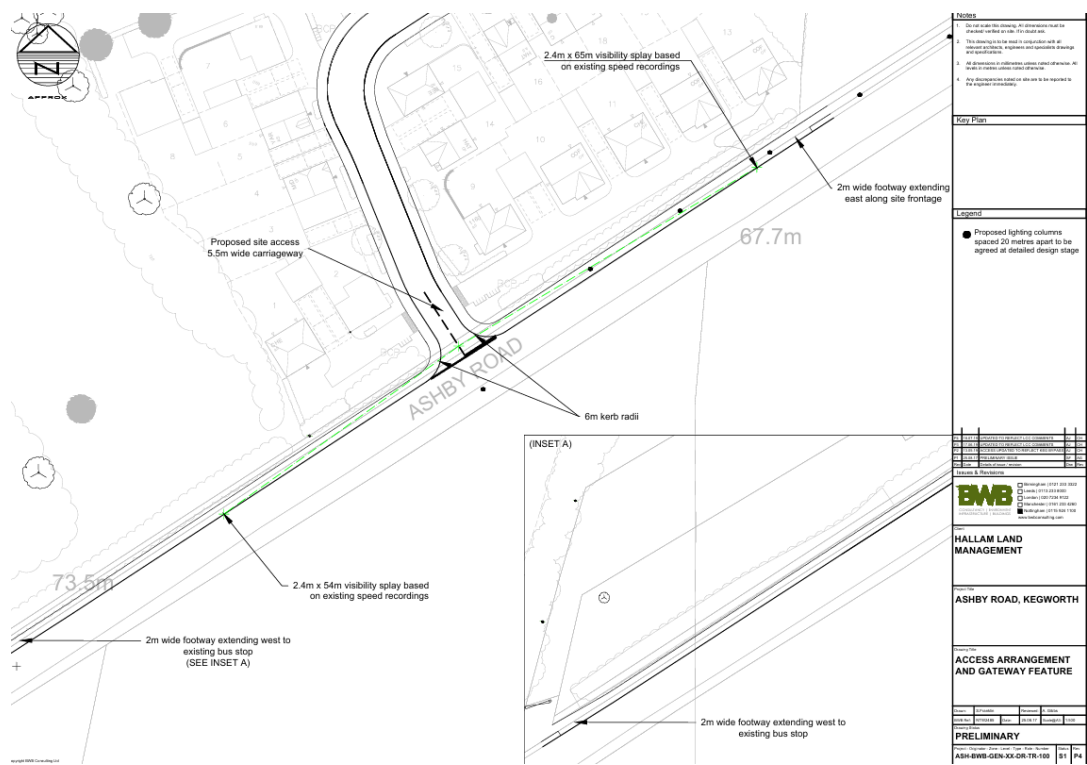
As proposed, the vehicular access would comprise a simple priority junction with a 5.5 metre wide carriageway width alongside 6 metre kerb radii and a 2 metre wide footway on either side. The position of the access would be the same as that associated with the extant outline planning permission granted under application reference 12/00323/OUTM.

In terms of visibility at the site access, a speed survey has been undertaken which identifies 85th percentile speeds of 34.8mph eastbound and 39.4mph westbound. Visibility splays of 2.4 metres by 65 metres to the east, and 2.4 metres by 54 metres to the west, would be provided at the site access, and based on vehicle speeds from the speed survey, these visibility splays would be in accordance with the LHDG.

Off-site highway works would also comprise 2 metre footways extending to the east and west which would connect with the existing footways and provide access to bus stops.

Both the proposed access and off-site highway works are as shown in the image on the following page.

Proposed Access and Off-Site Highway Works



The CHA has also advised of informatives, which would be imposed should planning permission be granted, that the applicant would have to have regard to when seeking technical approval for the proposed access and off-site highway works under the Highways Act 1980 (as amended). This would be a separate process undertaken with the CHA outside of the planning process.

A temporary construction access is proposed as part of the development and this as shown in the below image.

5.000

2.35

10.97

Earthworks tie-ins to existing

Site boundary

Existing footpath to be locally lowered to suit access

MH CL 72.05

Site boundary

Existing footpath to be locally lowered to suit access

North Arrow

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Visibility splays at the temporary construction access would be 2.4 metres by 47.6 metres in a westbound direction and 2.4 metres by 64 metres in an eastbound direction and are considered acceptable to the CHA.

On the basis that the construction access would be temporary, the CHA would require plans which demonstrate the reinstatement of the public highway (including any pavement) which is recommended to be conditioned on any planning permission granted.

A construction routing plan has also been submitted which seeks for construction vehicles to utilise the bus gate on Ashby Road from the Kegworth Bypass. The CHA has no objection to this in principle, as the bus gate was implemented as part of the Development Consent Order (DCO) for East Midlands Gateway (EMG) with there being an exemption in the DCO which enables access for construction vehicles and thereby negates the need for a Temporary Traffic Regulation Order (TTRO). Whilst the CHA would support the use of the bus gate for construction vehicles, they would not support any amendments to the sequencing of the lights as this may affect the overall operations of the bus services.

Concerns have been raised by the bus operator (Trent Barton), directly to the CHA, regarding the use of the bus gate. However, the CHA considers it appropriate for construction vehicles to use this route so that such vehicles are not required to travel through the centre of Kegworth and can remain on as high a classification road as possible.

To alleviate concerns to the bus operator, the CHA note that the Skylink service operates on a circa 15-minute basis. As such, the CHA considers that specific detail should be provided within a Construction Traffic Management Plan (CTMP) which requires the bus schedule to be monitored as part of the timing of vehicle movements through the bus gate and temporary construction access (i.e. the timing of the bus service factored in to call-ahead deliveries and / or holding vehicles from egressing). Additionally, banksmen are employed for all construction traffic movements to prevent the potential for a construction vehicle to delay a bus. A CTMP is therefore recommended to be secured by condition on any planning permission granted.

In addition to the above, the applicant proposes to install Automatic Number Plate Recognition (ANPR) closed circuit television (CCTV) towers at the construction access and permanent access entrances to ensure that both construction and public vehicles adhere to the correct routing. This is welcomed by the CHA, but they have advised the applicant of the need to have permits in place for such structures along with any signage in the highway.

Impact on the Highway Network and Junction Capacity Assessments

The submitted TA identifies that in the AM peak period (08:00 – 09:00) there would be a total of 113 two-way trips (35 arrivals and 78 departures) and that in the PM peak period (17:00 – 18:00) there would also be a total of 113 two-way trips (72 arrivals and 41 departures).

