

# Public Document Pack



Hinckley & Bosworth  
Borough Council

**Bill Cullen** MBA (ISM), BA(Hons) MRTPI  
*Chief Executive*

**Date: 29 September 2025**

**To: Members of the Planning Committee**

Cllr MJ Crooks (Chair)	Cllr C Gibbens
Cllr J Moore (Vice-Chair)	Cllr SM Gibbens
Cllr CM Allen	Cllr CE Green
Cllr RG Allen	Cllr KWP Lynch
Cllr SL Bray	Cllr LJ Mullaney
Cllr MA Cook	Cllr H Smith
Cllr DS Cope	Cllr BR Walker
Cllr REH Flemming	Cllr R Webber-Jones

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite, Hinckley Hub on **TUESDAY, 7 OCTOBER 2025 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen  
Democratic Services Manager

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Thank you

## PLANNING COMMITTEE - 7 OCTOBER 2025

### A G E N D A

1. **APOLOGIES AND SUBSTITUTIONS**

2. **MINUTES (Pages 1 - 4)**

To confirm the minutes of the meeting held on 9 September 2025.

3. **ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES**

To be advised of any additional items of business which the Chair decides by reason of special circumstances shall be taken as matters of urgency at this meeting. Items to be taken at the end of the agenda.

4. **DECLARATIONS OF INTEREST**

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. **QUESTIONS**

To hear any questions in accordance with Council Procedure Rule 12.

6. **DECISIONS DELEGATED AT PREVIOUS MEETING**

To report progress on any decisions delegated at the previous meeting.

7. **22/00839/FUL - TRINITY MARINA, COVENTRY ROAD, HINCKLEY (Pages 5 - 30)**

Application for three apartment blocks comprising 76 one and two bedroom apartments with associated parking and landscaping.

8. **25/00523/FUL - WIGGS FARM, WOOD ROAD, NAILSTONE (Pages 31 - 60)**

Application for the erection of a B8 distribution hub with ancillary offices, quality control office and canopy, maintenance units, gatehouse, associated infrastructure and landscaping.

9. **24/01158/OUT - LAND OFF BRASCOTE LANE, NEWBOLD VERDON (Pages 61 - 88)**

Outline application of up to 135 dwellings with associated landscaping, open space, drainage infrastructure and associated works (all matters reserved except for access).

10. **24/00709/REM - ASHFIELD FARM, KIRKBY ROAD, DESFORD (Pages 89 - 108)**

Application for approval of reserved matters (relating to appearance, landscaping, layout and scale for the erection of 120 dwellings and associated works) attached to planning permission 22/01227/OUT (APP/K2420/W/23/3320601) including

discharge of conditions 5 (ecological constraints and opportunities), 6 (biodiversity details), 9 (surface water scheme) and 11 (site / ground investigation) of planning permission 22/01227/OUT.

11. **APPEALS PROGRESS (Pages 109 - 112)**

To report on progress relating to various appeals.

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### PLANNING COMMITTEE

9 SEPTEMBER 2025 AT 6.30 PM

PRESENT: Cllr MJ Crooks - Chair  
Cllr J Moore – Vice-Chair  
Cllr CM Allen, Cllr RG Allen, Cllr MC Bools (for Cllr KWP Lynch), Cllr SL Bray,  
Cllr MA Cook, Cllr REH Flemming, Cllr C Gibbens, Cllr SM Gibbens,  
Cllr CE Green, Cllr L Hodgkins (for Cllr DS Cope), Cllr LJ Mullaney, Cllr H Smith  
and Cllr R Webber-Jones

Also in attendance: Councillor WJ Crooks

Officers in attendance: Sullivan Archer, Emma Baumber, Chris Brown, Rebecca Owen, Madeline Shellard and Edward Stacey

#### 137. **Apologies and substitutions**

Apologies for absence were submitted on behalf of Councillors Cope, Lynch and Walker, with the following substitutions authorised in accordance with council procedure rule 10:

Councillor Bools for Councillor Lynch  
Councillor Hodgkins for Councillor Cope.

#### 138. **Minutes**

It was moved by Councillor Bray, seconded by Councillor C Gibbens and

RESOLVED – the minutes of the meeting held on 12 August be confirmed as a correct record.

#### 139. **Declarations of interest**

Councillor J Crooks declared a non-registrable interest in application 22/01048/FUL as her husband was ward councillor and stated she would leave the room during consideration of the item.

#### 140. **Decisions delegated at previous meeting**

The Planning Manager provided an update on decisions delegated at the previous meeting.

Having declared an interest in the following item, Councillor Crooks left the meeting at 6.35pm.

Councillor Moore, as vice-chair, took the chair at this juncture.

141. **22/01048/FUL - Land adjacent to Barlestone Garage, Newbold Road, Barlestone**

Application for construction of 58 dwellings including garages and garden stores with associated access works, landscaping, open space and drainage infrastructure (revised scheme).

Councillor Webber-Jones entered the meeting at 6.36pm.

An objector, the agent and the ward councillor spoke on this application.

Notwithstanding the officer's recommendation that permission be granted, members expressed concern about noise resulting in an adverse effect on the privacy and amenity of neighbours. It was moved by Councillor Bools and seconded by Councillor Bray that permission be refused for these reasons. Upon being put to the vote, the motion was CARRIED and it as

RESOLVED – permission be refused due to adverse impact on the privacy and amenity of neighbouring properties contrary to policy DM10 of the Site Allocations and Development Management Policies DPD.

142. **25/00681/FUL - North Warwickshire and Hinckley College, Lower Bond Street, Hinckley**

Application for erection of Ada Lovelace statue outside North Warwickshire and Hinckley College, 2.5m in height, mounted on a Portland stone plinth 0.5m high.

The applicant spoke on this application.

It was moved by Councillor Bools, seconded by Councillor Webber-Jones and

RESOLVED –

- (i) Permission be granted subject to the conditions outlined in the officer's report;
- (ii) Authority be delegated to the Head of Planning to determine the final detail of the conditions.

143. **25/00643/FUL - 141 Heath Lane, Earl Shilton**

Application for change of use of dwellinghouse (use class C3) to residential children's home (use class C2) for up to three children under the age of 18 years old and provision of bin store and cycle shelter.

The agent spoke on this application.

It was moved by Councillor Bray, seconded by Councillor R Allen and

RESOLVED – Permission be granted subject to the conditions outlined in the officer's report.

144. **24/00264/OUT - Land north of A47 Normandy Way, Hinckley**

Outline application for the erection of up to 415 dwellings including landscaping, open space, drainage and associated infrastructure (outline – access only).

Whilst minded to approve the application, members felt that the position of the proposed roundabout was still inappropriate and that further attempts should be made to move it. It was moved by Councillor Bray and seconded by Councillor Bools that the decision be delegated to the Head of Planning following discussions on the position of the roundabout. Following further discussion, Councillor Bray, proposed an amendment that the reserved matters application be brought back to the Planning Committee, which was accepted by Councillor Bools as seconder. Upon being put to the vote, the motion was CARRIED and it was

**RESOLVED –**

- (i) Members be minded to grant permission subject to
  - a. Withdrawal of objection from National Highways
  - b. A section 106 agreement in accordance with the heads of terms set out in the officer's report and late items
  - c. The conditions contained in the officer's report.
- (ii) Authority be delegated to the Head of Planning to issue the decision following further discussions in relation to the position of the roundabout;
- (iii) Authority be delegated to the Head of Planning to determine the final detail of the planning conditions and terms of the S106 agreement.

145. **Appeals progress**

Members were updated on progress in relation to appeals.

(The Meeting closed at 8.02 pm)

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CHAIR

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Committee Report 7 October 2025

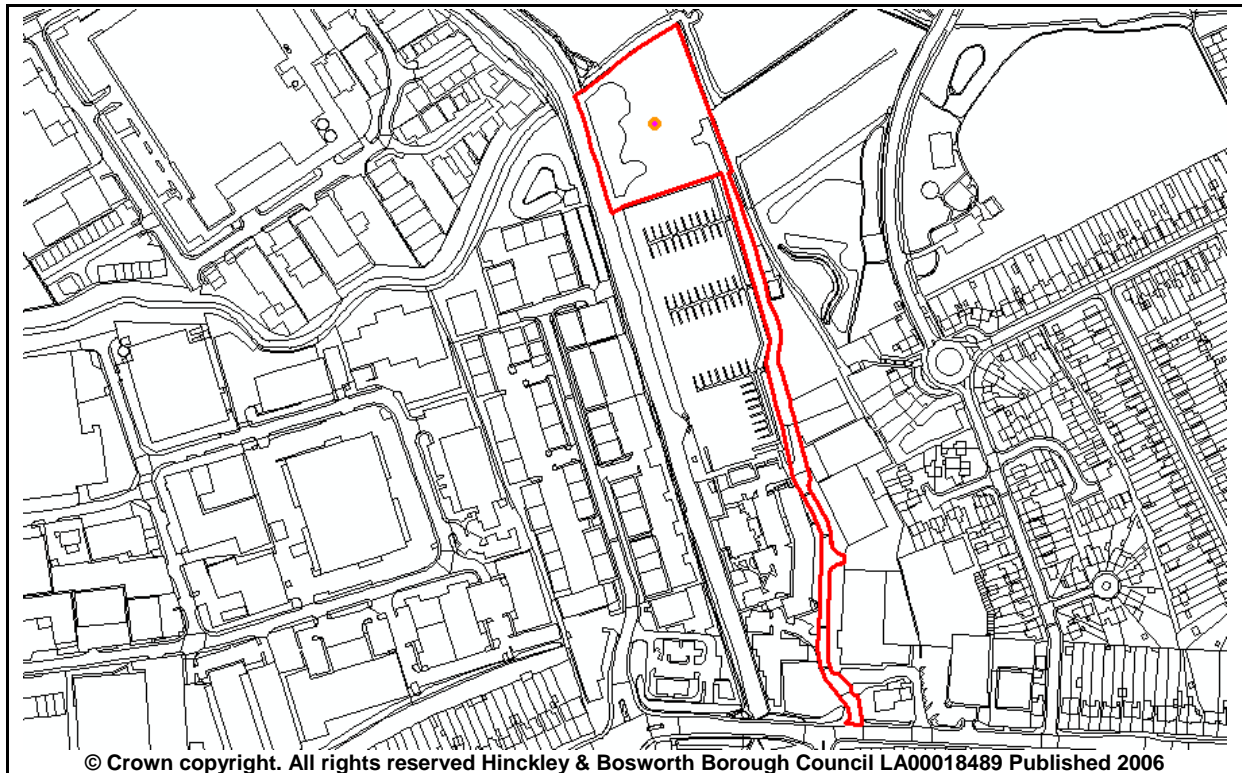
Planning Ref: 22/00839/FUL  
Applicant: AG Homes Ltd  
Ward: Hinckley Clarendon



Hinckley & Bosworth  
Borough Council

Site: Trinity Marina, Coventry Road, Hinckley, Leicestershire

**Proposal: Full planning application for three apartment blocks comprising 76 one and two bedroom apartments with associated parking and landscaping**



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- The completion of a unilateral Undertaking to secure the following obligations:
  - Travel Packs
  - Bus Passes
- Planning conditions outlined at the end of this report
- That the Assistant Direct Planning and Regeneration be given powers to determine the final detail of planning conditions.

## 2. Planning Application Description

- 2.1. The application seeks full permission for the erection of three apartment blocks comprising 76 one and two bedroom apartments, associated parking and landscaping. The applicant has stated that the apartments will all be for rented accommodation.

- 2.2. The site is proposed to be developed with three blocks of apartments. Block A is located to the south of the site, parallel with the rear of the marina basin and consists of three floors of accommodation with a roof that divides the structure into nine gabled bays, reminiscent of a traditional wharf building. Block B is exactly the same as Block A and lies at 90 degrees to Block A so that it is parallel with the Ashby Canal. Access to these two blocks is provided by three external stairs, one at each end and with a central stair linking the two blocks. Block C is a smaller square building located to the north east corner of the site and consists of four floors of accommodation arranged around a central stair and lift core, so each elevation of the building is the same. The building has a shallow pitched roof topped by a central roof lantern. The elevations of this building have less glazing compared to Blocks A and B and more timber effect cladding
- 2.3. A single brick is proposed for all three blocks. In all three blocks all apartments on the upper floors have recessed balconies with those on the ground floor having recessed terraces and the external stair access on Blocks A and B allows all apartments to have large living spaces with windows in both elevations so that for all apartments in these two blocks the main living area faces water, open kitchen areas are then located centrally with dining areas facing the internal elevations. All three blocks have dark grey standing seam roofs. All balconies are fronted with metal railings set within the nine brick bays that frame the elevations. Within these nine bays the main material is glazing with some vertical timber effect cladding and grey window frames and spandrel panels. Open space is provided around the perimeter of the site with the main open space located on the northern boundary between Blocks B and C. The centre of the site is taken up with a landscaped parking area providing. Existing trees and hedgerows on the northern and western boundaries of the site are to be retained, and new tree planting is to be provided within the site. Landscaped buffers are provided to the western boundary with the canal, a significant part of which lies outside of the application site, and to the northern boundary.
- 2.4. In terms of the mix of accommodation the proposed apartments have either one or two bedrooms and between 48 and 74 square metres with all apartments meeting the Nationally Described Space Standards, providing though that, for example, the three apartments that have fewer than 50 square metres of floorspace were only occupied by a single person. The mix of accommodation is as follows:
- One bed apartments – 26
  - Two bed apartments – 50
- 2.5. No major changes are proposed to the current access arrangements apart from a new white lined pedestrian access route being clearly marked and signed from the site to the adopted highway. As this access is within the ownership of the applicant a condition requiring a detailed Access Management Strategy to be submitted and approved and implemented before any apartment is occupied. The applicant has stated that this can include clear signage to direct vehicles and residents appropriately and to discourage misuse; monitoring arrangements to oversee access and respond to issues that may arise and automatic number plate recognition or equivalent systems to regulate and record vehicular movements where necessary.
- 2.6. A total of a total of 90 parking spaces of which six are accessible spaces and 12 have EV charging points. Three combined cycle parking and bin store buildings are proposed within the site.

- 2.7. Both the application description and the detailed design of the apartments have been significantly amended since the application was first submitted. The number of apartments has been increased from 73 to 76 and no three bed apartments are now proposed. The detailed design of the buildings has been revised to take account of land ownership clarification, utilities restrictions on the site and changes to provide a more efficient use of floorspace. This has resulted in changes to the siting, scale and appearance of the three proposed apartment buildings. The revisions have also enabled all apartments to now be dual aspect.
- 2.8. The applicant has submitted a Viability Appraisal which has been independently assessed. This matter is addressed in more detail below. The effect of this is that a proportion of the financial contributions usually required are being made and none of the dwellings would be classified as affordable homes.
- 2.9. The application is accompanied by the following reports and documents:
- Planning, Design and Access Statement
  - Design Addendum
  - Viability Statement
  - Transport Assessment
  - Travel Plan
  - Waste Management Plan
  - Reptile Survey
  - Noise Assessment
  - Otter and Water Vole Mitigation Strategy
  - Pond Walkover Technical Note

### **3. Description of the Site and Surrounding Area**

- 3.1. The application site covers an area of approximately 0.86 hectares and is located to the north of the existing Trinity Marina, within the settlement boundary of Hinckley which is identified as a sub-regional centre in the Council's Core Strategy. A thin strip of land separates the site from the Ashby Canal to the west beyond which are industrial and commercial premises and by the Harrow Brook to the north beyond which is an area of unmaintained grass and overgrown vegetation. To the west the site is also bounded by the Brodick Road allotments, public open space to the west of Brodick Road and maintained grassland within the Trinity Marina site east of the access road. Beyond the marina to the south is a pub and a hotel and a mix of industrial and commercial premises.
- 3.2. The access to the site is gained from an existing access from Coventry Road which has separate entry and exit only openings either side of the fuel filling station on the Coventry Road frontage. This current access arrangement serves the marina as well as the pub, hotel, car dealerships and other commercial premises and is private and unadopted. Coventry Road is well served by buses with a service in each direction approximately every 30 minutes.
- 3.3. The site is generally flat but with an embankment to the northern and eastern boundaries of the marina and currently comprises partially maintained grassland and partially overgrown vegetation, particularly to its margins. There is a landscaped strip of vegetation that varies in depth between the site and the canal to the west. The Ashby Canal and its immediate margins lie within the Ashby Canal Conservation Area which covers the length of the canal through the borough.

- 3.4. The site is overgrown and not used for any purpose. The planning history of the site indicates that development of the site had always been envisaged but, for reasons unknown, has never taken place.
- 3.5. The application site is located within flood zone 1. There are no listed buildings within the vicinity of the site.
- 3.6. The site is an 11 minute walk from the Londis convenience store at the corner of Strathmore Road and Coventry Road and a 13 minute walk from the One Stop convenience store at the corner of Coventry Road and Beaumont Avenue.

#### **4. Relevant planning history**

- 4.1. 79/00512/4 – Outline planning permission for the erection of garage complex comprising of offices, showrooms, workshops, car sales, petrol station etc., motel and marina – Approved June 1979
- 4.2. 95/00072/OUT – Outline planning permission for marina, vehicle service area, public house and restaurant, vehicle franchise facilities, hotel/leisure club/staff accommodation. Approved July 1995

*Officer comment – the site layout plan indicated a leisure club and hotel at the far end of the site where the apartments are now proposed.*

- 4.3. 99/00766/REM – Approval of reserved matters for canal marina, public house/restaurant, shop, associated buildings and car parking. Approved May 2000
- 4.4. 00/00926/FUL – Erection of pub/restaurant (revised scheme). Approved October 2000
- 4.5. 18/00058/OUT – Mixed use development including up to 74 apartments, marina facilities (toilets/shower/bath facilities, café, shop, launderette and marina offices/storage) and associated landscaping and infrastructure (outline – access, landscaping, layout and scale only) – Approved 7 August 2019

*Officer comment: This application relates to a slightly smaller area and included land to the east of the marina adjacent to the open space east of Brodick Road.*

#### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to the occupiers 20 local addresses. Letters have also been sent with regard to revised plans. Site notices have also been posted within the vicinity of the site, and a notice was displayed in the local press.
- 5.2. Objections have been received from a total of 26 separate addresses, which raise the following concerns and points:
- Access arrangements are poor and there is already significant congestion with the access road being blocked regularly due to operations relating to the car dealerships and car transporters, and this will make matters significantly worse.
  - Pedestrian access is unsafe at the moment given vehicle parking, manoeuvring, loading and unloading associated with the car dealerships. Providing 76 flats will make the situation significantly worse

- The highway information submitted with the application is deeply flawed – the proposal is wholly unsuitable and poses serious risks in terms of highway and pedestrian safety
- There is insufficient parking already for marina residents and the car dealerships this development would make the parking situation unacceptable
- One of the benefits of the existing marina is that it is secure with the access protected by a locked vehicular gate, pedestrian gate and gates to the individual jetties – much of this will be removed as a result of this development
- Residents of the marina have to cross the access road to reach the shower block – the road being used by residents and visitors to the apartments will significantly increase the vulnerability of marina residents and make them feel less safe
- The tranquillity of the marina will be lost
- The buildings will be an eyesore
- Building this close to the canal basin could compromise the structural integrity of the canal boat marina
- Construction noise will have an unacceptable impact on residents of the area
- Three storey elements will block natural light onto the marina and its occupants
- Loss of privacy for residents on the marina
- The buildings will overlook the marina and its occupants impeding on their mental wellbeing
- People living in narrowboats on the marina are being treated differently from people living in houses – this is not fair and is contrary to Human Rights legislation
- The application documentation suggests that it has direct access to the canal towpath. The canal towpath on this side is part of the marina and should not be accessible to the residential development
- Loss of trees and wildlife including otters and water voles
- No arboricultural report has been submitted
- This will increase risks of flooding
- The application is invalid and has not been properly submitted
- If permission is granted, then there should be conditions securing the following: highway upgrades to the marina access road or access provided via Brascote Road; providing safe, well-lit pavements and crossings for pedestrians and cyclists; parking provision

## 6. Consultation

- 6.1. **Canal and River Trust** – Considers that the initially submitted revised design is an improvement although the side elevations of blocks A and B are not particularly engaged with the canal and were disappointing when compared with the greater interest and articulation achieved in the principal elevations. The proposed palisade fence along the canal is disappointing and a less utilitarian boundary treatment should be considered. The soft landscaping details are inadequate and given that the canal lies within a conservation area the provision of adequate landscaping is essential.

With regard to the revised plans, while Block B (which faces the canal) retains a broadly similar character, the loss of articulation and removal of variations in the height of the block are relatively disappointing and remove some of the interest that

had been achieved in the previous iteration. Concerns regarding landscaping remain.

*Officer comment: the submission of a scheme for hard and soft landscaping is secured via condition.*

- 6.2. **Inland Waterways Association** – The Association originally objected to the height of the development but the reduction to three storeys at most is welcomed and the IWA has no further objections to the scheme.

The latest plans are considered to be an improvement on the 2023 designs. The concept views showing open gardens and an unfenced canalside landscape setting are appreciated. The IWA did want to be consulted though on the detailed landscaping proposals.

The IWA supports the application.

- 6.3. **LCC Highway Authority** – The Local Highway Advice (LHA) advice is that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

90 parking spaces are proposed, including six accessible spaces and 12 electric car charging spaces. This works out at one space per flat and 14 visitor spaces. Given the location of the site, which has frequent bus services to Hinckley town centre/ Leicester/ Nuneaton/ Coventry the site is considered to be in a sustainable location. The Applicant is also providing secure cycle parking within the development. The LHA would be willing to accept one parking space per one bed flat and, given the sustainable location of the development, it is considered one space per two bed flat would be acceptable. In addition, the proposals are located some distance from the adopted highway and it is considered unlikely that parking would occur in the highway as a result.

If parking is a concern, the LPA may wish to condition a Parking Management Plan to be provided by the Applicant which would need to be submitted and agreed prior to occupation of the flats. This would need to set out how resident/ visitor parking would be managed throughout the development site. This could include for example allocating a numbered parking space/ spaces to each flat and making residents aware of the number of spaces they are allocated prior to purchasing/ renting the flats or discussing parking requirements with residents prior to purchase/ renting. It would then be clear to potential residents what parking provision is available to them. This would also eliminate any concerns there may be a 'free for all' type situation, where residents/ visitors park wherever they please within the site and purchase/ rent the property with the anticipation of being able to park multiple vehicles in the car park, as there would be allocated spaces throughout.

Whilst it has no objections, connectivity to the site for pedestrians along the private road from Coventry Road is considered currently to be poor. No improvements to the pedestrian route have been made and no improvements have been shown to clearly highlight the vehicle exit routes out of the site.

Conditions and or financial contributions are requested regarding cycle parking, a travel pack and two six month bus passes for each apartment as well as Real Time Information sign boards are the two nearest bus stops on Coventry Road, a construction traffic management plan and on-site parking.

*Officer comment: In addition to the conditions provided it is considered that the proposed detailed Access Management Strategy condition will ensure that the necessary improvements to the access route and signage strategy can be secured.*

- 6.4. **LCC Ecology** – No objections following the submission of further information. Several conditions are proposed regarding further surveys, landscaping and ecology matters.
- 6.5. **LCC Planning Obligations** – The following contributions totalling £34,461.15, are required as a result of this development:
- Waste – Barwell RHWS - £3,764.28
  - Libraries – Hinckley Library - £1,917.55
  - Primary Education – Westfield Infant and Junior School - £40,254.71
  - Secondary Education – No requirement
  - Post 16 Education – No requirement
- 6.6. **Severn Trent Water** – Requests a condition regarding surface water and foul sewage.
- 6.7. **NHS England** – The proposed development will result in a minimum population increase of 111 patients. The GP practices closest to this development, the Station View Health Centre and the Hollycroft Medical Centre, are already experiencing capacity issues in relation to their premises and would need to increase facilities to meet the needs resulting from this proposed development. A contribution of £22,342.08 is required and this should be released prior to first occupation.
- 6.8. **HBBC Conservation** – The development proposed consists of the erection of three apartment blocks located on an undeveloped parcel of land to the north of Trinity Marina. A thin strip of land divides the marina and application site from the Ashby Canal to the west, consisting of access to the canal moorings and a dense screen of hedgerow vegetation and semi-mature trees. The length of the Ashby Canal is a designated conservation area. The red line edge of the proposal appears to run parallel to the band of landscaping along the east of the canal and therefore the proposal is located within the immediate setting of the conservation area.

The Ashby Canal Conservation Area Appraisal (ACCAA) (2009) identifies the history and key characteristics of the canal and its setting that contribute to its significance. The navigation was originally constructed as cheaply as possible to transport coal in large quantities rapidly to the Coventry Canal. The cross section adopted for the canal had soft edges which soon became overgrown with vegetation giving it a natural river-like appearance. Despite its industrial ancestry, the canal generally meanders through attractive open countryside passing few large centres of population. Even in Hinckley, the impression is generally that of a semi-rural navigation with numerous green fields and hedgerows on either side.

The ACCAA identifies two long open panoramic views from the canal over the application site (one is over the undeveloped land, and one view is over the marina). These views no longer exist as the western boundary of the application site currently consists of a length of dense hedgerow vegetation and semi-mature trees which only allow for very limited seasonal glimpses beyond. The vegetation now provides a semi-rural character to both sides of the stretch of canal immediately to the west of the application site, and this characteristic positively contributes towards the character and significance of the conservation area,

predominantly directing views up and down the canal rather than outwards towards surrounding development.

