

DATE: 23 June 2026
MY REF: Planning Committee
YOUR REF:
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To Members of the Planning Committee

Cllr. Lee Breckon JP (Chairman)
Cllr. Terry Richardson (Vice-Chair)

Cllr. Tony Deakin
Cllr. Roy Denney
Cllr. Helen Gambardella

Cllr. Richard Holdridge
Cllr. Mark Jackson
Cllr. Les Phillimore

Cllr. Bob Waterton

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber - Council Offices, Narborough on **THURSDAY, 2 JULY 2026** at **4.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully



Gemma Dennis
Corporate Services Group Manager and Monitoring Officer



AGENDA

REFERENCING UP OF DECISIONS - COUNCIL CONSTITUTION PAGE 3-6-20

Any Committee or Sub-Committee may refer up any report for decision to its parent body. Referencing up shall be on the following basis:-

- a) At the beginning of the relevant meeting, any Committee/Sub-Committee Member may move reference up of any item of business. The Member must identify the grounds of significance justifying so doing. If this is seconded, the proposition shall be open to debate.
- b) There shall be no debate upon the contents of the report itself. Debate shall be limited to consideration as to whether the report item is of such significance as to justify its reference up to the parent body notwithstanding that the parent body has delegated its decision making powers.
- c) If the referencing up motion is carried, the matter shall not be determined at the meeting. If the referencing up motion is not carried, the matter shall be dealt with in accordance with the Committee/Sub-Committee's delegated powers.

AGENDA

1. Apologies for absence
2. Disclosures of Interest

To receive disclosures of interests from Members (ie. The existence and nature of those interests in respect of items on this agenda).

3. Minutes (Pages 5 - 16)

To approve and sign the minutes of the meeting held on 11 June 2026 (enclosed).

4. 25/1074/FUL - Enderby Life Church, Moores Lane, Enderby, LE19 4AN (Pages 17 - 40)
5. 26/0291/VAR - Land Off Gillam Butts, Countesthorpe, LE8 5XY (Pages 41 - 60)
6. 25/1131/OUT - Church Farm, Marston Road, Croft, LE9 3GX (Pages 61 - 82)

MEMBERS SHOULD NOTE THAT ALL LETTERS OF REPRESENTATION AND CONSULTATION RESPONSES WILL BE SUMMARISED IN THE COMMITTEE REPORTS. BACKGROUND PAPERS TO REPORTS WILL BE AVAILABLE TO VIEW ON THE COUNCIL'S WEBSITE.

PLANNING COMMITTEE

Minutes of a meeting held at the Council Offices, Narborough

THURSDAY, 11 JUNE 2026

Present:-

Cllr. Lee Breckon JP (Chairman)
Cllr. Terry Richardson (Vice-Chair)

Cllr. Roy Denney Cllr. Richard Holdridge Cllr. Bob Waterton
Cllr. Helen Gambardella Cllr. Mark Jackson

Substitute:-

Cllr. Nigel Grundy (In place of Cllr. Les Phillimore)

Officers present:-

Glen Baker-Adams	- Development Services and Enforcement Manager
Clementyne Murphy-Nelson	- Development Services Team Leader
Helen Wallis	- Senior Planning Officer
Molly Wright	- Senior Planning Officer
Sandeep Tiensa	- Senior Democratic Services & Scrutiny Officer
Avisa Birchenough	- Democratic & Scrutiny Services Officer
Nicole Evans	- Democratic & Scrutiny Services Officer
Lucy Skipp	- Legal Advisor
Karen Howard	- Legal Advisor

Apologies:-

Cllr. Tony Deakin
Cllr. Les Phillimore

1. **DISCLOSURES OF INTEREST**

Cllr. Terry Richardson - 25/0810/OUT - Outline planning application for the erection of up to 150no. residential dwellings.

Nature of Interest - Non Registerable Interest.

Extent of Interest - Cllr. Terry Richardson is a Member of the Narborough Parish Council Planning Committee.

Cllr. Mark Jackson - 25/0532/FUL - Residential development of 115no. dwellings, with access, public open space and associated infrastructure.

Nature of Interest - Non Registerable Interest.

Extent of Interest - Cllr. Mark Jackson is a District councillor for North Whetstone, and a Parish councillor for the village and Parish of Whetstone.

Cllr. Richard Holdridge - 25/0810/OUT - Outline planning application for the erection of up to 150no. residential dwellings.

Nature of Interest - Non Registerable Interest.

Extent of Interest - Cllr. Richard Holdridge is acquainted with the speaker from the developers, but has an open mind and reserves the right to participate.

2. STATEMENT IN RELATION TO LEICESTERSHIRE POLICE CORRESPONDENCE

The Development Services and Enforcement Manager read out a statement in regard to a letter addressed to the Chairperson of the Planning Committee, received on 10 June 2026 from Leicestershire Police.

Leicestershire Police have written to the Chair of the Planning Committee yesterday (10th June). The letter refers to ongoing going discussions which have taken place between Officers and Leicestershire Police regarding police S106 requests. It raises specific concerns in relation to the handling of Section 106 police requests for application 25/0810/OUT.

The Planning Committee report outlines that Officers only consider two elements of the police request (police vehicles and identification technology) to comply with the tests (CIL tests) outlined in the Community Infrastructure Levy (CIL) Regulations, i.e. that obligations must be:

- 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.

Leicestershire Police, however, believe they have demonstrated that all five elements of their request meet the CIL tests, and are disappointed that only two elements are still being recommended for inclusion as part of the S106 Agreement. Whilst it is acknowledged that the police have made revisions to their requests, Blaby District Council have, for the last two years only been including two elements (police vehicles and technology) in Section 106 Agreements. This has been discussed and acknowledged with the Police team. In a recent appeal decision at Oak Road, Littlethorpe, the Planning Inspector also considered the police request and agreed to those two elements be included in the Section 106 Agreement. The matter is also being considered by the Inspector as part of the Blaby Golf Club appeal.

Officers will be liaising further with the Police on these matters. However, it is the view of the Council that based on the planning judgement we have complied with the request from the police.

3. MINUTES

The minutes of the meeting held on 30 April 2026, as circulated, were approved as a correct record.

4. **25/0532/FUL - LAND TO THE WEST OF SPRINGWELL LANE, WHETSTONE (DEFFERAL)**

Considered - Report of the Development Services Team Leader.

25/0532/FUL

Residential development of 115no. dwellings, with access, public open space and associated infrastructure.

Land to the West of Springwell Lane, Whetstone.

Public Speaking

Pursuant to Part 4, Section 7 of the Council's Constitution in relation to public rights of participation in planning applications, the Chairperson allowed the following to give a 5 minute presentation:

- Nick Hodges – Objector
- Julia Mountford – Agent

It is acknowledged that no direct communication took place between Mr. Nick Hodges and the agents and applicant (Savill and Millers).

DECISION

That application is approved subject to the applicant entering into a Section 106 agreement to secure the following;

S106 Contributions:

1. Provision of 25% affordable housing
2. SEND education contribution (primary and secondary)
3. Early Years Education
4. Health care facilities contribution
5. Libraries
6. Leicestershire County Council waste
7. Recycling and refuse contribution (wheeled bins)
8. On-site open space
9. Travel packs
10. Bus passes
11. Residential Travel Plan Monitoring fee
12. Relocation of existing speed limit sign
13. On-site Biodiversity Net Gain provision and monitoring
14. S106 monitoring contributions - District and County Councils
15. Off-site sports facilities contribution

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Planning Committee - Thursday, 11 June 2026

16. Cemeteries contribution (subject to identified need)

Conditions:

1. Statutory 3-year condition.
2. Development to be built in accordance with approved plans and documents.
3. Development to be built in accordance with materials as shown on approved plan.
4. Finished site and floor levels to be submitted and agreed and adhered to prior to construction.
5. Approved landscaping scheme to be carried out and maintained.
6. Arboricultural Impact Assessment and Method Statement including tree protection measures to be submitted to and agreed and adhered to prior to commencement.
7. Details of external lighting to public areas to be submitted and agreed and adhered to.
8. Mitigation as outlined in Air Quality report to be followed.
9. Construction Environmental Management Plan (CEMP) to be submitted and implemented as approved prior to commencement.
10. Foul water drainage scheme shall be submitted, agreed and adhered to.
11. Archaeological mitigation strategy, to include trial trenching, to be submitted and agreed and development carried out in accordance with agreed strategy.
12. Play area design and equipment to be submitted and agreed.
13. Waste collection strategy to be adhered to as per approved plan.
14. Noise mitigation measures to be implemented in accordance with Noise Assessment.
15. Removal of permitted development rights for conversion of garages to nonparking purposes.
16. Obscurely glazed windows shall be installed where such openings serve proposed bathrooms and WCs.
17. 5% of bungalows to be constructed as M4(2) compliant dwellings.
18. No gates/barriers/bollards within 5 metres of the highway boundary.
19. Removal of permitted development rights for classes A-D across the site.
20. Phase 2 Land Contamination Report to be submitted and agreed and any recommendations adhered to.
21. Remediation works shall be completed in accordance with the approved method statement.
22. Reporting of unexpected contamination.
23. No part of the development hereby permitted shall be occupied until such time as the access arrangements have been implemented in full.
24. No part of the development shall be occupied until such time as the offsite works (provision of a new junction, provision of a shared footway/ cycleway and provision of an uncontrolled pedestrian crossing) have been implemented in full.

25. Framework Travel Plan to be submitted and agreed for both LCC Highways and National Highways.
26. Parking and turning facilities have been implemented in accordance with the approved plan.
27. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 25 metres have been provided at each shared driveway.
28. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each access.
29. Construction Traffic Management Plan to be submitted and agreed for National Highways and LCC Highways.
30. Surface water drainage to be submitted and agreed.
31. Surface water management plan during construction to be submitted and agreed.
32. Long-term maintenance of surface water drainage system to be submitted and agreed.
33. Habitat Management Monitoring Plan (BNG Condition).
34. Bund to be delivered prior to first occupation.
35. Substation design to be submitted and agreed.
36. Construction Environmental Management Plan for Biodiversity prior to construction.
37. Farmland Bird Compensation Strategy prior to commencement.
38. Biodiversity Enhancement Strategy prior to any works above slab level.

5. 25/0810/OUT - LAND TO THE EAST OF HOLT WAY AND LAND TO THE SOUTH OF WARWICK ROAD, LITTLETHORPE

Considered - Report of the Senior Planning Officer.

25/0810/OUT

Outline planning application for the erection of up to 150no. residential dwellings. All matters reserved except for means of access.

Land To the East of Holt Way and Land to the South of Warwick Road, Littlethorpe, Leicestershire.

Public Speaking

Pursuant to Part 4, Section 7 of the Council's Constitution in relation to public rights of participation in planning applications, the Chairperson allowed the following to give a 5 minute presentation:

- Carl Stott - Agent

DECISION

Application 25/0810/OUT is approved subject to the applicant entering into an agreement pursuant to Section 106 of The Town and Country Planning Act to secure the following:

S106 Contributions:

1. 25% provision of affordable housing.
2. Early years education contribution.
3. Secondary education contribution.
4. Library facilities contribution.
5. Waste facilities contribution.
6. Primary SEND education contribution.
7. Secondary SEND education contribution.
8. Health care facilities contribution.
9. Police contribution (subject to this passing the CIL compliance test).
10. On-site open space and future maintenance.
11. Off-site open space provision (allotments, subject to identified need and meeting CIL compliance test).
12. On-site LEAP details.
13. Off-site sports facilities contribution.
14. On-site Biodiversity Net Gain Provision.
15. Off-site Biodiversity Net Gain provision.
16. Habitat management and monitoring plan (HMMP).
17. Residential Travel Plan monitoring.
18. Travel Plan co-ordinator.
19. Travel packs.
20. Six-month bus passes.
21. Bus stop contributions.
22. Recycling and refuse contribution (wheeled bins).

And subject to the statutory biodiversity net gain condition and imposition of conditions relating to the following:

Conditions:

1. 2-year time limit for submission of reserved matters. Development to begin within 4 years of date of permission or 2 years from reserved matters approval (whichever is the later).
2. Reserved Matters details to be submitted.
3. Development to be in accordance with approved plans.
4. Maximum number of dwellings not to exceed 150.
5. Dwellings to not exceed three storeys in height.
6. Provision of appropriate mix of market and affordable housing in accordance with adopted SPD.

7. Provision of a scheme for 5% of the dwellings to be accessible and adaptable homes.
8. Details of all external materials to be agreed.
9. Details of site levels/ finished floor levels to be submitted and agreed and adhered to.
10. External lighting scheme for public areas to be submitted and agreed.
11. Waste Collection Strategy to be submitted and agreed.
12. Construction Environmental Management Plan to be submitted and agreed and adhered to (including dust mitigation measures, noise, vibration, lighting and any pile driving).
13. Phase 2 Land Contamination Report to be submitted and agreed as part of reserved matters application and any recommendations adhered to.
14. Remediation works shall be completed in accordance with the approved method statement.
15. Reporting of unexpected contamination.
16. Details of programme of archaeology work to be submitted and agreed and carried out.
17. Submitted Arboricultural Assessment to be adhered to.
18. Landscape details (condition 3) to be carried out within 1 year and to be maintained for 5-years.
19. Surface water drainage strategy to be submitted and agreed and implemented.
20. Surface water drainage scheme to be submitted and agreed and implemented.
21. Details of management of surface water during construction to be submitted and agreed and adhered to.
22. Details of long-term maintenance of surface water systems to be submitted and agreed and adhered to.
23. Infiltration testing to be carried out.
24. Noise mitigation measures to dwellings as per acoustics assessment to be adhered to.
25. Air Quality Assessment recommendations regarding dust management during construction phases shall be adhered to.
26. Buffer Zone for development shall be maintained for the development (relating to golf ball strike). The boundary risk assessment shall be adhered to.
27. Landscape and Ecological Management Plan to be submitted.
28. Construction Environmental Method Statement (CEMP) for biodiversity to be submitted and agreed and adhered to.
29. Updated badger survey to be submitted and approved.
30. Biodiversity enhancement scheme to be submitted (bat boxes, bird boxes, log/rubble piles, insect houses, hedgehog holes, approved and carried out.
31. External lighting to be submitted and approved and to be carried out in accordance with.
32. Access arrangements to be implemented in full.
33. Highway improvement scheme, Stage 1 Road Safety Audit, Designers

- Response required for Station Road/Coventry Road/Leicester Road mini-roundabout. Scheme to be available prior to occupation of any dwelling.
34. Construction traffic management plan to be submitted, agreed and construction carried out in accordance with.
35. Measures and incentives from Travel Plan to be implemented in full at first occupation.

6. 25/1080/RM - LAND SOUTH OF HINCKLEY ROAD, LEICESTER FOREST EAST

Considered - Report of the Senior Planning Officer.

25/1080/RM

Reserved matters approval (appearance, landscaping, layout and scale) for the demolition of buildings and the erection of 145 new dwellings (Use Class C3) and associated infrastructure pursuant to outline planning application ref: 24/0615/OUT.

Land south of Hinckley Road, Leicester Forest East

Public Speaking

Pursuant to Part 4, Section 7 of the Council's Constitution in relation to public rights of participation in planning applications, the Chairperson allowed the following to give a 5 minute presentation:

- Sally Smith - Applicant

DECISION

Application 25/1080/RM is approved subject to the following conditions:

Conditions:

1. Development to be carried out in accordance with the approved plans
2. Submission of further details of materials (use of reclaimed bricks, brick bond, roofing and courtyard surfacing, windows, doors, rooflights) for plots 144 and 145 (courtyard dwellings) and their boundary walls
3. Permitted development rights to be removed for enclosures within the courtyard.
4. Permitted development rights to be removed for residential extensions, outbuildings and alterations to the roof, including conversion of garage (Plots 144 and 145 (courtyard dwellings)).
5. Permitted development rights removed for fencing/gates/enclosures forward of the dwelling.

6. Implementation and maintenance of landscaping.
7. Parking and turning facilities to be provided in accordance with plans.
8. No windows to overhang the highway.