On the basis that Ashby Road to the south-west does not provide access to the Kegworth Bypass, and subsequently the A453, given the presence of a bus gate, the TA demonstrates that 100% of both the inbound and outbound trips would be via the Ashby Road / High Street / Packington Hill / Broadhill Road junction, and subsequent distribution from this junction split accordingly.

Junction Capacity Assessments (JCAs) of the following junctions have been undertaken as part of the TA:

- 1) Ashby Road / Packington Hill / High Street / Broadhill Road; and
- 2) Derby Road / Packington Hill.

Information contained within the JCAs identifies a reduction in baseline traffic flows following the opening of the Kegworth Bypass. In particular, there has been a 33.9% and 37.5% reduction in vehicular movements at the Ashby Road / Packington Hill / High Street / Broadhill Road junction in the AM and PM peak periods respectively. For the Derby Road / Packington Hill junction, the

vehicular movements have been reduced by 42.9% and 38.6% in the AM and PM peak periods respectively.

Although the JCAs only consider the baseline and with development flows only, therefore growth factors and committed developments have not been applied, the CHA considers that opening of the Kegworth Bypass has had a positive effect on the impacted junctions. In addition, and as outlined above, the CHA has also taken into account the highway impacts associated with the extant planning permission.

Overall, the CHA is satisfied that the development proposal would not have a severe impact on the operation of the surrounding highway network.

The submitted TA has also addressed the trip generation and assignment (toolkit criterion 1) of Active Travel England's (ATE's) Standing Advice.

Highway Safety

The CHA has undertaken a review of Personal Injury Collisions (PICs) for the most recent five-year period in a study area comprising 500 metres from the application site.

Such a review shows that only one 'slight' PIC was recorded along Ashby Road away from the proposed site access. Furthermore, no clusters or lengths of PICs were identified within the study area where there were a repeating causation factor, movement or environmental factor.

On this basis, the CHA concludes that there are no known highway safety concerns which would be exacerbated by the proposed development, with the development also not increasing the likelihood of further incidents occurring.

Internal Layout

The CHA has outlined that the adoptability of a highway is not a material planning consideration with Section 38 of the Highways Act 1980 (as amended) being determinative in the acceptability of an adopted road layout. For an internal layout to be considered suitable for adoption, the CHA would require it to be designed fully in accordance with the LHDG.

Following amendments to the internal layout, the CHA has confirmed that it would accord with the LHDG and therefore they have no objections to planning permission being granted. As part of any Section 38 adoptions process, the CHA advises the applicant of the following point:

- 1) *Road Turning Head Curve* – The applicant should amend the turning head at the end of Road 2 to remove the curve and detail this as a straight back edge.

Swept path analysis has also demonstrated that relevant vehicles (including emergency service vehicles and the Council's waste vehicles) would be able to manoeuvre within the site and therefore enter and exit in a forward direction. This is acceptable to the CHA.

It is also outlined by the CHA that the quantum of off-street parking would be in accordance with the LHDG, as well as the Council's adopted Good Design Guide SPD, given that a minimum of two off-street parking spaces would be delivered for those properties with 1 to 3 bedrooms and three off-street parking spaces for those properties with 4+ bedrooms. A number of visitor parking spaces would also be provided which are deemed acceptable to the CHA and in line with the LHDG.

In terms of the sports pitch car park, the LHDG outlines that sports grounds and clubs should cater in full for maximum expected usage assuming an occupancy rate of two people per car. Based on the dimensions and facilities associated with the sports pitch, it would likely serve local casual football

teams with each team likely having 15 players a match (and therefore a total of 30 players). As proposed, the sports pitch car park would deliver a total of 34 car parking spaces which is considered to meet the expected demand. Visitor parking spaces are to be delivered as part of the development and those which are located in close proximity to the sports pitch are also likely to be utilised by its users if such spaces are available. Given the type of sports pitch to be provided, it is not expected that coaches will be used as a means of transporting players to and from the site, and therefore the CHA do not require the swept path analysis of such a vehicle to be submitted, nor does a dedicated parking space need to be provided.

Whilst the plans as submitted do not identify the provision of electric vehicle (EV) charging points for the dwellings, or within the sports pitch car park, it is noted that the requirement for EV charging points would be secured under Approved Document S (*Infrastructure for the Charging of Electric Vehicles*) of the Building Regulations and therefore a condition requiring such EV charging points would not be necessary.

Overall, the CHA is satisfied that the internal layout is acceptable, subject to the imposition of conditions to secure the off-street parking provision, sports pitch parking provision and turning facilities.

Transport Sustainability

The closest bus stops to the proposed access point into the application site are located on Ashby Road at a distance of approximately 400 metres to the east. Such bus stops are served by the Kinchbus Skylink service linking Derby to Leicester via East Midlands Airport (EMA) which is a regular service. Ashby Road leads into a bus gate to the south-west of the application site, connecting to the Kegworth Bypass, which does not provide access for private vehicles.

As part of the proposed development, additional bus stops would be provided on Ashby Road to improve access to the bus service by future residents, as well as existing residents on Ashby Road within the vicinity of the application site, and the delivery of these bus stops is recommended to be secured by condition on any planning permission granted.

The amended FTP has also been reviewed by the CHA, and is considered to be acceptable subject to the applicant providing the details of the Travel Plan Co-ordinator (TPC) to LCC once they are appointed. An informative imposed on any planning permission granted would make the applicant aware of this requirement.

In addition to the above, the CHA has also commented that Travel Packs would require a £500.00 proofreading fee, or that such packs could be provided by the CHA at a cost of £52.85 each, and that a FTP monitoring fee of £11,377.50 would be payable. These would be secured under a Section 106 agreement and are discussed in more detail in the '*Transportation*' sub-section of the '*Developer Contributions and Infrastructure*' section of this report below.

It is considered that the above assessment would also address the active travel route audit (toolkit criterion 2), pedestrian access to local amenities (toolkit criterion 3), cycling accessibility (toolkit criterion 4), access to public transport (toolkit criterion 5), off-site transport contributions (toolkit criterion 6) and travel planning (toolkit criterion 10) of ATE's standing advice.