The ACCAA acknowledges that where buildings have been constructed within the canal corridor through Hinckley appropriate built form has been restricted in height and visually separated to ensure any visual impact is limited. The ACCAA also identifies the threats to the canal's character and setting from proposed development, with design guidance seeking to ensure that all future development sites along the canal maintain an appropriately landscaped set back from the canal to ensure that the canal's semi-rural appearance within Hinckley is maintained.

Due to the siting and three storey height of blocks A and B, the development would be visible in views looking north along the canal and from the canal towpath to the west of the site where it rises above the existing vegetation screen. Despite block C being four storeys in height, it is likely that visibility of this block will be limited due to the siting and scale of blocks A and B. The height of the blocks A and B provide them with a consistent scale and to the extent where it is considered that they would not have an overbearing impact upon the canal or be considered uncharacteristic when compared to the scale of some built form within the wider site context. The alternating gabled roof form and recessed balconies on each bay also breaks up the mass of each block on the canal facing elevations which also reduces their visual impact.

Whilst the design concept does not necessarily closely match traditional canalside architecture such as a wharf building, blocks A and B have a consistent and simple approach and rhythm to its form, and the dual pitched gable roofs do follow local context, so generally the design concept for these blocks is considered to be acceptable. Assessment of the acceptability in general design terms of the proposed decking and external stair/lift access arrangements on blocks A and B is left to the decision-taker, as it is considered that these design features have no more than a negligible visual effect upon the conservation area. Block C has a markedly different form and plan compared to blocks A and B, and in my opinion its design does not reflect traditional canalside architecture. However, given the lack of visibility between this block and the canal it is considered there would be no adverse visual effects from block C upon the conservation area.

The construction materials are varied. The buff brick for the facing walls of each block does not follow local traditional characteristics (with a red/orange tone brick being most prevalent), but its more muted tone may be acceptable as part of a contemporary design concept and ensuring that the brick is appropriately specified. To secure this a planning condition is suggested. The timber cladding for the balconies and facing walls of the blocks does reflect rural canalside materials, and whilst the approaches to the windows and balcony railing are considered to be contemporary in nature they are also acceptable. The roofing material for the blocks has not been confirmed. The previous proposal was for a slate roof which is a locally prevalent material. The revised elevations suggest that the proposed roof material could be metal, such as zinc / aluminium with a standing seam. Again, whilst not a traditional or locally prevalent material this does seem to fit with the more contemporary design concept for the revised scheme. The roofing details should be secured via a planning condition.

The maintenance and strengthening of the landscape screen along the western boundary of the site bordering the canal is critical to provide a level of visual screening and retain a key characteristic of the Ashby Canal Conservation Area.



Due to the suitable scale, mass, layout, form and design and construction materials for each block (subject to a condition) the proposal would result in an appropriate development within the immediate setting of the Ashby Canal Conservation Area causing no harm to its significance. Subject to further details (secured by condition) the proposal would retain the existing landscaping screen along the western boundary of the site which would preserve the semi-rural character of the canalside setting and the proposal has the potential to strengthen the amount of soft landscaping within the site boundary. For these reasons the proposal would preserve the significance of Ashby Canal Conservation Area and consequently it complies with policies DM11 and DM12 of the SADMP and section 16 of the NPPF.

- 6.9. **HBBC Affordable Housing** – Core Strategy Policy 15 indicates that 20% of the dwellings in urban areas should be for affordable housing of which 75% should be for affordable rent and 25% for shared ownership. To comply with guidance there should be 15 affordable homes. Previous applications related to this site indicated that viability issues would prevent the site from delivering any affordable housing on site. If the applicant still feels this to be the case, an up to date viability assessment should be submitted, which will be independently verified on current values to see if the site is able to provide any affordable housing either via on site provision or by way of a commuted sum if the residual value gives a low contribution.

- 6.10. **HBBC Compliance and Monitoring** – An off-site contribution for play and open space should be secured for all typologies (equipped, informal, outdoor sports and accessible green space). These can be put towards Langdale Road Park and Brodick Road amenity green space.

A pedestrian access to the site should also be provided. The development site is adjacent to Brodick Road which would then allow access and links to recreation areas nearby.

- 6.11. **HBBC Drainage** – No objections subject to conditions regarding surface water drainage.
- 6.12. **HBBC Environmental Health** – No objections subject to conditions regarding contamination and a Construction Environmental Management Plan. Further information is requested regarding noise issues.

## 7. Policy

### 7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 23: Tourism Development
- Policy 24: Sustainable Design and Technology

### 7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment

- Policy DM12: Heritage Assets
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
  - Policy DM24: Cultural and Tourism Facilities
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
  - Planning Practice Guidance (PPG)
  - National Design Guide (2019)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
  - Leicestershire Highway Design Guide (2024)
  - Ashby Canal Conservation Area Appraisal
  - Ashby Canal Conservation Area Management Plan
  - Heritage Strategy (2020)
  - Housing Needs Study (2019)
  - Affordable Housing SPD (2011)
- 8. Appraisal**
- 8.1. This is a full application for the development of 76 apartments within Hinckley. The following represent the key issues:
- Principle of Development
  - Housing Land Supply
  - Housing Mix
  - Impact upon Highway Safety
  - Impact on the Character and Appearance of the Area
  - Residential Amenity
  - Flood Risk and Drainage
  - Ecology and Biodiversity
  - S106 Heads of Terms
  - Conclusions and Planning Balance

#### Principle of Development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. For the purposes of the application the development plan in this instance consists of the adopted Core Strategy (2009) (CS) and the Site Allocations and Development Management Policies DPD (2016) (SADMP). The NPPF states at paragraph 12 that

where a planning application conflicts with an up-to date neighbourhood plan, permission should not usually be granted.

- 8.4. Paragraph 14 of the NPPF states that in situations where the presumption in favour of sustainable development referred to in paragraph 11, applies to applications for housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
  - The neighbourhood plan contains policies and allocations to meet its identified housing requirement;
  - The LPA has at least a three year supply of deliverable housing sites;
  - The LPA's housing delivery was at least 45% of that required over the previous three years.

It is not considered that any of these circumstances apply in this instance.

- 8.5. The Emerging Local is due to cover the plan period 2024-2045. The previous public consultation on the Regulation 18 Draft Local Plan ran from Wednesday 31 July to Friday 27 September 2024. The latest Local Development Scheme was published on 6 March 2025. The update revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a further Regulation 18 consultation scheduled for September/October 2025, and the Regulation 19 consultation scheduled for around March/April 2026. Given the early stage of the Emerging Local Plan and outstanding evidence still to be undertaken, the emerging policies are attributed very limited weight, and none are considered of relevance to this application.
- 8.6. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The application site is located within Hinckley and Policy 1 of the Core Strategy states that to support Hinckley's role as a sub-regional centre the Council will allocate land for a minimum of 1120 new dwellings and will seek to diversify the existing housing stock in the town centre.
- 8.7. Permission has been granted in August 2019 for a similar development that included a range of facilities in addition to the 76 apartments. While that permission has expired the circumstances remain broadly similar.
- 8.8. The site lies within the settlement boundary of Hinckley
- 8.9. It is considered that the principle of the development of 76 apartments on the site remains acceptable subject to the detailed considerations set out below.

#### Housing Land Supply

- 8.10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.11. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough Council is able to demonstrate 3.89 years of deliverable housing as of July 2025. Due to this and the change in the housing figures required for the borough paragraph 11(d) of the NPPF is triggered. Therefore, this application should be

determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise. It should be noted that the assessment of housing land supply is due to be updated very soon.

- 8.12. Paragraph 11d) of the NPPF states that, for decision makers:

*“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance (7) provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

- 8.13. Footnote 8 in the NPPF states that the application of this approach *“includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”.*

- 8.14. Paragraph 61 of the NPPF sets out that *“it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.*

- 8.15. Paragraph 79 of the NPPF sets out that *“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years.”*

- 8.16. Development on this site would contribute to the housing land supply and consideration should be given to paragraph 81 of the NPPF which states:

*“To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability.”*

- 8.17. Therefore, currently the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.18. The provision of 76 dwellings, albeit that none would be for Affordable Housing, is considered to be a significant benefit. In light of the failure to deliver a 5 year supply though it is considered that significant weight should be given to the provision of the proposed dwellings.

#### Housing Mix

- 8.19. Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to meet a 'very good' rating against Building for a Healthy Life, unless unviable. A minimum density of 40 dwellings per hectare is required in Hinckley, a lower density may be required where individual site circumstances dictate and are justified.
- 8.20. The Good Design Guide SPD advocates the use of the Building for a Healthy Life Assessment.
- 8.21. Paragraph 63 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The above policy allows for the most recent evidence to be taken into account in decisions and thus Policy 16 is considered up to date in this regard.
- 8.22. The mix of apartments provides a range of sizes with the majority of the apartments being two bed.
- 8.23. Policy 15 of the CS sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. At least 480 dwellings will be in the rural areas, at a rate of 40%. The rest will be delivered in urban areas at a rate of 20%. The Borough has an unmet affordable housing need, and this is given significant weight in the planning balance. The Housing Needs Study (2019) identifies a Borough need for 271 affordable dwellings per annum (179 in the urban area and 92 in the rural area) for the period 2018-36. The Study states this is not a target, but that affordable housing delivery should be maximised where opportunities arise.
- 8.24. The housing officer has requested 20% of units on the site to be affordable, but the applicant has submitted a viability assessment stating that the provision of affordable homes is not viable. The Council has had the assessment independently assessed and it has been concluded that the provision of affordable homes would not be warranted in this instance due to viability issues.
- 8.25. The proposal is therefore, in these specific circumstances, deemed to be acceptable with respect to housing mix and affordable housing.

#### Impact upon Highway Safety

- 8.26. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and

changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

- 8.27. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.28. Paragraph 115 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 117(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.29. The applicant has been required to submit further information in order to satisfy the Local Highway Authority that the proposals are, in the view of the LHA, acceptable.
- 8.30. Despite the unusual access arrangements the Local Highway Authority have no objections to the proposed development and a condition securing an Access Management Strategy is proposed in order to secure and maintain a safe pedestrian route from the apartments to Coventry Road.
- 8.31. The Leicestershire Highway Design Guide sets out that dwellings with up to three bedrooms require two parking spaces. The Guide though makes no distinction between dwellings in the countryside and dwellings that lies within an urban location where easy access to frequent bus services is available approximately twice an hour.
- 8.32. The Local Highway Authority has confirmed that it considers, these site specific circumstances, the level of parking provision to be sufficient. It has further suggested that the LPA might wish to attach a condition requiring the submission of a Parking Management Plan that could include such measures as allocated parking, drawing attention to the fact that there was one parking space per apartment, discussing parking requirements with prospective occupiers prior to moving in and penalties for parking in unallocated parking spaces.
- 8.33. The applicant has stated that the target market for the properties is primarily downsizers and empty nesters, who typically have a lower level of car ownership, often one vehicle per household. In addition secure cycle parking is provided within the site.
- 8.34. The proposal is, with the addition of the conditions proposed, considered to be acceptable with regard to highway safety and its impacts on the local highway network in accordance with the requirements of policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Documents and as required by the NPPF.

#### Impact on the Character and Appearance of the Area

- 8.35. As set out above the site lies within the built-up area of Hinckley with a mix of uses in the vicinity of the site. The impact on heritage assets is addressed in a separate section below.

- 8.36. Point c) of Policy DM10 of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.37. The site is currently well screened from public viewpoints by the trees that either lie within the site or on neighbouring land bordering the site. The originally submitted scheme included four-storey elements, and this has been revised so that the maximum height across the blocks closest to the Ashby Canal Conservation Area is three storeys. Following changes to the detailed design it is considered that the proposal is a well-designed scheme that will be an attractive development that will sit well in its self-contained setting adjacent to the marina.
- 8.38. The nature of the site will change significantly but given the variety of neighbouring uses, it is not considered that the proposed development will result in any harmful effects on the character of the surrounding area in accordance with the requirements of Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

#### Impact on Heritage Assets

- 8.39. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.40. Section 16 of the NPPF provides national policy on conserving and enhancing the historic environment. In determining planning applications, paragraph 197 of the NPPF advises local planning authorities to take account of
- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
  - c. The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.41. Paragraphs 199-202 of the NPPF require that great weight is given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification and for that harm to be weighed against the public benefits of a proposal.
- 8.42. Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.43. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset, or its setting will be required to demonstrate:
- a. an understanding of the significance of the heritage asset and its setting; and

- b. the impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
  - c. how the benefits of the proposal will outweigh any harm caused; and
  - d. any impact on archaeology in line with Policy DM13.
- 8.44. Policy DM12 requires all development proposals to accord with Policy DM10 and states that development proposals should ensure that development proposals should make every effort to retain the significance of locally listed heritage assets.
- 8.45. The Ashby Canal Conservation Area lies approximately 5m from the boundary of the site and therefore the site and the proposed buildings are located within the immediate setting of the Conservation Area.
- 8.46. The Ashby Conservation Area Appraisal (MBCAA) points out that the canal is noted for its visual charm, meandering peacefully for most of its length through the quiet pastoral landscape of western Leicestershire with very limited hints of the coalmines and heavy industry that prompted its creation. Even in Hinckley the impression is generally that of a semi-rural navigation with green fields and hedgerows on either side.
- 8.47. As set out by the Council's Conservation Officer the identified view from the canal over the application site no longer exists as the western boundary of the application site consists of dense hedgerow and semi-mature trees. The hedgerow would be retained in the landscaped buffer strip as would many of the trees. The vegetation now provides the semi-rural character that is a characteristic of the canal. This contributes positively to the character and significance of the conservation area.
- 8.48. The Council's Conservation Officer has required improvements to be made to the proposals resulting in both a lowering of the height of the buildings and in detailed improvements to the elevations. While the proposed development would be seen above the trees and glimpsed further in winter it is considered that the proposal represents an appropriate form of development that retains the existing landscaping screen along the western boundary of the site which would preserve the semi-rural character of the canalside setting. The proposal is considered therefore to preserve the significance of the Ashby Canal Conservation Area and consequently complies with policies DM11 and DM12 of the SADMP and section 16 of the NPPF.

#### Impact upon Residential Amenity

- 8.49. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.50. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.51. Paragraph 135 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder,



and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 8.52. Paragraph 198 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.53. There are no traditional dwellings within close proximity of the site but it is the case that since the marina was first developed as a leisure facility more and more people have started to live full time on boats on the marina. Block A is located 2.2m from the marina and approximately 16m from the closest point of the largest boat moored at this end of the marina according to aerial photography. Residential moorings at the marina though are currently limited to 60 boats, having been increased from 50 in April this year and it has been confirmed that there are, in total, 134 moorings available at the marina. It is not known how many of the boats on the line of moorings closest to Block A are residential, but it is clearly feasible to ensure that none of these are occupied by boats that are used as full-time homes. Objections have been received regarding loss of privacy and natural light and overlooking. Given the distances set out above and the limited number of residential moorings at the marina it is considered that the scheme does not have an unacceptable relationship with the marina or an unacceptable effect on the amenity of any users of the marina whether they live full time on a boat or use the marina for leisure purposes.
- 8.54. The Environmental Health Officer has recommended a Construction Environmental Management Plan condition.
- 8.55. In terms of amenity for future occupiers the closest relationship between buildings is between the northern elevation of block A and the three storey gable of block B. The distance between the blocks is 9.2m and while this distance is shorter than would normally be considered acceptable the habitable room windows in block A are deliberately oversized and all apartments are now dual aspect. There is one bedroom on each of the three floors of Block A that faces the lift that is located between the two blocks. The distance between the window and the lift shaft is 4.6m. Landscaping treatment is provided in front of all bedroom windows that face on to the external access to the apartments as well as between the two buildings in the form of tree and shrub planting to mitigate privacy issues. It is considered that, on balance, the proposal provides future residents with an acceptable level of amenity. Details of this landscaping are covered by condition.
- 8.56. It is considered that the proposed development is acceptable in amenity terms and in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

#### Flood Risk and Drainage

- 8.57. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.58. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.

- 8.59. The site lies within Flood Zone 1 on the Environment Agency Flood Maps for Planning. The western, northern and eastern margins of the site are at a low risk of surface water flooding.
- 8.60. The HBBC Drainage Officer advises that the proposals are acceptable subject to conditions to secure a surface water drainage scheme, management and maintenance of surface water and infiltration testing. No objections have been received from Severn Trent Water. Subject to the suggested conditions, it is considered that the proposed development would satisfy Policy DM7 of the SADMP and the NPPF.

#### Ecology and Biodiversity

- 8.61. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.62. The County Ecologist has required that additional information be submitted and having assessed that submitted information has no objections but has requested several conditions. In accordance with the requirements of Policy DM6 and paragraph 174 of the NPPF a condition regarding demonstration that a biodiversity net gain is achieved on the site is also attached.
- 8.63. Subject to these condition requirements the proposed development is considered be acceptable with respect to ecology and biodiversity matters and complies with Policy DM6 of the SADMP.

#### Other Matters

- 8.64. The development would result in the loss of five trees from the site, but this would be compensated for by new tree planting. Trees on the margins of the site would all be retained.
- 8.65. Objections have been received regarding site security. It is considered that this is a detailed matter for the respective owners and is a matter that can be satisfactorily left for them to resolve rather than requiring a condition to be attached.
- 8.66. Objections have been received regarding construction noise, but this is addressed by condition.
- 8.67. The Environmental Health Officer has requested further information on noise but on the basis that the location plan in the noise report does not match the submitted location plan. The difference though only relates to the access, and the noise report accurately plots the proposed apartment buildings. The noise report concludes that the noise climate is of distant traffic and distant plant to the west, albeit at relatively low levels such that a good standard of residential amenity will be achieved even with partially open windows and that standard double glazing and standard trickle vents are considered appropriate.
- 8.68. On this basis it is considered that no noise condition is required.

#### S106 Heads of Terms

- 8.69. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016 updates these standards and also identifies the costs for off-site and on-site contributions.
- 8.70. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 57 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:
- A) Necessary to make the development acceptable in planning terms;
  - B) Directly related to the development; and
  - C) Fairly and reasonably related in scale and kind to the development.
- 8.71. The contributions sought are detailed below:
- Off-Site Play and Open Space
  - Affordable Housing – 20% (15 dwellings - 75% social or affordable rented and 25% intermediate tenure/shared ownership).
  - Library Services (£1,917.55)
  - LCC Waste Management (£3,764.28)
  - Healthcare (£22,342.08)
  - Primary Education (£40,254.71)
  - Secondary Education (no requirements)
  - Post 16 Education (no requirement)
  - Primary SEND Education (no requirement)
  - Secondary SEND Education (no requirement)
  - Early Years Education (no requirement)
  - Travel packs for all new residents (one per dwelling - £52.85 per pack)
  - Two x 6 month bus passes per dwelling to encourage new residents to use bus services and make behavioural changes (£510.00 per pass)
- The total S106 financial contribution resulting from the development, excluding affordable housing and off-site open space, is £149,815.22.
- 8.72. All of the above contributions are considered to meet the tests for planning obligations and should therefore form part of the Section 106 legal agreement to be formulated. However, as set out at paragraph 12.18 of the SADMP where a developer considers that a reduced level of infrastructure provision will be necessary as the cost of delivering the enter development will render the scheme unviable, they will be expected to identify and explore issues of viability as soon as possible with the Council.
- 8.73. A viability report has been submitted by the applicant which includes no S106 costs within it. This has been independently assessed by the Council's consultants. The conclusion of that assessment is that affordable housing and S106 financial contributions cannot be supported by the proposed development.
- 8.74. The applicant has agreed to provide travel packs, bus passes and the bus stop upgrades required by the Local Highway Authority. These costs amount to over £85,000, a significant proportion of the financial contributions sought by the County

Council. Given these contributions it is not considered that further assessment of the financial viability of the proposals is warranted.

- 8.75. The applicant has submitted a signed Unilateral Undertaking regarding these highway related requirements. As such the application is considered to comply with the requirements of Policy DM3 of the Site Allocations and Development Management Policies Development Plan Document and Policy 19 of the Core Strategy.

#### Conclusions and Planning Balance

- 8.76. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.77. The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. It is necessary therefore to consider that the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.78. The provision of 76 dwellings is considered to be a benefit of the proposal to which significant weight in favour of the scheme is attached.
- 8.79. The proposed development has no harmful effect on the character and appearance of the site and surrounding area. The development would also, via condition, meet the environmental protection aims of the NPPF.
- 8.80. The proposal is, on balance and subject to the conditions proposed, considered acceptable with regard to its impacts on highway safety, in accordance with the requirements of policies DM17 and DM18 of the SADMP and meets the requirements set out in Paragraph 115 of the NPPF.
- 8.81. This development would have a neutral effect on the setting of the Ashby Canal Conservation Area and therefore upon its significance.
- 8.82. Other benefits of the scheme apart from the delivery of 76 dwellings include the relative accessibility to facilities and services and the economic and social benefits through the construction of dwellings and from subsequent activities of future residents in the local area. These benefits are considered to attract moderate weight.
- 8.83. Consequently, as the tilted balance in paragraph 11 of the NPPF is engaged, the adverse impacts of granting permission do not significantly or demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF when taken as a whole. The proposal would therefore represent sustainable development and planning permission should be granted.

#### **9. Equality implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application, particularly given that objections consider that residents of the marina are being treated differently than would be the case if they resided in traditional homes.

- 9.3 Officers have assessed the application with regard to the effects on the amenity of occupiers of the canal boats. There are no known equality implications arising directly from this development.

- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Recommendation**

- 10.1 **Grant planning permission** subject to:

- Planning conditions outlined below

## **10.2 Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
- Site Location Plan 22408 01 Rev P01
  - Site Plan 22408 101 Rev P01
  - Site Plan 22408 102 Rev P01
  - Proposed Block A Ground Floor Plan 22408 110 Rev P01
  - Proposed Block B Ground Floor Plan 22408 110 Rev P01
  - Proposed Block C Ground Floor Plan 22408 110 Rev P01
  - Proposed Block A First Floor Plan 22408 111 Rev P01
  - Proposed Block B First Floor Plan 22408 111 Rev P01

- Proposed Block C First Floor Plan 22408 111 Rev P01
- Proposed Block A Second Floor Plan 22408 112 Rev P01
- Proposed Block B Second Floor Plan 22408 112 Rev P01
- Proposed Block C Second Floor Plan 22408 112 Rev P01
- Proposed Block A Elevation A 22408 130 Rev P01
- Proposed Block B Elevation A 22408 130 Rev P01
- Proposed Block C Elevation A 22408 130 Rev P01
- Proposed Block A Elevation B 22408 131 Rev P01
- Proposed Block B Elevation B 22408 131 Rev P01
- Proposed Block C Elevation B 22408 131 Rev P01
- Proposed Block A Elevation C 22408 132 Rev P01
- Proposed Block B Elevation C 22408 132 Rev P01
- Proposed Block C Elevation C 22408 132 Rev P02
- Proposed Block A Elevation D 22408 133 Rev P01
- Proposed Block A Elevation D 22408 133 Rev P01
- Proposed Block A Elevation D 22408 133 Rev P01

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum detail of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

**Reason:** To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

5. The development hereby permitted shall not be occupied until such time as the parking (and turning) facilities including the 12 electric vehicle charging bays have been implemented in accordance with Corstorphine and Wright drawing number 24255-CWA-XX-ZZ-DR-A-0302 Rev P02. Thereafter the onsite parking (and turning) and electric vehicle changing provision shall be kept available for such uses in perpetuity.

**Reason:** To ensure that adequate off-street parking and charging provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the

site in a forward direction) in the interests of highway safety and in accordance with Policy DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

6. No development above floor plate level shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable method should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage, reducing the risk of creating or exacerbating flooding, to minimise the risk of pollution and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policies DM3, DM7, DM10 and DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

8. No development (including vegetation clearance) shall take place until an ecological mitigation, compensation and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. These measures shall include, but are not limited to native planting, wildflower grassland creation, and integrated bird and bat boxes within the new buildings. The measures should also achieve measurable Biodiversity Net Gain. Any mitigation, compensation or enhancement measures need to be clearly shown on all relevant submitted plans/elevations. All works shall proceed strictly in accordance with the approved scheme and the measures that ensure a Biodiversity Net Gain on the site shall be retained thereafter for the lifetime of the development.

**Reason:** To ensure that the development provides biodiversity enhancements in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document 2016 and Government guidance as contained within Section 15 of the National Planning Policy Framework 2021.

9. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. Any approved scheme shall be implemented in accordance with the agreed details, and any remediation works so approved shall be carried out prior to the site first being occupied.

**Reason:** To ensure that any contamination is dealt with appropriately to protect the amenity of future occupiers of the site and to mitigate any risks to water quality in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

10. If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and agreed in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any approved remediation works so approved shall be carried out prior to the site first being occupied.

**Reason:** To ensure that any contamination identified during development of the site is dealt with appropriately to protect the amenity of future occupiers of the site and to mitigate any risks to water quality in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. Any agreed details shall be implemented throughout the course of the development.

**Reason:** To safeguard the residential amenity of the occupiers of neighbouring dwellings from potential noise, vibration and disturbance etc. in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12. Site preparation and construction works shall be limited to the following hours:  
Monday - Friday 07:30 - 18:00  
Saturday 09:00 - 14:00  
There shall be no working on Sundays and Bank Holidays.