7. **25/0999/FUL - LAND TO NORTH OF CEMETERY, FOREST ROAD, HUNCOTE**

Considered - Report of the Senior Planning Officer.

25/0999/FUL

Erection of 47 dwellings with landscaping, open space, access works and associated infrastructure.

Land to North of Cemetery, Forest Road, Huncote

Public Speaking

Pursuant to Part 4, Section 7 of the Council's Constitution in relation to public rights of participation in planning applications, the Chairperson allowed the following to give a 5 minute presentation:

- Mr Stuart Bacon – Huncote Parish Council Clerk

DECISION

That application 25/0999/FUL is refused for the following reasons:

Reasons:

1. The proposed development would reintroduce significant built development beyond the 'soft' edge of the settlement formed by Huncote Cemetery by removing the established historic boundary between the built-up area and countryside on the western side of Forest Road. In addition, the complete and permanent destruction of ridge and furrow agricultural land, would result in an unacceptable level of harm to the character and understanding of the landscape. The perceived benefits of the proposed development are not considered to outweigh this level of adverse harm and the development is therefore considered to be contrary to Policies CS1, CS5, CS18, of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013), Policy DM2 of the Blaby District Local Plan (Delivery) Development Plan Document (2019) and Policies FV6 and FV8 of the Fosse Villages Neighbourhood Plan (2021) and in accordance with paragraphs 11(d) and 216 of the National Planning Policy Framework (2024).

2. The proposed development, by reason of its layout, would result in development which fails to achieve high quality design, contrary to Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013), Policy DM2 of the Blaby District Local Plan (Delivery) Development Plan Document (2019) and Policy FV6 of the Fosse Villages Neighbourhood Plan (2021).
3. The application fails to demonstrate that a suitable drainage strategy can be achieved and that the development would not increase flood risk on-site or elsewhere, contrary to Policy CS22 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013).
4. The application fails to demonstrate the impact of the development on great crested newts and that it would not result in harm to a protected species or Page 121 that appropriate mitigation can be secured, contrary to Policy CS19 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and The Conservation of Habitats and Species Regulations (2017).

8. **26/0231/FUL - LAND SOUTH OF LYCHGATE LANE, ASTON FLAMVILLE, LE10 3AQ**

Considered - Report of the Development Services and Enforcement Manager.

26/0231/FUL

Retrospective change of use of land as a residential caravan site, comprising 10 Gypsy and Traveller pitches accommodating a total of 10 static caravans/mobile homes, installation of hardstanding, construction of earth bunding and installation of package sewage treatment plant

Land South Of Lychgate Lane, Aston Flamville LE10 3AQ

A motion to defer the application was proposed by Cllr. Terry Richardson and seconded by Cllr. Roy Denney. The motion was later withdrawn, and a proposal to approve the application was made by Cllr. Nigel Grundy and seconded by Cllr. Mark Jackson.

This was subject to the inclusion of a plans condition and a timing on the implementation of the landscaping scheme.

DECISION

Application 26/0231/FUL is approved subject to the following conditions:

Conditions:

1. Site shall not be occupied by any persons other than gypsies and travellers as defined by guidance.
2. No more than 10 pitches approved.
3. Detailed soft and hard landscaping scheme to be provided.
4. Landscaping scheme shall be carried out within one year of completion of the development.
5. No commercial activities shall take place on the land.
6. No external lighting shall be installed on the site until details (including luminance levels and measures provided.
7. Within one month of the decision hereby permitted, full until details of a scheme for foul and surface water drainage has been submitted to, and approved.

THE MEETING CONCLUDED AT 6.42 P.M.

Application reference: 25/1074/FUL

Proposal: Demolition of existing church, erection of childrens care home (comprising of 4no. child bedrooms, 1no. staff bedroom and 1no. x bed flat) (Class C2), solar panels to roof slope and associated parking and landscaping.

Site Address: Enderby Life Church, Moores Lane, Enderby, LE19 4AN

Applicant: Mr Josh Barber

Case Officer: Rebekah Newman, Senior Planning Officer

Recommendation: Approve, with conditions

Conditions:

1. Statutory 3-year condition.
2. Development to be built in accordance with approved plans and documents.
3. A programme of archaeological work (in accordance with a Written Scheme of Investigation (WSI) to be submitted and approved by the LPA) to be completed prior to the commencement of development or any demolition.
4. The parking and turning facilities as per the Proposed Site Plan are to be implemented prior to first occupation of the proposed development.
5. Secure and under cover cycle parking details to be agreed and provided prior to first occupation of the proposed development.
6. The flat hereby permitted to remain ancillary and shall not be occupied or operated separately from the remainder of the premises.
7. A Demolition and Construction Management Plan to be submitted and approved prior to commencement of development.
8. Residential care of no more than four children between the ages of 8 to 18 years (inclusive) at any one time.
9. Maximum of eight members of staff being present on the site at any one time.
10. The use hereby permitted is limited to that of a children's home only and for no other purpose.
11. All mitigation measures and / or works to be carried out in accordance with Ecological Appraisal recommendations.
12. Biodiversity Enhancement Layout to be submitted and approved prior to occupation.
13. Lighting design strategy for biodiversity to be submitted and approved prior to occupation.
14. Tree works during construction period as per Arboricultural Impact Assessment.
15. All existing trees, shrubs or hedges to be retained on the site shall be protected by suitable fences during the construction period.
16. Requirement to submit a Phase I Desktop study prior to commencement of development.
17. Where required by condition 16, approved remediation works to be completed in accordance with approved remediation method statement prior to commencement of any above ground development. Verification report for

remedial scheme to be submitted and approved within 3 months of completion of approved remediation works.

18. Details of proposed tree planting, soft and hard landscaping to be submitted and agreed prior to commencement of development (except any site clearance or demolition).
19. Material specification (all materials and finishes used on external elevations, windows, doors and roofs) to be submitted and approved prior to any development above ground level.
20. Full details of any Air Source Heat Pumps (ASHPs) to be submitted and approved prior to installation.
21. Written confirmation of successful completion of installation of ASHPs to be submitted within three months of installation.
22. Operational Management Plan to be submitted and approved within three months from the grant of this planning application.

Notes to Committee

This application has been brought before the Planning Committee at the request of Cllr. Cheryl Cashmore under the Member call-in procedure. The reasons given are as follows:

'The development is not in keeping to the local areas character. It is situated in Enderby's conservation area and will impact the local community.'

1. The site

- 1.1. The application site is located north of Moores Lane, to the north of the village of Enderby. Enderby Life Church (hereafter referred to as 'the Church') is currently located on the site, within the eastern half of the application site and comprises a single storey chapel.
- 1.2. The application site lies on rising ground approximately half-way up Moores Lane from the junction with Hall Walk. Residential dwellings adjoin the site to the east, south and west, with an area of unused overgrown grassland to the north, with residential properties further north.
- 1.3. The Church was built between 1903 and 1916 according to historical O.S. Maps. The building has previously had several single storey extensions which were built in 1989, largely concealing the building's front and western side elevation. The building includes a part pitched and part flat roof, with the entrance facing Moores Lane within a small gable feature. Either side of the gable are symmetrical flat roofed sections. The building is finished in a light red brick with buff brick detailing at the eaves, cills and above the main entrance.
- 1.4. The original chapel is hidden by the extensions (except for part of the roof) and is located to the northeastern corner of the site.
- 1.5. The building is no longer used by the Church, with activities now having moved to Cross Street, Enderby following the acquisition of the former Enderby

Providence Methodist Church and the recent grant of planning permission for alterations to that building (application reference: 25/0513/FUL).

- 1.6. The application site is located within Enderby Conservation Area and is set immediately to the west of a range of Grade II listed buildings (The Court and No.2 Hall Walk) that were historically and functionally associated with the Grade II Listed Enderby Hall (which lies on the opposite side of Hall Walk, which is one of the main thoroughfares through the village).
- 1.7. The site's western boundary comprises a raised grass bank with an existing Ash tree which is subject to a Tree Preservation Order (ref: 359/DC). A low-level boundary wall (a combination of red brick wall and pediment-shaped blue brick copings and granite rubblestone). A parking area is located to the west, which is hard surfaced with gravel.
- 1.8. The site is located within gassing landfill and a landfill site and buffer. The site is located within Flood Zone 1.
- 1.9. The Local Plan Policies Map (2019) designates the site as being within the Enderby settlement boundary.

2. The Proposal

- 2.1. The application is for full planning permission for the demolition of the existing church and the erection of a children's care home.
- 2.2. The proposed building would be two storeys in scale and be located within the eastern half of the site. The western side of the plot would be retained as a car park with the existing access retained and widened. The footprint of the building would be largely rectangular, with the first floor set partially within the hipped roof space. The building would be set back from the highway edge by a minimum of 6.5m, with a total width of approximately 20.4m and depth of 20m.
- 2.3. The maximum ridge height would be approximately 8.1m, with an eaves height on the front elevation of 2.5m, and 4.7m to the rear. The replacement building would include a hipped roof design and takes visual cues from buildings designed in an Arts and Crafts style, with a high roof to wall ratio, making the roof a predominant feature in the building's design and appearance. The building's southeastern corner would project forward slightly, however this would not be largely noticeable due to the large roof slope. Exposed rafter feet would be visible along the remaining roof canopy. The main entrance would be located centrally on the front elevation, as well as two further doors, and 5no. windows on the ground floor. Three dormer windows are proposed on the first-floor, with three roof lights. A chimney would also be located on the eastern side elevation.
- 2.4. To the rear (northwest elevation) there would be a bay window serving the lounge, three double opening doors and a window on the ground floor. On the first floor, a Juliet balcony and small window are proposed to serve the living /

kitchen room of the 1no. bed flat, as well as four dormer windows serving each child's bedrooms. A side door is proposed on either side elevation, as well as a window, and one roof light on the northeast elevation.

- 2.5. On the ground floor, there would be a large hallway, with 2no. offices, an IT room, plant room, handover / meeting room, 2no. WCs, games room, lounge, dining room, kitchen and laundry room. Whereas the first floor would accommodate 4no. children's bedrooms (each with their own en-suites), a 1no. bed self-contained staff flat (including a living / kitchen area, en-suite and bedroom), 1no. staff bedroom and en-suite, and a separate bathroom and staff waking room.
- 2.6. In terms of materials, the building would be finished in red brick, with a stone cladding plinth on the southwest and southeast elevations. The roof would be finished in clay tiles.
- 2.7. A landscaped area is proposed to the front elevation, adjoining Moores Lane, comprising a grassed area, hedgerows and two trees. Private amenity space is proposed to the rear, with paved slabs around the majority of the building's footprint. The existing brick wall and stone pillars to the southeast of the site are proposed to be retained, with a new fence & gate (with a bin store area behind). A bicycle store area is also proposed behind the existing brick wall.
- 2.8. The parking area to the west would be retained, with the provision of 8no. parking spaces (including 1no. accessible parking space). The landscaped embankment to the west would also be retained.
- 2.9. Solar panels are proposed on the rear elevation of the building, as well as 3no. heat pump units behind a new retaining wall to the west of the building.
- 2.10. The home would be operated by Leicester City Council. The proposed care home would provide accommodation for up to four children aged between 8 – 18 years.
- 2.11. Paragraph 4.17 of the submitted 'Planning, Design and Access Statement' states that the home will have a Registered Manager and Assistant Manager who will work mainly office hours. A team of 12 Practitioners and Support Workers will work different shifts providing direct care to the children, usually a minimum of three per shift during the day. During the night there will be a minimum of two staff on duty, which will include a dedicated Waking Night staff alongside a member of staff who will sleep in, which will usually be one of the Practitioners or Support Workers. A maximum of 8 staff are anticipated on-site at any one time.

3. Relevant Planning History

Reference	Description	Decision	Date
10/0628/1/PX	Single storey extensions to front/side and rear, including front entrance canopy.	Approved	21.10.2010
09/0532/1/PX	Infill extension to connect two parts of existing buildings.	Approved	03.11.2009
87/1931/1/PX	Proposed single-storey extensions to existing church.	Approved	14.03.1988
86/1226/1/PX	Proposed extension forming toilets and store	Approved	16.10.1986

4. Consultation Responses

Full copies of the representations received are available to view at <https://pa.blaby.gov.uk/online-applications/>.

The consultation response comments are précised if conditions are proposed, these are included within the conditions at the beginning of the report, unless stated otherwise.

The number in brackets signifies the amount of times consultees have responded to the application.

4.1 Blaby District Council Consultees

4.1.1 Environmental Services (4)

No objection subject to conditions.

4.1.2 Housing Strategy (1)

Confirm that they are supportive of the proposal.

4.1.3 Principal Planning & Conservation Officer (2)

The revised design represents a notable improvement, and when coupled with the identified public benefits, is considered sufficient to outweigh the harm.

4.2 Leicestershire County Council Consultees

4.2.1 Archaeology (2)

Recommends approval, subject to the inclusion of a pre-commencement condition for post-determination trial trenching.

4.2.2 Ecology (2)

No objection subject to conditions.

4.2.3 Forestry (2)

Requested a condition relating to the protection of the existing tree on site.

4.2.4 Local Highway Authority (2)

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.

4.3 **Others**

4.3.1 Enderby Parish Council (2)

Objection, raising the following concerns:

- The proposed design is not in keeping with the characteristics of the Conservation Area. This is contrary to Policy CS2 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document and Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document. The new building will therefore need to be built using red brick to retain the existing characteristics of the street scene and retain the strong heritage of the area.
- The proposed design does not reflect the history of the site and is not in keeping with the historical interest of the Church Building. It will therefore have a detrimental impact upon the heritage of the site. This is contrary to Policy DM12 of the Blaby District Local Plan (Delivery) Development Plan Document and Policy CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document.
- The strong historical identity of the area should be maintained in line with the Blaby District Local Plan (Delivery) Development Plan Document, DM1 b).

4.3.2 Severn Trent Water

No response received.

4.3.3 SUEZ Recycling and Recovery UK Ltd

No response received.

4.3.4 Ward Councillor – Cllr Cheryl Cashmore (1)

'The development is not in keeping with local areas character. It is situated in Enderby's conservation area. Will impact the local community.'

5. **Additional Representations**

- 5.1. As part of the consultation process and in accordance with the Council's Statement of Community Involvement (2020); adjacent residents were notified. A site notice and press release in the Leicester Mercury were also advertised.

5.2. During the first consultation, 11 letters of representation have been received. Of which, 7 letters of support in regards to:

- The church was originally built for quarry workers as they were not welcomed at the Parish Church due to their impoverished living conditions. Redevelopment of the site for a children's home is another case of the land being used for a disadvantaged group.
- The proposed materials are in-keeping with the local area.
- The church's current state serves no purpose as a 'Heritage' building and is of no historical benefit to the area.
- The local community would benefit from the current site being redeveloped.
- Repurpose of an underutilised site that will deliver substantial benefits to vulnerable children and the wider community.
- The use will address the growing demand for high-quality residential care facilities in the area.
- The proposal will offer a stable home for children, enabling them to thrive in a supportive setting close to their local networks.
- The benefits of the proposal far outweigh any potential drawbacks.
- Well-managed children's homes are calm, structured environments with 24/7 staff presence.
- Such proposals reduce the likelihood of antisocial behaviour, prevent placement breakdowns, and ease pressure on local health and social care services.
- Efficient use of the land.

Whereas 4 letters of objection to the scheme have been received, relating to the following concerns:

Impact on the character and nature of the conservation area:

- Major change of use to the area.
- Significant increase in the footprint of the building compared to existing.
- The scale and positioning of the proposed building.
- Overdevelopment of the site.
- The use of render is out of character with the existing local area and conservation area.
- The proposal's impact on the setting of The Court.
- The proposal will have a severe and material impact on the intrinsic character of the Enderby Conservation Area.
- Loss of a Non-Designated Heritage Asset.