National Highways (NH)

In terms of impacts to the Strategic Road Network (SRN), NH has outlined that the proposed development would result in an additional 59 two-way trips during the AM peak period and 45 two-way trips during the PM peak period. However, such figures do not align with the trip generation and distribution within Section 5 and Appendix C of the TA. NH's own review has also determined that some of the traffic arriving and leaving the site may route onto the M1 South.

Despite these discrepancies, NH's own assessment has determined that the proposed development would not be likely to generate significant impacts on the SRN. Additional information submitted by the applicant has also adequately addressed NH's comments in relation to committed development and extended collision analysis for relevant junctions of the SRN.

NH has also confirmed that they are supportive of the FTP and are content that the site drains away from the M1 based on the submitted drainage information.

Overall, NH has no objections to the application.

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 or NH, subject to the imposition of conditions and subject to a S106 agreement to secure the contributions discussed above, it is considered that the proposed development would be compliant with Policies IF4 and IF7 of the adopted Local Plan, the requirements of the LHDG, as well as Paragraphs 109, 110, 112, 113, 115, 116, 117 and 118 of the NPPF.

Ecology and Biodiversity

Vegetation, in the form of trees and other shrubs, are present on the site. Such features could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions.

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

As submitted, the application is accompanied by an Ecological Impact Assessment (EcIA), Biodiversity Impact Assessment (BIA) and Biodiversity Net Gain (BNG) Metric Calculations. During the consideration of the application, the EcIA has been amended with clarification provided on the BNG Metric Calculations.

The County Council Ecologist has reviewed the EcIA and considers that it provides a detailed assessment of the site and its characteristics, with required phase 2 protected species surveys also being undertaken. Such phase 2 protected species surveys have demonstrated an absence of great crested newts (GCNs) and reptiles, but a local site level use by bats. A thorough assessment of the impacts to badgers, including badger setts, has also been undertaken, and whereby a mitigation licence from Natural England (NE) will be required, prior to the commencement of development, for the damage and disturbance to a badger sett. The County Council Ecologist also agrees with the recommendations for mitigation as set out within the EcIA.

On this basis, the County Council Ecologist has no objections to the application, subject to the imposition of conditions on any planning permission granted which would secure the following:

- (1) Implementation of the development in strict accordance with the mitigation measures stated within Sections 6 (Assessment of Effects and Mitigation Measures) and 7 (Compensation, Enhancement and Monitoring) of the EcIA;

- (2) The obtaining of a mitigation licence from NE for the damage and disturbance to a badger sett prior to the commencement of the development;
- (3) The securing of a Landscape and Ecological Management and Maintenance Plan (LEMMP); and
- (4) A Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity).

It is considered that the imposition of such conditions would address concerns raised by third parties in relation to the impacts to ecological species. Whilst not requested by the County Council Ecologist, an external lighting scheme is also recommended to be secured by condition on any planning permission granted (as outlined in the '*Neighbours and Future Occupants*' section of this report above) which would ensure that external lighting is suitably designed to account for nocturnal wildlife movements.

Whilst the mandatory requirement for 10% Biodiversity Net Gain (BNG) for major applications as required by the Environment Act has come into force, this requirement would only be applicable to those applications received on or after the 12th February 2024 and is not to be applied retrospectively to those applications already under consideration before this date and subsequently determined after this date. In these circumstances, the proposed development would not be required to demonstrate a 10% BNG. Notwithstanding this, Paragraphs 187(d) and 193(d) of the NPPF set out a requirement for developments to minimise their impacts on and provide net gains for biodiversity.

The BIA and BNG Metric Calculations submitted in support of the application outline that the existing habitats within the application site were valued at 31.79 Biodiversity Units and 5.59 Hedgerow Units, with the proposed scheme resulting in 32.45 Biodiversity Units and 6.07 Hedgerow Units. This would result in a BNG of +0.66 Biodiversity Units (+2.07%) and 0.48 Hedgerow Units (+8.67%). Additionally, the delivery of 0.16 kilometres of bioswales would result in a net gain of +0.41 Watercourse Units which cannot be calculated as a percentage net gain as no watercourses exist within the application site.

Following a review of the BIA and BNG Metric Calculations, the County Council Ecologist has no objections, subject to the imposition of a condition on any planning permission granted which would secure a Habitat Management and Monitoring Plan (HMMP) which is as recommended within the BIA.

Ecology and Biodiversity Conclusion

Overall, the proposed development would, when being subject to the imposition of conditions and informatics, be considered acceptable and compliant with the aims of Policy En1 of the adopted Local Plan, Paragraphs 187 and 193 of the NPPF, and Circular 06/05.

Landscaping

Part (3) of Policy En1 of the adopted Local Plan 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.

The application is accompanied by an Arboricultural Impact Assessment (ArIA) which is compliant with BS 5837:2012 '*Trees in Relation to Design, Demolition and Construction – Recommendations*'.