**Reason:** To safeguard the residential amenity of the occupiers of neighbouring dwellings from potential noise, vibration and disturbance etc, in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

13. No development above floor plate level shall take place until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted to and approved in writing to the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented prior to first occupation of the development.

**Reason:** To ensure that the proposed development provides adequate and accessible waste and recycling collection across the site, that would not affect the amenities of neighbouring and future occupants of the site to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD (2016).

14. Prior to the first occupation of any of the dwellings hereby permitted, a Landscape Management and Maintenance Plan, including long term objectives, biodiversity net gain requirements, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The management and maintenance of the public open space hereby permitted shall thereafter be carried out in accordance with the approved details.

**Reason:** To conserve and enhance features of nature conservation within the site and in the interests of visual amenity in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. No dwelling shall be occupied until an Access Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The Access Management Strategy shall detail how a safe pedestrian route from the apartments to Coventry Road shall be secured and maintained at all times. The pedestrian route shall operate in accordance with the approved strategy thereafter for the lifetime of the development.

**Reason:** To secure safe and convenient access to the development for walkers and cyclists in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

16. No dwelling shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the approved details thereafter.

**Reason:** In the interests of pedestrian and highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 115 of the National Planning Policy Framework (2016).

17. The development hereby approved shall not be occupied until such time as secure cycle parking has been provided in accordance with Corstorphine and Wright drawing numbers 24255-CWA-XX-00-DR-A-0310 Rev P01 and 24255-

CWA-XX-01-DR-A-0311 Rev P01. Thereafter the onsite cycle parking provision shall be kept available for such use in perpetuity.

**Reason:** To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2024).

18. No part of the development shall be occupied until such time as new Real Time Information sign boards have been installed at the two nearest bus stops to the development on Coventry Road (IDs 260070081 and 260010320) have been implemented in full.

**Reason:** To mitigate the impact of the development in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2024).

**Planning Committee 7 October 2025**  
**Report of the Assistant Director Planning and Regeneration**

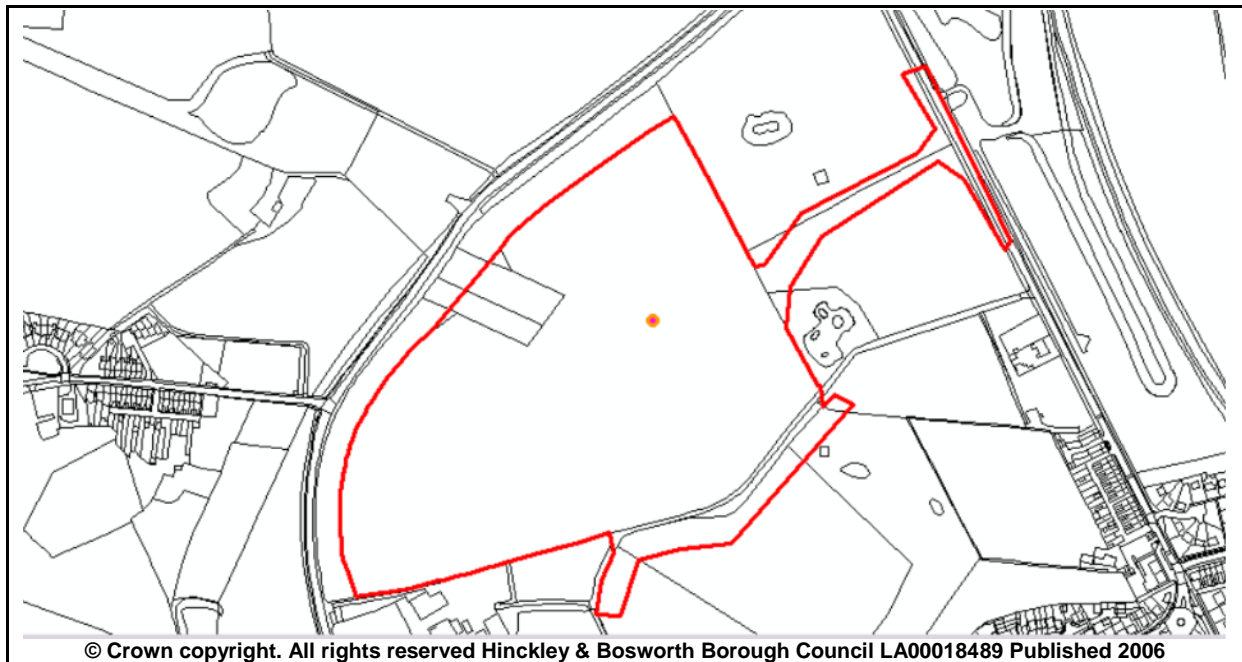
**Planning Ref: 25/00523/FUL**  
**Applicant: Barberry Bardon Limited**  
**Ward: Ratby Bagworth and Thornton**



Hinckley & Bosworth  
Borough Council

**Site: Wiggs Farm, Wood Road, Nailstone, Coalville**

**Proposal: The erection of a B8 distribution hub with ancillary offices, quality control office and canopy, maintenance units, gatehouse, associated infrastructure, and landscaping**



## **1. Recommendations**

### **1.1. Grant planning permission subject to:**

- The completion of a S106 agreement to secure the following obligations:
  - £636,996 towards improvements to the highway network in Coalville
  - Travel Packs for new employees (£52.85 per pack if supplied by LCC)
  - £6,000 Travel Plan Monitoring
  - 6-month bus passes, one per employee (£605 per pass if supplied through LCC)
  - National Forest Contribution: £138,250, and;
- Planning conditions outlined at the end of this report and;
- That the Assistant Direct Planning and Regeneration be given powers to determine the final detail of planning conditions and obligations.

## **2. Planning application description**

- 2.1. This application seeks full planning permission for the erection of a B8 Distribution Hub with Ancillary Offices, Quality Control Office and Canopy, Maintenance Units, and Gatehouse, and Associated Infrastructure and Landscaping.

- 2.2. The distribution hub is proposed to provide a new headquarters for Pall-Ex Group. Pall-Ex Group is one of the UK's leading palletised freight distribution networks. Over the past few years, the Pall-Ex Group has experienced a period of substantial growth and the company has ambitions to develop and grow significantly.
- 2.3. Pall-Ex Group's main headquarters is currently located to the north east of the site, on the opposite side of the junction of Wood Road and Station Road, within North West Leicestershire District. Pall-Ex have outgrown the existing hub and state that it is no longer designed to meet its unique operational requirements.
- 2.4. According to the submitted Planning Statement, Pall-Ex have been searching for a suitable re-location site for 4 years. The unique operational requirements of the company meant that open market bids were uncompetitive (the operational requirements of Pall-Ex mean that the ratio of floor space to external circulation areas is relatively low, which mean they cannot pay as much for a site). This led to the application site being identified to deliver a bespoke design.
- 2.5. The proposal is EIA (Environmental Impact Assessment) development under the Town and Country Planning (EIA) (England and Wales) Regulations 2017. Accordingly, a Scoping Opinion was submitted on 21<sup>st</sup> February 2025. HBBC concluded that the structure of the forthcoming Environmental Statement was appropriate, and consider the scoped in environmental disciplines and the proposed scope and methodology for each chapter to be acceptable.
- 2.6. As part of the application submission, an Environmental Statement (ES) has been produced to examine and evaluate the likely environmental effects of the development as required by Schedule 2 (Urban Development Projects of over 5 hectares in size) of the Regulations. The ES contains the information necessary to enable a decision to be made for the purpose of assessing the significant environmental effects of the development. The ES includes the following topics:
- Traffic and Transport
  - Hydrology
  - Ecology and Biodiversity
  - Landscape and Visual Assessment
  - Air Quality
  - Noise and vibration
  - Historic environment
  - Socio-Economics
  - Agricultural Land / Ground conditions
- 2.7. For each issue identified the ES sets out the methodology used, including details of the baseline situation and impacts likely to result from the proposed development. All potential effects have been analysed and assessed against the baseline and measures considered to mitigate any identified impacts. The potential for cumulative impacts has also been assessed.
- 2.8. The total site area is 14.64Ha (36.18Acres) which includes areas of landscaping, on-site BNG, and an attenuation outfall pond.
- 2.9. The proposed five buildings vary in size and scale as follows:
- Main Warehouse – max length: 282m, max height: 25m, eaves height: 16m, width: 130m
  - Contemporary profiled vaulted roof design with grey cladding
  - Quality control building – max length: 37m, max height 4.5m, eaves height: 3.1m, width: 17m

- Curved metal roof design, grey cladding, aluminium windows.
  - Quality control office - max length: 24m, max height 4.8m, eaves height: 3.4m, width: 8.4m
  - Traditional design, monopitch roof, grey cladding, aluminium windows.
  - Maintenance unit - max length: 26m, max height 9.7m, eaves height: 8m, width: 21.7m
  - Traditional pitched roof design with canopies. Dark grey cladding.
  - Main office - max length: 62m, max height: 16.5m, eaves height: 15.2m, width: 10.7m
  - Grey cladding, aluminium windows, central glazed feature, profiled metal roof.
- 2.10. The application also includes 201 car parking spaces (including 20 EV spaces), 156 HGV parking spaces, 6 motorcycle spaces and 48 cycle spaces.
- 2.11. The application has been submitted with the following supporting information:
- Environmental Statement:
  - Existing and proposed plans
  - Design and Access Statement
  - Socio Economic Statement
  - Statement of Community Involvement
  - Tree Survey, Tree Protection Plan and Arboricultural Impact Assessment
  - National Forest Statement
  - Green Infrastructure Strategy
  - Archaeological Desk Based Assessment
  - Biodiversity Net Gain Metric
  - Sustainability Statement
  - Employment and Training Strategy
  - Construction Training Statement
  - Operational Training Statement
  - Lighting Strategy
  - Agricultural land classification assessment

### **3. Description of the site and surrounding area**

- 3.1. The Site measures 14.64ha with a predominate character of a large arable field with native hedgerows and narrow field margins. An existing access track runs along the southern side of the field, and a small copse of trees cuts into the northern side of the field. The extent of the red line includes a proposed access from Station Road to the east through an area of woodland.
- 3.2. The Site boundary is drawn tightly to the area needed to facilitate the development and does not include the tree belt along the western and northern edge of the field nor the small woodland to the east (other than the route needed for the access road).
- 3.3. The Site is situated approximately 1km southwest of Bardon Hill which includes large B8 employment units, a brick manufacturing plant, and clay mineral extraction at Cliffe Hill Quarry. The village centre of Bagworth is located 1.4 km to the southeast, and the northern limit of the settlement boundary is located approximately 230m from the proposed access.

- 3.4. The Site is not situated within, or adjoining, national or local statutory landscape designations, and is not situated within a locally designated special landscape area of high landscape value.
- 3.5. The Site is located within Flood Zone 1 and therefore has a 'low probability' of fluvial/tidal flooding. The majority of the Site has a very low risk of surface water flooding with an annual probability of flooding of less than 1 in 1000 years. A small proportion of the Site has a low to high risk of surface water flooding with an annual probability of flooding of 1 in 1000 to 1 in 30 years.
- 3.6. The Site is Grade 3b agricultural land. There are no designated heritage assets within the Site.

**4. Relevant planning history**

- N/A.

**5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

- 5.2. As of 18 August 2025, 142 objections had been received from 119 separate addresses regarding the following:

- Cumulative impact with Aldi development
- Traffic information not properly reviewed
- Increased traffic through Bagworth
- Unsuitable location for such a large enterprise
- Scale of the development
- Increase flood risk from the development
- Traffic issues
- Noise pollution
- Air pollution
- Light pollution
- Highway impact
- Noise from HGVs will impact mental wellbeing
- Devaluing impact on properties nearby
- Ecological impact
- Lighting impact strategy contains inaccuracies
- Better alternative brownfield sites exist nearby (no evidence provided)
- Loss of trees
- Over proliferation of warehouse facilities in the area
- Landscape impact
- Harm to the character and appearance of the area
- Pedestrian and cyclist safety impact
- The design is unsympathetic to the National Forest
- Unsustainable location
- Flood risk
- Existing traffic issues at Pall-Ex
- Poor road maintenance will be exacerbated
- Erosion of the National Forest
- Ground disturbance issues
- Harm to protected species
- Loss of privacy
- Previous coal mining work risk due to ground instability

- Heritage impact
- Failure to consider alternative sites
- Conflict with National and Local Policy
- Precedent setting for future development

## 6. Consultation

6.1. No comments received from:

- Active Travel England
- Severn Trent Water
- National Grid
- HBBC Waste

6.2. No objections, some subject to conditions from:

- HBBC Drainage
- **LCC Drainage**
- LCC Highways
- **LCC Ecology**
- HBBC Pollution
- HBBC Tree Officer
- LCC Archaeology
- National Forest Company
- Leicestershire Police
- Natural England

6.3. North West Leicestershire District Council have objected on the following grounds:

- *The District Council objects to application 25/00523/FUL on the basis that the application is premature when accounting for the allocation of land to the north of Wood Road as part of the emerging North West Leicestershire (NWL) Local Plan, as well as the potential allocation of the application site as part of the emerging Hinckley and Bosworth Borough Council (HBBC) Local Plan, and the need for the cumulative highway impacts of development on both sites to be appropriately addressed together. The proposed development could also adversely impact on the highway infrastructure within NWL, and the submitted noise assessment (NA) does not adequately address the noise implications which would arise as a result of the development to residential receptors which would include those within NWL.*

6.4. Bagworth & Thornton Parish Council have objected on the following grounds:

- Planning policy conflicts
- Coal mining works/subsidence
- Increased and unacceptable severe traffic impact from this and other local developments
- Unsuitable site access
- Not sustainable development
- Light and noise pollution
- Negative impact on the amenity of nearby properties
- Adverse impact on wildlife, including important species and habitats
- Deficiencies in supporting evidence

6.5. Carlton Parish Council have objected on the following grounds:

- Conflict with Policy DM4 of the SADMP
- Conflict with Policy DM20 of the SADMP
- Highway network is unsuitable for this development
- Alternative site to the north is more suitable
- Neighbouring amenity impact
- Inadequate queuing lanes at site entrance

6.6. Nailstone Parish Council have objected on the following grounds:

- Current infrastructure including roads unable to support the extra traffic associated with this development
- Lack of information regarding how current road conditions could support extra traffic being already under stress and strain
- Development boundaries of the villages being extended by development on green space

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 10: Key Rural Centres Within The National Forest
- Policy 14: Rural Areas: Transport

7.2. Site Allocations and Development Management Policies DPD (2016)

- DM1: Presumption in Favour of Sustainable Development
- DM3: Infrastructure and Delivery
- DM4: Safeguarding the Countryside and Settlement Separation
- DM6: Enhancement of Biodiversity and Geological Interest
- DM7: Preventing Pollution and Flooding
- DM10: Development and Design
- DM11: Protecting and enhancing the Historic Environment
- DM12: Heritage Assets
- DM13: Preserving the Borough's Archaeology
- DM17: Highways and Transportation
- DM18: Vehicle Parking Standards
- DM20: Provision of Employment Sites

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Landscape Character Assessment (2017)
- Landscape Sensitivity Assessment (2017)
- Leicestershire Highways Design Guide
- HBBC Employment Land Review (2024)
- Good Design Guide (2020)
- National Design Guide (2019)

## **8. Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area



- Impact upon heritage assets
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Impact upon ecology
- Drainage
- Pollution
- Archaeology
- Planning Obligations

#### Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2024) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. The Core Strategy (2009) sets out the overarching spatial strategy for the Borough. Spatial Objective 1 of the Core Strategy sets the target of strengthening and diversifying the economy by providing sufficient, sustainably located, good quality land and premises. The focus for new employment will be the urban areas within the borough with smaller scale employment in the key rural centres to support the rural areas of the borough.
- 8.5. The application site is located to the north of Bagworth, outside the settlement boundary. Policies 7 and 10 of the Core Strategy seeks to support Key Rural Centres, of which Bagworth is designated, and ensure they can provide key services to their rural hinterland by ensuring there is a range of employment opportunities. As the site lies outside any identified settlement boundary, it is designated as countryside and would be subject to Policies DM4 and DM20 of the SADMP.
- 8.6. The delivery of over 35,000m<sup>2</sup> of employment floor space, would create a series of significant economic benefits including temporary benefits through the construction of the development, job creation during operation, Gross Value Added, and the introduction of new business rates in the Borough. It is considered that the development would significantly contribute to job creation and economic growth in accordance with criterion c) of Policy DM4. However, further consideration should be given to the impact of the proposal on the character of the area to fully accord with Policy DM4, this assessment is carried out in the report below.
- 8.7. Policy DM20 of the SADMP relates to the provision of employment sites. The development of new employment sites for B1, B2 and B8 uses outside of allocated employment areas will be supported where they stand within settlement boundaries or on previously developed land. In this instance, the entire site designated as countryside is outside the settlement boundary and does not constitute previously developed land. The policy goes on to note that proposals which stand outside settlement boundaries and on greenfield sites will only be found acceptable where it

is demonstrated that there are no suitable alternative sites identified sequentially in the following locations:

- a) Within settlement boundaries
- b) On previously developed land
- c) Adjacent to existing employment sites
- d) Adjacent to settlement boundaries

- 8.8. The supporting text of Policy DM20 states that sufficient employment land is available in the Borough to support the identified growth over the period of the Local Plan. This issue was raised in the appeal decision for Wood Farm Holdings at Land north of Stanton Lane, Stanton under Bardon (APP/K2420/W/21/3274706 and 3279939). Here the Inspector stated that the SADMP was adopted in 2016 and would have been based on an older evidence base. The independent market evidence provided in support of that application and appeal was considered to draw on much more up to date figures and the Inspector in that case was satisfied the report demonstrated a need for the development proposed. We are now a further 4 years beyond this appeal decision and the employment land evidence base for the emerging Local Plan is yet to be complete.
- 8.9. The proposal has been submitted by a large, locally and nationally significant company which is seeking to relocate as it has outgrown its current premises. The company wishes to remain in the local area and retain its employee base, whilst also employing a significant number of new employees from the local area. The applicant also wishes to remain close to the existing facility, retaining the necessary strong transport links to the strategic highway network.
- 8.10. The growth of local business and their subsequent relocation to new premises results in additional employment, Gross Value Added and business rates revenues for Hinckley & Bosworth Borough Council. Investment by local occupiers seeking to grow and relocate within the Borough is encouraged. Economic growth and productivity are central to national policy as set out in by the National Planning Framework (paragraphs 85 - 89).
- 8.11. Paragraph 89 of the NPPF specifically states:  
*“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”*
- 8.12. The applicant has indicated that the development would deliver 400-500 operational jobs, and a similar number of temporary construction related jobs during the construction period. It is also important to note that the existing Pall-Ex hub is located within North West Leicestershire District. The relocation of the company's headquarters to Hinckley & Bosworth Borough would create a significant business rates receipt for the Council.
- 8.13. Paragraph 10.5 of the Hinckley and Bosworth Employment Land and Premises Study comments specifically on the delivery of strategic B8 space in the Borough. GL Hearn, in their “Warehousing and Logistics in Leicester and Leicestershire: Managing growth and change”, April 2021 (amended March 2022), confirmed that Hinckley and Bosworth Borough Council has historically delivered the vast majority of strategic B8 space in Leicestershire. This is because of all the Leicestershire authorities, Hinckley

& Bosworth is the district that is closest to the core of the 'golden triangle', which is a key area for warehousing and transport, defined by its strategic location between major motorways: M1, M6, and M69.

- 8.14. The report goes on the state that Demand for strategic B8 uses is difficult to quantify on the local level as the market for these uses covers regional and national geographies and the potential area of search for their location is generally wider than a single local authority – often encompassing a whole FEMA. Therefore, it is appropriate to consider the needs for this type of employment use at the sub-regional (FEMA-wide) scale. This is what Hinckley and Bosworth have done working in conjunction with the other Leicestershire authorities.
- 8.15. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. Development which significantly contributes to economic growth, job creation and/diversification of rural businesses is considered to be sustainable development in the countryside.
- 8.16. Icen Projects Ltd was commissioned by the Leicester and Leicestershire authorities to consider the apportionment of strategic distribution floorspace across Leicester and Leicestershire. The shortfall in road served sites is taken to be 72ha. Whilst Hinckley & Bosworth is not being looked on to provide all or indeed any of this shortfall, the application would make a significant contribution towards the strategic B8 shortfall as identified at a local and regional level. In doing so the proposals would facilitate significant economic growth and job creation. The proposals therefore fall within the scope of development acceptable in principle within the countryside as set out by Policy DM4. The development would still need to comply with the latter half of Policy DM4 (criteria i)-v)) regarding its countryside impact as assessed later in the report.
- 8.17. In this case, the development of the greenfield site is associated with the development of what would be considered a Category A employment site. Therefore, it is not feasible for the development to be within the settlement boundary or on previously developed land. It is considered that the proposed development within the countryside is in accordance with Criterion c) of the Policy DM20 of the SADMP.
- 8.18. Therefore, the most up to date assessments and monitoring reports demonstrate there is a need to deliver the identified employment land which weighs significantly in favour of the application. In summary, the proposal is considered to be acceptable in principle, subject to complying with all other relevant material considerations as part of this proposal.

#### Impact upon the character of the area

- 8.19. Policy DM10 states that developments will be permitted providing that the following requirements are met: it complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features; it incorporates a high standard of landscaping where this would add to the quality of design and siting.
- 8.20. Policy DM4 of the Site Allocations and Development Management Policies DPD states that to protect its intrinsic value, beauty open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.

- 8.21. The Borough's Landscape Character Assessment (2017) identifies the site within Landscape Character Area B – Charnwood Fringe. This area is characterised by:
- Gently undulating landform with small plateaus on higher ground and rising to the adjacent Charnwood Forest area to the east.
  - Contrast between areas which are visually open and enclosed depending on the elevation of the landscape and the presence of woodlands and vegetation.
  - Large scale irregular field pattern of mainly arable and some pasture, with smaller fields around settlements. Fields enclosed by hedgerows with scattered trees.
  - Industrial heritage of quarrying and mining resulting in areas of restored land.
  - Part of the National Forest and Charnwood Forest with areas of new woodland plantations associated with former industrial areas.
  - Dispersed pattern of former mining villages following a linear pattern on ridgetops, either located close to a colliery or providing housing for mine workers. Good public access and footpath network throughout, especially within National Forest area.
  - Predominantly rural landscape with arable and rough set-aside, influenced by industrial/urban features such as masts, poles and pylons.
- 8.22. The area is a predominantly rural landscape but its proximity to the large settlements around Leicester and major transport routes with traffic travelling at speed reduces the tranquillity of the area, especially when combined with aircraft noise overhead and urbanising features such as pylons, wind turbines, solar farms and industrial buildings which are occasionally visible. Away from the settlements however, there is little light pollution, indicating dark skies and a stronger sense of rurality – such as around Thornton Reservoir, Bagworth Heath and the landscape between Barlestone, Bagworth Heath and Bagworth.
- 8.23. The application is supported by a Landscape and Visual Impact Assessment (LVIA, Blade 2025) which considers the landscape character of the surrounding area and the sites value in landscape terms within this character area, and gives a Visual appraisal, relating to the change to views as a result of development and considers the degree of harm that might arise from this. The LVIA includes assessments from 17 key visual receptors around the site, as well as considering transient effects upon users of the surrounding road network, and lastly residential dwellings and receptors in the vicinity.
- 8.24. The proposed development will have a direct effect on the Charnwood Fringe LCA. The introduction of a large commercial unit, access road, hardstanding and landscaping represents a significant change of land use over the application site.
- 8.25. Of the 17 key visual receptors, 9 are located within 0.5km of the site. Effects upon these visual receptors will generally be experienced at the site level and within its immediate context only, with effects upon the wider context benefitting from visual screening afforded by existing mature trees, woodland blocks and hedgerows which enclose the site. The magnitude of change to visual receptors is greatest from locations directly adjacent to the site, particularly Viewpoint 5 (looking southwest from Station Road on the eastern edge of the site) and Viewpoint 15 (view from the B585 roadway passing the western boundary to the site, with magnitudes of visual effect High and Medium respectively at Year 15).
- 8.26. In terms of further views from Bagworth (viewpoints 8 - 13) on Footpath Q85, users passing along this route are afforded broad, wide views towards the site area. However, the PRoW route is not crossing elevated landform, and the interior of the site is not seen due to the extensively treed edge to the Site. The upper elements of

the new building would be seen marginally on the skyline above the intervening rising landform. The wider context of the view would remain unaltered, but the new building would be visible to PRoW users walking along this route. At Year 1 this would lead to a medium magnitude of change resulting in a Moderate, adverse level of harm initially, according to the submitted LVIA. This level of effect would diminish with time through the establishment and maturation of new tree planting within the proposed scheme. This effect would not fundamentally alter the character of the baseline view and the underlying composition of the visual amenity of PRoW users is not altered substantially leading to a low magnitude of change. The resulting level of effect would be Moderate to minor adverse harm by Year 15.