Residential amenity impacts:

- Concerns regarding proposed hours of use.
- Impact on the amenity of neighbouring residents (in terms of overlooking / privacy and overshadowing).
- Concerns from neighbouring property regarding potential damage to dwelling and garden wall during demolition and construction phases.
- Increased levels of noise and disruption.
- Concerns regarding security and safety.

Highways / parking:

- Increased vehicular traffic along Moores Lane, which is a narrow single road.
- Insufficient off-street parking provision proposed.

Ecology / forestry:

- Removal of the existing tree.
- Impact on habitats for protected species from demolition of existing church and boundary walls.

Following the provision of revised plans, a 3-week re-consultation was issued and one letter of objection was received, raising the following concerns:

- Potential for damage to 10 Moores Lane and the neighbouring garden wall during demolition and construction phases.
- Noise and disruption associated with construction.
- Loss of privacy to 10 Moores Lane.
- Safety and security concerns in relation to the operation of the children's home.

6. Planning Policies and Material Considerations**6.1. Development Plan**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be considered in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan in relation to this proposal consists of:

- Blaby District Local Plan (Core Strategy) Development Plan Document (adopted 2013)
- Blaby District Local Plan (Delivery) Development Plan Document (adopted 2019)

6.1.1 Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

Policy CS1 – Strategy for locating new development

Policy CS2 – Design of new development

Policy CS5 – Housing distribution

Policy CS8 – Mix of housing

Policy CS19 – Biodiversity and geo-diversity

Policy CS20 – Historic environment and culture

Policy CS21 – Climate change

Policy CS24 – Presumption in favour of sustainable development

6.1.2 Blaby District Local Plan (Delivery) Development Plan Document (2019)

Policy DM1 – Development within the settlement boundaries

Policy DM8 – Local parking and highway design standards

Policy DM12 – Designated and non-designated heritage assets

Policy DM13 – Land contamination and pollution

6.2. Material Considerations

- The National Planning Policy Framework (NPPF) (2024)
 - Section 2 - Achieving sustainable development
 - Section 4 – Decision-making
 - Section 5 - Delivering a sufficient supply of homes
 - Section 8 - Promoting healthy and safe communities
 - Section 9 – Promoting sustainable transport
 - Section 11 – Making effective use of land
 - Section 12 – Achieving well-designed places
 - Section 14 – Meeting the challenge of climate change, flooding and coastal change
 - Section 16 – Conserving and enhancing the historic environment
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Leicestershire Highways Design Guide (2024)
- The National Planning Policy Guidance (NPPG)

7. **Consideration of Application**

The main issues to be considered in the assessment of this planning application are as follows:

- The principle of the development
- The impact on the character and appearance of the Enderby Conservation Area
- Other heritage impacts
- Transport and highway implications
- Flood risk and drainage
- The impact of the development on the amenity of nearby residents
- Ecology and biodiversity net gain (BNG)
- Arboricultural implications

- Land contamination
- Waste management

7.1. The principle of the development

- 7.1.1. Policies CS1 and CS5 seek to focus new development in the most sustainable locations in the district, primarily within and adjoining the Principal Urban Area (PUA) of Leicester (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva). The application site is located within the settlement boundaries of Enderby, which is located outside of the PUA and is classed as a 'Larger Central Village'. Notwithstanding this, Policy CS1 does allow for lower levels of growth within Larger Central Villages where the scale of development reflects the settlement's range of available services and facilities and public transport alternatives. Policy CS5 identifies Enderby as offering some key services and facilities required to accommodate sustainable communities.
- 7.1.2. Policy DM1 considers that within the Settlement Boundaries, as set out on the Policies Map, development proposals consistent with other policies of the Local Plan will be supported where the certain criteria are met including providing a satisfactory relationship with nearby uses, be in keeping with the character and appearance of the area, not resulting in the overdevelopment of the site, having a satisfactory layout, design and external appearance and not prejudicing the comprehensive development of a wider area.
- 7.1.3. Policy CS1 also encourages the development of previously developed land (brownfield) and underused land and buildings. Furthermore, Section 11 of the NPPF states that planning policies and decisions should promote 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.
- 7.1.4. Although Policy CS8 relates more specifically to larger residential proposals, the thrust of the policy is to seek to meet the needs of specific groups through the provision of supported housing. The current proposal would accord with these objectives and help to fulfil the social objective of planning as set out in Paragraph 8 of the NPPF (2024).
- 7.1.5. The Council's Housing Strategy Team were consulted during the determination of the planning application. In its consultation response they stated that they had been involved in recent discussions with Children's Social Care around the provision of more (and the lack of) accommodation for looked after children and as such would support any additional bed spaces that can be provided as there is a clear demand for this type of accommodation within the district.
- 7.1.6. It is noted that the proposal involves the loss of the chapel, a Non-Designated Heritage Asset (NDHA). This loss will be assessed in the below section, heritage impacts.
- 7.1.7. Subject to the loss of the chapel, residential amenity impacts, design and impact on the character and appearance of the Conservation Area and setting of nearby Listed Buildings being acceptable, the proposed development is

considered to comply with Policies CS1, CS5 and CS8 of the Core Strategy and Policy DM1 in the Delivery DPD and would be acceptable in principle.

7.2. The impact on the character and appearance of the Enderby Conservation Area

- 7.2.1. The application site is located within Enderby Conservation Area and is set immediately to the west of a range of Grade II Listed Buildings (The Court and No.2 Hall Walk) that were historically and functionally associated with the Grade II Listed Enderby Hall (which lies on the opposite side of Hall Walk, which is one of the main thoroughfares through the village). Cliffe House (a Non-Designated Heritage Asset) is also situated along the western half of Moores Lane, to the southwest of the application site.
- 7.2.2. Moores Lane (to the front of the application site) is described in the Conservation Area Character Assessment as a narrow road that is predominantly bounded by tall walls built in a combination of red brick and granite rubble stone.
- 7.2.3. The application site is considered to be within the setting of several listed buildings and therefore, consideration will need to be given to the statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which means that when determining planning proposals that could affect the setting of a listed building, special regard must be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, given the site's location in Enderby Conservation Area, consideration will also need to be given to Section 72 of the same Act, which states that when determining planning proposals in a Conservation Area special regard must be given to the desirability of preserving or enhancing the character and appearance of those areas.
- 7.2.4. Policy CS20 states that conservation areas will be preserved, protected and where possible enhanced. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting. In addition, the policy states that new development is expected to make a positive contribution to the character and distinctiveness of the local area and ensuring that development in Conservation Areas is consistent with the identified special character of those areas.
- 7.2.5. Whereas Policy DM12 states that development proposals that conserve or enhance the historic environment will be supported. All proposals affecting either a designated or non-designated heritage asset and / or its setting will need to submit a statement. The applicant provided a Heritage Impact Assessment (HIA) alongside the planning application. The Policy also states that Conservation Areas will be given the highest level of protection to ensure that they are conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment.

- 7.2.6. In addition, in Chapter 16 of the NPPF (Conserving and Enhancing the Historic Environment), Paragraph 195 comments that Conservation Areas are an “... *irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*”. Paragraph 206 also states that “*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*”.
- 7.2.7. Policy CS2 considers that all new development should respect distinctive local character and should contribute to creating places of a high architectural and urban design quality, contributing to a better quality of life for the local community. Design should be appropriate in its context and should take any opportunities available to improve the character and quality of an area and the way it functions. Development proposals should demonstrate that they have taken account of local patterns of development, landscape and other features and views and are sympathetic to their surroundings. At the same time, the Council will support innovative design that is appropriate in its context. The design of new development should take account of, and provide opportunities to enhance, the natural and historic environment, including improvements to Green Infrastructure and opportunities to promote biodiversity.
- 7.2.8. The Council’s Principal Planning & Conservation Officer (PPCO) was consulted during the determination of the planning application. In its initial consultation response, the PPCO raised concerns regarding the demolition of the existing chapel and considered that the proposed demolition of the chapel is regrettable and questioned whether some of its original fabric could be retained, repurposed and preserved as part of the proposed development.
- 7.2.9. In terms of the originally proposed building, the PPCO considered that the two-storey scale would be a complete departure from the scale parameters and architectural appearance of the existing building owing to its design, materials and finishes. The consultee commented that the proposed replacement building would not work with the site’s constraints in a positive manner as the building would appear excessively high in relation to the road and would sit too far forward / close to the roadside boundary, meaning that its critical mass and bulk would lead to a scheme with an overtly assertive appearance, as it would harmfully dominate the narrow street scene of this section of Moores Lane. In addition, if approved, the scale and position of the replacement building would harmfully impinge on the current views of treetops and the roofscape of some of the late-19th century buildings that formerly were part of Enderby Hall, when looking down Moores Lane, dominating the localised townscape. As such, the PPCO considered that these views of the site itself and into the Conservation Area would be discernibly worse than what is currently on site and would fail to meet the statutory duty of preserving or enhancing the character and appearance of the area.
- 7.2.10. The PPCO also raised concerns regarding the initial design of the replacement building, commenting that the proportions and scale of the building’s general built form, give the building a distinctly modern appearance that is not in

harmony with the site's constraints and would appear to be at odds with the surrounding historical context of the adjacent listed and curtilage listed buildings. Furthermore, given its scale, footprint, proportions and material finishes, the architectural appearance of the initial building's design would not replicate the better late-Victorian, Arts and Crafts style as demonstrated in the centre of the village and would represent an inferior copy of a traditional design. The original palette of proposed materials (specifically the render and the number / orientation of solar panels and roof lights) were also considered to result in a visually jarring effect against the traditional materials found on the more historic buildings to the east of the site, in particular when against the red brick and granite walls.

- 7.2.11. The PPCO stated that whilst he does consider that a development could be accommodated on this site, he is of the view that there would need to be a substantial compromise to achieve an acceptable scheme in design terms that would meet the statutory duty of the 1990 Act, otherwise the proposal would lead to harm being caused to the character and appearance of the Conservation Area in this context, and the harm would be at the lower level of less than substantial. Any changes would need to be substantial, potentially looking at reducing the scale considerably to either a single storey or single storey with isolated 1.5 storey elements, to ensure that the scale is kept low and the bulk and massing issues raised above are designed out accordingly.
- 7.2.12. Following these comments from the PPCO, the applicant agreed to revise the plans. A re-consultation was then issued with both statutory consultees and local residents.
- 7.2.13. In the PPCO's most recent comments he has acknowledged that the proposed building's composition has been simplified, and the principal elevation has been reorientated to address the roadside. The consultee stated that this is of benefit in an architectural sense, as the emphasis on the building's linear built form is generally consistent with that of other buildings situated to the northeast of the site. The benefit of this altered footprint means that a greater effort can be directed to retaining the wall and historic granite pedestrian gateway at the front, complimenting it with additional planting to present a fair-face along Moores Lane.
- 7.2.14. Even though the scale of the building has not altered significantly (an overall reduction of approximately 0.5m), the PPCO considers that the perception of the building as illustrated in the revised drawings is one where the wall area to the principal elevation has been significantly reduced and replaced with a long-sloping roof with the incorporation of low, overhanging eaves and a jerkinhead roof, which emphasises the roofscape. Although the wall to roof proportions increases at the sides and rear of the building, the PPCO states that the perception of scale is kept to a minimum due to the use of dormers that discreetly peer above the eaves. A chimney breast and full stack has also been included for added authenticity.
- 7.2.15. The PPCO has commented that its previous concerns regarding matters of scale, bulk massing and assertive design have been addressed, and whilst the

appearance of the proposal is not strictly Arts and Crafts in nature, what is proposed is a modern interpretation of that style and as such, the proposed building would not look out of keeping with the prevailing character and appearance of the area. In addition, the consultee states that it is of the opinion that the overall appearance of what is proposed in these amendments better reflects some of the examples of Arts and Crafts styled buildings within the Conservation Area.

- 7.2.16. In terms of the materials palette and finishes, particularly on the front and side elevations, the PPCO considers that these remain consistent with the vernacular of the area, which is evidenced by the combination of granite rubble stone and red brick. The hipped dormers to the front roof slope are not considered to be assertive owing to their limited size and configuration. The consultee was also pleased to note that the number of roof lights has decreased from previous informal revisions, and the solar PV panels have been relocated to the rear (northern) roof slope.
- 7.2.17. Whilst there hasn't been a substantial update to elaborate on the need for accommodation of this type, the PPCO accepts that there is one currently being un-met and therefore this would carry some weight to counterbalance any harm. Whilst these harms still exist insofar as the scheme results in the loss of a NDHA, the consultee does consider that the harm to the setting of listed buildings and the character / appearance of the Conservation Area has been softened, owing to the improved design. The PPCO also welcomes the photographic recording exercise of the NDHA in the Heritage Impact Assessment, which may mitigate the loss of the existing building.
- 7.2.18. The PPCO concluded in its consultation response that, overall, the level of harm to designated heritage assets is considered to fall within the 'less than substantial' category, at the lower end of that spectrum. Notwithstanding this, the revised design represents a notable improvement, and when coupled with the identified public benefits, is considered sufficient to outweigh the harm in accordance with the balancing exercise set out in paragraph 215 of the NPPF.
- 7.2.19. Accordingly, due to the amendments in terms of the proposed building's layout, scale, design and materials, the impact to the setting of nearby listed buildings and the character and appearance of the Conservation Area is considered to be acceptable, and complies with Policies CS2, CS20 and DM12.

Other heritage impacts

- 7.2.20. Policy CS20 states that archaeological remains will be preserved, protected and where possible enhanced. Whereas Policy DM12 states that development proposals that conserve or enhance the historic environment will be supported.
- 7.2.21. LCC Archaeology have been consulted on this application. The consultee welcomed the submission of a HIA for the chapel and contacted the applicant's archaeological consultant with some suggested additions to the report. The applicant subsequently submitted a revised HIA which was reviewed by the consultee. In LCC Archaeology's latest comments, they confirmed that the

revised HIA has addressed its previous comments and the report is satisfactory, and therefore no condition will be necessary in relation to the building recording.

- 7.2.22. In addition, the Leicestershire and Rutland Historic Environment Record (HER) notes that the site also contains an archaeological interest, lying within the Enderby historic settlement core. The application area is located less than 100m from Enderby Hall. Whilst the hall is superficially 19th century in date, the building incorporates a small 16th / 17th century rectangular house, indicating that this may have been a high-status area within the historic settlement core during the post-medieval period (or earlier). The OS mapping also indicates the presence of a number of roadside structures within the site, mostly dating to the late 19th / early 20th century, subsequently demolished. LCC Archaeology commented that, although the site has been previously developed it is likely that archaeological remains, if present, survive in areas of the site that were not directly built on, or in pockets of less disturbed ground within the current building footprint. As such there is a potential that significant buried archaeological remains will be affected by the development.
- 7.2.23. However, based upon the available information, the consultee anticipates that these remains, whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application. While the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme.
- 7.2.24. The consultee therefore recommends for the inclusion of a pre-commencement condition to ensure satisfactory archaeological investigation and recording. This pre-commencement condition has been included at the beginning of this report (condition 3).
- 7.2.25. Accordingly, it is considered that the proposed development would comply with Policies CS20 and DM12.

7.3. Transport and highway implications

- 7.3.1. Policy DM8 of the DPD states that "*All new development and changes of use will be required to meet highway design standards as set out in the most up-to-date Leicestershire Local Highway Guidance.*"
- 7.3.2. The existing access is proposed to be retained in its current form which leads onto Moores Lane, an adopted, unclassified road subject to a 30mph speed limit. Moores Lane is not suitable to accommodate two-way traffic and there are no formal public footways in the immediate vicinity of the site. Signage at either end of Moores Lane indicate the road is not suitable for use by HGVs.
- 7.3.3. The site access is to be 3.4m wide with a 2m by 2m pedestrian splay on either side of the access. The LHA has confirmed that it considers it acceptable for the provision of 1m by 1m pedestrian splays resulting in an access width of

5.4m. The Proposed Site Plan drawing also shows the provision of 2.4m by 43m vehicular visibility splays in either direction. The LHA commented that in accordance with Table 6 of the LHDG, splay lengths of 43m would be suitable where measured 85th percentile speeds do not exceed 30mph. Given the limitations of Moores Lane, the LHA consider it very unlikely vehicular speeds in the vicinity of the site access will exceed 30mph.