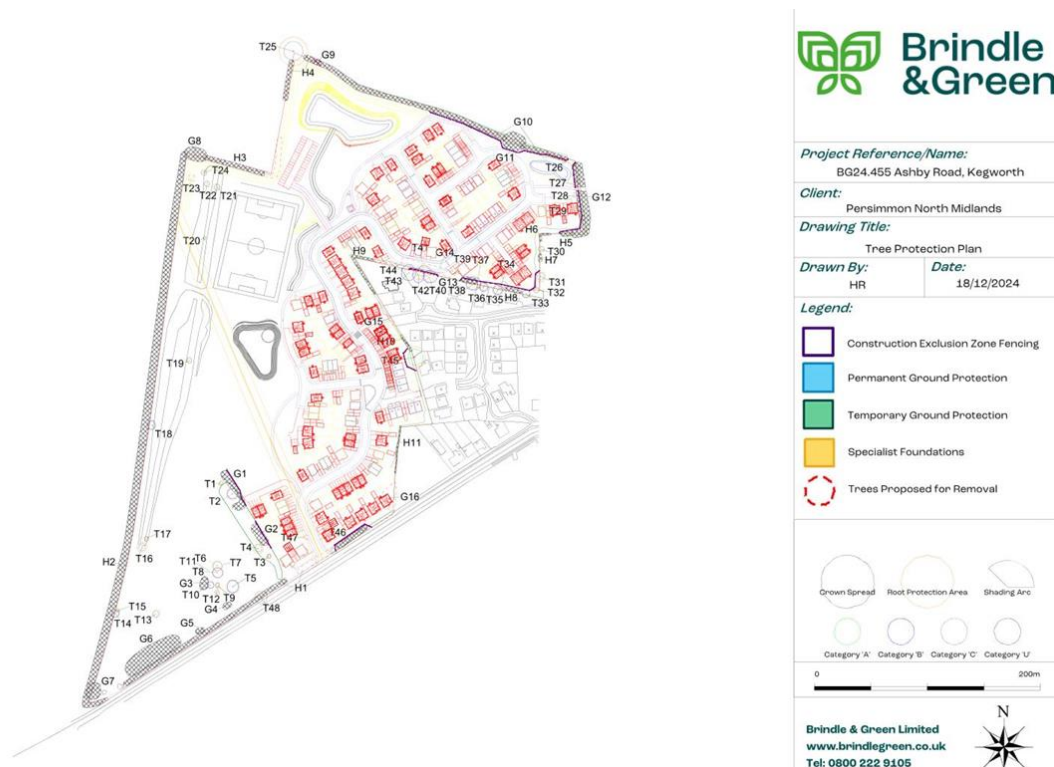
Impact to Existing Trees

Within the ArIA, it is outlined that there are 48 individual trees (1 of which is rated Category A (*trees of high quality*) and 13 rated Category B (*trees of moderate quality*)), 16 groups of trees (15 of which are rated Category C (*trees of poor quality*)) and 11 hedgerows (all of which are rated Category C).

In order to facilitate the development, a total of nine individual trees (all of which would be rated Category C), along with three tree groups would be removed. In addition, partial clearance (4 metres) of a further tree group along with a total length of 109 metres from three hedgerows would be undertaken.

The individual trees, tree groups and hedgerows to either be removed or partially removed are as shown in the below image.

Trees, Tree Groups and Hedgerows to be Removed or Partially Removed



The County Council Tree Officer has considered the contents of the ArIA, and as proposed, the majority of the trees and hedges on the site would be retained and incorporated into the development. In these circumstances, the County Council Tree Officer has no objections to the trees and groups of trees to be removed, which are not of a significant value (i.e. would not warrant retention via a Tree Preservation Order (TPO)) and do not contribute significantly to the visual amenities of the wider area to justify their retention.

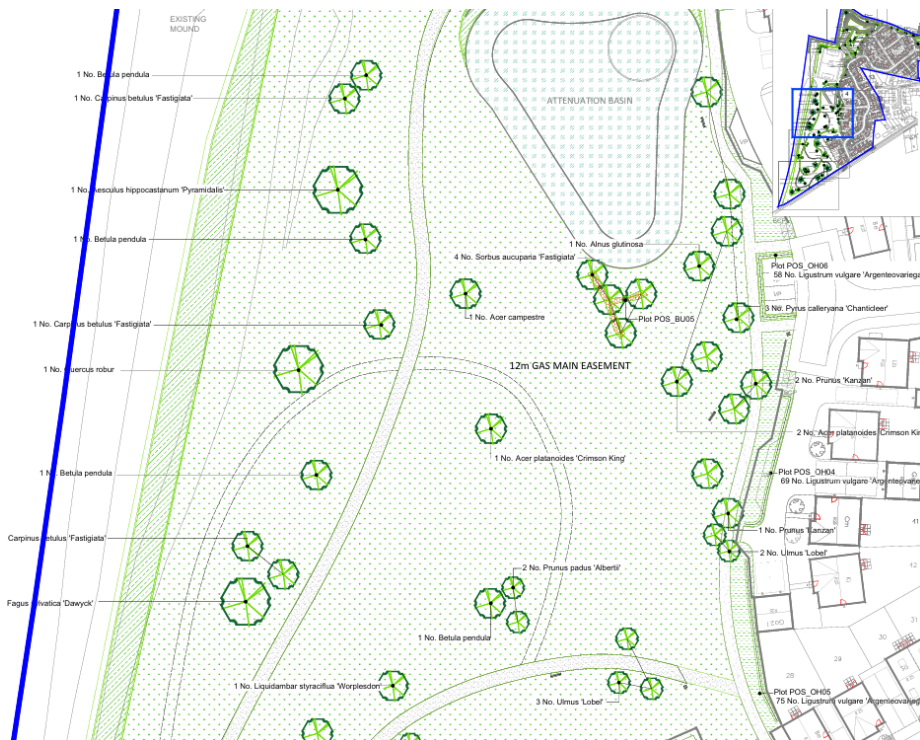
The proposed soft landscaping scheme is as discussed in the '*Proposed Soft Landscaping*' subsection below, and it is considered that this soft landscaping scheme would more than mitigate against the loss of the trees identified.

It is advised by the County Council Tree Officer that the recommendations within the ArIA should be implemented, and such recommendations are recommended to be secured by conditions on any planning permission granted. These conditions would require the submission of an Arboricultural Method Statement (AMS), detailing any pruning works, as well as how works within root protection areas (RPAs) or beneath the canopies of retained trees would be undertaken, along with a Tree Protection Plan (TPP). Such conditions would ensure that any impacts to those trees and hedgerows to be retained would be greatly reduced and therefore the County Council Tree Officer has no objections to the proposed development on arboricultural grounds.

Proposed Soft Landscaping

Soft landscaping schemes have been submitted which address soft landscaping within the areas of public open space (POS), as well as that associated with the plots and internal highways. Extracts from the soft landscaping schemes associated with both the POS and the plots and internal highways are as shown in the following images.

Public Open Space Soft Landscaping



Plots and Internal Highways Soft Landscaping



In terms of the soft landscaping scheme for the POS, 127 individual trees would be planted along with native scrub, native hedgerows, ornamental hedgerows and ornamental shrubs.

The County Council Tree Officer has no objections to the POS soft landscaping scheme; however, the Council's Urban Designer has commented on the need for further planting (including tree planting) to be provided as a means of screening the acoustic bund within the north-western part of the site.

Although the POS soft landscaping scheme has not been amended, the applicants have confirmed their commitment to the delivery of further planting (including tree planting) as a means of screening the acoustic bund, with the applicant's arboriculturalist also confirming that such further planting can be delivered.

In terms of the soft landscaping scheme for the plots and internal highways, a 100 specimen trees, as well as single species hedgerows and ornamental shrubs, would be planted.

Paragraph 136 of the NPPF outlines that planning decisions should ensure that streets are tree lined, although footnote 52 associated with Paragraph 136 states: *"Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate."*

During the course of the application, the plans have been amended so that a tree lined street would now be created with such trees being located in areas where they would be subject to management by the applicant's (or any management company employed on their behalf) rather than being within the gardens of individual homeowners (and thereby potentially subject to piecemeal management).