- 8.27. When assessing the change in visual amenity experienced by the surrounding residential dwellings, Officers consider that there are three key locations to consider within HBBCs jurisdiction, as well as some dwellings within the village of Battram (NW Leicestershire).
- 8.28. There are several dwellings located approximately 0.5km southwest of the site on Wood Road (viewpoint 13 in the LVIA). These dwellings are situated within close range to the southwestern edge of the site and set with extensive, mature planted garden with tree canopies. The combination of the landform, the wooded canopies south of Wiggs Farm and built form restricts views to the site. Therefore, these dwellings would have a high visual sensitivity; however views are anticipated to be filtered and limited. Given this, in the worst-case scenario a magnitude of change of low is likely, resulting in moderate/-minor, adverse effects. This residual effect is not significant.
- 8.29. The dwellings on the northern edge of Bagworth (approximately 0.5km southeast of the site, viewpoint 6) are oriented east to west generally. The intervening woodland block (Clay Quarry Wood) would screen the interior of the site. Where direct, broad views are possible, the residential receptors would see the upper roof lines of the new warehouse building. Given a high visual sensitivity (semi-oblique views most likely from upper floor windows) combined with a medium magnitude of change, this would result in a medium level of effect.
- 8.30. At the southern edge of Bagworth at the junction of Station Road and Barlestone Road (approximately 1.75km southeast of the site), the opportunity to see the site's interior is again restricted by intervening woodland and tree canopies around Bagworth New Wood, Clay Quarry Wood and the wooded edge which wraps around Bagworth. The location of the site does not break the skyline with the new building as proposed would be glimpsed marginally above and within the existing woodland and tree canopies. The resulting level of effect would be moderate, adverse at Year 1, reducing to moderate/minor adverse by Year 15.
- 8.31. The dwellings within Battram are oriented north to south, and any views across the site are oblique to the main viewing direction from these dwellings and their private amenity space. The dwellings situated closest to the site (approximately 0.2km west, viewpoint 15) would have a high visual sensitivity from main residential windows and also from the private amenity space. Views towards the site are restricted, whilst the lower landform within the site where the new buildings would be constructed mitigate any visual impacts. Given this, a magnitude of change of negligible is likely, resulting in minor adverse effects. This is not a significant effect.
- 8.32. When assessing the change in visual amenity experienced by road users, most of the views in close proximity are restricted by woodland blocks and intervening landform. At year 1 / construction stage, visual impacts from Station Road will be greater due to the formation of the new access. Where there are moderate/minor adverse effects identified on Station Road and Battram Road, they are not considered to be significant effects and would be transient in any case.

- 8.33. The proposal includes new landscaped areas and tree planting adjacent to the site boundaries in key locations which would help to assimilate the proposed development into the surrounding landscape context, with the wider woodland areas enclosing the site. Partial views of the proposed building would remain due to the height of the main building, however due to the design which incorporates a staggered roof, the siting, and the aforementioned landscaping, views of the whole building would be mostly transient.
- 8.34. The opportunities for visual mitigation are focused to the south of the site to enable a landscape strategy to be developed which replaces lost landscape features and habitats including tree and woodland replacement, water attenuation and habitat enhancement. The retention of existing mature boundary planting is also proposed where possible alongside internal landscaping to screen the appearance of the buildings.
- 8.35. All buildings use a palette of light grey and white colours in horizontal bands of cladding with white banding at the parapet to mitigate visual impacts of the buildings by reducing perception of height. The Warehouse (largest building) has a profiled vaulted metal roof with an adjoining high quality main office building which features a central glazed full height entrance with horizontal and vertical cladding and large aluminium windows to provide visual breaks to the elevations to reduce the perception of the building mass. With a maximum height of 25m
- 8.36. The entrance to the internal road network is formed of natural grassland, with native tree planting around the perimeter of the site and within the main parking area in front of the office building. There is extensive use of hardstanding around most of the site for ease and efficiency of the operation of the end-user, Pall-Ex (storage and distribution/logistics). The layout also includes bicycle storage areas and well located and screened waste disposal areas.
- 8.37. Overall, the design of the buildings, the layout of the site and the proposed landscaping provides a high-quality detailed appearance. The proposal offers a contemporary style reflecting a modern commercial use and is reflective of the comparable B8 sites in the vicinity, such as the Aldi distribution centre.
- 8.38. In terms of the long-term visual effects, these will generally be experienced at the site level and within its immediate context only, with effects upon the wider context screened by existing mature trees, woodland blocks and hedgerows which enclose the site. Longer, filtered views would be possible during winter months. Design mitigation proposals including new landscaped areas and tree planting adjacent to the site boundaries in key locations would help to assimilate the proposed development into the surrounding landscape context, with the wider woodland canopies which enclose the site. Partial views of the proposed building would remain due to the height of the main building proposed, however due to the staggered roofline this would not be viewed in its entirety.
- 8.39. In summary, the landscape character area is assessed as experiencing some moderate adverse effects in the short (1 year) and long (15 year) term. Visually the site will remain well contained within the wider landscape by the topography and adjacent blocks of woodland and layering of trees within the wider landscape. There are visual effects of a high magnitude of change occurring within or at close proximity to the boundaries of the site particularly from the highway and bridleway.
- 8.40. In terms of National Forest impacts, there is a requirement to provide 30% National Forest Planting, equating to 4.39ha in total. The application documents confirm that 0.44ha of National Forest is to be planted on site (to the south of the building) with the shortfall (3.95ha) being met by financial contribution which is to be included in the

s106 Agreement. Full details of the on-site National Forest planting is secured by condition.

- 8.41. It is noted that there is a proposed loss of woodland planting to the north of the site, and along the proposed access. HBBCs Tree Officer notes that the proposed tree removals will have limited visibility from public areas, which helps to mitigate the impact on visual amenity. While the loss of Category A trees; particularly Group G17 and individual Oak T24 is significant, it is recognised that tree removal is sometimes necessary to facilitate development, particularly of this strategic scale.
- 8.42. In conclusion, the proposal would not have 'a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside' as required by Policy DM4 of the SADMP (2016). This conclusion takes into account the significant residual effects upon visual amenity that would be experienced by several close-range visual receptors described above.

#### Impact upon neighbouring residential amenity

- 8.43. DM10 of the SADMP seeks to ensure that development proposals do not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.44. The closest dwellings to the site are located approximately 45m south of the site access, with the closest dwellings to the main structure lying approximately 180m to the west, outside of HBBCs jurisdiction on Battram Road (North West Leicestershire District) and approximately 200m south (Wiggs Farm House).
- 8.45. The dwellings closest to the application site application site may experience distant views of the building, but these are not considered to be prominent or overbearing due to the distance separation and the existing intervening foliage to the east and west of the site which is to be mostly retained. There would be more distant views from surrounding dwellings located further away than those mentioned above, but there is not considered to be any unacceptable harm to amenity when considering potential overbearing impacts.
- 8.46. Objections have been received regarding loss of privacy impacts, however for the reasons mentioned above regarding the distance separation and boundary treatments between the development site and neighbouring dwellings there would not be any degree of loss of privacy.
- 8.47. Matters of light and noise are dealt with latter in the report, however with regards to loss of light, privacy or the creation of an overbearing nature, the proposal is considered to accord with Policy DM10 of the SADMP.

#### Impact upon the highway and sustainable transport

- 8.48. Policy DM17 of the Site Allocations and Development Management Policies DPD states that development proposals will be supported where they demonstrate that there is not a significant adverse impact upon highway safety and that the development is located where the need to travel will be minimised.
- 8.49. Policy DM18 states that proposals will be required to provide adequate levels of parking provision of an appropriate design.
- 8.50. The applicant has been in regular dialogue with the LHA, and the LPA are now in a position where the impacts of the development on highway safety are acceptable subject to conditions and contributions. The commentary below summarises the LHAs latest formal response with additional analysis and clarity where required.

#### Site Access

- 8.51. The LHA previously requested consideration of an access from B585 Wood Road due to the implications of the existing 7.5t weight restriction on Station Road. Upon further discussion the Applicant has stated that the access would not be viable in this location due to the operational requirements of Pall-Ex to deliver an access road appropriate to allow sufficient stacking of HGVs. The LHA note that the red-line boundary (location plan), does not abut the highway along B585 Wood Road and therefore an access in this location would not be achievable.
- 8.52. The access is proposed from Station Road, which is subject to a 7.5t weight restriction. Section 2.4 of the Transport and Access Note states, *'The existing locations for the 7.5t weight restriction signs are located at the B585 / Station Road roundabout. This is considered a suitable location as the roundabout currently provides an appropriate turning facility for any vehicles not entering the restricted area.'* There is an existing exemption within the weight limit order for access, therefore with the existing weight restriction in place, HGVs could enter the weight restriction zone for the purpose of accessing the site.
- 8.53. The LHA are of the view that should the terminal point of the existing restriction remain unchanged, the only change to demand for HGVs to enter the weight restriction zone would be for access to the site, approximately 250m from the existing weight restriction. Routing of HGVs has been provided based on a first principles approach from the existing Pall-Ex site on Victoria Road, which is approximately 700m from the proposed site. This routing demonstrates there would be no demand for any HGVs to travel south of the access, with all HGVs shown to travel north of the access and on to the wider highway network. A condition is included to secure positive HGV signage at the site access, for all HGVs to turn left upon leaving the site to avoid the residential areas to the south. A condition to secure the end user as Pall-Ex is also included in order to avoid any alternative user potentially using inappropriate routes.
- 8.54. Therefore, whilst an access via B585 Wood Road would have avoided the need for HGVs to enter the weight restriction entirely, on balance of the above, and there being no suitably identified alternative terminal point for the weight restriction to be relocated to, the LHA do not consider that this would result in an unacceptable impact on highway safety, or a severe impact on the highway network in the context of paragraph 116 of the National Planning Policy Framework (2024). It would therefore be unreasonable to seek to resist the proposals on this basis.

#### Off-site highway works

- 8.55. Drawing 4092 – 06 Rev. E shows a 4m wide shared use foot/cycleway will be provided which includes a 1.0m wide buffer strip. Station Road has a speed limit of 40mph therefore the buffer strip is in accordance with LTN1/20 Table 6-1. The Applicant has submitted a pedestrian crossing assessment which confirms the suitability of the proposed tactile dropped crossings at this location. The proposed off-site highway works are therefore acceptable subject to a S278 detailed design and technical approval and will be secured by way of planning condition.
- 8.56. Due to the impact of the development proposals, the Applicant has proposed a mitigation scheme for Junction 10 B585. The proposals are shown on drawing number 25435-04. Whilst the proposals have not been supported by a Stage 1 Road Safety Audit (RSA), the changes are relatively minor. Nonetheless, a Stage 1 RSA will be required a part of a future S278, and it is at the Applicant's own risk to not provide this as part of the planning process.

#### Highway Safety

- 8.57. The LHA are satisfied there are no trends discernible within the previously submitted Personal Injury Collision (PIC) data that would suggest that the proposed



development would exacerbate any known highway safety concerns, and the access and off-site highway works proposals are acceptable. The LHA is therefore satisfied that the development proposal would not introduce any highway safety issues.

#### Interim Coalville Transport Strategy

- 8.58. In collaboration with the LPA, the LHA has an evidenced understanding of the cumulative effects of development on the highway network within the Coalville area. A significant mitigation package of network improvements known as the Interim Coalville Transport Strategy (ICTS) is planned to safeguard against rates of deterioration and optimise traffic flow, whilst maintaining safety, on the A511.
- 8.59. The comprehensive package of transport works includes walking, cycling, and bus service improvements, as well as highway link and junction improvements. The LHA therefore advises a contribution to the continuation and implementation of improvements to the A511 is required, which will be secured through the Section 106 agreement. This will be sought commensurate with other developments in the area, for example 18/01890/OUTM Land East of Regs Way.
- 8.60. The LPA have confirmed the developable area of the site to be 12 hectares. Based on the rate of £53,083 per hectare a contribution of £636,996 will therefore be sought.

#### Trip Generation

- 8.61. As per the LHAs previous response, the first principles approach to assessment of trip generation was considered a robust assessment and is accepted by the LHA.

#### Traffic Flow scenarios

- 8.62. The LHA requested the Applicant consider other committed developments alongside the Aldi Distribution Centre (20/00224/FUL). The Applicant has subsequently included the following developments:
- 21/00531/HYB - Wood Farm Stanton Lane Ellistown Coalville Leicestershire LE67 1FF.
  - 13/00956/OUTM South East Coalville SUE. Land Off Grange Road Grange Road Hugglescote Leicestershire.
  - 21/02281/FULM Land West of Regs Way Bardon Leicestershire
  - 16/01187/VCIM Land at Lower Bardon Grange Road
- 8.63. The above have been included to the traffic flow scenarios and updated junction capacity assessments. The LHA previously requested flow diagrams to be submitted for review, the Applicant has provided these within the Transport and Access Note and via an email from the Applicant dated 12 September 2025. These traffic flows have been reviewed by the LHA and are accepted.

#### Junction capacity assessments

- 8.64. The applicant has assessed the following junctions and actions:
- Junction 1: Station Road/ Wood Road (B585)/ Ellistown Terrace Road (B585) roundabout – Scheme of mitigation to be secured by condition.
  - Junction 2: Ellistown Terrace Road/ Victoria Road (B585) signalised junction – Will operate within capacity.
  - Junction 3: Wood Road (B585)/ Bagworth Road (B585)/ Bagworth Road/ Grange Road (B582) staggered crossroads - Will operate within capacity.

- Junction 4: Grange Road (B582)/ Ibstock Road (A447) priority junction - Will operate within capacity.
- Junction 5: Beveridge Lane (B585)/ Bardon Road (A511)/ Shaw Lane (A511) roundabout (Stardust roundabout) – Will operate above capacity, however this will be mitigated by the Coalville Transport Strategy.
- Junction 6: Shaw Lane (A511)/ Little Shaw Lane (A511)/ Copt Oak Road (B591)/ Stanton Lane roundabout (Flying Horse roundabout) - Will operate above capacity, however this will be mitigated by the Coalville Transport Strategy.
- Junction 7: M1 Junction 22 – negligible impact.
- Junction 8: Bardon Road (A511/ Regs Way/ Grange Road/ Bardon Road (A511) roundabout (Birch Tree roundabout) - Will operate above capacity, however this will be mitigated by the Coalville Transport Strategy.
- 
- All roundabouts along the B585 up to the A511:
- Junction 9: West Lane (B585)/ Beveridge Lane/ Walker Road/ B585 – Will operate within capacity.
- Junction 10: West Lane (B585)/ Interlink Way/ B585/ Access Road – The scheme mitigates the impact of development subject to the relevant condition.
- Junction 11: Victoria Rd / Access Rd(N)/ West Ln(B585)/ Unnamed/ Access Road (S) – Will operate within capacity.

#### Internal layout

- 8.65. The LHA is satisfied the layout and level of parking proposed is suitable to serve the end-user and welcome that drawing 'Car Park Layout - Future Provisions' demonstrates parking in line with standards in the LHDG can be achieved at the site, with one parking space per 120m provided.
- 8.66. In summary, the Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would be acceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (2024) or Policy DM17 and DM18 of the SADMP, subject to the conditions and/or planning obligations outlined in this report.

#### Drainage

- 8.67. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.68. A Flood Risk Assessment has been submitted with the application in accordance with paragraph 171 of the NPPF.
- 8.69. **INFORMATION TO BE ADDED FOLLOWING LLFA RE-CONSULTATION RESPONSE**
- 8.70. In summary the proposed development, subject to conditions, is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk.

#### Ecology and Arboriculture

- 8.71. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.72. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.73. **INFORMATION TO BE ADDED FOLLOWING LCC ECOLOGY RE-CONSULTATION RESPONSE**
- 8.74. Overall, it is considered that it has been demonstrated that subject to conditions the proposed development will not lead to adverse harm to protected species and will adequately mitigate against any harm. In addition, a biodiversity metric has been provided demonstrating that with the biodiversity enhancement to the north of the site, results in net gains for biodiversity. In accordance with Policy DM6 of the SADMP and paragraph 70 of the NPPF.

#### Pollution

- 8.75. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented and seeks to ensure that development does not have an adverse impact upon light, noise, or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity and air quality.
- 8.76. Policy DM10 of the SADMP identifies that development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.

#### Noise

- 8.77. A Noise Contour Plot and results/mitigation was submitted as part of the Environmental Statement. The findings conclude that noise levels will be at their highest within 50m of the site, with no existing residential dwellings directly impacted. Wiggs Farm House will experience additional noise when compared to baseline levels, however this will be within acceptable levels (less than 34 dB) around the dwelling.
- 8.78. Environmental Services have no objections in this regard, advising that a Construction Environmental Management Plan should be conditioned, that the noise from the fixed plant should be controlled by condition, and that the recommendations within the Noise Impact Assessment should be implemented. It is considered that the noise levels are therefore acceptable, and a number of conditions will be imposed to control the total noise levels from all site activities.
- 8.79. The proposed scheme would require extensive construction activities on the site. Environmental Services has requested the following construction hours and these would form part of an appropriately worded condition which is considered to be reasonable and necessary.
- Monday - Friday - 07:30 – 18:00  
Saturday - 08:00 – 13:00  
Sunday – None  
Bank and Public Holidays – None
- 8.80. A condition securing the submission of a construction environmental management plan to be submitted and agreed in writing prior to the commencement of development would be necessary to ensure the construction phase of the development does not have a significant effect upon dust, odour, noise, smoke, light and land contamination.

#### Land Contamination

- 8.81. HBBC Environmental Health have advised conditions to ensure that proper practice is followed during construction and if contamination is found details of how it would be dealt with should be submitted to the Council.

#### Light

- 8.82. Environmental Services have reviewed the submitted lighting assessment, advising that details of external lighting should be submitted to the LPA for approval, and shall be installed and maintained in accordance with the approved details.

#### Air Quality

- 8.83. Environmental Services have stated that the Air Quality Impact Assessment does not predict a significant impact from the operational phase and pollutants are predicted to fall within current objective values. The report recommends mitigation measures for the construction phase to form part of a Construction Environmental Management Plan (CEMP) which is conditioned.
- 8.84. In summary, subject to a number of conditions regarding construction, noise, lighting, air quality, land contamination, operational hours, and CEMP, the proposal would not result in significant detrimental harm to residential amenity or cause unacceptable levels of pollution. As such the proposal is therefore considered to be acceptable in accordance with Policies DM7 and DM10 of the SADMP.

#### Archaeology

- 8.85. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.86. An Archaeological Desk Based Assessment (DSA) and Written Scheme of Investigation (WSI) has been submitted with the application.
- 8.87. LCC Archaeology are supportive of the findings of the DSA, and consider that the WSI proposes a satisfactory programme of archaeological work which, upon completion, will meet the requirements for the initial investigation of the development site.
- 8.88. It is considered that the application is satisfactory subject to the application of a condition that requires a Written Scheme of Investigation to be prepared and submitted for approval. Therefore, the proposed development accords with Policy DM13 of the SADMP subject to a condition for further archaeological investigation post-determination.

#### Planning Obligations

- 8.89. Policy DM3 of the adopted SADMP requires development to contribute toward the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.90. The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer contributions are required, they need to be necessary to make the whole development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.91. LCC (Highways) request several contributions to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel. These include:

- £636,996 towards improvements to the highway network in Coalville
  - Travel Packs for new employees (£52.85 per pack if supplied by LCC)
  - £6,000 Travel Plan Monitoring
  - 6-month bus passes, one per employee (£605 per pass if supplied through LCC)
- 8.92. Travel Packs; to inform new employees from first occupation what sustainable travel choices are in the surrounding area have been requested. These can be provided through Leicestershire County Council at a cost of £52.85 per pack.
- 8.93. The LHA have identified adverse impacts upon the highway network in Coalville, therefore, to accommodate the impact from this development on the highway network the costs to mitigate these impacts are to be met in full by the developer.
- 8.94. The National Forest Company have requested a financial contribution of £138,250 to account for a 3.95ha shortfall in on site National Forest Planting (total requirement of 30% NF Planting which equates to 4.39ha).
- 8.95. The above infrastructure contributions are considered to be necessary to make the development acceptable in planning terms and is fairly and reasonably related in scale and kind to the proposal and is therefore CIL compliant.
- 9. Planning Balance**
- 9.1 Policy DM20 of the SADMP requires the location of new employment outside of existing employment sites to be located in a sequentially preferable manner. In this case, the development of the greenfield site is associated with the development of what would be considered a Category A employment site. Therefore, it is not feasible for the development to be within the settlement boundary or on previously developed land. It is considered that the proposed development within the countryside is in accordance with Criterion c) of the Policy DM20 of the SADMP.
- 9.2 Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. Development which significantly contributes to economic growth, job creation and/diversification of rural businesses is considered to be sustainable development in the countryside. It is considered that the development would significantly contribute to job creation and economic growth in accordance with criterion c) of Policy SADMP. However, some moderate localised harm is identified in conflict with Policy DM4 i). This Policy is afforded significant weight given its consistency with the NPPF.
- 9.3 Paragraph 11(d) of the NPPF is relevant to this application whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, it is important to consider the benefits of the scheme following the three strands of sustainability the benefits are broken down into economic, social and environmental.
- 9.4 The proposal would bring economic benefits through investment by occupiers in new premises resulting in additional employment, Gross Value Added and business rate revenue for HBBC. The development would deliver 400-500 jobs as well as temporary job creation during construction. Paragraph 85 of the NPPF states that 'significant weight' should be given to the need to support economic growth and productivity. It is therefore concluded that the proposed development would deliver significant economic growth and job creation in accordance with SADMP Policy DM4 (c).
- 9.5 However, when considering the impact on the character and appearance if the countryside alongside Policies DM4 and DM10, the site and surrounding area would

experience some moderate adverse effects on the landscape in the short (1 year) and long (15 year) term, as well as harm to visual amenity from certain viewpoints in the vicinity of the site. Whilst these impacts are not considered to amount to a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, the proposal would lead to moderate adverse effects in this regard, and some degree of conflict with Policy DM10, and this is therefore afforded moderate negative weight in the planning balance in this regard.

9.6 The proposed development also provides planting through landscaping, and biodiversity net gain through the purchase of off-site credits. These are benefits are afforded moderate positive weight in the planning balance.

9.7 In conclusion, in this instance the significant identified benefits of the scheme are considered to outweigh the identified harm to the character and appearance of the area and countryside.

## **10. Equality implications**

10.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

10.3 There are no known equality implications arising directly from this development.

10.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **11. Conclusion**

11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

11.2 Policy DM20 of the SADMP requires the location of new employment outside of existing employment sites to be located in a sequentially preferable manner. In this case, the development of the greenfield site is associated with the development of what would be considered a Category A employment site. Therefore, it is not feasible for the development to be within the settlement boundary or on previously developed land. It is considered that the proposed development within the countryside is in accordance with Criterion c) of the Policy DM20 of the SADMP.

- 11.3 Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. Development which significantly contributes to economic growth and job creation is considered to be sustainable development in the countryside. It is considered that the development would significantly contribute to job creation and economic growth in accordance with criteria c) of Policy SADMP. However, some conflict with Policy DM4 i) is identified in terms of visual and landscape harm.
- 11.4 Economic, environmental and social benefits of the scheme are identified, and the proposal has been found to accord with Policies DM1, DM3, DM6, DM7, DM9, DM10, DM13, DM17, DM18, DM19 and DM20 of the Site Allocations and Development Management Policies DPD as well as the overarching principles of the NPPF.
- 11.5 The proposed development has demonstrated that it would significantly contribute to the economic growth and job creation and provide environmental and social benefits, in absence of harm when considered against other policies of the development plan, these benefits are considered to outweigh the harm identified to the open countryside and therefore weigh in favour of the development.
- 11.6 Therefore, in this instance, material considerations indicate that the benefits of the scheme outweigh any identified harm and should therefore be approved.

## 12. Recommendation

- The completion within three months of this resolution a S106 agreement to secure the following obligations:
    - £636,996 towards improvements to the highway network in Coalville
    - Travel Packs for new employees (£52.85 per pack if supplied by LCC)
    - £6,000 Travel Plan Monitoring
    - 6-month bus passes, one per employee (£605 per pass if supplied through LCC)
    - National Forest Contribution: £138,250
- and
- Planning conditions outlined at the end of this report; and
  - That the Assistant Director Planning and Regeneration be given powers to determine the final detail of planning conditions and obligations.

## Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Drawing & Document Register – Project Excellence (up to date version to be provided by Harris Lamb)

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the proposed units shall accord with the approved plans as follows:

Main Office - Proposed Elevations Drg No: 4092-25 Rev F

Maintenance Unit - Proposed Elevations Drg No: 4092-41 Rev C

Quality Control Office - Proposed Elevations Drg No: 4092-44 Rev B

Quality Control Building - Proposed Elevations Drg No: 4092-45 Rev D

Warehouse – Proposed Elevations Drg No: 4092-26 Rev H

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to the commencement of any development, including site works of any description, an Arboricultural Method Statement prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design. The development shall be implemented in accordance with the approved Tree Protection Plan.

**Reason:** To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 136 of the National Planning Policy Framework (2024).

5. Prior to the commencement of development, a landscape implementation scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape implementation scheme will be in accordance with the general principles of the Landscape Masterplan Parts 1 and 2, Drg No: 1718-L-DPL-202 Rev V1 and 1718-L-DPL-203 Rev V1.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

6. A landscape management plan, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any building or any phase of the development, for its permitted use. The landscape management plan shall be carried out as per the approved details.

**Reason:** To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

7. Prior to the first occupation of any building or any phase of development, full details of the on-site National Forest planting are to be submitted to and agreed in writing by the Local Planning Authority. Any trees lost must be mitigated in addition to the National Forest planting.

**Reason:** To ensure that the National Forest Planting requirement is met in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 21 of the adopted Core



Strategy (2009) and paragraph 136 of the National Planning Policy Framework (2024).

8. No development approved by this permission shall be commenced until a scheme for the remediation of land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority.

The scheme of remediation works so approved shall be carried out prior to the site first being occupied.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. If during development, contamination not previously identified is found to be present at the site, no further development shall take place within the affected area until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with.