7.3.4. Taking into consideration the number of trips the site could be reasonably expected to generate under its current land use, and the trip rates typically associated with the proposed land use, the LHA has confirmed that it is satisfied that the proposed development does not represent an intensification of the use of an existing access.

7.3.5. In accordance with Table 15 of the LHDG, the LHA would typically expect, for an application of this proposed nature, provision of an access with a minimum effective width of 6m (excluding pedestrian visibility splays). Whilst the access width does not accord with Table 15, given the proposals do not represent an intensification, the LHA is unable to reasonably request any amendments to the existing access arrangements.

Highway safety

7.3.6. The LHA has no pre-existing highway safety concerns at this location.

Internal layout

7.3.7. The LHA has stated that it is conscious that the availability of public parking spaces within Enderby is limited and that the village is subject to very high levels of on-street parking, which is largely due to a lack of off-street residential parking spaces. Therefore, the LHA require the proposed development to provide an off-street parking space per staff member for when the maximum number of staff members are on site at any one time.

7.3.8. The submitted Planning, Design & Access Statement states that a maximum of eight staff are anticipated on site at any one time and the application includes the provision of eight off-street parking spaces (one of which is to be an accessible space), along with turning space, which will allow vehicles to turn so that the highway is approached in a forward gear. Accordingly, the LHA has confirmed that it is satisfied that the parking layout has been designed in accordance with Figure 44 of the LHDG.

Transport sustainability

7.3.9. The site is located on the northern edge of Enderby village centre which offers access to some key services. Within 500m of the site, bus stops on Cross Street, Enderby serve services between Leicester and Narborough. Narborough train station is located within two miles of the site where services between Leicester and Birmingham operate.

- 7.3.10. The LHA also confirm that it welcomes the inclusion of cycle parking facilities, which can be secured by way of a planning condition.
- 7.3.11. Given the above, in its most recent consultation response, the LHA has concluded that, in its view, 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 LHA has stated that the development does not conflict with Paragraph 116 of the NPPF, subject to recommended conditions.
- 7.3.12. Therefore, the proposed development is considered to comply with Policy DM8.

7.4. Flood risk and drainage

- 7.4.1. Policy CS22 states that the Council will ensure all development minimises vulnerability and provides resilience to flooding, taking into account climate change.

Fluvial

- 7.4.2. The entire application site is located within Flood Risk 1, and is not located within any surface water areas, therefore no concerns are raised in this regard.

Surface water

- 7.4.3. The application site is not located within any areas of surface water flooding. However, an area of surface water flooding is located on Moores Lane (2061 – 2125, 1 in 1000 year likelihood of flooding) to the front of the site. Due to the low likelihood of flooding and low depth (150mm), no concerns are raised in this regard.

Foul drainage

- 7.4.4. The submitted application form indicates that foul sewage is to be disposed of via the mains sewer, using the existing drainage connection.
- 7.4.5. Severn Trent Water were consulted twice during the determination of this application, however no response was received. The Council's Environmental Services Team was also consulted, and the consultee recommended the addition of a pre-commencement condition requiring the provision of full details of the means of foul and surface water drainage. However, this condition is deemed unnecessary as the existing drainage connection would be utilised, and any relevant surface water drainage conditions have been recommended by the LLFA. In addition, it is noted that under the Water Industry Act 1991, sewerage undertakers (Severn Trent Water) must ensure the provision of adequate systems for the drainage and treatment of wastewater. As such, foul drainage falls outside the scope of planning and will be agreed as part of a separate process.

7.4.6. Accordingly, the proposed development is considered to comply with Policy CS22 and no concerns are raised in terms of drainage.

7.5. The impact of the development on the amenity of nearby residents

7.5.1. Policy DM1 of the Blaby Local Plan (Delivery) Plan Document (DPD) 2019 sets the principle for built development within the Settlement Boundary provided it is consistent with the other policies of the Local Plan, and has a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing and nearby residents, including but not limited to, considerations of, privacy, light, noise, disturbance and an overbearing effect and considerations including vibration, emissions, hours of working and vehicular activity.

7.5.2. It is noted that 3no. double opening doors, a bay window and two windows are located on the ground floor rear elevation. On the first-floor, four dormer windows, a small window and Juliet balcony are proposed. No residential properties are located within close proximity to the rear of the site, with just an outbuilding and overgrown area of land. No.10 Moores Lane is situated northeast of the site, however it is acknowledged that the end of the neighbouring property nearest to the site is a garage, and is therefore not a habitable room. As such, there would be no direct overlooking concerns to the rear elevation from no.10.

7.5.3. The Court is located to the east and there would be a separation distance of approximately 23m, which is considered to be an acceptable distance.

7.5.4. The Spinney is located to the south. Similarly there would be a separation distance of approximately 21m, which is considered acceptable. In addition, a high brick / rubblestone wall fronts the neighbouring property and is largely screened by existing mature trees. The first-floor bedrooms would also be set further back into the roof space of the dwelling.

7.5.5. No.4 Moores Lane is situated west of the site, and there would be a separation distance of approximately 22.6m. The existing landscaped embankment would also be retained, as well as a large mature tree. As such, no concerns are raised in terms of privacy / overlooking.

7.5.6. Whilst the scale of the proposed building would be 2 storeys in height (an increase of 1 storey from the existing building), the proposed footprint would be set further forward and away from the closest neighbouring property (No.10). Due to this separation distance, no concerns are raised in terms of loss of light.

7.5.7. The Council's Environmental Services Team were consulted on during determination of this planning application. In an initial response, they stated that there is some potential for noise generating activities, including a number of heat pumps, an outdoor patio with external opening doors and a games room with external opening doors, and there are a number of residential properties in

close proximity. The consultee therefore recommended for the applicant to provide a Noise Impact Assessment (NIA) prior to determination.

- 7.5.8. Following receipt of revised plans, the applicant also submitted a NIA and Environmental Services raised concerns regarding the noise monitoring data (totalling 2 hours), as the proposed air source heat pumps would be expected to operate at any time during a 24-hour period. They were concerned that the measurements taken were not representative of the evening or night-time periods. They also commented that the assessment refers to BS4142:2014 (which is the relevant standard), however the calculation does not appear to be consistent with the reporting protocol included in that standard. In addition, there did not appear to have been any consideration of the impact of noise from the proposed development on the outdoor amenity space at 10 Moores Lane. The consultee therefore requested for an updated NIA to address these concerns.
- 7.5.9. Subsequently, the applicant provided a revised NIA and Environmental Services acknowledged that additional monitoring had been carried out on 5th and 6th June 2026. The consultee recommended a condition (condition 20 at the beginning of this report) to ensure that the air source heat pumps (ASHPs) are restricted to the type that has been assessed by the NIA, and that they are installed, used and maintained in accordance with the manufacturer's instructions, in perpetuity. Within three months of the installation of any ASHPs, written confirmation of successful completion shall also be submitted to the LPA for approval (condition 21).
- 7.5.10. In terms of outdoor amenity space, Environmental Services commented that it is difficult to accurately assess off-site impacts from voice-related noise. Although there is potential for noise from the use of the outdoor space and the rooms that have double-doors opening onto it, the consultee states that there is insufficient evidence for it to object to the proposed scheme. However, it advises that operational controls should be implemented to address any noise or disturbance issues that may arise, and therefore recommends a condition, if permission is granted, requiring the submission of an Operational Management Plan within three months from the date of the permission (see condition 22).
- 7.5.11. Environmental Services also requested the inclusion of a pre-commencement condition requiring the submission of a Demolition and Construction Method Statement, to reduce the impact of construction to neighbouring residential properties (condition 7). The consultee has also advised the addition of an informative relating to noise and vibration. As such, no concerns are raised in this regard.
- 7.5.12. In terms of noise from the operation of the children's home, Environmental Services commented that the proposed scheme is acceptable with the number of children and staff on-site at any one time. The consultee recommended the addition of two conditions controlling the maximum number of children and staff being present on the site at any one time, to ensure that the scale of use remains appropriate to the property and in the interests of the amenity of neighbouring properties.

7.5.13. The application is therefore considered to comply with Policy DM1 and no concerns are raised in terms of neighbouring amenity, due to the imposition of appropriate conditions.

7.6. Ecology and biodiversity net gain (BNG)

7.6.1. Policy CS19 states that the Council will protect those species which do not receive statutory protection under a range of legislative provisions, but have been identified as requiring conservation action as a species of principal importance for the conservation of biodiversity nationally. Any development proposals should ensure that these species and their habitats are protected from the adverse effects of development through the use of appropriate mitigation measures.

7.6.2. A Preliminary Ecological Appraisal and Roost Assessment was submitted with the application. The assessment confirms that the site does not contain any habitats listed as a habitat of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006). The site contains a mature tree, which could be of value to local wildlife populations (and is subject to a Tree Preservation Order). Other habitats within the site are common and widespread and have low ecological value.

7.6.3. Leicestershire County Council's Ecology Team were consulted during determination of the application. In their consultation response they confirmed that they are satisfied that there is sufficient ecological information available to support determination of the application. An increase in artificial light would negatively impact foraging bats. The ecological report recommends the need for a wildlife sensitive lighting scheme. LCC Ecology has recommended that this is in line with best practice guidance GN:08/23 and secured by a condition of any consent.

7.6.4. The consultee also requested that the mitigation measures identified in the Preliminary Ecological Appraisal be secured by a condition of any consent and implemented in full. Accordingly, recommended conditions 9, 10 and 11 have been included at the beginning of this report.

Biodiversity net gain

7.6.5. Biodiversity Net Gain (BNG) is a strategy to develop land and contribute to the recovery of nature. It is a way of ensuring that habitats for wildlife are in a better state after development than before. A 10% provision of BNG became mandatory for planning applications for major development submitted from 12 February 2024 and for small sites from 2 April 2024.

7.6.6. LCC Ecology are satisfied that the development meets the de-minimis exemption (a small-scale development affecting less than 25 square metres of habitat) and is therefore exempt from mandatory biodiversity net gain requirements.

7.6.7. The consultee also supports the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity. Reasonable biodiversity enhancement measures are a separate matter to mandatory net gains, and the finalised details would be outlined within a separate Biodiversity Enhancement Strategy, which will be secured as a condition of any consent (condition 10).

7.6.8. Accordingly, the proposed development is considered to comply with Policy CS19.

7.7. Arboricultural implications

7.7.1. An Arboricultural Impact Assessment has been provided by the applicant. An existing ash tree is located to the west of the site, which is subject to a Tree Preservation Order (ref: 359/DC) and will to be retained as part of the application.

7.7.2. LCC Forestry's Team has been consulted on the application. The consultee notes that whilst the ash tree (T1) is categorised in the lower retention classes, it would be feasible to retain the tree within the overall site design. LCC Forestry state that this would be preferred to ensure continuity of tree cover in the area. The consultee has recommended that if permission is granted, proposals for tree protection would be required as a condition (this has been included as condition 13 at the beginning of this report).

7.8. Land contamination

7.8.1. Policy DM13 states that development proposals will be required to clearly demonstrate that any unacceptable adverse impacts related to land contamination, landfill, land stability and pollution can be satisfactorily mitigated.

7.8.2. The site is located in proximity to at least one known former landfill site. Environmental Services commented that this may give rise to the production and migration of landfill gases that could impact the proposed development. Additionally, the demolition of existing buildings may give rise to further contamination. The consultee has therefore recommended that a Phase I Desktop Study be carried out to risk assess the potential contaminant linkages and outline any requirements for intrusive ground investigation. The consultee also commented that it may be prudent for any ground investigation to be conducted following demolition, allowing consideration for any resulting contamination. The consultee stated that it would be acceptable for this information to be submitted either upfront or by condition.

7.8.3. As such, a recommended condition has been included at the beginning of this report (condition 14).

7.9. Waste management

- 7.9.1. Core Strategy Policy CS23 seeks to ensure that waste collection is considered in the design of development including maximising recycling facilities.
- 7.9.2. A bin store area and bin collection point are included as part of the application. The Council's Neighbourhood Services Team have been consulted on this application. The consultee confirmed that the waste arrangements are acceptable, however queried whether the collection would be treated as domestic or trade waste. If private waste collection is required, this will be for the applicant to arrange.

8. **Overall Planning Balance and Conclusion**

- 8.1. In summary, the proposed development would represent the use of previously developed land (brownfield) and underused land and buildings, and will contribute towards meeting the needs of specific groups through the provision of supported housing. The Council's Housing Strategy Team is also in support of the application as the need for more supported accommodation for looked after children is a priority for provision in Blaby District, as set out in the Council's Adopted Housing Strategy (2021 – 2026). Accordingly, there is a clear demand for this type of accommodation within the District and the principle of development is considered to be acceptable.
- 8.2. Following the provision of revised plans, the Council's Principal Planning & Conservation Officer has confirmed that its previous concerns regarding matters of scale, bulk massing and assertive design have been addressed and the proposed building would not look out of keeping with the prevailing character and appearance of the area. The materials palette and finishes now proposed remain consistent with the vernacular of the area, which is evidenced by the combination of granite rubblestone and red brick.
- 8.3. Despite the loss of the Non-Designated Heritage Asset (NDHA) the harm to the setting of listed buildings and the character / appearance of the conservation area have been softened, due to the improved design. In addition, a photographic recording exercise of the NDHA has also been undertaken in the Heritage Impact Assessment (HIA) which may mitigate the loss of the existing building. The level of harm to the designated heritage assets is considered to fall within the 'less than substantial' category, at the lower end of that spectrum. Notwithstanding this, the revised design represents a notable improvement, and when coupled with the identified public benefits, is considered sufficient to outweigh the harm in accordance with the balancing exercise set out in paragraphs 215 of the NPPF.
- 8.4. The proposed development is considered acceptable in terms of their impact on the surrounding highway network and would not result in highway safety issues, from the point of view of the Local Highway Authority (subject to recommended conditions).

- 8.5. Other matters, including archaeology, flood risk and drainage, impact on the amenity of nearby residents, ecology impacts, the provision of 10% BNG, arboricultural impacts, land contamination and waste management have also been taken into consideration, and the proposed development is considered acceptable in respect of these matters.
- 8.6. It is therefore recommended that full planning permission is granted, subject to conditions as set out at the beginning of this report.
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Application reference: 26/0291/VAR

Proposal: Variation of conditions 2 (approved plans), 3 (materials), 4 (boundary treatments), 5 (surfacing), attached to planning application 24/0004/FUL

Site address: Land Off Gillam Butts, Countesthorpe, LE8 5XY

Applicant: MyPad

Case officer: Charles Ebdon, Major Schemes Officer

Recommendation: THAT APPLICATION 26/0291/VAR BE APPROVED SUBJECT TO THE SECTION 106 ENTERED INTO FOR APPLICATION 24/0004/FUL WHICH SECURES THE FOLLOWING:

- 25% Provision of Affordable Housing
- Affordable Housing Commuted Sum
- Primary Education
- Library facilities
- Civic amenity and waste facilities
- Health care facilities
- Contributions or provision of open space provision/ enhancement/ management
- Contributions towards, travel packs and bus pass provision
- Recycling and refuse contribution (wheeled bins)
- S106 Monitoring – District and County Councils

AND SUBJECT TO THE IMPOSITION OF CONDITIONS RELATING TO THE FOLLOWING:

Conditions:

1. Implementation of development 3 year from the date of approval of 24/0004/FUL
2. Development to be in accordance with approved plans
3. Development to be carried out in accordance with approved external materials
4. Development to be carried out in accordance with approved boundary treatments
5. Development to be carried out in accordance with approved hard landscaping
6. Construction Management Plan to be submitted, agreed and adhered to during development
7. Details of site/finished floor levels to be submitted, agreed and adhered to.
8. Details of external lighting to public areas to be submitted, agreed and adhered to.
9. Arboricultural Method Statement including tree protection measures to be submitted, agreed and adhered to.
10. All existing protected trees and boundary hedges shall be retained
11. Soft Landscaping Scheme shall be submitted and agreed and adhered to

12. 30-year Landscape Ecological Management Plan (LEMP) shall be submitted and agreed and adhered to.
13. Construction Environmental Management Plan for Biodiversity (CEMP) shall be submitted and agreed and adhered to.
14. Surface water drainage scheme to be submitted and agreed and implemented.
15. The development shall be carried out in accordance with the Geo-Environment Assessment.
16. Reporting of unexpected contamination
17. Access arrangements to be implemented in full.
18. Parking and turning facilities to be implemented in full.
19. Parking to be retained in perpetuity
20. No gates, access gates, barriers, bollards, chains etc to be erected.
21. Drainage to be provided within the site such that surface water does not drain into the public highway including private access drives.
22. Bathroom windows to be obscurely glazed
23. Removal of Permitted Development Rights for boundary treatments on selected plots
24. Removal of Permitted Development Rights for additional floors
25. Removal of Permitted Development Rights for additional windows on selected plots.
26. Removal of Permitted Development Rights for extensions on selected plots.