The approach to the tree lined street, as well as the wider soft landscaping associated with the plots and internal highways, is supported by both the County Council Tree Office and the Council's Urban Designer

In the main, it is considered that the proposed soft landscaping schemes are comprehensive and would improve the quality and quantity of tree cover on the site which is predominantly of low retention value. Also, the delivery of any further planting (including tree planting) as a means of screening the acoustic bund would only serve to enhance the proposed soft landscaping scheme for the POS.

A condition imposed on any planning permission granted would secure an alternative soft landscaping scheme for the POS, with further conditions securing the landscaping scheme for the plots and internal highways, details of how trees would be planted adjacent to the internal highways (including tree pits) and how soft landscaping would be protected when located between parking spaces. As is outlined within the *'Ecology and Biodiversity'* section of this report above, a Landscape and Ecological Management and Maintenance Plan (LEMMP) is also recommended to be secured by condition.

Proposed Hard Landscaping

Whilst a hard landscaping scheme has been submitted, this only details the use of Bradstone Mahina paving slabs as a means of defining the pathways to the front doors of the plots, or from the off-street parking areas to the front door.

Although this is considered acceptable, the hard landscaping scheme does not detail the hard landscaping associated with the internal highways (including private drives), off-street parking and visitor spaces, patios associated with the plots, bin collection points or the pathway routes.

On this basis, a condition would be imposed on any planning permission granted in order to secure an appropriate hard landscaping scheme.

Landscaping Conclusion

Although individual trees and tree groups, along with the partial removal of hedgerows, would be required to facilitate the development, there are no objections to their removal from the County Council Tree Officer with such trees, tree groups and hedgerows being rated Category C. Additionally, their loss would be more than compensated for by the proposed soft landscaping schemes which would enhance the quality and quantity of trees on the site.

Street trees would also be delivered, and an appropriate hard landscaping scheme could be secured by condition.

On this basis, and subject to the imposition of conditions on any planning permission granted, the proposed development would be compliant with Part (3) of Policy En1 of the adopted Local Plan and Paragraph 136 of the NPPF.

Flood Risk and Drainage

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

Flood Risk

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

It is also the case that the application site is at a predominately very low risk of surface water (pluvial) flooding, with minor areas in the north-western part of the site, as well a minor area adjacent to both the eastern and south-eastern boundaries, being at a low risk of surface water flooding.

A Flood Risk Assessment (FRA) has been submitted in support of the application which has been updated during the consideration of the application. Notwithstanding the position in respect of fluvial and pluvial flood risk, the FRA concludes that the application site would be at a negligible risk of flooding from tidal / coastal sources and canals, and a low risk of flooding from groundwater, sewers and reservoirs.

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

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

Notwithstanding the above, Paragraph 027 (Reference ID: 7-027-20220825) specifies that in applying Paragraph 175 of the NPPF, a proportionate approach should be taken and where a site-specific FRA demonstrates clearly that the proposed development (when accounting for its layout,

design and mitigation measures) would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere, then the sequential test would not need to be applied.

In this instance, the proposed development would be located on land which is at a very low risk of surface water flooding, and which is not at a medium or high risk from flooding from any other source, and therefore the sequential test would not need to be applied.

Flood Risk Conclusion

Overall, and when accounting for the flood risk to the site from any source, it is considered that compliance with Policy Cc2 of the adopted Local Plan and Paragraphs 173, 174, 175 and 181 of the NPPF is demonstrated.

Surface Water Drainage

The Lead Local Flood Authority (LLFA) have considered the FRA, which incorporates a drainage strategy, and this confirms, in conjunction with British Geological Survey (BGS) information, that infiltration would not be a feasible method of draining the site. On this basis, the proposed development would seek to discharge at 15 litres per second via swales, pervious paving and three attenuation basins to the existing on-site drainage system to the north of the site which lies within the development previously constructed by the applicant (the residential development at Pritchard Drive). Such a surface water drainage solution would comprise a sustainable drainage system (SuDS).

Based on the contents of the FRA, the LLFA have no objections subject to the imposition of conditions on any permission granted which would secure a precise surface water drainage scheme, the management of surface water during the construction phase, and the management and maintenance details of the surface water drainage scheme to be installed.

Surface Water Drainage Conclusion

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

Foul Drainage

Foul drainage would be discharged to the mains sewer in Derby Road via the applicant's constructed development to the north of the site (residential development off Pritchard Drive).

Any connection to the mains sewer would need to be agreed with Severn Trent Water (STW) under separate legislation outside of the planning process. In agreeing a connection, STW would have the opportunity to determine whether capacity exists in the foul drainage network to accommodate the development before enabling such a connection. In addition, no representation has been received from STW objecting to the application.

Foul Drainage Conclusion

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

Developer Contributions and Infrastructure

A request has been made for Section 106 contributions towards affordable housing, education, civic amenity, libraries, transportation, health services and public / natural open space and play / recreation facilities.

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

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

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

The requested development contributions are listed below.

Affordable Housing

The Council's Affordable Housing Enabler (AHE) has outlined that, under Policy H4 of the adopted Local Plan, 30% affordable housing will be sought on greenfield sites within Kegworth where the number of dwellings proposed is 11 or more. Based on a scheme of 150 dwellings, this would amount to 45 affordable dwellings.

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

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

On this basis, all major residential developments are expected to meet the requirements of the District's housing needs, and in keeping with the Government's priorities, Social Rented properties should be provided.

As proposed, the applicant would seek to deliver 30 Social Rented and 15 Affordable Home Ownership (AHO) properties (Discounted Open Market) which would equate to a 66% to 34% tenure mix.

Such a tenure mix is acceptable to the Council's AHE, but they have requested that the Section 106 agreement secures the Social Rented properties to ensure they are allocated for this purpose by the recipient Registered Provider (RP).

To meet the identified needs of the District, the Council's AHE has outlined that the following mix of affordable properties should be delivered:

Social Rented – 30 units

- 8 x 1 bed 2 person flats / houses;

- 6 x 2 bed 3 person bungalows M4(3) standards;
- 9 x 2 bed 4 person houses; and
- 7 x 3 bed 5 person houses.