Any remediation works so approved shall be carried out prior to the site first being occupied.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Prior to any phase of development commencing, excluding demolition, a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail as a minimum, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision and how during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of construction for the whole development area.

**Reason:** To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Site preparation and construction shall be limited to the following hours;  
Monday - Friday 07:30 - 18:00  
Saturday 08:00 - 13:00  
No working on Sundays, Bank Holidays and Public Holidays

**Reason:** To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. No development above finished floor level shall begin on site until details of the scheme for protecting nearby dwellings from noise, outlined in the Noise Impact Assessment have been submitted to and approved by the Local Planning Authority. The submitted scheme shall include full details of the acoustic boundary treatment recommended within the Noise Impact Assessment carried out by Hepworth Acoustics Ltd-(Project Excellence, Land at Wiggs Farm, Station Road, Coalville Chapter 9) and the provision of a Noise Management Plan. All works which form part of the approved scheme shall be completed before the permitted development first comes into use.

**Reason:** To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. The rating level of the noise emitted from Fixed plant and equipment (mechanical and electrical) located at the site shall not exceed [the existing background level] at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

**Reason:** To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles).

The lighting shall be installed, maintained and operated in accordance with the approved details.

**Reason:** To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. **DRAINAGE CONDITIONS TO BE ADDED FOLLOWING LLFA RE-CONSULTATION**

16. No development shall commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

**Reason:** To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with DM13 of the Site Allocations and Development Management Policies DPD.

17. The development shall not commence until a 30-year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:
- a) Description and evaluation of the features to be managed;
  - b) Ecological trends and constraints on site that may influence management;
  - c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
  - d) Description of the management operations necessary to achieving aims and objectives;
  - e) Preparation of a works schedule, including annual works schedule;
  - f) Details and a timetable of the monitoring needed to measure the effectiveness of management;
  - g) Details of the persons responsible for the implementation and monitoring;
  - h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
  - i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain

Reason: To enhance biodiversity, and in accordance with the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

18. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:
- i. Identification of potentially damaging construction activities
  - ii. practical measures and sensitive working practices to avoid or reduce impacts during construction on Great Crested Newts, reptiles, bats, badgers, INNS – including Method Statements & Ecological Clerk of Works (ECoW)
  - iii. timing of works to avoid harm to nesting birds
  - iv. responsible persons for overseeing sensitive works
  - v. use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the LPA.

**Reason:** In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

19. The development hereby approved shall be implemented in strict accordance with the mitigation measures stated in section 11.6: Mitigation, Enhancement and Residual Effects of the Environmental Statement Volume 1 (Envance, 2025).

**Reason:** In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

20. No development shall commence (including ground works or vegetation clearance) until an updated badger survey has been submitted to and approved in writing by the Local Planning Authority. This survey is to be carried out within 3 months of the likely commencement of works on site. It is to include details on mitigation measures for badgers if necessary (such as badger gates). All works are to proceed strictly in accordance with the approved document.

**Reason:** In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

21. No development other than demolition shall commence on site until a Biodiversity enhancement scheme has been submitted to and approved in writing by the LPA. Enhancements shall include (but is not limited to) woodcrete/integrated bat boxes, bat tubes, woodcrete/integrated bird boxes, the make/model and their locations. Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme

**Reason:** To enhance the ecological value of the proposed development in accordance with Policy DM6 of the SADMP.

22. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

**Reason:** To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

23. No part of the development hereby permitted shall be first occupied until an amended full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

24. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 4.5 metres by 160 metres to the north-west and 4.5 metres by 125 metres to the south-east have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

25. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Access GA With Vehicle Tracking (HGV) drawing number 25435-02 Rev. E have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

26. The development hereby permitted shall not be occupied until such time as off street car and HGV parking provision (with turning facilities) have been implemented in accordance with Proposed Site Plan - Orientated drawing number 4092 - 06 Rev. E. Thereafter the onsite parking and turning provision shall be kept available for such use in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with Policy DM18 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

27. The development hereby permitted shall not be occupied until such time as positive HGV signage has been provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the signage shall remain in perpetuity.

Reason: To ensure HGV access via suitable routes in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

28. The development hereby permitted shall not be occupied until such time as the access drive and any turning space has been surfaced with tarmacadam, or

similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

29. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

30. No part of the development shall be occupied until such time as the offsite works shown on Proposed Site Plan – Orientated drawing number 4092 - 06 Rev. E have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

31. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such uses in perpetuity.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

32. The development hereby permitted shall not be occupied until such time as a mitigation scheme for Junction 1 (Station Road/ Wood Road (B585)/ Ellistown Terrace Road (B585) roundabout) has been implemented in full, in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

33. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 15 metres of the highway boundary, nor shall any be erected within a distance of 15 metres of the highway boundary unless hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

34. No part of the development shall be occupied until such time as the offsite works in general accordance with the Proposed Junction Mitigation Scheme drawing number 25435-04 have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

35. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and / or the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking and re-enacting those Orders), the development site shall only be occupied by Pall-Ex as outlined in the David Tucker Associates Transport Assessment (DN/BM 25435-02), dated 14 May 2025.

Reason: In the interests of general highways safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024) as an alternative occupation of the site could create demand for HGV routing via unsuitable routes.

## 12.1 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
3. If the proposal requires the permanent removal ("stopping up") or diversion of highway to enable the development to take place, then you must complete the legal processes required before commencing works. Further information is available at: <https://www.leicestershire.gov.uk/roads-and-travel/local-authority-searches/highway-extinguishments>. If you are unsure whether your proposal affects public highway, you can establish the Highway Authority's formal opinion of the adopted highway extent in relation to the proposal. Further information is available at <https://www.leicestershire.gov.uk/hre>

4. Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.
5. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
6. Travel Packs can be provided through Leicestershire County Council at a cost of £52.85 per pack.
7. In relation to conditions 11 and 12, advice from Environmental Health should be sought via [esadmin@hinckley-bosworth.gov.uk](mailto:esadmin@hinckley-bosworth.gov.uk) to ensure that any investigation of land contamination is in accordance with their policy.
8. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>
9. The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk)
10. Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.



Planning Committee 7 October 2025

Report of the Assistant Director Planning and Regeneration

Planning Ref: 24/01158/OUT

Applicant: Richborough

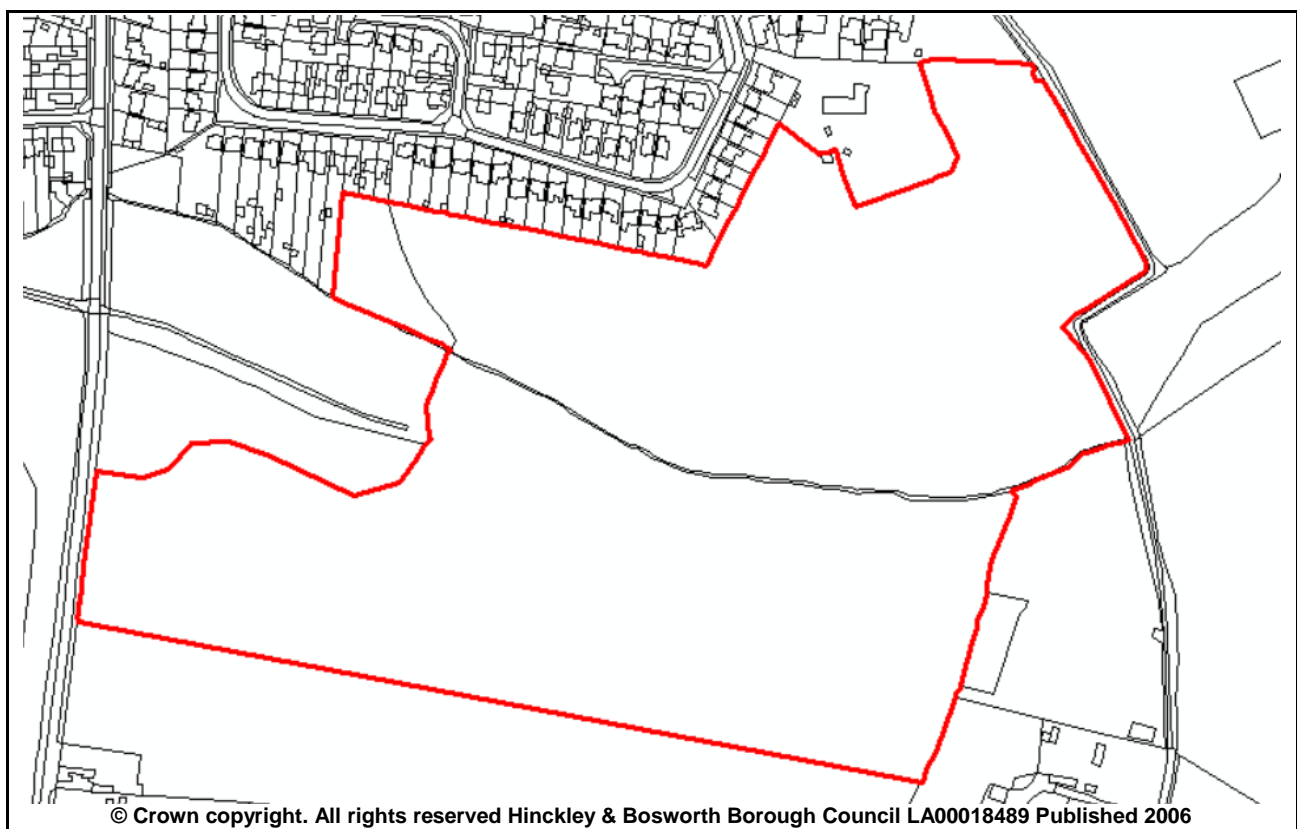
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth  
Borough Council

Site: Land off Brascote Lane, Newbold Verdon

Proposal: Outline planning application for up to 135 dwellings with associated landscaping, open space, drainage infrastructure and associated works (all matters reserved except for access)



## 1. Recommendations

### 1.1. Grant permission subject to:

- A signed Section 106 Agreement (as per the Heads of terms set out in this report) and;
- Planning conditions outlined at the end of this report;
- That the Assistant Director Planning and Regeneration be given powers to determine the final detail of planning conditions and obligations

## 2. Planning Application Description

2.1. This application seeks outline permission for the residential development of up to 135 dwellings with associated landscaping, open space, drainage infrastructure and associated works.

2.2. Vehicular access is to be provided at two points through the Phase I development to the

south. The indicative landscape masterplan includes several areas of public open space integrating play space, as well as a link to footpath S26 to the northeast of the site. Attenuation ponds are proposed along the southern boundary of the site, and most of the existing hedgerows are retained apart from the access points.

- 2.3. The appearance, layout, scale and landscaping of the scheme is reserved for later approval. Therefore, the extent of the application is described and assessed via the indicative scales and appearance within the submitted plans. The application is accompanied by the following reports and documents:

- Planning Statement
- Design and Access Statement
- Landscape Masterplan
- Transport Assessment
- Utilities Statement
- Travel Plan
- Heritage Statement
- Geophysical Survey
- Air Quality Assessment
- Sustainable Drainage Statement
- BNG Assessment
- BNG Metric
- Flood Risk Assessment
- Drainage Statement
- Landscape Visual Impact Assessment
- Arboricultural Impact Assessment
- Ecological Impact Assessment

### **3. Description of the Site and Surrounding Area**

- 3.1. The application site comprises 6.84ha of irregular shaped agricultural field, defined by the urban edge of Newbold Verdon to the north, hedgerows with numerous hedgerow trees to the east and west, and a vegetated stream corridor to the south. The site is adjoined by the rear property elevations and private gardens of Arnold's Crescent to the north, allotments on the periphery of Newbold Verdon to the west and the approved residential development extent of Phase 1 to the south. Arable fields and Alans Way Playing Fields are present to the south-east and east.
- 3.2. The site to the south (Phase 1) already benefits from reserved matters planning permission (24/00854/REM) for 239 dwellings. The Phase 1 land within the red line of this application is included as it provides access/egress to the public highway at Brascote Lane. The Phase 1 permission remains unchanged by this application.
- 3.3. There are no statutory landscape designations, and no designated or non-designated heritage assets within the vicinity of the site. The Grade I Newbold Verdon Hall and Grade II Listed Church of St James are located over 500 metres to the northwest and is divided from the site by built development. There are protected trees within the site boundary, however they are to be retained with root protection areas.

### **4. Relevant Planning History**

#### **22/00277/OUT**

- Proposed development of up to 239 dwellings (Outline – access only).
- Allowed at Appeal (Ref. APP/K2420/W/23/3331081).
- 17 May 2024

- Application for Reserved Matters (site layout, scale, appearance, and landscaping) of outline planning application 22/00277/OUT for 239 dwellings with associated internal road layout, car parking, drainage and landscaping
- Approved
- 19 March 2025

## 5. Publicity

- 5.1. The application has been publicised by sending out letters to 47 neighbouring properties. Two site notices were also posted within the vicinity of the site, and a notice was displayed in the local press.
- 5.2. 51 objections from 40 different properties have been received. The following concerns were raised:
- Concern regarding number of major housing applications in Newbold Verdon
  - Visual amenity concerns/loss of “village feel”
  - Unsuitable road network
  - Flooding issues
  - Unsuitable parking in centre of the village/cars parked on pavements etc.
  - Insufficient school spaces
  - Insufficient doctor spaces
  - Insufficient public transport provision
  - Insufficient sewage capacity
  - Location of development does not fit the footprint of existing development
  - Risk to protected species
  - Neighbouring allotment will be put at risk
  - Cumulative impact of neighbouring development
  - Unsafe proposed access

## 6. Consultation

### 6.1. Newbold Verdon Parish Council – *neutral*

*The Parish Council would like to submit the following comments regarding the above outline planning application for the development of 135 dwellings on land off Brascote Lane.*

#### Impact on Local Infrastructure

*The proposed development will place significant pressure on existing local infrastructure, including the primary school, doctor's surgery and local shops. We are particularly concerned about the ability of the Primary School to accommodate the increased number of children, as well as the capacity of the local doctors' surgery to meet the needs of a growing population. The increase in demand for essential services could adversely affect the quality of service provision in the village.*

#### Cemetery Capacity

*The cemetery in Newbold Verdon has relatively few plots left and with the proposed increase in the number of residents, this issue will only worsen. The Parish Council urges the planning authority to consider the provision of additional burial space in the area as part of the planning process.*

#### Deviation from the Neighbourhood Plan

*The Neighbourhood Plan (currently under review and planned to go to referendum in May) explicitly allocates a maximum of 80 houses for this site. The outline application proposes 135 houses, which is significantly more than the number specified in the Neighbourhood Plan. The Parish Council believes this substantial increase in housing goes against the intentions of the local community as expressed in the Neighbourhood*

*Plan and should not be approved without further consultation with local residents and stakeholders.*

#### S106 Funding

*The Parish Council is concerned that there has been no mention of S106 funding in the application. Given the scale of the development and the likely pressure it will place on local infrastructure, we strongly urge the planning authority to ensure that appropriate contributions are made to local services, including education, healthcare, and transportation.*

#### Traffic Impact

*The development will lead to increased traffic on Brascote Lane and through the village. We are concerned about the impact this will have on road safety, congestion, and the overall character of the village.*

#### Public Transport

*The application mentions the provision of bus passes for services to Hinckley. However, the Parish Council would like to highlight that the current bus service is limited and does not in fact go to Hinckley. As such, the provision of bus passes is unlikely to fully address the transportation needs of future residents. We recommend that further improvements to the local bus service be considered to ensure that the development is well-connected to Hinckley and surrounding areas.*

#### Archaeological Considerations

*The Parish Council fully supports the recommendation by the LCC Archaeology and Historical and Natural Environment Team for a more detailed archaeological survey of the site. Given the site's potential historical significance, we believe it is essential that a thorough investigation be carried out to identify and protect any important archaeological features before any development takes place.*

*In conclusion, we believe that the concerns outlined above need to be carefully considered. We respectfully request that these matters be taken into account in the planning process, and that any approval be contingent upon further discussions regarding the issues raised.*

*All of the above considerations are/will be exacerbated by the number of developments ongoing or in the pipeline for Newbold Verdon*

- 6.2. **Leicestershire County Local Highway Authority (LHA)** – The impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the NPPF, subject to conditions and/or planning obligations.
- 6.3. **Active Travel England** – Standing Advice.
- 6.4. **LCC Drainage** – no objection subject to conditions.
- 6.5. **LCC Minerals** – Initial request for a Minerals Assessment which was later withdrawn following evidence submitted by the Applicant in the form of a desk-based study has demonstrated that there is a lack of workable resource that would be viable for extraction that warrants safeguarding.
- 6.6. **LCC Archaeology** – No objection subject to condition (post determination trial trenching).
- 6.7. **LCC Ecology** – No objections subject to conditions.
- 6.8. **LCC Planning Obligations** – **Page 64**  
Team request the following contributions:

- Libraries - Newbold Verdon Library £4,076.69
- Waste - Barwell HWRC £6,686.55
- Primary Education - Newbold Verdon Primary School £743,418.00
- Secondary Education - The Market Bosworth School £403,014.42
- Post 16 Education - Bosworth Academy £86,101.79
- Primary SEND Education - Dorothy Goodman School Hinckley £32,178.64
- Secondary SEND Education - Dorothy Goodman School Hinckley £44,026.74
- Early Years Education £210,635.10

6.9. **NHS Integrated Care Board** – No objection

To provide the required healthcare facilities to meet the population increase, an average build cost based on recent local examples of development work at surgeries for 326.70 patients is as follows:

Additional patients to be accommodated 327 x Standard area m<sup>2</sup>/person 0.08 x Cost of extension including fees £/m<sup>2</sup> £4,000 = Total cost £104,544.00.

6.10. **HBBC Drainage** – No objection subject to conditions

6.11. **HBBC Affordable Housing** –

As this scheme is in a rural area, policy set out in the Core Strategy (policy 15), indicates that 40% of the dwellings should be for affordable housing, of which 75% should be for affordable rent and 25% for shared ownership. This would give 54 dwellings for affordable housing split between 40 properties for social rent and 14 for shared ownership.

The need for rented housing in Newbold Verdon, as shown by the Housing Register on 8.1.25 is as follows:

Property size No. of Applicants interested in Newbold Verdon (of which, number with a connection to Newbold Verdon)

1 bed - 224 (11)  
 2 bed - 115 (9)  
 3 bed - 58 (1)  
 4+ bed 29 (2)  
 Total 426 (23)

The applicant has indicated that they will provide the full policy requirement of 40% affordable housing on site. The 2019 Housing Needs Study suggests the following mix of dwelling types to meet the need in the Borough:

	Market Affordable home ownership	Affordable housing (rented)	General needs	Older persons
1-bed	5%	20%	25%	40%
2-bed	35%	50%	35%	60%
3-bed	40%	25%	30%	30%
4+-bed	20%	5%	10%	0%

1-bedroom 5% 20% 25% 40%  
 2-bedrooms 35% 50% 35% 60%  
 3-bedrooms 40% 25% 30%  
 4+-bedrooms 20% 5% 10%

6.12. **HBBC Environmental Services** – No objection subject to conditions.

6.13. **HBBC Waste** – No objection.

6.14. **HBBC Conservation Officer:** No objection –

*After review of this application, the only designated heritage asset that has the potential to be affected by the proposal would be the Church of St James (Grade II listed building) in Newbold Verdon due to its visibility within the surrounding landscape, but due to the intervening distance and presence of existing built form the application site forms a very small part of the wider rural setting to the church only, and in my opinion it is a neutral element that makes no contribution to the building's significance. Therefore, the proposed development within the site will not impact on the significance of this listed building and the proposal will comply with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Section 16 of the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

6.15. **Leicestershire Police** – no objection, request for a financial contribution of £60,674.59

## **7. Policy**

### 7.1. Core Strategy (2009)

- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 24: Sustainable Design and Technology

### 7.2. Site Allocations and Development Management Policies DPD (SADMP) (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### 7.3. Leicestershire Minerals and Waste Local Plan (2019-2031)

### 7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

### 7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Housing Needs Study (2024)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide (LHDG) (2024)
- Landscape Character Assessment (LCA) (2017)
- Leicestershire Highway Design Guide (LHDG) (2024)

- Leicester and Leicestershire Authorities Statement of Common Ground relating to Housing and Employment Land Needs (June 2022)
- Local Development Scheme (LDS) (2025)
- Open Space and Recreation Study (2016)

7.6. The Local Planning Authority is currently preparing their Emerging Local Plan. Paragraph 2.19 of the Council's Local Development Scheme (LDS) (2025) confirms that due to the additional housing sites that need to be identified as a result of the changes to the NPPF in December 2024, a further Regulation 18 consultation will need to be programmed into the remaining stages of the Local Plan's preparation. Given the above, the Emerging Local Plan is given no weight in the planning balance at this time.

## **8. Appraisal**

8.1. The key issues are:

- Principle of development
- Housing Land Supply
- Design and Impact upon the Character of the Area
- Design and Layout
- Impact upon Residential Amenity
- Impact upon Parking Provision Highway Safety
- Ecology and Biodiversity
- Archaeology
- Trees
- Flooding/Drainage
- Infrastructure and development contributions
- Conclusion and Planning Balance

### **Principle of development**

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.3. The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) and Leicestershire Minerals and Waste Local Plan.
- 8.4. Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.5. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.6. However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.7. Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. No weight should be given to existing policies according to their degree of consistency with the NPPF.

- 8.8. Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment is an effective use of land.
- 8.9. Policy 7 of the adopted Core Strategy states the Council will support housing development within the identified settlement boundaries of Key Rural Centres, such as Newbold Verdon, which provide a mix of housing types and tenures as detailed in Policies 15 and 16 of the adopted Core Strategy.
- 8.10. The application site is not within the identified settlement boundary of Newbold Verdon and therefore is in the designated open countryside. Therefore, Policy 7 of the adopted Core Strategy is not applicable in these site-specific circumstances.
- 8.11. Paragraph 110 of the NPPF confirms that the planning system should actively manage patterns of growth in support of promoting sustainable transport. Significant development should be focused on locations which are, or can be made, sustainable through limiting the need of travel and offering a genuine choice of transport modes. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 8.12. Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) specifically highlights that this should be achieved by, *"Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services."*
- 8.13. This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers development in the countryside sustainable where:
  - (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
  - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
  - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
  - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
  - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.
- 8.14. Given the above, the Council considers that the proposal is offered no support by Policy 7 of the adopted Core Strategy or Policy DM4 of the SADMP and represents new development in the designated open countryside.
- 8.15. As such, the application does not accord with Development Plan Policy and is unacceptable in principle, subject to the assessment of all other material considerations, including the additional requirements of Policy DM4 of the SADMP. Other material considerations are set out within the next sections of the report.

### **Housing Land Supply**

- 8.16. Chapter 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.
- 8.17. In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the



vitality of rural communities.

- 8.18. Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.19. HBBC's Planning Policy Team are currently reviewing the latest revisions to the NPPF within the 2024 version of the document and its implications for the Council's Five-Year Housing Land Supply. A revised position will be published in 2025 once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.
- 8.20. However, as part of the planning appeal APP/K2420/W/24/3357570 at the Oddfellows Arms, 25 Main Street, Higham on the Hill, the Council have provided an indicative housing land supply figure via an Interim Five-Year Housing Land Supply Statement (2024 and 2025). When applying the standard method figure and the 5% buffer to the Council's requirement of land for housing, the Policy Team confirmed that, as of 29 July 2025, the Local Planning Authority could demonstrate a 3.89-year supply of land for housing. Paragraph 3.5 of this Statement confirms that these figures are indicative, and the supply figures are expected to decrease slightly as the monitoring exercise is further progressed.
- 8.21. In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.
- 8.22. For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:
- i.) The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
  - ii.) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.23. Footnote 7 of the NPPF confirms that areas and assets of particular importance include habitat sites (and those listed in Paragraph 189 of the NPPF) and/or designated as Sites of Special Scientific Interest (SSSI); land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in Footnote 75 of the NPPF); and areas at risk of flooding or coastal change.
- 8.24. Footnote 9 of the NPPF confirms that these key policies including Paragraphs 66 and 84 of Chapter 5 (Delivering a Sufficiently Supply of Homes), 91 of Chapter 7 (Ensuring the Vitality of Town Centres), 110 and 115 of Chapter 9 (Promoting Sustainable Transport), 129 of Chapter 11 (Making Effective Use of Land), and 135 and 139 of Chapter 12 (Achieving Well-Designed Places).
- 8.25. In this instance, Paragraphs 66, 110, 115, 129, 135 and 139 apply in the determination of this planning application.

- 8.26. In light of the above, the ‘tilted’ balance of Paragraph 11(d) of the NPPF is engaged and the provision of up to 126 dwellings to the Borough’s supply of land for housing is considered to attract significant weight within the planning balance.