1. The site

- 1.1. The application site comprises a roughly rectangular parcel of land situated to the south of and outside the Settlement Boundary of Countesthorpe situated on land designated as Countryside as defined by the Policies Map of the Blaby District Council (Delivery) Development Plan Document (2019).
- 1.2. The application site measures approximately 1.56 hectares located to the south of Gillam Butts, Countesthorpe. The site is generally level throughout and is bound by established field boundary hedges and trees on the eastern, western and southern boundaries, with the rear garden areas of dwellings along Southfield Close backing onto the site.
- 1.3. Countesthorpe village centre is approximately 800m to the northeast of the development site, which includes a range of local services and facilities, including shops, public houses and restaurants. Centenary Paddock is situated to the west providing open space, with the library and convenience stores located on Station Road.
- 1.4. The application site on land edged in red is situated within Flood Zone 1 which has been shown to be at less than 0.1% chance of flooding in any year.
- 1.5. Land levels are generally levels throughout, with the exception of a ditch situated within the north eastern section of the site.
- 1.6. An Agricultural Use and Quality of Land survey found that the land is grade 3a and 3b agricultural quality. The implications and weight afforded to this matter in the planning balance is dealt with further on in the report.

2. Site History

- 2.1. The application site, benefits from planning permission (24/0004/FUL refers) for a market led development for 41 dwellings comprising of a mix of 31 market housing and a further 10 affordable dwellings.
- 2.2. Application 24/0004/FUL comprised of 7 x 2 bed (including 2 bungalows), 16 x 3 bed and 8 x 4 bed market dwellings and 5 x 2 bed (affordable rent) and 5 x 3 bed affordable dwellings (3 x affordable rent and 2 shared ownership).
- 2.3. The scheme proposed a mixture of single, two storey detached and semi-detached dwellings to be constructed in a mixture of facing brickwork and render in a traditional manner.
- 2.4. The scheme proposed approximately 0.19 hectares of public open space within the western section of the development, including an area for the Sustainable Urban Drainage System (SuDS) pond situated within the northwestern section of the site at the site entrance and an area allocated for ecological enhancement to the west of the site.
- 2.5. Access into the site is proposed off Gillam Butts with off-street car parking provided within the curtilage of each dwelling in accordance with current highway standards.
- 2.6. The application was determined in 31.03.2026 following the completion of a Section 106 Agreement securing affordable housing, and Developer Contributions towards primary education, library, civic amenity and waste facilities, healthcare provision, open space, travel packs and bus passes.

3. The Proposal

- 3.1. The application under consideration seeks planning permission under Section 73 of the Town and Country Planning Act 1990 Act for minor amendments to application 24/0004/FUL. These amendments include the replanning of the southeastern section of the site, the replacement of 6 x 4 bed dwellings with 6 x 2 bed dwellings and the repositioning and increased footprints of selected plots. Further amendments include the removal of garages, the provision of visitor parking spaces and the reduction in the length of private drives.
- 3.2. Application 24/0004/FUL provided 12 x 2 bed dwellings (including 2 bungalows), 21 x 3 bed dwellings and 8 x 4 bed dwellings, of which 31 were market dwellings and 10 affordable units.
- 3.3. The variation sees the removal of 3 x 4 bed dwellings in the southeastern corner of the site to be replaced with an additional 3 x 2 bed dwellings, with a further 3 x 4 bed dwellings replaced by 2 bed dwellings elsewhere within the site. The finalised mix includes 18 x 2 bed dwellings (including 2 bungalows), 21 x 3 bed dwellings and 2 x 4 bed dwellings. The applicant's intention is to provide the

scheme as an all-affordable scheme. The merits of the resultant mix and tenure is discussed further on in the report.

- 3.4. A total of 10 visitor parking spaces has been provided throughout the site in accordance with the Leicestershire Highways Design Guidance.
- 3.5. 25 dwellings have been increased in footprint to meet Homes England standards and the requirements for adoption by the registered provider managing the site.

4. Relevant Planning History

Reference	Description	Decision	Date
82/0856/1/OX	Site For Residential Development.	Refused	03.08.1982
13/0340/1/OX (site to the north)	Residential development of up to 40 dwellings with access off Gillam Butts (Outline)	Refused	22.11.2013
14/0232/1/OX (site to the north)	Residential development of up to 40 dwellings with access off Gillam Butts (Outline) (Re-submission)	Approved	29.08.2014
14/1096/1/MX (site to the north)	Residential development of up to 40 dwellings with associated landscaping and access off Gillam Butts (Reserved Matters)	Approved	18.02.2015
16/0315/FUL (site to the north)	Residential development of 28 dwellings, comprising partial re-plan of previously approved layout and plot substitution resulting in 15 additional dwellings.	Approved	22.09.2016
24/0001/OUT (nearby site to the west)	Outline planning application for the development of up to 185 dwellings (access only) with vehicular access point from Willoughby Road, with all other matters (relating to appearance, landscaping, scale and layout) reserved	Approved	17.02.2026
26/0238/RM (nearby site to the west)	Reserved matters application for the erection of 177no. dwellings (Use	Pending Consideration	

	Class C3) with public open space, landscaping and associated works, including details of layout, scale, appearance, landscaping and internal access (relating to outline application 24/0001/OUT.		
24/0004/FUL	Full Planning Application for the Development of 41 Dwellings and Associated Infrastructure.	Approved	31.03.2026
25/0876/OUT (nearby site to the east)	Outline planning application for the erection of up to 295 dwellings (including affordable housing) with public open space, landscaping, sustainable drainage system (SuDS), a vehicular access point and the demolition of one agricultural outhouse. All matters are reserved except for the means of access.	Pending Consideration	

5. Consultation Responses

Full copies of the representations received are available to view at <https://pa.blaby.gov.uk/online-applications/>

The consultation responses comments are précised if conditions are proposed, these are included within the conditions at the beginning of the report unless stated otherwise.

The numbers in brackets signifies the amount of times consultees have responded to the application.

5.1 Blaby District Council Consultees

5.1.1 Blaby District Council, Environmental Services (1)

No objections subject to conditions.

5.1.2 Blaby District Council, Housing Options (1)

No objections.

5.1.3 Blaby District Council, Neighbourhood Services (1)

No objections.

- 5.1.4 East Midlands Ambulance Service (1)
No comments received.
- 5.1.5 Environment Agency (1)
No comment.
- 5.1.6 Leicestershire County Council, Archaeology (1)
No objection.
- 5.1.7 Leicestershire County Council, Developer Contributions (1)
Noted that the number of 2-bedroom houses overall remain the same and consequently did not propose to carry out a re-assessment.
- 5.1.8 Leicestershire County Council, Ecology (1)
No objection.
- 5.1.9 Leicestershire County Council, Forestry (1)
No objection.
- 5.1.10 Leicestershire County Council, Highways (LHA) (1)
No objection.
- 5.1.11 Leicestershire County Council, Lead Local Flood Authority (LLFA) (4)
No objection subject to conditions.
- 5.1.12 Leicestershire Fire and Rescue (1)
No comments received.
- 5.1.13 Leicestershire Police (1)
No objection.
- 5.1.14 Natural England (1)
No comments received.
- 5.1.15 NHS, Leicester, Leicestershire and Rutland Integrated Care Board (1)
No comments received.
- 5.1.16 Severn Trent Water Authority (1)
No comments received

5.2 Others

- 5.2.1 Countesthorpe Parish Council (1)
The Parish Council welcomes the change in support of more affordable housing for the village.

5.3 Additional Representations

5.1.2 As part of the consultation process and in accordance with the Council's Statement of Community Involvement (2020); adjacent residents were notified.

5.1.3 No letters of objection have been received.

6 Planning Policies and Material Considerations

6.1 Development Plan

Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be considered in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan in relation to this proposal consists of:

- Blaby District Local Plan (Core Strategy) Development Plan Document (adopted 2013)
- Blaby District Local Plan (Delivery) Development Plan Document (adopted 2019)
- Leicestershire Minerals and Waste Local Plan 2019-2031

6.1.1 Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

Policy CS1 - Strategy for locating New Development
Policy CS2 - Design of New Development
Policy CS5 - Housing Distribution
Policy CS7 - Affordable Housing
Policy CS8 - Mix of Housing
Policy CS10 - Transport Infrastructure
Policy CS11 - Infrastructure, services and facilities to support growth
Policy CS12 - Planning Obligations and Developer Contributions
Policy CS14 - Green Infrastructure
Policy CS15 - Open space, sport and recreation
Policy CS18 - Countryside
Policy CS19 - Biodiversity and geo-diversity
Policy CS20 - Historic Environment and Culture
Policy CS21 - Climate Change
Policy CS22 - Flood Risk Management
Policy CS23 - Waste
Policy CS24 - Presumption in favour of sustainable development

6.1.2 Blaby District Local Plan (Delivery) Development Plan Document (2019)

Updated Policy CS15 - Open space, sport and recreation
Policy DM2 - Development in the Countryside

Policy DM4 - Connection to Digital Infrastructure
Policy DM8 - Local Parking and Highway Design Standards
Policy DM12 - Designated and Non-Designated Heritage Assets
Policy DM13 - Land Contamination and Pollution

6.2 Material Considerations

- The National Planning Policy Framework (NPPF) (2024)
Chapter 2: Achieving Sustainable Development
Chapter 4: Decision Making
- The National Planning Policy Guidance (NPPG)
- Leicestershire Highways Design Guide (2024)
- Blaby District Council Active Travel Strategy (2024)
- Blaby District Council Local Cycling and Walking Infrastructure Plan (2024)
- Blaby District Council Housing Mix and Affordable Housing Supplementary Planning Document (2013)
- Blaby District Council Housing Strategy 2021 - 2026

Section 73 of the Town and Country Planning Act 1990 Act provides for applications for minor material amendments to planning permissions without complying with previously imposed planning conditions subject to which a previous planning permission was granted.

7 **Consideration of Application**

The main issues to be considered in the assessment of this planning application are as follows:

- The Principle of the Development
- Impact On The Countryside And Landscape/Visual Impact
- Affordable Housing and Housing Mix
- Design and Layout
- Impact Of The Development On The Amenity Of Nearby Residents
- Transport and Highway Implications
- Flood Risk And Drainage
- Developer Contributions And Infrastructure/ Facilities
- The Ecological Impact And Biodiversity Net Gain (BNG).

7.1 The Principle of the Development

- 7.1.1 Policies CS1 and CS5 of Blaby District Council Core Strategy seek to ensure housing needs are met in the most sustainable way through a principle of 'urban concentration'. New development should be primarily focused within and adjoining the Principal Urban Area of Leicester (PUA) of Leicester (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town, Glen Parva and New Lubbethorpe) however, provision is also made for the development needs of settlements outside the PUA.
- 7.1.2 Between 2006 and 2029, the District of Blaby is required to provide a minimum of 8,740 houses. Of the 8,740 houses, Policy CS1 states that at least 5,750 houses should be within or adjoining the Leicester PUA, with at least 2,990 houses to be provided in areas outside the PUA (the 'non-PUA').
- 7.1.3 As of March 31st 2025 a total of 2,965 homes had been completed in the PUA. To meet the identified PUA requirement there is a need for around 566 homes per annum to be delivered in the PUA until the end of the plan period (total 2829). Forecast completions in the PUA to 2029 are around half this number and it is unlikely that housing delivery will accelerate in the PUA sufficiently to address the shortfall by the end of the Plan period.
- 7.1.4 Outside of the PUA, Core Strategy Policy CS1 states development will be focussed within and adjoining Blaby and the settlements of Enderby, Narborough, Whetstone and Countesthorpe, referred to as the 'Larger Central Villages', as identified in the Housing Distribution Policy CS5 with lower levels of growth allowed in the Rural Centre (Stoney Stanton), Medium Central Villages and Smaller Villages.
- 7.1.5 Policies CS1 and CS5 identify Countesthorpe as a 'Larger Central Village' (along with the settlements of Enderby, Narborough and Whetstone) with modest levels of growth anticipated. Housing delivery in the non-PUA has exceeded the minimum housing requirement set out in the Plan. The Council's recently published Residential Land Availability (RLA) report indicates that as of the 31st March 2025, 3,968 homes had been delivered in the non-PUA. The plan indicates a minimum requirement in the non-PUA of 2,990 dwellings. Countesthorpe has a minimum housing requirement of 520 dwellings between 2006 and 2029. It should be noted that this figure is a minimum requirement and is not a cap. Against this requirement, 782 houses had been committed and completed in Countesthorpe as of 31 March 2025.
- 7.1.6 Although delivery is now slowing in the non-PUA (mainly as a result of a lack of available committed sites) opportunities to deliver housing development of a type and scale needed to facilitate an increase in delivery in the near term are greater in the non-PUA than the PUA mainly due to the constrained nature and large scale of the sites being promoted for development in the PUA.
- 7.1.7 This Planning Committee has recently resolved to grant outline planning permission for several sites in the non-PUA, including.

- 24/0004/FUL - Land off Gillam Butts, Countesthorpe (41 dwellings),
- 23/0968/OUT - Land east of Lutterworth Road, Blaby (up to 53 dwellings),
- 23/0182/OUT - Land off Croft Road, Cosby (up to 200 dwellings).
- 23/1071/OUT - Land adjacent to Leicester Road and Foston Road Countesthorpe (up to 170 dwellings) and
- 24/0398/FUL - Land off Ratcliffe Drive/Peers Way/Preston Way, Huncote (151 dwellings)
- 24/0511/OUT - Land north of Leicester Road, Sapcote (up to 80 dwellings)
- 24/0770/FUL - Springfield Farm, Forest Road, Huncote (191 dwellings)
- 25/0532/FUL – Land to the West of Springwell Lane, Whetstone (115 dwellings)
- 25/1080/OUT – Land to the East of Holt Way, Littlethorpe (150 dwellings)

7.1.8 Additionally, a site for up to 155 dwellings was allowed by the Inspector at appeal on land off Oak Road, Littlethorpe in November 2025 (Our reference 24/0527/OUT).

7.1.9 Blaby District Council has recently published an updated housing land supply position. This update confirms that as of 1st April 2025 the Authority can currently demonstrate a 2.78-year housing land supply. The Council therefore cannot demonstrate a five-year supply of deliverable sites. As this proposal involves the provision of housing, the application is being considered in the context of NPPF paragraph 11d (the so-called ‘tilted balance’) and other material considerations.

7.1.10 As a consequence of the change in the housing figures required, Paragraph 11(d) of the NPPF is triggered. Paragraph 11(d) of the NPPF, provides that permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. This is weighed in the balance of the merits of the application when considered against the policies in the Development Plan in accordance with the NPPF. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

7.1.11 There are no assets or particular importance (as listed in footnote 7 of the NPPF) which provide a strong reason for refusing the application. It is therefore necessary to assess the proposals against limb two of paragraph 11d, i.e. whether the adverse effects of granting planning permission would *significantly* and *demonstrably* outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Footnote 8 of Paragraph 11 of the NPPF states that the housing policies are to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.