Discounted Open Market – 15 units

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

All major residential development of 50 dwellings or more are expected to provide a comparable proportion of bungalows to meet the growing needs of those on the housing register that require such accommodation due to age, infirmity or disability. The Council's AHE has specified that the bungalow accommodation to be secured would meet relevant needs, as well as be M4(3) compliant, and therefore accords with criteria (a) and (b) of Part (3) of Policy H6 of the adopted Local Plan.

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

The applicant has confirmed that the 30% affordable housing would be delivered on site, and that the Section 106 agreement can incorporate the relevant requirements as highlighted in the consultation response of the Council's AHE (of the 10th March 2025).

In the circumstances that appropriate mechanisms can be secured in the Section 106 agreement, the development would be considered compliant with Policies H4 and H6 of the adopted Local Plan and Paragraphs 64 and 66 of the NPPF.

Education

Leicestershire County Council (Education Authority) has requested an early years education sector contribution of £221,556.92 for Kegworth Primary School on High Street, a secondary education sector contribution of £423,911.46 for Castle Donington College, Mount Pleasant, Castle Donington, a primary Special Educational Needs and Disability (SEND) sector contribution of £33,847.17 for Ashmount School, Thorpe Hill, Loughborough and a secondary SEND sector contribution of £46,309.61 for Ashmount School. No requests have been made for the primary or post-16 education sectors.

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

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

Waste Management

Leicestershire County Council (Waste Management) has requested a contribution of £6,406.50 for improvements to the civic amenity facilities at Shepshed Recycling and Household Waste Site at Hathern Road, Shepshed, which would mitigate the increase in the use of this facility generated by the proposed development.

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

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

Libraries

Leicestershire County Council (Library Services) has requested a contribution of £4,408.86 for improved stock provision (i.e. books, audio books, newspapers, periodicals for loan and reference use) at Kegworth Library on High Street, or to reconfigure the internal space within the library to enable additional uses of the building (i.e. resident meetings including book readings and activities).

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

Transportation

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

- (i) Travel packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. These can be supplied by Leicestershire County Council (LCC) at a cost of £52.85 per pack or whereby an administration charge of £500.00 is payable for LCC to review any sample travel pack to be supplied by the applicant;
- (ii) Two six month bus passes per dwelling (2 application forms to be included in the Travel Pack and funded by the developer) to encourage new residents to use bus services, establish changes in travel behaviour from first occupation and promote the usage of sustainable travel modes other than the car (can be supplied through LCC at a cost of £894.00 per pass); and
- (iii) Travel plan monitoring fee of £11,337.50.

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

Health Services

The Nottingham and Nottinghamshire Integrated Care Board (ICB) has requested a contribution of £159,375.00 which would be utilised to increase and improve primary care services at Orchard Surgery, Dragwell, Kegworth.

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

Open Space, Sport and Recreation Facilities

Policy IF3 of the adopted Local Plan outlines that open space, sport and recreation facilities should be sought on development proposals of 50 dwellings or more. Given that 150 dwellings would be created, the requirements of Policy IF3 are applicable.

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

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

In terms of criterion (a) of Part (1) of Policy IF3, the proposal would result in a mix of predominately 2, 3 and 4 bedroom dwellings, with a lower percentage of 1 bedroom dwellings (this is as outlined in the '*Housing Mix*' sub-section of the '*Design, Housing Mix and Impact on the Character and Appearance of the Streetscape*' section of this report above).

Given such a mix, it is considered that the dwellings would be predominately aimed at couples or families. When using a housing multiplier previously used by the Council's Health and Wellbeing Team (in the determination of application reference 23/00173/FULM), the population generated as a result of the development would be 360 people.

With regards to criterion (b) of Part (1) of Policy IF3, it is considered that a natural turf pitch must be within 15 minutes' walk time of a development site, and an artificial grass pitch (AGP) must be within 15 minutes' drive time. There is no natural turf pitch within a 15 minute walk time of the application site, although the reserved matters consent granted under application reference 19/01757/REMM (associated with outline planning permission 14/00541/OUTM) would deliver four natural turf pitches if this development is progressed (a material start has been made and therefore it would be extant, although this is not confirmed by a Certificate of Lawfulness). Land associated with 19/01757/REMM (14/00541/OUTM) is to the immediate north of the application site. Castle Donington College, Mount Pleasant, Castle Donington is situated within 5 miles of the application site (12 minute drive time) and provides an AGP.

Existing play / recreation facilities are available at both Side Ley Park, as well as on Howard Drive adjacent to the premises of Refresco.

In terms of criterion (c) of Part (1) of Policy IF3, the development site is within the Parish of Kegworth which has a population of 4,290 based on figures provided from 2021 Office for National Statistics Data. The existing population characteristics of the Parish of Kegworth would be varied, particularly as there is a high student population. The population characteristics associated with the development would likely involve the movement of small to medium sized families into the settlement along with younger couples.

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

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

The proposed scheme would result in the creation of 150 dwellings on a 11.2 hectare greenfield site. As is identified on the plans, the proposed development would deliver a sports pitch, with associated car park, along with a locally equipped area of play (LEAP) and areas of public open space (POS). An indicative LEAP proposal is as shown in the image below.

Indicative LEAP Proposal



No objection has been received from the Council's Health and Wellbeing Team in relation to proposed development and it is considered that the delivery of the sports pitch, LEAP and POS would result in compliance with Policy IF3 of the adopted Local Plan. It is considered that the delivery and details of the sports pitch, LEAP and POS could be secured via the Section 106 agreement associated with any planning permission to be granted.

Whilst the comments of Kegworth Parish Council, and third parties, in relation to the loss of community and sports facilities are noted, it is the case that the proposed provision of the sports pitch, LEAP and POS would be equivalent to that which would be delivered if the development consented under 16/00394/REMM (associated with outline planning permission 12/00323/OUTM) was to be built out on the site. On this basis, there is no loss of community and sports facilities on the application site when compared with the previously approved (and extant) scheme. In this respect, there may be some confusion with the development consented to the immediate north of the site (under application references 14/00541/OUTM and 19/01757/REMM) which, if built out, would deliver four sports pitches and a pavilion.

Section 106 Total Contributions:

Based on the above, the following contributions would be secured within a Section 106 agreement:

- (j) Affordable Housing – 45 dwellings on site (30 social rent and 15 discounted open market).
- (k) Education - £725,625.19.
- (l) Civic Amenity - £6,406.50.
- (m) Libraries - £4,408.86.
- (n) Transportation - £287,465.00.
- (o) Health - £159,375.00.
- (p) On-site POS.
- (q) On-site LEAP.
- (r) On-site sports pitch.