**Design and Impact Upon the Character of the Area**

- 8.27. Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed places.
- 8.28. Paragraph 129(d) and (e) of the NPPF confirm that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area’s prevailing character and setting (including residential gardens) or of promoting regeneration and change, and the importance of securing well-designed, attractive, and healthy places.
- 8.29. Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.30. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment.
- 8.31. Paragraph 187(b) specifically highlights that this should be achieved by, “Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services...”
- 8.32. This is supported by Policy DM4 of the SADMP, which states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
  - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
  - iii.) It does not create or exacerbate ribbon development.
  - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
  - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21
- 8.33. DM10 of the SADMP requires development to enhance the character of the surrounding area, appropriate use of building materials, high standards of landscaping, conservation of energy, and that natural surveillance, fire safety measures and the principles of secured by design is maximised. This is also supported through the Borough Council’s adopted Good Design Guide 2020.
- 8.34. The Site is situated entirely within the Newbold and Desford Rolling Farmland Landscape Character Area (LCA), albeit with the northern boundary abutting and occasionally extending into the Urban Character Area of Newbold Verdon. The site is typical of the wider landscape character area in terms of key characteristics present, with no fundamentally defining features. The surrounding landscape has a good network of public footpaths and recreational routes, with PRoW S26 running alongside and within the Site’s eastern boundary.
- 8.35. Visually, the site is contained by its boundary hedgerows and hedgerow trees, as well as the dwellings on Arnold Way to the north. Although the land surrounding the site is relatively open, the presence of layering of mature field boundary hedgerow vegetation and blocks of woodland means that there are few opportunities to view the site. Visibility of the Site is possible from the existing settlement edge to the north (limited to directly adjacent properties only), the adjoining allotments and

Public Footpath S26 as it runs through the site's eastern extent. There are very limited glimpsed views of the eastern extent of the site from the Newbold Verdon Cricket Club (Alans Way Playing Fields) to the north-east, limited by the presence of intervening boundary vegetation. All other visibility is restricted to glimpses through gaps in hedgerows where the site is seen within the context of the existing backdrop of settlement and woodland beyond. With the addition of Phase 1 within the fields to the south of the site, availability of views and the feeling of openness will reduce further, particularly for those receptors to the west and south.

- 8.36. The application is supported by a Landscape and Visual Impact Assessment (LVIA) undertaken by Tyler Grange. The LVIA is accompanied by an assessment of 11 visual receptors, categorised into the Landscape and Character Area, Site Specific Landscape, Road Receptors, Public Right of Way Receptors, Recreational Receptors, and Residential Receptors.
- 8.37. The submitted LVIA acknowledges that development will change the site, however that change will be consistent with and will complement the existing townscape to the north (and south in Phase 1) in terms of use, pattern, grain, and appearance. It will also include the creation of areas of public open space which will contribute to the character of the landscape locally and connect to nearby recreational facilities such as Alan's Way Playing fields to the east and the 'Country Park' of Phase 1 to the south.
- 8.38. There will be some loss of hedgerow/tree belt vegetation along the southern site boundary to facilitate vehicular access, but the landscape masterplan layout shows there is an intention to ensure replacement planting which far exceeds the loss. The impacts on the landscape character of the site within the context of the Newbold and Desford Rolling Farmland LCA are considered to result in minor neutral residual effects (year 15) as only a very small proportion of the landscape character area will be changed, no fundamentally defining features will be lost, and those features that will change will be compensated for. Effects upon the landscape character of the site will be moderate adverse initially, which is unsurprising given the change from greenfield to built form. However, as proposed mitigation planting matures to reinforce landscape features and new built form assimilates into the existing settlement context to the north this is anticipated to reduce to a residual impact of minor adverse.
- 8.39. Some moderate-minor adverse residual visual effects will remain at year 15 for users of a 260m stretch of Footpath S26 as it passes directly along the site's eastern edge, which is expected given the proximity of receptors and the wholesale change of the Site from a pastoral field to built form. Beyond this, anticipated effects upon identified visual receptors are between minor to negligible.
- 8.40. A high-level review has predicted that residential receptors of Arnold's Crescent, backing onto the northern edge of the Site, would experience a moderate magnitude of change as a result of proposals at both Years 1 and 15. The residential amenity of these properties will however be considered within future masterplan development and at reserved matters stage.
- 8.41. Both the landscape and visual effects are very limited in geographic extent, and all effects are therefore localised to the site and its immediate context, affecting only a small number of existing residents, and users of only short sections of the public footpath routes surrounding the site. The proposal represents an opportunity to provide a characteristic settlement infilling between Arnold's Crescent Properties and the Phase 1 development to the south, that can provide enhancements to the landscape through the creation of a network of public open spaces, and new recreational links to walking routes and recreational facilities. The development would provide a transitional edge between the wider landscape to the south east and Phase 1 to the south and complements the existing built settlement edge and the rural context of the countryside to the south-east.
- 8.42. In summary, the scheme is considered to result in largely minor, but at most minor to moderate adverse harm to the character of the site, the surrounding area, and

the intrinsic value, beauty, open character, and landscape character of the designated countryside at year 15.

- 8.43. A series of landscape recommendations have been made as a result of the baseline landscape and visual appraisal work undertaken. The LVIA sets out that the incorporation of the recommendations into the final development layout would result in a scheme which would not cause any unacceptable adverse landscape or visual impacts on the Newbold and Desford Rolling Farmland character area, or on the visual amenity of nearby users of the landscape and townscape edge.
- 8.44. Whilst the proposed mitigation and siting of the proposed development with existing built form to the north and south would help to assimilate the proposed development into the landscape and wider area, there would still be some degree harm to the character of the area.
- 8.45. Therefore, the development is considered to be in conflict with Policies DM4 and DM10 of the SADMP, Chapters 12 and 15 of the NPPF, including Paragraphs 129 and 135, the National Design Guide, and the Good Design Guide. In accordance with Paragraph 11(d) of the NPPF, the harm of the development shall be weighed against the planning benefits of the scheme.

#### **Design and Layout**

- 8.46. In accordance with Policy 16 of the adopted Core Strategy, all developments of 10 or more dwellings are also required to be assessed against the Building for Life design tool. Building for a Healthy Life is the latest iteration of that tool, and the submission of a Building for a Healthy Life Assessment at the Reserved Matters stage can therefore be secured via planning condition.
- 8.47. The Good Design Guide provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing.
- 8.48. This is an outline application with all matters reserved except for access and scale. Therefore, the detailed layout and appearance considerations are not being assessed at this stage, however, they will form details at the Reserved Matters stage. Notwithstanding this, the indicative plans illustrate that the development will consist of 135 dwellings with access into the site from Phase 1.
- 8.49. It is considered that the discussion of the detailed design of the development within the Design and Access Statement and Landscape Masterplan demonstrates that a suitable scheme is feasible in terms of the design and layout.
- 8.50. Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 30 dwellings per hectare for developments within, or adjoining, Key Rural Centres. However, in exceptional circumstances where individual site characteristics dictate, a lower density may be acceptable. The scheme develops 3.46ha of the 6.84ha site for residential dwellings. For 135 dwellings, the developed area would have a net density of 39 dwellings per hectare, which would exceed the minimum density requirements of the adopted Policy 16 of the Core Strategy.
- 8.51. Given the above, it is considered that the density is acceptable and compliant with Policy 16 of the adopted Core Strategy.

#### **Impact on Residential Amenity**

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

- 8.53. Paragraph 14.2 of the SADMP states that new development should be located and designed in such a way that the amenity of both existing residents and occupiers is fully considered when assessing planning applications.
- 8.54. Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.55. The indicative Landscape Masterplan suggests that a suitable design of the development can come forward at the Reserved Matters stage that is not considered to result in any significant adverse impacts to residential amenity to the existing dwellings on Arnold's Crescent or future residents. Whilst the indicative built area backs on to existing dwellings to the north of the site, it is anticipated that gardens would back on to each other, affording sufficient separation distances between dwellings.
- 8.56. To summarise, it is considered that the scheme, subject to the detailed matters to come forward at Reserved Matters stage, could be designed such to have a suitable relationship with the nearby residential units and shall protect the residential amenity of the future occupants of the scheme. The use of conditions, together with the Council's continued role in assessing detailed plans at Reserved Matters stage, ensures that sufficient scrutiny and control is retained to ensure all concerns are appropriately addressed.

#### **Impact upon Parking Provision and Highway Safety**

- 8.57. Section 9 of the NPPF promotes sustainable transport. Paragraph 115 of the NPPF states that in assessing specific applications for development it should be ensured that sustainable transport modes are prioritised, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas and other transport elements reflect national guidance. Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.58. Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.59. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, and does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.60. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.61. The LHA previously requested additional information was submitted by the Applicant within its observations dated 10th February and 8th August 2025. Most recently, the LHA required the Applicant to provide further improvements to the site access on to Brascote Lane, given the total number of dwellings which would be located off a single point of access. The applicant subsequently submitted a technical note and speed reduction scheme which has been assessed as part of the latest LHA response.
- 8.62. The LHA advised that a ghost right of way would be required for the proposed single point of access which would serve up to 374 dwellings. Following this, the applicant

proposed a package of speed reducing measures along Brascote Lane to help to achieve a compliant access in this location.

- 8.63. The LHA has advised that whilst the principle of the traffic calming scheme as proposed is deliverable, the Applicant will need to provide an independent Stage 1 Road Safety Audit. The proposals and specific details as to what measures are implemented may need to change following the RSA.
- 8.64. Conditions are recommended including compliance with the submitted plans, the provision and retention of visibility splays, internal access width, speed reduction measures, Travel Plan, site drainage, and treatment of the PROW. Subject to these conditions the proposal complies with policies DM17 and DM18 of the SADMP, and the relevant provisions of the NPPF and LHDG.

### **Ecology and Biodiversity**

- 8.65. Policy DM6 of the SADMP states that major development must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long term.
- 8.66. The application has been subject to consultation with the Leicestershire County Council Ecology Team who have confirmed there is no objection to the proposed development subject to conditions relating to Biodiversity habitats and Biodiversity Net Gain. Officers were satisfied that as a result a biodiversity net gain would be achieved on the site. The development therefore accords with Policy DM6 of the SADMP.

### **Archaeology**

- 8.67. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk-based assessment and where applicable a field evaluation. Paragraph 205 of the NPPF also reiterates this advice.
- 8.68. The submission includes a Heritage Statement and geophysics report, which has been reviewed by LCC Archaeology. There has also been consideration of the results of the trial trenching to the immediate south of the site, which did not identify positive evidence for archaeological activity on that site.
- 8.69. LCC Archaeology has recommended a pre-commencement condition for a programme of archaeological work, including a post-investigation assessment and analysis. As there is no objection to the proposal and agreement to the pre-commencement condition by the Applicant, the proposal is considered to accord with Policy DM13 of the SADMP and paragraph 205 of the NPPF in this regard.

### **Minerals**

- 8.70. The application site falls within a sand and gravel Mineral Safeguarding Area identified by Leicestershire County Council. Under Policy M11 of the Leicestershire Minerals and Waste Local Plan up to 2031, planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Resource Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.
- 8.71. LCC Minerals initially objected to the proposal on the basis that no Mineral Assessment was submitted, which is usually a requirement for non-mineral development within a Mineral Safeguarding Area.

8.72. In response, the Applicant submitted a Minerals Assessment Note, which involves a desk-based study. This note concludes that there is a lack of workable resource that would be viable for extraction that warrants safeguarding. Furthermore, there is no potential for sand and gravel resource to be worked in the land adjoining the site to the east due to proximity to residential dwellings, rendering any potential extraction at the site unviable.

8.73. The LCC Minerals Team were re-consulted and commented as follows:

*“Previous concerns relating to the potential for minerals sterilisation and conflict with Policy M11 of the Leicestershire Minerals and Waste Local Plan (adopted 2019) are now withdrawn. Having reviewed the submitted Minerals Assessment Note, the Mineral Planning Authority are satisfied that the applicant has demonstrated that sand and gravel underlying or adjoining the application site is not of any potential value and that there is a lack of workable resource that is viable. To conclude, we have no objection to the proposals from either a waste or minerals perspective.”*

On this basis, the proposal is not considered to conflict with Policy M11 of the Leicestershire Minerals and Waste Local Plan (adopted 2019) and are acceptable in this regard.

### **Flooding/Drainage**

8.74. Policy DM7 of the SADMP outlines that adverse impacts from flooding will be prevented. Developments should not create or exacerbate flooding by being located away from area of flood risk unless adequately mitigated in line with National Policy. Policy DM10 outlines the requirement for an appropriate Sustainable Drainage Scheme.

8.75. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 states applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should: a) take account of advice from the Lead Local Flood Authority; b) have appropriate proposed minimum operational standards; and c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

8.76. The site is a greenfield totaling 14.3 ha in size with the developable area being circa 6.6ha. The site is within Flood Zone 1 (low risk of fluvial flooding) and at a low to medium risk of surface water flooding. The surface water proposals seek to discharge to four onsite attenuation basins before being discharged at a QBar discharge rate of 34.3l/s via detention basins to the onsite watercourse to the north of the site.

8.77. Conditions are recommended to ensure that no development can commence until a surface water drainage scheme and details of maintenance have been submitted and approved by the LPA.

8.78. HBBC's drainage officer has raised no objection owing to the above conditions.

8.79. No additional conditions are proposed by the LLFA. Therefore, subject to the aforementioned conditions, the development is considered to comply with Policy DM7 of the SADMP.

- 8.80. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.81. Policy 14 of the adopted Core Strategy requires developments to support accessibility within rural areas by:
- Supporting the delivery of a viable, high quality public transport network between the Key Rural Centres and their nearest urban centre and between the Rural Villages and their nearest Key Rural Centre or urban centre.
  - Supporting the provision of accessible transport services for mobility impaired and rurally isolated residents.
  - Delivering safe cycle paths as detailed in the Hinckley & Bosworth Council's Rural Parishes Cycling Network Plan. This will deliver safe routes to school, to residential and employment areas, Key Rural Centres/urban areas, community, and leisure facilities and into the countryside.
- 8.82. Developers will be required to contribute towards these initiatives through developer contributions and/or land where they meet the tests set out in National Guidance. New development that would prejudice their implementation will not be permitted.

#### *Affordable Housing*

- 8.83. Paragraph 66 of the NPPF confirms that where major development involving the provision of housing is proposed, planning decisions should expect that the mix of housing required meets identified local need, across Social Rent, other affordable housing for rent and affordable home ownership tenures.
- 8.84. Policy 15 of the adopted Core Strategy states that developments in rural areas, including Newbold Verdon, that provide 15 dwellings or more should allocate 40% of its units towards affordable housing.
- 8.85. The Building for a Healthy Life Assessment (BfHLA) confirms that developments should be designed where it is difficult to determine the tenure of properties through architectural, landscape, or other differences. A range of housing typologies should also be supported by local housing needs and policies to help create a broad-based community and the affordable housing units should be distributed across the development.
- 8.86. In accordance with National Planning Policy, the Council's Affordable Housing Officer has confirmed that 54 affordable housing properties should be provided in the following tenure mix: 40 for Social Rent and 14 for Shared Ownership.
- 8.87. All properties should, where possible, meet the Nationally Described Space Standards. However, the specific type of affordable housing within this provision will be confirmed at the Reserved Matters Stage.
- 8.88. Therefore, it is considered that the development can provide a policy compliant provision of affordable housing in accordance with Policy 15 of the adopted Core Strategy and National Planning Policy. This provision towards affordable housing is given significant weight in the planning balance.

#### *Infrastructure Contributions*

- 8.89. The following infrastructure contributions totalling £1,832,493.21 have been requested by the County Council, the Council's Section 106 Monitoring and Compliance Officer, and NHS England:



- Early Years Education (Newbold Verdon Primary School) (£743,418.00)
- Healthcare (NHS England) (£104,544.00)
- Libraries (Newbold Verdon Library) (£4,076.69)
- Off-Site Outdoor Sports Contributions (£46,915.20)
- Off-Site Outdoor Sports Maintenance (£22,291.20)
- On-Site Public Open Space Contributions (£88,417.98)
- On-Site Public Open Space Maintenance (£186,516.00)
- Post-16 Education (Bosworth Academy) (£86,101.79)
- Primary SEND Education (The Dorothy Goodman School) (£32,178.64)
- Secondary SEND Education (The Dorothy Goodman School) (£44,026.74)
- Secondary Education (The Market Bosworth School) (£403,014.42)
- Waste (Barwell Household Waste and Recycling Centre) (£6,686.55)
- Travel Packs (supplied by LCC at £52.85 per plot + administration charge of £500)
- Six-month bus passes (two per dwelling – can be supplied by LCC at £605 per pass)
- Sustainable Travel Accreditation and Recognition Scheme monitoring fee - £6,000
- Footpath S26 improvements (£64,306)

#### *Public Open Space*

- 8.90. Policy 11 of the adopted Core Strategy asserts that the Council will address the existing deficiencies, quantity and accessibility of green space and play provision within Market Bosworth. New green space and play provision will be provided where necessary to meet the standards set out in Policy 19 of the adopted Core Strategy.
- 8.91. Policy 19 of the Core Strategy identifies standards for play and open space within the Borough. Developments should accord with this Policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016 updates these standards and identifies the costs for off-site and on-site contributions.
- 8.92. The following on-site public open space provisions are therefore required:

<b>POS Type</b>	<b>Equipped Children's Play Space</b>	<b>Casual/Informal Space</b>	<b>Accessible Natural Green Space</b>
Provision per dwelling (2.4 people per dwelling) (sqm)	3.6	16.8	40
No. of dwellings	135	135	135
Sqm to be provided	486	2,268	5,400
On-site provision per sqm	£181.93	£4.44	£4.09
Provision contribution	£88,523.45	N/A	N/A
Maintenance Contribution per sqm (Based on 20 Years)	£175.60	£10.80	£14.20
Maintenance Contribution	£85,523.45	£24,494.40	£76,680.00
<b>POS Provision Total</b>	<b>£88,417.98</b>		
<b>POS Maintenance Total</b>	<b>£186,516.00</b>		

- 8.93. An off-site contribution of £46,915.20 (£9.05 per sqm) and a maintenance contribution of £22,291.20 (£4.30 per sqm) towards 5,84sqm (38.4sqm per dwelling) of outdoor sports provision should also be provided within an agreed Section 106 Agreement.
- 8.94. Casual/ Informal Space relates to informal recreational spaces such as greens and pocket parks whereas Accessible Natural Green Space refers to publicly accessible woodlands, urban forestry, and grasslands.
- 8.95. The LHA have requested Travel Packs, Bus Passes, a Monitoring Fee for the Travel Plan, and a contribution of £64,306 towards appropriate surfacing of Footpath S26 and provision of appropriate street lighting.
- 8.96. All the above contributions are considered to meet the tests for planning obligations and should therefore form part of the Section 106 legal agreement to be formulated should the application be approved. Therefore, subject to the above contributions, the development is considered to comply with Policy DM3 of the SADMP, and Policy 19 of the Core Strategy.
- 8.97. Regarding the request by Leicestershire Police for a contribution of £60,674.59; HBBC do not consider the request to meet the planning obligations tests of para 58 of the NPPF as it has not been demonstrated that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

## **9. Equality implications**

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
  - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Planning Balance**

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are

considered to be out of date as they focused on delivery of a lower housing requirement than is now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 10.3. Newbold Verdon is a Key Rural Centre (standalone) and therefore has a reasonable provision of services/infrastructure to support the development, of which it provides to the settlement and the wider, rural hinterland. The proposed access is considered acceptable, and conditions have been included securing improvements to the footpath network, which is judged to be a public benefit beyond mitigation of the development itself. This is attributed moderate positive weight.
- 10.4. The provision of up to 135 dwellings (40% of which to be affordable units) is considered to be a significant social benefit of the proposal and weighs heavily in favour of the scheme.
- 10.5. Whilst the scheme does not fully comply with Policy DM4 of the SADMP, the long-term (year 15) impact on landscape and visual amenity has been assessed and is considered to be at worst moderate to minor adverse when viewed by users of PROW S26. The long-term level of effect and nature on most of the key visual receptors are negligible/minor for this development. Limited weight is therefore attributed to the conflict with DM4.
- 10.6. Other benefits of the scheme apart from the delivery of market and affordable homes include the relative accessibility to facilities and services, the likely increase in biodiversity on the site and the economic and social benefits through the construction of dwellings, the financial contributions as set out in paras 8.89 – 8.97 above and from subsequent activities of future residents in the local area. These benefits are considered to attract moderate weight.
- 10.7. As the tilted balance applies, paragraph 11(d) of the NPPF requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Taking into account the housing land supply position and the need for affordable homes within the Borough, it is considered that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits (identified above) when assessed against the policies in the NPPF when taken as a whole. The scheme is therefore deemed to be acceptable subject to conditions and the requirements and financial contributions as part of a signed Section 106 Legal Agreement.

### **Conclusion**

- 10.8. That the application be Approved subject to the conditions set out below and subject to the entering into of a S106 Agreement to secure the required financial contributions and other measures set out above at paragraph that include affordable housing, infrastructure and highway, open space, maintenance and monitoring costs.

## **11. Recommendation**

### **11.1. Grant planning permission** subject to:

- The completion of a S106 agreement to secure the following obligations:
  - Affordable housing provision
  - Libraries - Newbold Verdon Library £4,076.69
  - Waste - Barwell HWRC £6,686.55
  - Primary Education - Newbold Verdon Primary School £743,418.00
  - Secondary Education - The Market Bosworth School £403,014.42
  - Post 16 Education - Bosworth Academy £86,101.79

- Primary SEND Education - Dorothy Goodman School Hinckley £32,178.64
  - Secondary SEND Education - Dorothy Goodman School Hinckley £44,026.74
  - Early Years Education £210,635.10
  - NHS ICB Contribution £104,544.00
  - Off-Site Outdoor Sports Contributions (£46,915.20)
  - Off-Site Outdoor Sports Maintenance (£22,291.20)
  - On-Site Public Open Space Contributions (£88,417.98)
  - On-Site Public Open Space Maintenance (£186,516.00)
  - Travel Packs (supplied by LCC at £52.85 per plot + administration charge of £500)
  - Six-month bus passes (two per dwelling – can be supplied by LCC at £605 per pass)
  - Sustainable Travel Accreditation and Recognition Scheme monitoring fee - £6,000
  - Footpath S26 improvements (£64,306)
- Planning conditions outlined at the end of this report
  - Power to determine the final details of the conditions to be delegated to the Assistant Director Planning and Regeneration

## 11.2. Conditions and Reasons

1. The Application for the approval of reserved matters shall be made within 18 months from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. No development shall commence until details of the layout, scale, appearance, landscaping, and access other than vehicular access (hereafter called the reserved matters) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016)

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
  - Site Location Plan – Drg. No. 902832.36.01 Rev B - received 23/12/24
  - Proposed Access Strategy ( )

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The first reserved matters application shall be accompanied by a scheme which details the proposed housing mix for the development which should be in accordance with the Council's adopted Development Plan and the most up to date Housing Needs/Market Assessments for the area.

Any and all subsequent reserved matters applications in relation to housing shall

accord with the approved details and shall be accompanied by a statement which demonstrates compliance with the approved mix.

**Reason:** To ensure an appropriate housing mix to meet the housing needs of the locality is provided in accordance with Policy 16 of the Core Strategy 2009.

5. Any reserved matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall thereafter be carried out in accordance with the approved levels.

**Reason:** To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Each future reserved matters application in relation to housing, shall include a 'Building for a Healthy Life' assessment for the development. The details of the development shall incorporate the 12 considerations set out within the 'Building for a Healthy Life' document (Homes England) and parameters shall be agreed with the local planning authority and implemented on site in accordance with the approved details and retained thereafter.

**Reason:** To ensure the development is appropriate to the local area and meets amenity standards in accordance with policy DM10 of the Site Allocations and Development Management Policies DPD, Policy 16 of the Core Strategy, and the Good Design Guide SPD.

7. No development shall take place (including ground works or vegetation clearance) until a Construction Traffic and Environment Management Plan has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:
  - a. Identification of potentially damaging construction activities
  - b. practical measures and sensitive working practices to avoid or reduce impacts during construction on any protected species present.
  - c. timing of works to avoid harm to nesting birds
  - d. responsible persons for overseeing sensitive works
  - e. use of protective fencing where required
  - f. noise mitigation measures in accordance with the submitted noise impact assessment (Hepworth acoustics, received 29.05.25)
  - g. wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision
  - h. how the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, smoke, light and land contamination during site preparation and construction.

The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the LPA. The agreed details shall be implemented throughout the course of construction for the whole development area.

**Reason:** To ensure that the development does not cause harm to any protected species or their habitats and to minimise disruption to the neighbouring residents in accordance with Policies DM6, DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Government guidance contained within the National Planning Policy Framework.

8. Notwithstanding Hub drawing number T24516.001, no part of the development shall be occupied until such time as a scheme to reduce the speed of traffic on Brascote Lane in the vicinity of the site access which has been subject to a Stage 1 Road Safety Audit and Designer's Response has been submitted to and agreed in writing with the LPA. The approved scheme shall then be implemented in full prior to occupation of the first dwelling.

**Reason:** To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

9. Notwithstanding the submitted plans, the proposed two internal accesses to the development shall have a minimum carriageway width of 5.50 metres, a 2.0 metre wide footway on both sides and shall be surfaced in a bound material.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

10. No part of the development hereby permitted shall be occupied until such time as the access arrangements on to Brascote Lane shown on Hu drawing number T20517.001 Rev C have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

11. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 x 160 have been provided at the site access on to Brascote Lane. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

**Reason:** To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

12. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

13. The Travel Plan shall be carried out in accordance with the details contained within reference T24516 (Rev. B dated 5th July 2024 and authored by Hub). A Travel Plan Co-ordinator shall be appointed prior to commencement of development until 5 years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial

measures.