7.1.12 The application site however is located some 800m from the village centre by road (where there are a number of shops and other facilities), with Greenfield Primary School being a similar distance away on foot, and the secondary school (Countesthorpe Academy) is approximately 1 mile from the site. The site is connected to the existing footpath network providing pedestrian access to the

village centre and with reasonable access to public transport and thus integrated into the settlement of Countesthorpe, which has direct linkages into Blaby and to Hinckley and Leicester.

7.1.13 Importantly the application site benefits from planning permission for a market led scheme for 41 dwellings which was approved on 31st March 2026, and given the residential nature of the proposal in this location and its proximity of the site to the built-up area, which has a range of services and facilities, it is considered that the principle of development has been established and as such is compliant with Policies CS1 and CS5 of the Blaby District Council Core Strategy (2013).

7.2 Impact On The Countryside And Landscape/Visual Impact

7.2.1 The application site is situated to the north of and outside the Settlement Boundary of Countesthorpe, on land designated as Countryside as defined by the Policies Map of the Blaby District Council (Delivery) Development Plan Document (2019).

7.2.2 Outside the confines of (or adjacent to) the PUA, Rural Centres, Medium Central Villages and Smaller Villages, in the case of the application site, land is designated as Countryside where Policies CS18 and DM2 apply.

7.2.3 Policy CS18 states that in the countryside, planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape. It requires the need to retain countryside to be balanced against the need to provide new development (including housing) in the most sustainable locations.

7.2.4 Policy DM2 provides more specific policy guidance for development that is appropriate in the Countryside, consistent with Policy CS18. Policy DM2 permits only certain categories of residential development in the Countryside, including those dwellings that meet the essential needs for a rural worker in agriculture, forestry, employment, and leisure, or other similar uses appropriate to a rural area and replacement or the change of use, adoption and extension of existing dwellings.

7.2.5 Whilst it is acknowledged that there would be conflict with Policy CS18 and DM2 given the site's Countryside location, these implications were assessed during the determination of the original application and through the retention and enhancement of existing field boundaries at the edge of the site and in the context of the shortfall in housing land supply and surrounding development it was considered the impacts on the landscape were acceptable.

7.2.6 There have been no significant changes to layout, scale or quantum of development that would alter this position.

7.3 Affordable Housing and Housing Mix

- 7.3.1. Policies CS7, CS8 and DM11 seek to ensure that new housing developments provide the appropriate quantity and mix of housing for the District's current and future needs, including provision of affordable housing and accessible and adaptable homes.
- 7.3.2. The Blaby Housing Mix and Affordable Housing Supplementary Planning Document provides guidance regarding the interpretation of policies CS7 and CS8, aims to address local imbalances in both the market and affordable housing stock, and aims to optimise the provision of affordable housing to meet identified needs.
- 7.3.3. The original planning application required 10.25 units to meet the 25% policy requirement. The scheme provided 10 affordable units and a commuted sum to address the 0.25 of a unit. These were secured through a now signed S106 legal agreement.
- 7.3.4. The applicant and registered provider have worked closely with Blaby District Council's Housing Strategy department to arrive at a mix that increased the amount of 2-bedroom dwellings to better meet the social rental housing needs of the District.
- 7.3.5. The variation sees the removal of 3 x 4 bed dwellings in the southeastern corner of the site to be replaced with an additional 3 x 2 bed dwellings, with a further 3 x 4 bed dwellings replaced by 2 bed dwellings elsewhere within the site. The finalised mix includes 18 x 2 bed dwellings (including 2 bungalows), 21 x 3 bed dwellings and 2 x 4 bed dwellings.
- 7.3.6. The applicants have since purchased the site and are intending to provide a 100% affordable scheme.
- 7.3.7. The dwellings will be delivered as additional affordable housing over and above the minimum 25% affordable housing provision required pursuant to the completed Section 106 Agreement.
- 7.3.8. Whilst the increase in affordable housing is beneficial in helping to contribute towards the District Council's affordable housing need which for 2024/2025 was 536 affordable properties per annum, it should be noted that this commitment sits outside the planning framework and as such the weight attached to this aspect of the proposal can only be minimal.
- 7.3.9. Blaby District Council's Housing Strategy Officers are supportive of the proposal and satisfied that the changes reflect the housing needs of the District with the Section 106 agreement securing the policy required level of affordable housing. Accordingly, the proposal conforms with Policies CS7, CS8 and DM11.

7.4. Design and Layout

- 7.4.1. Policies CS2 (Design of new development) and DM1 (Development within the settlement boundaries) seek to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. The design of new development should also be appropriate to its context and development proposals that are consistent with the policies of the Local Plan are to be supported.
- 7.4.2. The original scheme provided a development with a mixture of single, two storey detached and semi-detached dwellings arranged in defined perimeter blocks served by a defined street hierarchy, and regular street pattern along with suitable provision of green space.
- 7.4.3. The change in house types has resulted in an increased area of open space in the southeastern corner of the site. Amendments have been sought to ensure that the structure of the perimeter block has largely been retained, and that the increased open space is suitably overlooked to provide natural surveillance.
- 7.4.4. The street hierarchy and layout remain, except for the reduction in length of the private drives which continue to function as required.
- 7.4.5. Visitor parking is provided adjacent to the edge of private drives and along the southern spur. These provide additional parking within the site and have been sensitively integrated into the development through landscaping and orientation.
- 7.4.6. The increase in floor space of dwellings enable higher quality living conditions for future occupiers without compromising the functional layout of the development.
- 7.4.7. Having regard to the minimal changes to the original scheme, it is considered that the development continues to respect the traditional and semi-rural character and appearance of the area in terms of its layout and design and provision of green space and ensures the retention and enhancement of the existing field boundaries to soften the visual impact of the development whilst ensuring the development is well integrated into the existing settlement. As such it is considered that the proposed development complies with the NPPF, National Design Guide and Policies CS2 and DM2.

7.5. Impact Of The Development On The Amenity Of Nearby Residents

- 7.5.1. Policy DM2 seeks to ensure that development consistent with Policy CS18 provides a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing and nearby residents, including but not limited to, considerations of, privacy, light, noise, disturbance and an overbearing effect and considerations including vibration, emissions, hours of working and vehicular activity.

7.5.2. The layout of the proposed development continues to provide suitable outdoor amenity space to each dwelling and enables suitable separation distances between the proposed and adjoining dwellings ensuring the protection of the amenities of existing residents and future occupiers.

7.5.3. The scale of dwellings remains in context with the environment, ensuring a satisfactory relationship between proposed dwellings. This in tandem with suitable boundary treatments and appropriate window arrangements ensure the protection of the amenities of new residents.

7.5.4. The application is therefore considered to comply with Policy DM2 of the Blaby District Council Local Plan 2019.

7.6. Transport and Highway Implications

7.6.1. Policy CS10 seeks to deliver the infrastructure, services and facilities required to meet the needs of the population of the District of Blaby including those arising from growth and to make services accessible to all, including locating new development so that people can access services and facilities without reliance on private motor vehicles and to ensure that appropriate measures are taken to mitigate the transport impacts of new development.

7.6.2. Policy DM8 seeks to provide a consistent approach to local car parking standards and highway design. It goes on to state that the Leicestershire Highways Design Guide sets out, amongst other things, standards and policies for parking and highway design that will need to be considered for all new development.

7.6.3. The application site continues to be accessed from a single access off Gillam Butts which is an adopted C-Classified residential estate road subject to a 30 MPH speed limit. The access arrangements, internal arrangement of roads and parking provision largely remain unchanged and were deemed to be acceptable during the determination of the original application by the Local Highways Authority.

7.6.4. The changes to the layout include the removal of garages, the addition of visitor parking and shortening of private drives as a result of the change in house types.

7.6.5. The Local Highway Authority are satisfied that no changes are proposed to the adoptable layout and that the parking arrangements and surfacing remain in accordance with the Leicestershire Highway Design Guide.

7.6.6. The application is therefore considered to accord with policies CS10 of the Core Strategy 2013, DM8 of the Blaby District Council Local Plan 2019 and the Leicestershire Highway Design Guide.

7.7. Flood Risk And Drainage

- 7.7.1. Paragraph 170 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Policy CS22 states that the Council will ensure all development minimises vulnerability and provides resilience to flooding, taking into account climate change. This includes directing development to locations at the lowest risk of flooding giving priority to land in flood zone 1, using Sustainable Drainage Systems (SuDS) to ensure that flood risk is not increased on-site or elsewhere, managing surface water run-off, and ensuring that any risk of flooding is appropriately mitigated, and the natural environment is protected.
- 7.7.2. The application site is located entirely within Flood Zone 1, being at a low risk of flooding from rivers (with a less than 1 in 1000 chance of flooding occurring each year).
- 7.7.3. The majority of the site is at very low risk of flooding from surface water (less than 1 in 1000 chance) although updated flood risk data shows a section of the site close to the entrance of the site has a high risk of surface water flooding. The area of high risk has a 3.3% chance of flooding each year.
- 7.7.4. A Sequential Test was provided as part of the original application which assessed the flood risk of other similar reasonably available sites to establish whether there were any sequentially preferable sites at a lower risk of flooding which could accommodate the development. Following this review, Officers were satisfied that no preferably sequential sites at lower risk from surface water flooding are available.
- 7.7.5. The Lead Local Flood Authority reviewed the original scheme and were satisfied that the site could be suitably drained, subject to a condition requiring the submission, approval and implementation of a detailed surface water drainage scheme prior to commencement and further ground investigation to inform this.
- 7.7.6. The amended application under consideration does not propose any fundamental changes to the scheme in terms of drainage. The Lead Local Flood Authority have reviewed the amendment scheme and again are satisfied that the scheme can be suitably drained subject to condition. Consequently, your Officers consider that there are sufficient controls to ensure that any surface water flood risk is adequately addressed and mitigated.
- 7.7.7. In terms of foul water drainage, during the consideration of the previous application, Severn Trent Water Authority (STWA) confirmed that the nearest foul water sewer capable of receiving flows is within the highway on Gilliam Butts to the north of the site. STWA advised that a new / indirect connection to this sewer would be allowed subject to a formal S.106 sewer connection approval. Connections to the sewer are dealt with separately to the planning regime under a separate regulatory regime. This remains the case in this instance.

7.7.8. In conclusion, it is considered that the proposed development offers the potential for a good quality surface water drainage scheme to be developed which is based on sustainable principles. It is therefore considered that the proposal would comply with Policy CS22 of the Adopted Core Strategy 2013.

7.8. Developer Contributions And Infrastructure/ Facilities

7.8.1. Policy CS11 states that new developments must be supported by the required physical, social and environmental infrastructure at the appropriate time. It states that the Council will work in partnership with delivery agencies to ensure that development provides the necessary infrastructure, services and facilities to meet the needs of the community and mitigate any adverse impacts of development.

7.8.2. Policy CS12 seeks to ensure that the requirements for infrastructure, services and facilities arising from any development will be sought in accordance with Blaby District Council's Planning Obligations and Developer Contributions Supplementary Planning Guidance (2024). This document sets the threshold for provision of such contributions as housing developments of more than 10 dwellings.

7.8.3. The original application was accompanied by a S106 which secures contributions for the following;

- 25% Provision of Affordable Housing
- Affordable housing Commuted Sum
- Primary Education
- Library facilities
- Civic amenity and waste facilities
- Health care facilities
- Contributions or provision of open space provision/enhancement/management
- Contributions towards, travel packs and bus pass provision
- Recycling and refuse contribution (wheeled bins)
- S106 Monitoring – District and County Councils

7.8.4. The S106 legal agreement has provisions to ensure that the agreement shall apply in full to any variation made and approved pursuant to section 73 of the Town and County Planning Act such as the application under consideration.

7.9. The Ecological Impact And Biodiversity Net Gain (BNG)

7.9.1. Policy CS19 of the Core Strategy seeks to protect the important areas of the District's natural environment (species and habitats), landscape and geology and to improve biodiversity, wildlife habitats and corridors through the design of new developments and the management of existing areas. Biodiversity Net

Gain (BNG) is a strategy to develop land and contribute to the recovery of nature. It is a way of ensuring that habitats for wildlife are in a better state after development than before. A 10% provision of BNG became mandatory for planning applications for major development submitted from 12 February 2024 and for small sites from 2 April 2024.

- 7.9.2. The original application was submitted prior to the introduction of mandatory Biodiversity Net Gain and as such the mandatory 10% net gain is not applicable in this instance. The original scheme does however provide required the 'measurable net gain' of both hedgerow and habitat units as required by the NPPF. Leicestershire County Council Ecology have not raised an objection in relation to the amended scheme with respect to BNG and other ecological implications.
- 7.9.3. Conditions requiring the submission of a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity), a Landscape and Ecological Management Plan (LEMP) and a scheme for the provision of bat and bird roosting features and suitable hedgehog gaps in boundary features to be submitted and agreed shall be carried over to the amended proposal.
- 7.9.4. Accordingly, and subject to the imposition of suitable conditions, it is considered that the development accords with Policy CS19.

8. Overall Planning Balance and Conclusion

- 8.1. In conclusion, when determining planning applications, the District Planning Authority must determine applications in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.2. As set in the report above, it is acknowledged can only demonstrate a 2.78-year housing land supply which is significantly lower than the requirement set out in government guidance (and further reduced following the December 2024 NPPF). The NPPF, which is a material consideration in decision making requires that planning authorities identify a five-year supply of deliverable housing sites. Where a five-year supply of deliverable sites cannot be identified then the provisions of paragraph 11 of the NPPF apply. This means granting permission for development unless the application of policies in the framework that seek to protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.
- 8.3. The proposal does not conflict with NPPF policies that seek to protect areas or assets of particular importance listed in Paragraph 11, footnote 7. In accordance with paragraph 11 of the NPPF, this means that the so called 'tilted balance' is engaged and any harm arising from the proposal must be weighed against the benefits.

- 8.4. This report has fully considered the application against local and national policy and guidance and against all relevant material considerations as set out above.
- 8.5. The application site benefits from planning permission for 41 houses and as such the principle of development is established.
- 8.6. The provision of up to 41 houses and the associated social, economic and environmental benefits, including provision of affordable housing, improvements to local infrastructure and facilities, and the enhancement and provision of open space and biodiversity are identified benefits of the development. A clear benefit of the proposal which weighs significantly in favour of the proposal is its contribution towards local housing land supply including within the next 5 years.
- 8.7. Furthermore, the proposal would provide a policy compliant level of affordable homes. Moderate weight is attributed to the delivery of 10 affordable homes given the identified affordable housing needs within the district as outlined in the Housing and Economic Needs Assessment (HENA) published in 2022.
- 8.8. It should be noted that it is the applicant's intention to provide a fully affordable scheme on this site. Whilst this will make a significant contribution to the District's affordable housing need, this sits outside of the planning framework and therefore can only be given very limited or negligible weight in the planning balance as the additional affordable housing is not being legally secured.
- 8.9. The site will likely build out over a number of years and will provide a temporary boost to the local economy during site build out. Post development residents will contribute to the wider local economy and will help support local shops and services. Reflecting on the scale of proposals a moderate beneficial economic impact is considered likely.
- 8.10. The site is considered to respect the character and appearance of the area in terms of its layout and design and provision of green space ensuring the development is well integrated into the existing settlement. It is also considered not to unduly impact on the amenities of residents of the proposed development and neighbouring properties. Moderate positive weight is given to these matters.
- 8.11. Developer contributions have been secured towards local services and facilities to mitigate the impacts of the development and make it acceptable in planning terms and address the needs generated by the development itself.
- 8.12. There are no technical constraints relating to flooding, drainage, environmental, ecological or arboricultural constraints that cannot be mitigated.
- 8.13. In conclusion, it is considered that the principle of development has been established and the presumption in favour of sustainable development applies. The benefits relate to contribution of the proposal to the Council's housing land supply, and significant contribution to the Councils affordable housing

provision, economic benefits during the construction phase and to the local economy through household spending and provision of onsite open space. There are therefore no impacts of the development of this site that cannot be mitigated and that outweigh the benefits of providing housing development in this location.