Total Financial Contribution - £1,183,280.55

Overall, and insofar as the developer contributions are concerned, the view is taken that the proposed contributions would accord with the principles of relevant policy and legislative tests outlined in Policies IF1 and IF3 of the adopted Local Plan, Regulation 122 of the CIL Regulations and the NPPF.

Impact on the Historic Environment and Archaeology

Policy He1 of the adopted Local Plan, as well as 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 state 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.

Built Heritage

An Archaeological Desk Based Assessment (ADBA) has been submitted in support of the application and this identifies that there are no designated heritage assets within, or in the immediate vicinity of the application site. Whilst there are a number of listed buildings within the centre of Kegworth, none of these are in close proximity, and the ADBA concludes that these would be fully screened from the application site by intervening areas of modern development.

The nearest listed building is the Grade II listed nos. 28 and 30 Packington Hill, set around 428 metres to the south-east of the site, with the boundary of the Kegworth Conservation Area around 392 metres to the south-east of the site.

As part of the consideration of the application, the Council's Conservation Officer has been consulted, and they have confirmed that no harm would arise to the significance of the setting of any heritage assets (both designated and non-designated).

In the circumstances that no harm arises to the significance of the setting of any heritage assets (both designated and non-designated), an assessment in the context of Paragraph 215 of the NPPF is not required.

The lack of harm would also ensure that the setting of any heritage assets (both designated and non-designated) would be preserved.

Archaeology

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

The County Council Archaeologist has reviewed the submitted ADBA along with the Leicestershire and Rutland Historic Environment Record (HER).

Whilst there are no known archaeological remains within the application site, the HER notes the presence of a post-medieval windmill (Slater's or Kegworth Mill) immediately to the east of the application site (HER Ref: MLE4633).

Although likely outside the historic settlement core of Kegworth (MLE4637), the medieval open fields of Kegworth around the settlement core were subdivided into four separate 'great fields' which were subsequently enclosed following the enclosure award of 1779. The application site would appear to be located on the edge of Middle Field, abutting Nether Field to the north and Lockington Field to the west, which comprised three of the 'great fields'.

Additionally, in 2013 – 2014, a number of Prehistoric and Roman sites were recorded during the archaeological evaluation of land on the western side of the M1 (associated with the East Midlands Gateway (EMG)). These included several enclosures surrounding the King Street Plantation (MLE21681, MLE21677), including an area where trial trenching recorded an enclosure complex, containing various pits and gullies, with pottery, flint and pot-boiler stones (MLE21672). There is also documentary and map evidence for a Roman Road (King Street) to the west of the application site (MLE4636), with trial trenching undertaken to the south of Junction 24 of the M1 in 2014 recording a Roman site, consisting of enclosures and a double trackway with associated pottery and other finds (MLE21673). An enclosure complex recorded to the south-east of Lockington, adjacent to the possible Roman Road, comprised various ditches, gullies and pits, some of which were found to contain Roman pottery (MLE21669).

Although no archaeological sites are recorded within the application site, the County Council Archaeologist considers that this is likely due to no previous archaeological investigation being undertaken. The proposed site lies on a low ridge to the west of the River Soar, close to its confluence with the River Trent, with geological data indicating the presence of lighter soils which would be conducive to early agriculture and settlement located over Triassic silt and sandstones.

On the basis of the above, the County Council Archaeologist considers there is a significant potential for the presence of Prehistoric and Roman archaeological remains within the application site which could be adversely impacted by groundworks associated with the proposed development. In these circumstances, the County Council Archaeologist recommends that any planning permission granted is subject to conditions which would require an appropriate programme of archaeological mitigation to be undertaken, including an initial stage of exploratory investigation (geophysical survey and trial trenching) followed, where necessary, by a stage of follow-up mitigation (e.g. targeted area excavation).

Impact on the Historic Environment and Archaeology Conclusion

When accounting for the above conclusions, and subject to the imposition of the conditions requested by the County Council Archaeologist, the proposed development would be compliant with Policy He1 of the adopted Local Plan, Paragraphs 207, 208, 210, 212, 215 and 218 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Safeguarded Minerals and Waste Sites

As part of their consultation response, the County Council Minerals and Waste Planning Authority (LCCMWPA) has outlined that the application site is not within a Mineral Safeguarding Area (MSA) and therefore would not conflict with any mineral safeguarding interest or Policy M11 of the adopted Leicestershire Minerals and Waste Local Plan (LMWLP).

In terms of waste safeguarding, the LCCMWPA have identified that the Kegworth Sewage Treatment Works (KSTW) is identified as a safeguarded waste site on Figure S6/2015 of the LMWLP and is located approximately 1.1 kilometres to the north-east of the application site. Given the separation distance involved between the KSTW and the application site, the LCCMWPA consider that the proposed development would not adversely affect the waste safeguarding interest and they have no objections.

Impact on Safeguarded Minerals and Waste Site Conclusion

On the above basis, the proposed development would not conflict with Policies M11 and W9 of the adopted LMWLP or Paragraph 225 of the NPPF.

Aviation Safety

Policy Ec5 of the adopted Local Plan indicates that development which would adversely affect the operation, safety or planned growth of East Midlands Airport (EMA) will not be permitted.

As part of the consideration of the application, East Midlands Airport Safeguarding (EMAS) has been consulted and originally an objection was raised due to the proportion of fruit and berry bearing plant species used in each of the planting types which were required to be reduced to less than 20% for each planting type. This was to ensure that the planting types did not provide a food source for birds which would be liable to increasing the bird strike risk at EMA.

Following receipt of amended soft landscaping plans, EMAS has confirmed that they would be acceptable.

On this basis, EMAS has no objections to the application, subject to conditions and informatives being imposed on any planning permission granted to address the following:

Conditions

- (a) No part of the development (including construction equipment – i.e. cranes) to exceed 15 metres in height above ground level (AGL) based on current ground levels;
- (b) Exterior lighting to be capped at the horizontal with no upward light spill, and exterior lighting scheme to be first agreed with EMAS;
- (c) Bird Hazard Management Plan (BHMP);
- (d) Precise details of the Sustainable Drainage System(s) (SuDS);
- (e) Technical Safeguarding Assessment (TSA);
- (f) Use of low reflectivity, which do not produce ocular glare, external materials to be demonstrated by a Glint and Glare report;
- (g) Aviation Safety Construction Management Plan (ASCMP); and
- (h) Wind Impact Assessment (WIA).