**Reason:** To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

14. No development shall take place until a scheme for the treatment of the Public Right of Way Footpath S26 has been submitted to and approved in writing by the Local Planning Authority. A scheme shall include management during construction (including proposed temporary route(s)); ensuring plans reflect the correct legally-recorded PRoW alignments, or any legal diversion order to ensure they do so in future; and any new construction works and other enhancement. Physical construction should address width, surfacing, drainage, structures, signposting, and impacts of any landscaping and boundary treatments in accordance with the principles set out in the Leicestershire County Council's adopted guidance on Development and Public Rights of Way. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

**Reason:** To protect and enhance Public Rights of Way an access in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 105 of the National Planning Policy Framework (2024).

15. Prior The development shall not commence until a 30-year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:
  - a) Description and evaluation of the features to be managed;
  - b) Ecological trends and constraints on site that may influence management;
  - c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
  - d) Description of the management operations necessary to achieving aims and objectives;
  - e) Preparation of a works schedule, including annual works schedule;
  - f) Details and a timetable of the monitoring needed to measure the effectiveness of management;
  - g) Details of the persons responsible for the implementation and monitoring;
  - h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
  - i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain

**Reason:** To enhance biodiversity, and in accordance with the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. No development approved by this permission shall be commenced until a scheme for the remediation of land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. If during development, contamination not previously identified is found to be present at the site, no further development shall take place within the affected area until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with.

Any remediation works so approved shall be carried out prior to the site first being occupied.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

18. Site preparation and construction shall be limited to the following hours;

Monday - Friday 07:30 - 18:00

Saturday 08:00 - 13:00

No working on Sundays, Bank Holidays and Public Holidays

**Reason:** To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

19. No development shall commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

**Reason:** To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy DM13 of the Site Allocations and Development Management Policies Development Plan Document (2016).

20. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of



surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

21. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details in perpetuity.

**Reason:** To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

**Reason:** To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

23. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

24. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

**Reason:** To ensure that the development does not cause harm to any trees or protected species habitats in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016, and to ensure that the development achieves Biodiversity Net Gain in accordance with paragraph 187 and 193 of the NPPF (2024).

25. Any forthcoming Reserved Matters application shall include details for the adequate provision for waste and recycling storage of containers and collection across the site. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

**Reason:** To support the policies within the Wheeled Bin and Container Policy

(updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.

### **Informatives**

1. This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.
2. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [building.control@blaby.gov.uk](mailto:building.control@blaby.gov.uk) or call 0116 272 7533.
3. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
4. Any highway that is not to be adopted by the Local Highway Authority should, as a minimum, be constructed to adoptable standards.
5. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>
6. To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
7. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>
8. Planning Permission is required for any construction access onto a classified road, unless it is in strict accordance with the development access planning approval. To carry out off-site works associated with a construction access onto a classified road, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit. However, if planning consent has not been secured in respect of the construction access, the section 184 application will be refused.
9. All S278 works in Leicestershire require core samples of the existing road pavement during the Technical Approval process. This is to ensure that the full area of existing carriageway is suitable for the intensification of use, and that there are no underlying road pavement issues which are not evident on the surface, for example a perished binder layer. The cores also assist with ensuring that the pavement design matches the existing, for example you may propose a 40mm surface course, but the existing is 50mm. We would not want a

10mm layer of existing material left in situ. Any UKAS accredited lab is suitable, their website has a useful search function that can filter geographically for local providers.

10. Confirmation that statutory undertakers are not affected by the works should be provided. This should be either a websearch plan showing that they have no assets in the area of works, or if they do have assets in the area a formal NRSWA C3 response from the Statutory Undertaker stating that they are unaffected. If Statutory Undertakers are affected please provide the response letter, estimate of works and plan of the works. This can be undertaken at the detailed design stage of the scheme.
11. For information at this stage, in accordance with LHDG Tables 3 and 4 the longitudinal gradient at junctions should not exceed 1:30 for the first 10m.
12. The existing drainage system should be proven by a CCTV survey to ensure it is running free of blockages and suitable for the proposed changes. The survey should cover the existing highway drainage system to where it outfalls / joins the Severn Trent Water system. A drainage system will be required to ensure that surface water from the development does not flow in to the highway. This can be undertaken at the detailed design stage of the scheme.
13. Full width carriageway resurfacing is required across the entire length of the proposed junction. This will eliminate joints and potential weak points in the carriageway and also reduce the chances of differential settlement. This can be allowed for at the detailed stage of the scheme.
14. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
15. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
16. If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
17. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.
18. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
19. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
20. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
21. The development is subject to the requirement of a "Biodiversity gain condition". A Biodiversity Gain Plan must be submitted to and approved in writing by Hinckley and Bosworth Borough Council prior to commencement of this development.

22. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.
23. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for event durations up to the 24 hour (or longer where required) for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods with results ideally showing critical details only for each return period while also considering urban creep and the potential for a surcharged outfall.
24. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
25. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual property ownership. For commercial properties (where relevant), this should also include procedures that must be implemented in the event of pollution incidents.
26. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach. Where infiltration is deemed viable, proposed infiltration structures must be designed in accordance with CIRIA C753 "The SuDS Manual" or any superseding version of this guidance.
27. No trees and shrubs shall be removed on site during the bird nesting season (1st March to 31st July inclusive).

Planning Committee 7 October 2025  
Report of the Head of Planning

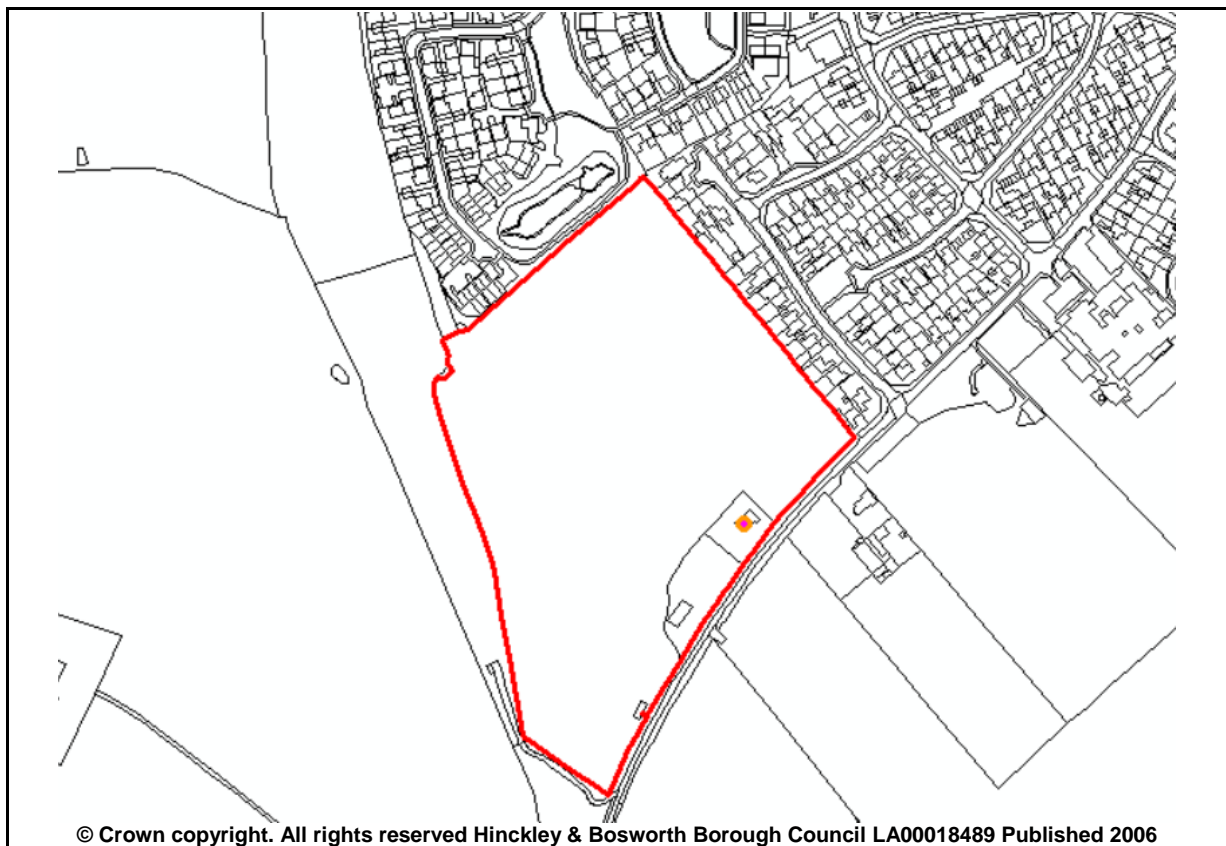
Planning Ref: 24/00709/REM  
Applicant: DAVIDSONS DEVELOPMENT LTD  
Ward: Newbold Verdon with Desford and Peckleton



Hinckley & Bosworth  
Borough Council

Site: Ashfield Farm, Kirkby Road, Desford, Leicestershire

**Proposal:** Application for approval of Reserved Matters (relating to Appearance, Landscaping, Layout and Scale for the erection of 120 dwellings and associated works.) attached to planning permission 22/01227/OUT (APP/K2420/W/23/3320601) including discharge of conditions 5 (Ecological Constraints and Opportunities), 6 (Biodiversity details), 9 (Surface Water Scheme) and 11 (Site/Ground Investigation) of planning permission 22/01227/OUT.



## 1. Recommendations

- 1.1. Approve Reserved Matters details subject to:
- Planning conditions outlined at the end of this report
  - The Assistant Direct Planning and Regeneration being given powers to determine the final detail of planning conditions

Approve Conditions 5, 6, 9 and 11 of planning permission 22/01227/OUT.

## 2. Planning application description

- 2.1. The application seeks approval of Reserved Matters comprising appearance, landscaping, layout and scale further to outline permission ref 22/01227/OUT for

residential development of 120 dwellings alongside associated site infrastructure, open space.

2.2. The application was deferred at the August Planning Committee. Members requested further information on a potential Registered Provider for the development's affordable housing and whether the proposed dwellings could be moved further away from the existing properties on Cambridge Drive. A response to these queries/concerns is set out in 'Other Matters' at Paragraph 8.50. of the report.

2.3. The mix of accommodation on site will comprise the following:

- 1 Bed – 10% (12 Plots)
  - 2 Bed – 22% (27 Plots)
  - 3 Bed – 36% (43 Plots)
  - 4 & 5 Bed – 32% (38 Plots)
- Total = 120 Plots

\*This accommodation also includes the provision of two 2 bed bungalows on site

2.4. Affordable housing provision on site has been agreed at the outline stage as part of the S106 legal agreement and comprises 12x First Homes, 27x Affordable Rent and 9x Shared Ownership units. 40% affordable housing is to be provided on site totalling 48 units.

2.5. Site access has already been approved as part of the outline permission 22/01227/OUT.

2.6. Details relating to Conditions 5, 6, 9 and 11 of outline planning permission 22/01227/OUT has also been submitted as they were details required as part of the reserved matters application.

2.7. As originally submitted, the application was considered to require some further information/clarification in relation to the following matters:

- Boundary treatment
- Road adoption/layout
- Affordable housing layout
- Parking provision
- Bin storage
- Materials
- Open Space
- Drainage
- Landscaping

2.8. Further information was subsequently submitted by the applicant and a re-consultation carried out including a site notice.

### **3. Description of the site and surrounding area**

3.1. The application site measures 5.35ha approximately and is located to the western edge of Desford within open countryside. The site is relatively flat and bordered by Kirkby Road to the south, agricultural fields to the west and residential properties within the established neighbourhoods of Desford to the north and east.

- 3.2. An existing football playing field and a play area is located to the east of the proposed site.
- 3.3. The site is located in Flood Zone 1, the area with lowest probability of flooding.

#### **4. Relevant planning history**

- 4.1. 22/01227/OUT - Outline Planning Application for residential development of up to 120 dwellings alongside associated site infrastructure and open space (All matters reserved except for access) – **ALLOWED ON APPEAL**

#### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 20 public comments have been received, raising the following concerns/objections:
- Boundaries - many of my concerns would be resolved if building distances to Cambridge Drive properties were similar to the proposed building line between Ashfield build and the newly built properties on Bellway Estate. A less dense housing approach would also make the build area more attractive.
  - Residential Amenity - the separation distances and height of houses mean those living on Cambridge Drive will suffer loss of amenities as the proposed plan will adversely affect Daylight, Sunlight, Light to internal spaces and privacy.
  - Environment - destruction of hedges will affect the wildlife and visual appeal.
  - Loss of Privacy - the proximity of properties backing onto the rear of existing housing mean those residents are entitled to a greater degree of privacy than is offered. The current layout and types of houses will be overlooking bedrooms, work area, living rooms to existing properties
  - Occupants will be looking down into the living area of the proposed new build from less than the regulatory 35 metres.
  - Daylight and Sunlight - having occupied my property for over forty-five years this should give me certain rights over Daylight, Sunlight and Privacy plus quiet enjoyment. The loss of light may break the 25 degree rule frequently applied to existing properties. My property will be adversely affected by the loss of sunlight due to the height and position of building shown in currently proposed plans. (Has a report on the Site Layout Planning for Daylight and Sunlight been submitted for planning consultation).
  - Health & Safety - during development large vehicles will have great difficulty negotiating the narrow roads both entering Desford and approaching the site adding risk of injury and damage to property of Desford inhabitants. Post development the daily commute will give rise to around 600\* vehicle journeys leaving or returning to the estate and the majority passing the junior school. This raises Health & Safety plus pollution concerns and requires to be managed, would it be possible to make the whole of Desford a 20mph limit? Those with respiratory problems are going to suffer medically while everyone will be affected by the dust and noise.

- Parking for those working on site may be problematic as the car park adjacent to the Junior School is usually used by the parents and this needs to be kept available. This may cause even more on street parking in the surrounding area, therefore temporary on-site parking is required.
- House Design - the types of houses proposed are out of keeping with the locale and combined with the high density are more suited to inner city development than the countryside. No Bungalows or accommodation suitable for the aged or infirm are included on the plot.
- I note from the layout plan that the houses at the back of numbers 1 and 2 Cambridge Drive have been replaced with bungalows, and that the houses at the back of numbers 5 onwards, which actually are bungalows are to have 4 bedroom detached houses directly behind them. I personally will have plot 16 gazing directly into my bedroom.
- Looking at the map there is a buffer zone of 1.9m before the new build back garden starts which will only be approximately 20m long. Therefore we in the bungalows along this hedge line will have large detached houses which will have our bedrooms and back rooms in a direct line of sight with the houses. Why are the bungalows not being built at the back of the existing line of bungalows? I think having these houses so close will impinge on our personal privacy, not to mention probably denying us a lot of light especially in the winter when the sun is low.
- I notice that to the northwest side of the plan is an attenuation pond. Why can this not be placed to rear of our properties so that if houses have to be built they are significantly further away from our properties? This would reduce our privacy worries.
- We will suffer years of noise and dust with what seems no consideration for existing home owners.
- The proposed development has a footpath leading into the existing Bellway Estate. As the residents pay privately for the maintenance of the green areas, this footpath will lead to a further toll on the paths, grassy areas and park. This will in turn increase the costs to the Bellway residents through no fault of their own. With costs increasing year on year, I am at a loss to understand why such a path is required and who has approved this? Should the Bellway residents not be consulted and provide final say?
- Objection to height of Plots 22-23 backing onto Cambridge Drive.
- 45 of the 48 units as part of the Affordable Housing compliment are clearly and markedly clustered and restricted to one end of the proposed site. There is no 'pepper-potting' and as such, there is a distinct lack of integration with the open market homes which will limit the ability to create a mixed, balanced and sustainable community. Furthermore, the 'Material and Boundary Layout' document highlights that without exception, the 48 affordable units all utilise the Ibstock - Hardwick Welbeck Red Mix facing bricks which would further the distinction between the affordable and market homes.

## **6. Consultation**

6.1. No objection has been received from:

- Environment Agency
- LCC Archaeology
- LCC Minerals and Waste
- LCC Ecology
- Leicestershire Police
- HBBC Environmental Protection Team (subject to condition)



- HBBC Housing Officer
- HBBC Conservation Officer
- HBBC Drainage

6.2. Local Highway Authority – The acceptability of an adopted road layout is subject to a Section 38 agreement in accordance with the Highways Act (1980). For the site to be suitable for adoption, the internal layout must be designed fully in accordance with the LHDG. After reviewing Davidsons drawing number XXXX\_100 Rev P03, the LHA advises that the internal access roads are currently still not suitable for adoption. The LHA advises that whilst the road layout is not considered unsafe and adoptability is not a material planning consideration, the following amendments to the layout are required at the application stage prior to determination as plot layouts could be affected.

- The links between Street 02 and Street 03 have been severed by the introduction of bollards on the private drives. The specification for these will need to be provided.
- Concern remains that the grassed area adjacent Shared Drive 08 could be used to bypass the bollards. Likewise Shared Drive 10/06.
- Refuse tracking shows the fire tender overhanging the balancing pond next to Shared Drive 03.
- Footway provision of 2m has now been shown, largely adjacent to the carriageway and are always present on both sides where properties are served. A minimum 1m hard surfaced service margin is no longer an option within the LHDG and this should be replaced with 2m minimum hard surface, or a 1m minimum width verge (min 10m2 overall verge size).
- Where footways are set back, a commuted sum will be charged for all additional footway, verge and carriageway areas not required for safe function of the highway.
- The roads proposed will need to have adequate speed control features so that they conform to LHDG standards. Junction table(s) should be designed in accordance with the guide and plateau length above the minimum required.
- No obstructions should be present in visibility splays both at the access and for internal junctions and bends. Visibility splays must be contained wholly within the highway envelope.
- Visibility on all bends has been added but no dimensions shown. The applicant should note that forward visibility for Residential Roads is 25m at all bends. Visibility at 90-degree bends is shown at 17m, rather than the required 25m.
- The applicant is required to clarify the usage proposed for the 4m wide track off Shared Drive 04.

6.3. S106 Monitoring and Open Space Officer – Reviewing the landscaping plans, I would like to see amenity grass along plots 111, 110 120 if we keep it wildflowering mix (EM2) it can look unmanaged as it is likely to be maintained less than amenity grass. I appreciate the "mown path" will be amenity grass around the pond which should continue between the swales and adjacent plots - again wouldn't want these areas to look unmanaged by being kept longer and not mowed as often (EM1) for one of the feature areas could also look really messy if left and as it's a key area in the middle of the site it should look well managed and maintained with appropriate amenity grass. As part of the open space scheme, I would like to see some benches, bins and a sign for the responsibility of the open space areas on the site with contact details should any issues need to be reported by residents.

\*amended plans received with requested details above. At the time of writing the report no further response has been received from the S106 Monitoring and Open Space Officer.

- 6.4. Desford Parish Council - We request that the layout is reconfigured to site the blocks of flats so that they are not overlooking the gardens of residents on Cambridge Drive. We also request that the hedge is retained along the boundary with the gardens of Cambridge Drive.
- 6.5. LLFA – the 5.35 ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a very low to low risk of surface water flooding. The proposals seek to discharge at 23.5 l/s via pervious paving and a dry detention basin to an existing Severn Trent Water (STW) surface water sewer to the north-east of the site with two options. The proposed site layout has altered slightly from the previous consultation, and from the layout that was approved in 22/01227/OUT. The latest changes show a reduction in the capacity of the attenuation basin from 1413m<sup>3</sup> to 1355m<sup>3</sup>. This change is mostly due to a reduction in the freeboard of the pond from 595mm to 300mm, which is still compliant with freeboard requirements. The LLFA has also been consulted on the matters relating to Condition 9, which requires full drainage details to be submitted. The LLFA provided an initial response on 5th June 2025 requesting the submission of further information as summarised below:
- A catchment area plan to support a revised set of hydraulic calculations
  - Flood flow routing plan
  - Private drainage details
  - Cross-sectional details of the proposed attenuation basin and flow control chamber (site specific details, as opposed to typical details)
  - Runoff rate calculation / catchment area

The applicant has provided revised hydraulic model which now includes the areas of all impermeable surfaces. The approach undertaken is acceptable to the LLFA and is based on planning policy guidance at the time the original planning application was submitted. Some plot levels are lower than the modelled top water level of the downstream drainage network. This is likely to result in private plot drainage flooding prior to the main infrastructure drainage. It is not good practice to flood private plots by design. Following further discussion on this matter with the applicant, the LLFA is in agreement that further details relating to private / external levels can be provided at a later stage and will therefore need to be conditioned as part of any subsequent approval of Reserved Matters. Subject to imposing of a new condition on any subsequent approval of the Reserved Matters, the LLFA advises that the documents as submitted are sufficient for the LLFA to support the discharge of Condition 9 of 22/01227/OUT. Subject to a further condition recommended below, the LLFA also advises the LPA that the application documents as submitted are sufficient for the LLFA to support the approval of the Reserved Matters.

- 6.6. HBBC Waste Team – No comments received to date.

## **7. Policy**

- 7.1. Core Strategy (2009)
- Policy 8: Key Rural Centres relating to Leicester
  - Policy 14: Rural Areas: Transport
  - Policy 15: Affordable Housing
  - Policy 16: Housing Density, Mix and Design
  - Policy 19: Green Space and Play Provision
  - Policy 20: Green Infrastructure
  - Policy 24: Sustainable Design and Technology

- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM3: Infrastructure and Delivery
  - Policy DM4: Safeguarding the countryside and settlement separation
  - Policy DM6: Enhancement of Biodiversity and Geological Interest
  - Policy DM7: Preventing Pollution and Flooding
  - Policy DM9: Safeguarding Natural and Semi-Natural Open Spaces
  - Policy DM10: Development and Design
  - Policy DM11: Protecting and Enhancing the Historic Environment
  - Policy DM12: Heritage Assets
  - Policy DM13: Preserving the Borough's Archaeology
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards

- 7.3. Desford Neighbourhood Plan
- Policy H3: Reserve Sites
  - Policy H4: Affordable Housing
  - Policy H5: Housing Mix
  - Policy H7: Housing Design
  - Policy ENV 3: Biodiversity General
  - Policy ENV 6: Safeguarding Important Views
  - Policy F2: New or Improved Community Facilities
  - Policy T1: Traffic Management
  - Policy T3: Electric Vehicles

- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
  - Planning Practice Guidance (PPG)
  - National Design Guide (2019)

- 7.5. Other relevant guidance
- Good Design Guide (2020)
  - National Design Guide (2019)
  - Leicestershire Highway Design Guide

## **8. Appraisal**

- 8.1. This is a reserved matters application following approval of outline planning permission. Access was a detailed consideration at the outline stage and therefore the following matters represent the key issues:

- Principle of development
- Layout
- Appearance
- Landscaping
- Scale
- Other matters

### **Principle of development**

- 8.2. The principle of development (including access) has already been established following the granting of outline planning permission through appeal, planning reference 22/01227/OUT. This report therefore specifically focuses on the matters

that remain outstanding for consideration – i.e. the Reserved Matters, these include the appearance, landscaping, layout and scale of the development proposal.

- 8.3. As previously stated, affordable housing numbers, mix and tenure was considered and agreed at the outline stage and is set out within the S106 legal agreement. Therefore, this is not a consideration at this reserved matters stage.
- 8.4. The access point into the site has also been established and agreed at the outline stage.

### **Layout**

- 8.5. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.6. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.7. Policy H7 of the Desford Neighbourhood Plan (DNP) states that design should reflect the properties nearby and if adjacent to open countryside, seek to reduce the visual impact of the new development. All new development should satisfy the following 10 design principles:
- Enhance and reinforce the local distinctiveness and character of the area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on wider landscape views.
  - Adequate off road parking should be provided
  - All new housing should continue to reflect the character and historic context of existing developments within the Parish and incorporate a diversity of materials
  - Development should be enhanced by fostering biodiversity and landscaping with existing trees and hedges
  - Where possible, enclosure of plots should comprise native hedging, wooden fencing or brick/stone walls (which maintain connectivity of habitat for hedgehogs)
  - Development should incorporate sustainable design and construction techniques to meet standards for water and energy efficiency
  - Security lighting and light spillage must be considered
  - Development should incorporate sustainable drainage systems
  - Development should be of a density that respects the desirability of maintaining an area's prevailing character and setting
  - Properties should have built in facilities for wildlife, for example bee bricks and swift boxes
- 8.8. The Good Design Guide outlines that building plots should be a similar size to the wider context and the layout should not adversely impact upon the prevailing grain of development. Built development should also be of similar scale, mass and roof form to the wider context, allowing it to sit comfortably within the street scene.
- 8.9. The built development is to be set back from Kirkby Road and lies on the edge of the existing settlement of Desford. Large detached dwellings front the entrance to

the scheme. A swathe of open space on entrance to the site has been provided to help enhance and define the development and enrich and complement the visual aesthetics of the site on approach from Kirkby Road.