- 8.14. The application is therefore recommended for approval subject to the conditions outlined at the beginning of this report.

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Application reference: 25/1131/OUT

Proposal: Outline application for the demolition of existing buildings and erection of new commercial building (Use Classes E(g)(i), B2 and B8) and associated staff car parking (all matters reserved except for access, layout and scale).

Site Address: Church Farm, Marston Road, Croft, LE9 3GX

Applicant: Mr Steve Chaney-North

Case Officer: Rebekah Newman, Senior Planning Officer

Recommendation: Approve, subject to the applicant entering into a Section 106 Agreement to secure the following:

1. S106 monitoring contributions – District and County Council, including Biodiversity Net Gain

Conditions:

1. Statutory outline condition.
2. Submission of reserved matters – appearance and landscaping.
3. Development in accordance with approved plans and documents.
4. Use of development limited to Class E(g)(i) (office), B2 (general industrial) and B8 (storage and distribution) only.
5. External lighting to be installed as per 'Lux Contour Plot' drawing. Any deviation from this plan to be submitted and approved in writing.
6. Details of any additional plant or machinery to be agreed prior to installation.
7. No machinery to be operated, nor any work take place outside the hours of 7:30am to 5pm Monday to Friday inclusive nor at any time on weekends or public holidays.
8. Paragraph 4.16 of Noise Impact Assessment to be adhered to in perpetuity.
9. Noise insulation scheme details for building to be agreed prior to commencement of development. Agreed works to be implemented prior to first use.
10. Written confirmation of completion of noise insulation scheme to be agreed prior to first occupation.
11. Noise Impact Assessment to be submitted within 6 weeks of a written request by the District Council.
12. Access drive to be surfaced with tarmacadam (or similar hard bound material) for a distance of at least 20m behind highway boundary prior to first occupation and be maintained in perpetuity.
13. Parking and turning facilities to be implemented as per Proposed Site Plan drawing prior to first occupation.
14. Secure and under cover cycle parking details to be submitted, agreed and implemented prior to first occupation.
15. Requirement to submit a scheme for the management and safe disposal of asbestos and asbestos containing materials, remediation method statement and verification plan prior to commencement of development (and demolition).

16. Remediation works to be completed as per approved remediation method statement prior to commencement of any above ground development.
17. Requirement to submit package treatment plant details prior to first occupation. Approved details to be implemented prior to first occupation and maintained in accordance with manufacturer's instructions.
18. Requirement to submit a surface water drainage scheme prior to commencement of development.
19. Requirement to submit details for the management of surface water on site during construction of development prior to commencement of development.
20. Requirement to submit details in relation to the long-term maintenance of the surface water drainage system within the development prior to first occupation of the development.
21. Infiltration testing to be carried out (or suitable evidence to preclude testing) and submitted prior to commencement of development.
22. Requirement to submit a Construction Environmental Management Plan (CEMP) prior to commencement of development (or demolition).
23. Any Package Treatment Plant and Sustainable Drainage System (SuDS) used to abide by CIRIA Guidance.
24. Any vegetation clearance or removal of potential hibernacula to be in accordance with submitted Reptile Method Statement.
25. Requirement to submit a biodiversity enhancement scheme prior to the commencement of development.
26. Requirement to submit an updated Otter and Water Vole survey prior to development (including ground works or vegetation clearance).
27. Requirement to submit a scheme for the protection of any existing trees or hedgerows which are to be retained prior to the commencement of development.

1. The site

- 1.1. The application site lies to the south of Stanton Lane, to the west of the village of Croft. The site covers an area of approximately 1.07 hectares and is accessed via a long private driveway (approximately 280m long).
- 1.2. The three existing industrial buildings within the site have historically been used for agricultural purposes, as well as accommodating a road haulage operation based at the site. A large area of hardstanding is located to the west of the buildings. A further industrial building and associated residential dwelling (Church Farm) are located to the south of the site.
- 1.3. The site is located within designated Countryside, lying outside the settlement boundary of Croft, which is located approximately 0.7km to the east and Potters Marston and designated Dovecote Court Business Park, Potters Marston (EPM1 in the Fosse Villages Neighbourhood Plan) is located 0.5km to the north of the site.
- 1.4. Agricultural fields surround the site to the north, east and west. A Public Footpath (ref: V52) is located to the south of the Church Farm dwelling, running north to south up to the dwelling and then eastwards (outside of the red line boundary). A railway line is situated south of the site and is located

approximately 100m away. In addition, the River Soar is located approximately 470m to the east of the site.

- 1.5. The elevation of the site reduces by approximately 10m from the site access off Stanton Lane to the existing industrial buildings. There is a slight fall in site levels across the largest part of the site, however this is more gradual.
- 1.6. The existing industrial buildings comprise a combination of green and grey metal cladding, with the two industrial buildings furthest to the north also comprising a block brick construction across the bottom half of the external walls. An existing hedgerow is located along the western boundary, either side of the access. A hedgerow is also located along the site's southern boundary, to the rear of the industrial buildings, also running northwards along the eastern boundary.
- 1.7. The site is largely located within Flood Zone 1, however two small areas of Flood Zone 2 are located to the site's southern and eastern boundaries. Surface water mapping also includes these areas, as well as a small area approximately 30m to the rear of the existing industrial buildings.

2. The Proposal

- 2.1. The application is for outline planning permission for the demolition of the existing industrial buildings and the erection of a new commercial building (Use Classes E(g)(i), B2 and B8) and associated staff car parking. All matters are to be reserved except for access, layout and scale.
- 2.2. The proposal includes the following uses: 450 sq. m of Class E(g)(i) and 1,223 sq. m of mixed B2 and B8 use. 20no. parking spaces are proposed, with 4no. parking spaces to the front (including 2no. accessible) and 16no. parking spaces to the rear. A vehicle turning circle would be provided to the front of the proposed industrial building. A smoking shelter, bin store area and extraction are located to the rear, as well as a cycle storage area. An attenuation basin is proposed to the east of the site.
- 2.3. The proposed building would provide a two-storey office section for the day to day running and management of the business, along with factory and warehouse space to house the required machinery and equipment to enable the production of bespoke fitted furniture.
- 2.4. At ground floor the office space will comprise an entrance lobby with reception and office. Beyond the entrance area, a lobby will provide access to a meeting room / customer show room with toilets, plant room and staff canteen area. On the first floor there will be a conference room with a large open plan office area for staff and three offices, as well as a kitchenette and toilets. A lift would also be included.
- 2.5. The proposal would bring together the family business (which is located within the district), which is currently split across two sites.

- 2.6. In terms of scale, the proposed building would be a maximum of 10m in height (factory / warehouse) and the office area would have a height of approximately 7.3m. In terms of its footprint, the factory / warehouse would have a width of circa 37m and depth of 34m. The two-storey office section proposed to the north of the warehouse would have a width of circa 10.6m and depth of 24m.
- 2.7. The site is accessed from Stanton Lane which runs between Croft and Stoney Stanton. The existing access would be retained.
- 2.8. The applicant has stated that a total of 8 full-time employees are proposed. In terms of opening hours, the proposed unit would be open between 7:30am – 4:30pm Monday to Friday, and closed on Saturdays, Sundays and Bank Holidays.

3. Relevant Planning History

Reference	Description	Decision	Date
92/0122/1/EY	Erection of 11,000 volt overhead line on wooden poles.	Approved	17.03.1992
03/0724/1/PX	Change of use of stables to residential use and erection of single and two storey extensions.	Approved	29.10.2003
23/0173/CLASSR	Application to determine if prior approval is required for a proposed change of Use of Agricultural Buildings to a flexible use within Storage or Distribution (Use Class B8), Commercial/Business/Service (Use Class E) for sale of vehicles and parts.	Withdrawn	N/A
23/0693/CLASSR	Application to determine if prior approval under Class R is required for proposed: Change of Use of Agricultural Buildings to a flexible use (commercial).	Prior approval refused	03.10.2023
24/0686/FUL	Change of use of existing agricultural buildings to light industrial and storage uses (B2 and B8 use) with formalisation of car parking spaces.	Approved	31.01.2025

4. Consultation Responses

Full copies of the representations received are available to view at <https://pa.blaby.gov.uk/online-applications/>.

The consultation response comments are précised if conditions are proposed, these are included within the conditions at the beginning of the report, unless stated otherwise.

The number in brackets signifies the amount of times consultees have responded to the application.

4.1 Blaby District Council Consultees

4.1.1 Environmental Services (4)

No objections subject to the imposition of conditions.

4.2 Leicestershire County Council Consultees

4.2.1 Archaeology (1)

No further archaeological action required.

4.2.2 Ecology (4)

No objection subject to conditions.

4.2.3 Forestry (2)

No objection subject to conditions.

4.2.4. Lead Local Flood Authority (2)

No objection subject to conditions.

4.2.5 Local Highway Authority (3)

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.

4.3 Others

4.3.1 Environment Agency (1)

Report that the development falls within Flood Zone 1 and there are no fluvial flood risks associated with the site.

4.3.2 Natural England (1)

No objection – subject to appropriate mitigation being secured.

4.3.3 Network Rail (1)

No observations.

4.3.4 Potters Marston Parish Council

No response received.

4.3.5 Severn Trent Water

No response received.

4.3.6 Ward Councillor
No response received.

5. Additional Representations

5.1 As part of the consultation process and in accordance with the Council's Statement of Community Involvement (2020); adjacent residents were notified. A site notice and press release in the Leicester Mercury were also advertised.

5.2 No representations were received from neighbours.

6. Planning Policies and Material Considerations

6.1 Development Plan

Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be considered in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan in relation to this proposal consists of:

- Blaby District Local Plan (Core Strategy) Development Plan Document (adopted 2013)
- Blaby District Local Plan (Delivery) Development Plan Document (adopted 2019)
- Fosse Villages Neighbourhood Plan 2018 – 2029 (June 2021)

6.1.1 Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

Policy CS1 – Strategy for locating new development

Policy CS2 – Design of new development

Policy CS6 – Employment

Policy CS18 - Countryside

Policy CS19 – Biodiversity and geo-diversity

Policy CS21 – Climate change

Policy CS22 – Flood risk management

Policy CS24 – Presumption in favour of sustainable development

6.1.2 Blaby District Local Plan (Delivery) Development Plan Document (2019)

Policy DM2 – Development in the countryside

Policy DM3 – Employment development on unallocated sites

Policy DM8 – Local parking and highway design standards

6.1.3 Fosse Villages Neighbourhood Plan (2021)

Policy FV4 – Biodiversity

Policy FV6 – Design

6.2 Material Considerations

- The National Planning Policy Framework (NPPF) (2024)
 - Section 2 - Achieving sustainable development
 - Section 4 – Decision-making
 - Section 6 – Building a strong, competitive economy
 - Section 9 – Promoting sustainable transport
 - Section 11 – Making effective use of land
 - Section 12 – Achieving well-designed places
 - Section 14 – Meeting the challenge of climate change, flooding and coastal change
 - Section 15 – Conserving and enhancing the natural environment
- Leicestershire Highways Design Guide (LHDG) (2024)
- The National Planning Policy Guidance (NPPG)

7. **Consideration of Application**

The main issues to be considered in the assessment of this planning application are as follows:

- The principle of the development
- The impact on the character and appearance of the local area
- Landscape and visual impact
- Transport and highway implications
- Flood risk and drainage
- The impact of the development on the amenity of nearby residents
- Ecology and biodiversity net gain (BNG)
- Arboricultural implications
- Land contamination
- Archaeology

7.1 The principle of the development

7.1.1 Policy CS1 in the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) seeks to focus new development in the most sustainable locations in the district, primarily within and adjoining the Principal Urban Area (PUA) of Leicester (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone

Town and Glen Parva). A minimum of 68 hectares of employment land will be provided in the district between 2006 and 2029, of which, at least 57 hectares will be provided within and adjoining the PUA.

- 7.1.2 The application site sits outside the settlement boundary in land designated as Countryside, with the closest settlement of Croft located to the east (approximately 0.7km from the site). Croft is defined as a 'Medium Central Village' within the settlement hierarchy, and Policy CS1 states that lower levels of growth will be allowed in such settlements, where the scale of development will reflect the settlement's range of available services and facilities and public transport alternatives.
- 7.1.3 The site is currently occupied by three existing agricultural buildings, which have historically been used for agricultural purposes, as well as a road haulage operation. Policy CS1 also states that, in each settlement, encouragement will be given to the use of Previously Developed Land (brownfield) and underused land and buildings. The existing buildings within the application site are proposed to be demolished as part of this planning application.
- 7.1.4 Policy CS6 states that the Council will work with partners to ensure that the district has a range of employment opportunities to meet the needs of its residents and wider communities, allowing for growth of existing businesses and for inward investment. The Council also seeks to enable the development of new smaller scale employment uses in other settlements. The scale and type of development will be determined by the needs of the area and the ability to accommodate employment growth in light of physical, policy or other constraints. The suitability of sites will be informed by their ability to accommodate employment growth: without significant harm to amenity; which are commercially attractive to the market; which are on sites which can be satisfactorily accessed by commercial vehicles (for movement of goods); which are accessible by sustainable modes of transport (including public transport) for employees; and which are not 'out of scale' with their host community in terms of the quantity of additional employment land and the scale of new buildings.
- 7.1.5 Paragraph 88 of the NPPF states that '*Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings; b) the development and diversification of agricultural and other land-based rural businesses.*' The new building would support an existing family business (the production of bespoke fitted furniture) by bringing the business together, as the company is currently split across two sites.
- 7.1.6 Policy CS18 states that in the Countryside, planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape. It requires the need to retain Countryside to be balanced against the need to provide new development in the most sustainable locations.
- 7.1.7 Policy DM2 provides more specific policy guidance for development that is appropriate in the Countryside, consistent with Policy CS18. Policy DM2

permits only certain categories of development in the Countryside, including: dwellings that meet the essential needs for a rural worker in agriculture, forestry, employment, and leisure; or other similar uses appropriate to a rural area and replacement; or the change of use, adoption and extension of existing dwellings.

- 7.1.8 In addition, Policy DM3 states that proposals for new employment development will be directed to employment land allocations, Key Employment Sites and other suitable locations within the settlement boundaries. Where no suitable sites are available, proposals for new employment development (Use Classes B1b and B1c, B2 or B8) will be supported on unallocated sites on the edge of the built-up area of the PUA, Blaby, the Larger Central Villages, the Medium Central Villages and the Rural Centre where certain criteria are met. However, as the application site has recently received planning permission in 2025 for B2 and B8 use (ref: 24/0686/FUL), a sequential test is not required.
- 7.1.9 The accompanying text to Policy DM3 also states in paragraph 4.13 that *'although sufficient employment land is available and allocated in the District to support the identified growth over the period of the Local Plan, it is important that further employment opportunities are not stifled and to encourage sustainable economic growth.'* The proposed development would result in the redevelopment of the application site (which already benefits from planning permission for B2 and B8 use), to meet the needs of the current business, whilst also enabling the future expansion of the business.
- 7.1.10 The site benefits from an extant planning permission for B2 (General Industrial) and B8 (Storage and Distribution) uses under planning permission reference 24/0686/FUL. Consequently, the principle of employment-related development on the site has already been established and forms an important material consideration in the assessment of the current application.
- 7.1.11 Subject to the impact of the proposals on the landscape being acceptable, the principle of the proposed development is considered to be acceptable.