Informatives

- (a) Internal lighting beneath roof lights not to emit light upward;
- (b) Approval of radio frequency (RF) emitting devices;
- (c) Tall Equipment Permit; and
- (d) Drone Notification Procedure.

Aviation Safety Conclusion

Subject to the imposition of the relevant conditions and informatives as part of any planning permission granted, the proposed development would be compliant with Policy Ec5 of the adopted Local Plan.

Waste Collection

As part of the consideration of the application the Council's Waste Services Development Officer (WSDO) has been consulted.

Leicestershire County Council (LCC) (as the County Highways Authority) have advised that the internal layout would accord with the Leicestershire Highway Design Guide (LHDG) and therefore would be suitable for adoption. The fact that the internal highway can be adopted is considered acceptable to the Council's WSDO. Swept path analysis has also been provided to demonstrate that the Council's waste vehicles can manoeuvre within the site.

In the circumstances that the internal highway would be suitable for adoption, it will be accessible by the Council's waste vehicles and therefore the majority of the dwellings will be able to present their waste receptacles directly onto the street for collection from the kerbside.

Plots 1 to 2, 8 to 11, 12 to 15, 40 to 42, 44 to 47, 66 to 67, 68 to 70, 76 to 77, 103, 114 to 115, 125 to 127, 132 to 133 and 138 to 143 would be situated on highways which would not be adopted, and which are not designed to enable the Council's waste vehicles to utilise them. On this basis, bin collection points (BCPs) would have to be provided to enable these plots to present their waste receptacles adjacent to the extent of the adopted highway. The layout plan as submitted shows where such BCPs would be located, and it is considered that they are conveniently placed to enable the Council's Waste Services Operatives (WSOs) to access them with no objections raised by the Council's WSDO.

At this time the individual bin storage points (BSPs) for each plot are not shown, and therefore to ensure they are suitably located, a condition is recommended to be imposed on any planning permission granted to secure a scheme of BSPs. Should any BSPs be positioned to have visibility within the development (i.e. to the frontage of the dwelling), then the same condition would also seek to ensure that an enclosed solution is provided to prevent any detriment to the visual amenities of the streetscape within the development arising.

Other Matters

Assessment of objections in relation to other matters

Objection	Officer Response
The application site is impacted by the route of HS2.	NWLDC received written confirmation from the Department for Transport (DfT) on 18 th July 2025 that the safeguarding direction for Phase 2b of High Speed Rail (HS2) which applied to land within North West Leicestershire had been removed. This has also been confirmed by HS2 Safeguarding as part of the consideration of the application.

Conclusion, Planning Balance, and Contribution to Sustainable Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021) and the adopted Leicestershire Minerals and Waste Local Plan (2019). The application site is within the defined Limits to Development and comprises a greenfield site within Kegworth which is considered a 'Local Service Centre' and defined as a settlement that provides some services and facilities primarily of a local nature which meet day-to-day needs and where a reasonable amount of new development will take place. On this basis the principle of the development would be considered acceptable.

Regard is also given to the fact that an extant planning permission for the erection of 110 dwellings (as permitted under application references 12/00323/OUTM and 16/00394/REMM) exists on the application site.

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

the three objectives of sustainable development, it is concluded as follows:

Economic Objective:

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

When accounting for the above, the compliance with the economic objective would be afforded significant weight in the overall planning balance.

Social Objective:

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

Subject to the extent of the contribution being secured in a Section 106 obligation, the scheme would deliver a level of affordable housing that will meet identified needs and accord with Policy H4 of the adopted Local Plan, with the range and types of market housing also being compliant with the intentions of Policy H6 of the adopted Local Plan.

In terms of the social objective's stated aim of fostering a well-designed and safe environment, it is considered that, subject to the imposition of conditions to secure suitable design detailing and landscaping, that the scheme would be of an appropriate design which would successfully integrate into, and enhance, the environment in which it is set. The impacts of noise to the amenities of future occupants would also, subject to conditions, be appropriately mitigated to be compliant with relevant planning policy and guidance in this respect. The implications of noise upon the future amenities of such occupants would also be reduced when compared with that of the extant consent, despite the fact that 40 additional dwellings would be constructed on site.

As per the economic objective above, the scheme would provide for the necessary infrastructure to support the development and perform well in terms of the need to provide accessible services and contribute towards the enhancement of open spaces that reflect current and future needs and support the communities' health, social and cultural well-being.

When accounting for the above, the compliance with the overall aims of the social objective would be afforded significant weight in the overall planning balance.

Environmental Objective:

The scheme is also considered to perform relatively well in terms of a number of aspects of the environmental objective, and including in respect of the impacts on the built and historic environment, making an effective use of land, and mitigating and adapting to climate change. Given the location of the development in Kegworth, the ability to access services would be achievable via means other than the private car which would enable the development to contribute positively towards the movement to a low carbon economy.

In terms of issues relating to protecting and enhancing the natural environment, and as set out in the report above, the development would be undertaken on a greenfield site. Notwithstanding this, a biodiversity 'net gain' (BNG) would be delivered in line with Paragraphs 186 and 193 of the NPPF, with the report acknowledging that the mandatory 10% BNG would not be applicable to the proposal given the timing of its submission. In addition, features of importance on the site (such as category A and B trees) would be retained and incorporated successfully into the development and supplemented by additional landscaping infrastructure. This would therefore protect and enhance the natural environment.

It is considered that the above compliance with the Environmental Objective would outweigh the conflict associated with the development being undertaken on a greenfield site, albeit it is accepted that such a greenfield site is within the defined Limits to Development and benefits from planning permission as specified under Policy H1 of the adopted Local Plan, with the application site also being a 'Housing Commitment' under Policy H2 of the Regulation 19 proposed submission draft North West Leicestershire Local Plan. There is therefore an expectation that the site would be built upon in the future.

When accounting for the above, the limited weight to be applied to the conflict with the environmental objective (i.e. use of greenfield land) would be outweighed by the significant weight applied to other aspects of the environmental objective in the overall planning balance.

Having regard to the three objectives of sustainable development and having regard to the conclusions in respect of various technical issues as outlined above, it is considered that, subject to the imposition of conditions and the securing of a Section 106 agreement, the overall scheme would represent sustainable development and approval is recommended.