- 8.10. The development provides a central square feature where the front gardens of properties at this location are bounded by hedgerows. A linear landscaping feature is located in front of plots 84-87 which further enhances and provides a verdant feature to this part of the development site.
- 8.11. Back to back distances between properties have been checked and exceed 21 metres for two storey properties. This complies with the Good Design SPD to ensure appropriate privacy and minimise overlooking for future occupiers of the site. Garden sizes have been reviewed to ensure that dwellings have appropriate private amenity space relative to the size of the dwelling.
- 8.12. Two bungalows have been introduced along the line of proposed units backing onto Cambridge Drive as part of the revisions to the scheme in order to help further alleviate overlooking and privacy concerns raised by local residents.
- 8.13. The block of affordable units towards the rear of the site has been inset from the boundary – there is now 5.7 metres from the side elevation of this block to the edge of the application site.
- 8.14. Bin storage details for the two storey flatted development to the north of the site has been provided to show that bins for these units will be in a secure, enclosed building to help with both security and odour concerns.
- 8.15. All properties include on plot car parking provision except for a parking area for a small block of units located towards the rear of the site. However, these spaces are directly opposite or in close proximity to the respective unit they provide parking for.
- 8.16. Concerns have also been raised about the location/layout of affordable dwellings on site i.e. being too concentrated and located within one area of the development (to the north of the site). This matter was flagged with the applicant and revised details were provided to dilute the concentration of affordable dwellings in one location and disperse the affordable units more evenly across the site. It is considered that the revision is acceptable and whilst there is still a focus of affordable units towards the north of the site, this development is providing 40% affordable housing provision and so it is difficult to evenly distribute this number of dwellings. It is however noted that tenure mix has also been taken account of to ensure that first homes, affordable rent and shared ownership units are also evenly spread.
- 8.17. Amended plans have also been received in respect of the internal road layout and parking spaces to ensure routes and spaces are wide enough and accord with the requirements of the local highway authority. The LHA consider that the roads are not unsafe but not suitable for adoption as shown. They are satisfied with the parking provision on site. The applicant has stated that the updated internal road layout meets relevant design requirements for a private scheme. A Roads and Refuse Services document has been submitted which details the highways and refuse, construction and ongoing management implications of the applicant's decision to not seek public adoption of the roads. In short, the roads will be built to LCC's standards for private roads that are to be publicly accessible and will be inspected during their construction by the County Council. This will ensure refuse

vehicles will not damage the final road surface and the submitted drawings demonstrate that suitable turning space is available for refuse and fire tender vehicles. Therefore, refuse can be collected in the same way as if the roads were publicly adopted and bin collection points are provided for dwellings accessed from shared drives. Finally in this regard, LCC can require the applicant to submit a bond to ensure that the roads are completed to the stated standard.

- 8.18. Subject to conditions proposed by the local highway authority, the revised layout of the site is considered to be acceptable and in compliance with Policy DM10 of the SADMP, Policy H7 of the Desford Neighbourhood Plan, the Good Design Guide SPD and the requirements of the NPPF.

### **Appearance**

- 8.19. House type designs as proposed are based on the arts and crafts movement with a focus on decorative details to the design of the dwellings. This helps to raise the overall standard of design across the development as a whole. Examples include quoin blocks details, large windows, oriel windows, chimneys, decorative lintels, brick archway features, door canopies and dwellings comprising asymmetrical designs.
- 8.20. Materials for the dwellings comprise predominantly red facing bricks and some of the properties will comprise a render mix too. A mix of materials are proposed across the site to ensure that from an appearance perspective the proposal is tenure blind.
- 8.21. Boundary treatment details have been provided as part of the application submission. Red brick walls, railings or hedges will form the boundary treatment for gardens of dwellings that are located side onto a highway or are prevalent from the public realm in order to help raise the quality of the development. Close boarded fences are limited to rear gardens that cannot be viewed from the public realm or as boundaries between rear gardens of neighbouring properties.
- 8.22. The applicant has confirmed that existing hedges will be retained along the site's boundary with properties along Cambridge Drive.
- 8.23. The proposed development is therefore considered to accord with the design and appearance requirements set out within the Good Design Guide SPD, Policy 21 of the Core Strategy and the design requirements as set out within the Desford Neighbourhood Plan.

### **Landscaping**

- 8.24. Revised landscaping plans and an open space plan have been provided as part of the reserved matters submission.
- 8.25. The landscaping details set out the type and location of shrubs, trees and hedgerows to be provided across the development site. As stated previously, the existing hedgerow along the boundary with Cambridge Drive is to be retained and will act as a further buffer between the development and existing properties backing onto the site.
- 8.26. Trees are to be provided 'on plot' within the frontage of a number of dwellings across the site and also within parking court areas and across the open space areas of the development.

- 8.27. The open space plan shows the provision of various open space typologies including casual informal open space across various parts of the development site and a landscape buffer along the western edge of the development site which borders the open countryside. The landscape buffer area is for ecological provision in order to provide for 25% biodiversity net gain requirement (BNG) on site. This is to be appropriately fenced in order to allow the area to establish and prevent damage. This area is separated by the grass mown path area corridor.
- 8.28. Meadow Grassland of different varieties have been proposed alongside amenity grassland for grass mown path areas and margins.
- 8.29. The northern corner of the site will be mown and maintained in order to allow for casual informal play on site.
- 8.30. The swales and attenuation basin are not permanently wet water bodies that hold water but are designed to convey water when water events are live. The attenuation basin base will be designed to be wet. The grass mown path runs the length of the site and runs around the balancing areas and then provides a linkage to the north.
- 8.31. Bins and benches across the site are also proposed as part of the landscaping details and include information boards providing details about the responsibility of the open space areas on the site with contact details should any issues need to be reported by residents.
- 8.32. The applicant will be paying an 'off-site' contribution for the provision of Equipped Area of Play (play equipment) as part of the S106 requirements agreed at the outline stage and so there is no play equipment to be provided on site. The site lies in very close proximity to an existing play area/open space along Kirkby Road and this off site contribution will seek to benefit both new and existing residents. Desford Parish Council have been approached to enquire how/where this money will be spent within the locality when it is received.
- 8.33. Overall, the details as submitted are considered to be suitable with respect to landscaping considerations and comply with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

### **Scale**

- 8.34. The proposal comprises predominantly two storey dwellings with two plots comprising bungalows.
- 8.35. A number of objections have been received in respect of the location and proximity of two storey properties backing onto the boundary with existing dwellings along Cambridge Drive. Whilst the concerns raised are noted, the distance between the rear elevations of the proposed dwellings and existing dwellings exceed 21 metres and this is considered to be an acceptable relationship with respect to residential amenity and complies with the requirements set out within the Council's Design SPD.
- 8.36. Some concerns have also been raised by local residents about the number of larger homes on site when compared to smaller, starter homes. From the revised plans provided the housing schedule clearly shows that 68% of the properties

proposed for the site would be 1, 2 or 3 bed units = 82 units out of 120. 32% would be 4 or 5 bed units which equates to 38 units. This is considered to be an acceptable mix for a development of this size and illustrates that there are in fact less, larger homes than smaller ones.

- 8.37. The scale of the housing development proposed is considered to be in keeping with the surrounding local context and is therefore in compliance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016.

**Other matters**

- 8.38. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.39. LCC Ecology were consulted on the application. They have reviewed the application details. They consider that the documents are acceptable as 25% BNG is provided on site in accordance with the outline permission requirements and is shown on the open space/landscaping plans.
- 8.40. Therefore, this application is considered to be acceptable with respect to ecological matters in compliance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.
- 8.41. Policy DM7 of the SADMP states that seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.42. The LLFA have responded to the application and stated that subject to imposing a new condition on any subsequent approval of the Reserved Matters, the application documents as submitted are sufficient for the LLFA to support the discharge of Condition 9 of 22/01227/OUT and sufficient for the LLFA to support the approval of the Reserved Matters.
- 8.43. The Conservation Officer was also consulted on this application. Due to a combination of the topography and presence of intervening built form and vegetation there is no inter-visibility between the application site and any designated heritage assets, nor is there any known key historic, functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and none of these heritage assets would be sensitive to or affected by an appropriate form of development within the application site. Therefore in my opinion the impact of the proposal upon designated heritage assets is not a material consideration for this reserved matters application.
- 8.44. The Minerals and Waste Team have no comments to make on this application.
- 8.45. Details in respect of Conditions 5, 6, 9 and 11 of outline permission 22/01227/OUT have also been submitted as part of this application as these conditions were worded to require these specific details as part of the Reserved Matters application.
- 8.46. Condition 5 states that:



'With or before the submission of Reserved Matters an Ecological Constraints and Opportunities Plan (ECOP) shall be submitted to and approved in writing by the local planning authority. The ECOP should identify the following, in accordance with BS 42020:2013 Clause 5.4:

- Areas and features including appropriate buffer areas that, by virtue of their importance, should be retained and avoided by both construction activities and the overall footprint of the development.
  - Areas and features where opportunities exist to undertake necessary mitigation and compensation.
  - Areas and features with potential for biodiversity enhancement, in line with the submitted Defra metric.
  - Areas where ongoing ecological management is required to prevent deterioration in condition during construction/implementation.
  - Areas needing protection on site and/or in adjacent areas (e.g. from physical damage on site or pollution downstream) during the construction process.
- Appeal Decision APP/K2420/W/23/3320601  
<https://www.gov.uk/planning-inspectorate> 12
- Areas where biosecurity measures are necessary to manage the risk of spreading pathogens or non-native invasive species.

The development hereby permitted shall be carried out in accordance with the approved details and in accordance with any approved timeframes.'

The Ecology Team are satisfied that the updated Ecological Constraints and Opportunities Plan (Brindle & Green, June 2025) meets the requirements of Condition 5 and recommend discharge of this ecological condition.

8.47. Condition 6 states that:

'With or before the submission of Reserved Matters a scheme that demonstrates a Biodiversity Metric 3.1 calculation achieving a minimum 25% net gain in area habitat value shall be submitted to and agreed in writing by the local planning authority. The approved scheme shall be implemented in accordance with the agreed details.'

The Ecology team are satisfied that the submitted Biodiversity Metric 3.1 meets the requirements of Condition 6 and recommend discharge of this ecological condition.

8.48. Condition 9 states that:

'With or before the submission of Reserved Matters a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include evidence to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element. The development must be carried out in accordance with these approved details and completed prior to first occupation.'

The LLFA are content to discharge this condition and require a further condition as part of the Reserved Matters approval. HBBC Drainage are also content for this condition to be discharged.

8.49. Condition 11 states that:

'With or before the submission of Reserved Matters a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be

implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.'

The Environmental Health Team are satisfied with the information provided but advised that Condition 11 can only be partially discharged. The further information requested in this regard will be submitted as part of a new reserved matters condition (number 10) and so condition 11 of the outline permission will be fully discharged.

### **Deferral Matters**

- 8.50. Members asked at the August Planning Committee whether details of the Registered Provider for this site could be provided at the Reserved Matters Stage. The identification and involvement of a Registered Provider is set out within the signed Section 106 Planning Agreement for this development which sets out the necessary requirements and timescales for providing relevant details in respect of Affordable Housing. Specifically it states that:

*'Prior to the commencement of development, the developer must submit an Affordable Housing Scheme to the Council and obtain its written approval. This Scheme should include details regarding the location of the affordable units, their type, size, tenure, and details of the Affordable Housing Provider if known.'*

- 8.51. In addition to this requirement, the legal agreement also restricts the occupation of more than 75% of the market dwellings until the affordable units have been fully constructed, are ready for occupation, and the freehold interest in those units has been transferred to the designated Affordable Housing Provider. This ensures that the delivery of the affordable housing is secured at the appropriate stage of the development process. As such, the identification of a registered provider is not a prerequisite for determining the Reserved Matters application but is clearly a requirement within the S106 legal agreement.
- 8.52. The other reason for deferral related to the layout of the scheme and the proximity of proposed dwellings to existing properties along Cambridge Drive. Section 4.4 of the Good Design Guide sets out the Council's requirements for back-to-back and back-to-side distances. The guidance states that principal windows to habitable rooms of neighbouring properties should not be less than 21m apart, unless they are across a road. The application layout as proposed meets these guidelines in all but one location where the development proposes a bungalow to mitigate a minor shortfall in this separation distance. Moreover, the existing hedgerow which currently borders the site and Cambridge Drive is to be retained as part of the development and managed as part of the on-site BNG for at least 30 years. This will further aid privacy and help to protect privacy between dwellings. As a result, the development's layout is acceptable in this regard.

### **Planning Balance**

- 8.53. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.54. Subject to the imposition of conditions, as set out below, this reserved matters application is considered to be acceptable in planning terms and recommended to Members for approval.

- 8.55. Conditions 5, 6 and 9 are fully discharged/agreed as part of this planning decision.
- 8.56. Condition 11 can be partially discharged and a further condition is suggested to be imposed should the Reserved Matters be approved.

## **9. Equality implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2 Officer have taken this into account and given due regard to this statutory duty in the consideration of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Recommendation**

- 10.1 **Approve Reserved Matters consent subject to:**
- Planning conditions outlined at the end of this report
  - The Head of Planning being given powers to determine the final detail of planning conditions
- 10.2 Approve Conditions 5, 6, 9 and 11 of outline permission 22/01227/OUT.

### **Conditions and Reasons**

1. The development hereby permitted shall not be carried out otherwise than in accordance with the submitted revised application details as follows:
  - Site Location Plan P01 1089 xxxx 400 received 2 August 2024
  - Planning Layout P05 1089 100 received 15 July 2025
  - Highways Layout P03 xxxx 101 received 10 June 2025
  - Swept Path Analysis Refuse Vehicle 1089 ENG 1251B received 15 July 2025
  - Materials and Boundary Treatment Layout P04 xxxx 200 received 15 July 2025
  - Open Space Plan P04 xxxx 170 received 20 June 2024

- Soft landscaping proposals GL2335 LP 01 Rev D received 15 July 2025
- Soft landscaping proposals GL2335 LP 02 Rev D received 15 July 2025
- Soft landscaping proposals GL2335 LP 03 Rev D received 15 July 2025
- SW Drainage Scheme 1089-ENG-0005 received 12 May 2025
- SW Calculations 1089-CALC-0005 received 12 May 2025
- Housetype – floorplans and elevations Rev C01 Dwg no. DB210G-5 AS and OP
- Housetype – floorplans and elevations Rev C02 -Dwg no. DH301GE-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH313B-5 AS and OP
- Housetype – floorplans and elevations Rev P00 Dwg no. DH314V-5 OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH318B-5 AS and OP
- Housetype – floorplans and elevations Dwg no DH360 BE-5 AS and OP
- Housetype – floorplans and elevations Dwg no DH360 BI-5 AS and OP
- Housetype – floorplans and elevations Rev P00 Dwg no. DH390R-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH402R-5 AS
- Housetype – floorplans and elevations Rev P00 -Dwg no. DH409GH-5 AS and OP
- Housetype – floorplans and elevations Rev P00 -Dwg no. DH409GH-5 Plot 118 AS
- Housetype – floorplans and elevations Dwg no – DH422GR-5 OP
- Housetype – floorplans and elevations Rev C05 Dwg no. DH422G-5 AS
- Housetype – floorplans and elevations Rev C05 Dwg no. DH422GR-5 OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH425GG-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH425GH-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH425GH-5 Plot 114 AS
- Housetype – floorplans and elevations Rev P00 Dwg no. DH427B-5 AS and OP
- Housetype – floorplans and elevations Rev C03 Dwg no. DH430B-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH430BR-5 AS
- Housetype – floorplans and elevations Rev C04 Dwg no. DH501G-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH509V-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH532BR-5 AS and OP
- Affordable housetype floorplans and elevations, Rev C00 Dwg no. AH10G-5 M4(2) & HQI AS
- Affordable housetype floorplans and elevations, Rev C04 Dwg no. AH16GEA-5 M4(2) & HQI AS
- Affordable housetype floorplans and elevations, Rev P00 Dwg no. AH21GE-5 M4(2) & HQI AS and OP
- Affordable housetype floorplans and elevations Rev P00 Dwg no. AH21GG-5 M4(2) & HQI AS
- Affordable housetype floorplans and elevations Rev P00 Dwg no. AH21GI-5 M4(2) & HQI AS and OP

- Affordable housetype floorplans and elevations Rev P00 Dwg no. AH31GE-5 AS and OP
- Affordable housetype floorplans and elevations Rev P00 Dwg no. AH31GG-5 OP
- Affordable housetype floorplans and elevations Rev P00 Dwg no. AH31GI-5 AS and OP
- Affordable housetype and floorplans and elevations Rev C00 AH35GE-5 AS and OP
- Affordable housetype floorplans and elevations Rev C00 Dwg no. DH16GEA-5 AS
- Affordable housetype floorplans and elevations Rev C00 Dwg no. DH260BE-5 AS and OP
- Affordable housetype floorplans and elevations Rev C00 Dwg no. DH260BI-5 AS
- Affordable housetype floorplans and elevations Dwg no DH313B-5 AS
- Affordable housetype floorplans and elevations Rev C00 Dwg no. AH35G-5 AS and OP
- Affordable housetype floorplans and elevations Rev C01 Dwg no. DH201BR-5 AS
- Affordable housetype floorplans and elevations Rev C01 Dwg no. DH201BRS-5 AS
- Affordable housetype floorplans and elevations Rev C01 Dwg no. DH202BR-5 AS
- Garages - Elevations and floorplan - Rev C01 Dwg no. LG1-4 Single Garage AS
- Garages - Elevations and floorplan - Rev C01 Dwg no. LG3-4 Single Garage AS
- Garages - Elevations and floorplan - Rev C00 Dwg no. MG1-4 Single Garage AS
- Garages - Elevations and floorplan - Rev C01 Dwg no. SG1-4 Single Garage AS
- Garages - Elevations and floorplan - Rev C03 Dwg no. SG3-4 Single Garage AS
- Garages - Elevations and floorplan - Rev C01 Dwg no. SG10-4 Double Garage AS
- Garages – Elevations and floorplan - Dwg no SG23-4 Single & Double Garage AS
- Garage – Elevations and floorplans – Dwg No LG10-4 Double Garage (AS)
- Desford Bin Store – Elevations and floorplans - Rev P01

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD (2016).

2. The development hereby approved shall be implemented in strict accordance with the Constraints and Opportunities Plan (Brindle & Green, Rev 4) unless otherwise agreed in writing by the LPA. Photographs of the faunal enhancement measures including the integrated bird and bat boxes, hedgehog highways and hibernacula within the new development shall be provided prior to occupation of the development.

**Reason:** To enhance the ecological value of the development hereby approved in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

3. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number Planning Layout P05 1089\_ 100 received 15 July 2025. Thereafter the on-site parking provision shall be so maintained in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

4. The development hereby permitted shall not be occupied until such time as 1 metre by 1 metre pedestrian visibility splays have been provided on both sides of the private driveways or shared private drive serving each plot. Nothing within these splays shall be higher than 0.6 metres above the level of the back of the footway/verge/highway and, once provided, these splays shall be so maintained in perpetuity.

**Reason:** In the interests of pedestrian safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

5. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

**Reason:** To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and the NPPF.

6. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

7. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

8. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings hereby permitted shall be carried out unless planning permission for such development has been granted by the local planning authority.

**Reason:** To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

9. The Landscaping Scheme hereby approved shall be fully implemented in accordance with revised drawings GL2335 LP 01D, 02D and 03D and in accordance with a programme to be submitted and approved in writing by the Local Planning Authority prior to commencement of development with details to include phasing and timescales for delivery of the hard and soft landscaping on site. The soft landscaping provision shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the local planning authority.

**Reason:** To ensure that the landscaping work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

10. Notwithstanding the Phase II Investigation report and Gas Addendum Letter submitted no development approved by this permission shall be commenced in the farm yard area (house, former yard and buildings) until a scheme for the investigation of any potential land contamination in the farm yard area has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

11. With the exception of the attenuation basin and swales, no piped drainage infrastructure shall be constructed until such time as revised hydraulic calculations and private plot external levels have been submitted to, and approved in writing by the Local Planning Authority. The development must then be carried out in accordance with these approved details and completed prior to first occupation.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management DPD 2016 and the requirements of the NPPF.

12. The development hereby permitted shall not be occupied until such time as the refuse vehicle and fire tender turning facilities have been implemented in accordance with drawing numbers 1089-ENG 1250 A and 1089-ENG 1251B. Thereafter the on-site turning provision shall be so maintained in perpetuity.

**Reason:** To ensure that adequate on street turning provision is made to ensure refuse vehicles and fire tender vehicles can serve the site in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

#### INFORMATIVES:

- Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
- Badgers and their setts are protected by law. A badger sett is defined by law as 'any structure or place which displays signs indicating current use by a badger'. Under the Protection of Badgers Act 1992 it is an offence to: Take, injure, or kill a badger (or attempt to do so); Cruelly ill-treat a badger; Intentionally or recklessly damage, destroy or obstruct access to a badger sett; and Intentionally or recklessly disturb a badger when it is occupying a badger sett. Therefore no works should occur near to a badger sett unless carefully checked beforehand by a suitably qualified person.
- Slow-worm, common lizard, adder and grass snake are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it an offence to deliberately kill, injure or take slow-worm, common lizard, adder or grass snake. As such, care should be taken to avoid impacting reptiles during the development.
- Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).



## PLANNING APPEAL PROGRESS REPORT - Week ending: 12.09.25

### WR – WRITTEN PRESENTATIONS

### HAS – HOUSEHOLDER APPEAL

### IN – INFORMAL HEARING

### PI – PUBLIC INQUIRY

File Ref	Case Officer	Application No	Type	Appellant	Development	Appeal Status	Process Dates
25/00018/PP	TH	24/00831/OUT (PINS: 3369401)	IH	Gladman Developments Ltd	Land off York Close Market Bosworth  (100 Dwellings, open space, landscaping, SuDS, access point and demolition of one dwelling)	Start Date Statement of Case Hearing	04.08.25 29.09.25 28.10.25
	TH	23/00824/OUT	WR	Mr L Lawrence	Land off Barwell Lane Kirby Mallory  (Erection of 7 dwellings, 3 self-build and garages)	Awaiting Start Date	17.07.25
	RS	25/00597/TPO (PINS: 3371021)	WR	Mr Nunn	Shady Trees 19 Station Road, Desford  (Raise canopy to 5m)	Awaiting Start Date	13.08.25
25/00019/PP	SI	25/00329/HOU (PINS: 3372636)	HAS	MR Harjinder Dosanjh	2 Sycamore Drive Groby  (Erection of a 1800mm high fence.)	Awaiting Decision	
23/00033/CLD	SJ	22/01121/CLE (PINS: 3330026)	WR	Lindley Hall Farms Ltd	Wide View Fenn Lane, Fenny Drayton.  (Use of land for storage of agricultural machinery, vehicles, and materials)	Awaiting Decision	
	SI	23/01098/TPO (PINS: 10017)	WR	Claire Bradbury	28 Spinney Drive Botcheston  (Carry out works to protected trees, to fell T1 Canadian Pine)	Awaiting Decision	

24/00026/ENF	CZ	21/00251/UNUSES (PINS: 3347029)	WR	Mr J Hemmings	Land at Shenton Lane, Upton  (Use of agricultural land for car sales business)	Awaiting Decision	
25/00011/PP	SA	24/00975/OUT (PINS:3364808)	WR	Mr G Warren	Land ne of Old White Cottage 2 Newbold Road Desford  (Outline application for the construction of a 3-bedroom split-level dwelling with landscaping (Self-Build) (Scale, Landscaping, Layout and Access to be considered))	Awaiting Decision	
25/00014/PP	SA	24/00322/FUL (PINS: 3367383)	WR	Mr & Mrs Simon & Jill Warner	White House Bosworth Road Wellsborough  (Erection of single storey self-build/custom-build dwelling (Resubmission of 23/00923/FUL).	Awaiting Decision	
25/00007/PP	TH	24/00229/FUL (PINS: 3357570)	IH	Mrs Nicola Lea	Oddfellows Higham-On-The-Hill  (Proposed development of 7 dwellings – the conversion of the existing building into 2 dwellings and 5 new build properties)	Awaiting Decision	10.09.25
25/00016/PP	AG	25/00080/FUL (PINS: 3367497)	WR	Mr John Roux	Land Adjacent 29 Elizabeth Road, Hinckley  (New build detached dwelling)	Awaiting Decision	
25/00015/PP	SA	25/00081/FUL (PINS: 3367598)	WR	Mr and Mrs G Pratt	Land opposite Paddock View, Twycross Road, Sheepy Magna  (Change of use of agricultural land to domestic garden)	Awaiting Decision	
25/00013/ENF	CZ	24/00125/HOU, 24/00004/UNHOUS (PINS: 3365801)	WR	Mr Mark Lester	69 Burbage Road Burbage  (Erection of a timber fence to front of the property)	Awaiting Decision	

## Decisions Received

25/00005/PP	SA	24/00657/FUL (PINS: 3362567)	WR	Mr and Mrs Gary and Amy Knight	Barnhills Farm, Merrylees Road, Thornton  (Erection of two storey childcare facility with ancillary services and associated external play areas and animal interaction areas)	<b>Dismissed</b>	<b>01.08.25</b>
25/00010/PP	SA	24/00270/FUL (PINS: 3364849)	WR	Mrs Pauline Taylor	Land North of Pipe Lane Orton on the Hill  (The erection of one detached dwelling, formation of access from Pipe Lane and associated works)	<b>Dismissed</b>	<b>01.08.25</b>
25/00006/PP	MJ	24/00872/OUT (PINS: 3361154)	WR	Mr & Mrs G Morley	Land SW Sibson Road Sheepy Parva  (Outline planning permission for the erection of a single self-build dwelling (all matters reserved except for access))	<b>Dismissed</b>	<b>04.08.25</b>
24/00029/PP	JF	24/00596/FUL (PINS: 3355084)	WR	Ms Gillian Nicol	7 Springfield Road Hinckley  (Proposed wooden cattery)	<b>Allowed</b>	<b>07.08.25</b>
25/00012/VCON	MJ	24/00757/CONDIT (PINS:3365553)	WR	Mr Chris Mee	Barton Hill Fields Farm Barton in the Beans  (Variation of condition 3 16/00640/FUL)	<b>Dismissed</b>	<b>08.09.25</b>

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