7.2 The impact on the character and appearance of the local area / landscape

- 7.2.1 Policies CS2, DM2 and FV6 seek to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character, and ensuring that design contributes towards improving the character and quality of an area and the way it functions. Policy DM2 sets out criteria to be met for development proposals consistent with Policy CS18. This includes that the development shall be in keeping with the appearance and character of the existing landscape, development form and buildings, having regard to the Blaby Landscape and Settlement Character Assessment, Leicestershire and Rutland Historic Landscape Characterisation Study, National Character Areas and any subsequent pieces of evidence.
- 7.2.2 The site lies within Natural England's National Character Area (NCA) 'Leicestershire Vales'. It is described as an open, uniform landscape of low-lying

vales and varied river valleys. Settlements visually dominate the area and views towards surrounding higher ground is characteristic. At a local level, the Blaby Landscape and Settlement Character Assessment identifies the site as being situated in the 'Stoney Stanton Rolling Farmland' Landscape Character Area, which is located to the southwest of the district, surrounding Stoney Stanton, Sapcote, the northeastern parts of Sharnford and western parts of Croft. The condition of the area is described as follows:

'This LCA retains a robust rural character with agriculture continuing to be the predominant land use. Hedgerows are generally well managed and there has been less recent hedgerow loss in this LCA compared to other parts of the district. The general absence of mature vegetation and woodland trees emphasises the influence of adjacent settlement. Former quarrying activity has left a legacy in the landscape between Stoney Stanton and Sapcote although these are generally well screened and their influence on the condition of the LCA is limited. Traffic noise, particularly associated with the M69, has a significant influence on the landscape in parts. Numerous pylon lines also impact on the rural qualities of the LCA.'

7.2.3 In terms of landscape sensitivity, the overall assessment for large scale commercial (warehousing – B8 use category) is scored as a medium – high sensitivity.

7.2.4 The application site is currently occupied by three existing agricultural buildings, which have historically been used for agricultural purposes, as well as a road haulage operation. A large area of hardstanding is also located to the west of the buildings. The footprint of the proposed building will be larger than the existing buildings, infilling the previous gap between the two northern buildings and extending further north by approximately 10m. The maximum width of the proposed building would be 6.5m larger, however due to the site's isolated location, these differences in area are considered to be relatively minor.

7.2.5 In terms of scale, the existing buildings on the site are 1 / 1 ½ storeys in height, with a maximum roof height of approximately 6m. Whilst it is noted that the maximum height of the proposed building would be approximately 10m at the ridge, again, such differences in height are not considered to be significant or raise concern. In addition, from the main public vantage points the site is notably lower than the highway, due to the site's existing topographical levels. This would help further reduce the impact of the proposed development when travelling along Stanton Lane. Accordingly, given the site's previously developed nature, topography, the proposed layout and scale (which indicatively includes increased landscaping), the proposals are considered to improve the existing appearance and character of the site and the proposals are considered to be acceptable in this regard.

7.3 Transport and highway implications

7.3.1 Policy DM8 seeks to provide a consistent approach to local car parking standards and highway design. It goes on to state that the Leicestershire

Highways Design Guide sets out, amongst other things, standards and policies for parking and highway design that will need to be considered for all new development.

- 7.3.2 Leicestershire County Council are the relevant Local Highway Authority (LHA) responsible for providing comments on the likely impacts on the local highway network.

Trip Generation

- 7.3.3 The LHA's two initial consultation responses requested demonstration of the suitability of the site access, given the proposals were considered to represent an intensification in use.
- 7.3.4 The development permitted through application ref: 24/0686/FUL currently generates 24 daily two-way vehicular movements. Through the LHA's previous consultation response, they queried the validity of the provided historic uses of the site, specifically the vehicular movements generated by the charitable organisation, Forever Savvy. Following further discussions with the applicants, the LHA accept the former use would have been linked to the farm and that the generated trips are suitable to determine the net trip generation the current proposals represent.
- 7.3.5 The LHA has therefore confirmed that it accepts that between 2012 and 2020 the site access was subject to up to 56 daily two-way movements, and that this included movements generated by HGVs.
- 7.3.6 The applicant also submitted a Highways Response Note which states that the site could generate a total of up to 46 two-way vehicle movements per day over the next five years when accounting for potential growth. This estimation is based on 17 workstations being occupied, generating 34 daily two-way movements along with 12 two-way movements per day generated by delivery vehicles. The applicant has explained that no retail trips will be generated and that any trade / supplier movements will be '*few and far between*'.
- 7.3.7 The LHA remains of the view that the scale of the site operating under the proposed E(g)(i), B2 and B8 land use may generate a volume of two-way trips above both the level of historic movements and those advised through the Highways Response Note. Notwithstanding this, the LHA accepts that the proposed trip generation for the current intended end user which does not represent an intensification when compared to the number of movements generated at the site access between 2012 and 2020. However, for robustness, the consultee undertook a review of the site access as detailed in the section below.

Site Access

- 7.3.8 The site is accessed from Stanton Lane, which runs between Croft and Stoney Stanton. Stanton Lane is an adopted 'C' classified road, subject to the national

speed limit. There are no public footways or waiting restrictions on either side of Stanton Lane.

- 7.3.9 The site access is 25m wide where it meets the public highway, which reduces to 8m after approximately 9m from the highway with gates, that do not open towards the highway, located approximately 13m from the highway. On either side of the access is a 10m wide field gate leading to third party land.
- 7.3.10 The applicant previously advised that the field accesses are historic and only utilised by combine harvesters during the harvesting season (typically August). The field accessed from the northern radii is used for cattle grazing. However, the applicant has advised it is possible for vehicles to cross the track leading from the access to the commercial building from one field to another, thus reducing the potential for agricultural movements across the site access. Whilst the use of the field gates is not within the applicant's control, it is understood that agricultural movements will unlikely occur during the times when staff will be arriving or leaving the site.
- 7.3.11 The LHA welcomes the applicant's intention to surface the access (between the highway and the gates) with tarmac, or similar hard bound material (not loose aggregate) to reduce the possibility of deleterious material being deposited in the highway. This arrangement has been secured as a recommended condition 13 at the beginning of this report, as requested by the LHA.
- 7.3.12 As the proposals do not represent an intensification of use, the LHA accept the existing vehicular visibility splays at the site access. The access also has extant permission for use by HGVs, and the applicant has advised there would be no intensification of HGV movements.
- 7.3.13 The applicant has also advised that the access gates will be opened prior to the arrival of a HGV at the site and therefore a HGV will not be required to wait (partially) on the highway whilst the gates are operated. Whilst not demonstrated, the LHA consider it possible for cars to wait within the site access whilst an existing HGV safely passes.
- 7.3.14 The LHA has confirmed that there has been no recent reported Personal Injury Collisions in the vicinity of the site access.

Internal layout

- 7.3.15 The LHA has advised that, as per the LHDG, 24 parking spaces are required for the B2 / B8 use and 18 parking spaces are required for the E(g)(i) element of the proposals. Therefore, a total of 42 parking spaces is required.
- 7.3.16 The submitted drawing titled 'Proposed Site Plan' (Dwg no. 5953/M/25/003 Rev M) shows the provision of 20 parking spaces and despite this shortfall the LHA have confirmed that this reduction does not cause any concern. They state that it would be possible for more cars to park by stacking vehicles behind the parking spaces. In addition, given the distance between the proposed building

and the highway, along with it being unlikely anyone would wish to park on Stanton Lane. As such, the LHA is satisfied that the proposed development will not result in any on-street parking.

- 7.3.17 The LHA confirm that the parking and turning spaces have been designed with suitable dimensions that are in accordance with the LHDG. The LHA has also confirmed that it has been demonstrated that an 18.55m long HGV can turn within the site and leave in a forward gear.
- 7.3.18 The LHA also note that from the site access, an approximately 200m long track leads to the parking area, which does not appear suitable for two vehicles travelling in opposite directions to pass. However, the LHA acknowledges that vehicular movements will largely be tidal and that there is good forward visibility from either end of the track. The LHA remain of the view that the track should be wide enough to accommodate two-way movements or at least a passing place should be provided. It is however acknowledged that the track is contained within private land and that the limitations of the track are unlikely to impact the public highway.

Transport Sustainability

- 7.3.19 The LHA consider that the site is rurally located with no access to public transport or public pedestrian footway infrastructure. Whilst Public Footpath V52 could provide a link from the site to Stoney Stanton, from where bus services operate between Hinckley and Fosse Park, the LHA consider it unlikely this option would be utilised by staff members. Staff members will therefore be heavily reliant on the use of private vehicles.
- 7.3.20 The LHA has stated however, that it does welcome the provision of bicycle parking facilities within the site and advise that these should be secure and undercover. A recommended condition has been included at the beginning of this report (condition 15).
- 7.3.21 The LHA has concluded that, in its view, 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.

7.4 Flood risk and drainage

- 7.4.1 Policy CS22 states that the Council will ensure all development minimises vulnerability and provides resilience to flooding, taking into account climate change. This will be achieved by: a) directing development to locations at the lowest risk of flooding within the district, giving priority to land in flood zone 1; b) using Sustainable Drainage Systems (SuDS) to ensure that flood risk is not increased on-site or elsewhere and to protect the quality of the receiving water course; c) managing surface water run-off to minimise the net increase in the amount of surface water discharged into the public sewer system; and d) closely

consulting the Environment Agency in the management of flood risk to ensure that any risk of flooding is appropriately mitigated and the natural environment is protected in all new development. Paragraph 181 of the NPPF (2024) states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Fluvial

- 7.4.2 One small area of Flood Zone 2 is located to the site's southern boundary (see Figure 2 below), however the proposed built development would be entirely within Flood Zone 1.

Surface water

- 7.4.3 The application site is at low to high risk of surface water flooding (two small areas to the site's southern and eastern boundaries, as well as a small area approximately 30m to the rear of the existing industrial buildings (see Figure 1 below). However, the footprint of the proposed building would not be within any of these areas of surface water flooding.
- 7.4.4 The proposals seek to discharge at two locations on site each at 1.5l/s via a swale, hydroplanters, permeable paving, an attenuation basin and an attenuation tank to the onsite watercourses.
- 7.4.5 The Lead Local Flood Authority (LLFA) (Leicestershire County Council) were consulted during the determination of this planning application. In its latest consultation response, the LLFA commented that notwithstanding any surface water drainage details submitted under this application, as the proposals are for outline permission, no specific drainage elements are fixed at this stage. As such, the LLFA would require that later reserved matters and detailed design fully comply with the new National Standards for SuDS and to any other amended local or national policy / guidance relevant at the time of submission of those details. This includes (but is not limited to) a re-assessment of discharge rates, contributing areas, attenuation scale and the retention of the first 5mm of rainfall on-site. Any departure from the standard should be fully substantiated and agreed with the LLFA.
- 7.4.6 In the LLFA's latest consultation response, it has confirmed that the proposals are considered acceptable and advise that planning conditions relating to: a surface water drainage scheme, the management of surface water on site during construction, details in relation to the long-term maintenance of the surface water drainage system and infiltration testing are secured. Accordingly, these recommended conditions are included at the beginning of this report (Conditions 19-22).
- 7.4.7 The Environment Agency (EA) were also consulted on this application and stated that they would not be making any formal comments on the application as the built development appears to be entirely within Flood Zone 1.

Foul drainage

- 7.4.8 The submitted Flood Risk Assessment & Drainage Strategy states that given the rural nature of the site, it is remote from a public sewerage network. In addition, given the onsite ground levels, any foul connection to the public network would require pumping over a substantial distance. As such, a foul discharge into the public network is not deemed to be sustainable, and therefore foul effluent is proposed to drain via a gravity conveyed foul sewer to a package treatment plant, which will discharge foul effluent to the watercourse within the southeast of the site.
- 7.4.9 The Environment Agency commented that the site is over 300m from the closest mains sewer connection and so it would be unreasonable to require connection to the mains. As such, a package treatment plant is considered to be acceptable.
- 7.4.10 Severn Trent Water were also consulted on this application, however no response has been received.
- 7.4.11 The Council's Environmental Services Team stated that the use of a sewage package treatment plant appears to be reasonable, and recommended a condition is used to require full details of the package treatment plant and its outfall (this is included as recommended condition 18 at the beginning of this report).

Sequential Test

- 7.4.12 Paragraphs 173 – 175 in the NPPF states that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any form of flooding. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).
- 7.4.13 The extent of the surface water areas would only be located within a small area of the proposed parking spaces and attenuation basin. The footprint of the proposed building would not be within any areas of flooding. As such, due to the very limited nature of the surface water flood risk (please refer to the screenshots below) and the areas affected, a Sequential Test is not required.

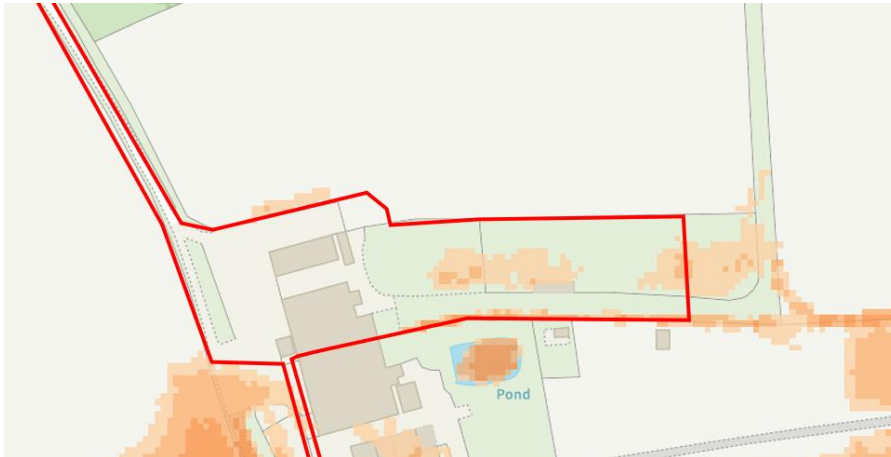


Figure 1 – Surface water mapping extent (2061 to 2125 – 1 in 1000)
GOV.UK – Flood map for planning



Figure 2 – Flood Zones 2 and 3 mapping extent (2070 to 2125)
GOV.UK – Flood map for planning

7.4.14 Overall, it has been demonstrated that the flood risks to the proposed development can be managed and will not result in an increase in flood risk off-site. The proposed development is therefore considered to comply with Policy CS22.

7.5 The impact of the development on the amenity of nearby residents

7.5.1 Policies DM2 and FV6 mandate that new development maintains a satisfactory relationship with existing land uses, precluding significant detriment to the amenities enjoyed by current and proximate residents. This encompasses, but is not limited to, considerations of privacy, light, noise, disturbance, overbearing effect, vibration, emissions, hours of operation and vehicular activity.

- 7.5.2 Church Farm is the only residential property in close proximity to the application site, and is located outside of the red line boundary, to the south of the site. An existing agricultural building would separate the proposed building from the dwelling (a separation distance of approximately 30m).
- 7.5.3 The next closest residential properties are located along Stanton Lane (1 – 6 Stanton Lane) to the northeast of the site, with a significant separation distance of approximately 290m.
- 7.5.4 No openings are proposed on the side elevation which would face towards the Church Farm dwellinghouse, and the dwelling is set further back from the existing agricultural building to the north, which will help screen it from incoming work vehicles. In addition to there being a sufficient separation distance of 30m between the proposed building and nearby dwelling, no concerns are raised in terms of potential impact of privacy.
- 7.5.5 Similarly, due to the significant separation distance, no concerns are raised in terms of potential loss of light. On a separate note, the applicant submitted a Lighting Masterplan which will be assessed further in the Ecology section below. Environmental Services also reviewed this document and has confirmed that the masterplan indicates that there is no spillage from the proposed development site that would affect the house, and therefore the proposed lighting details are acceptable.
- 7.5.6 In its initial consultation response the Council's Environmental Services Team acknowledged that the applicant currently owns the adjacent residential property, however raised concerns that this dwelling would be sold in the future and so the property may fall under a separate ownership. The consultee also noted the existing agricultural building which lies between the dwelling and the proposed development site, which may provide some screening and noise reduction.
- 7.5.7 During the determination of the previous application (ref: 24/0686/FUL), Environmental Services noted that it had previously requested the provision of an acoustic assessment, to consider the hours of operation and the re-use on site of a dust extraction system. The consultee considered that it would be appropriate for this acoustic assessment to be revisited, in light of the current proposal, commenting that *'the proposed demolition and replacement building potentially provides greater scope for noise control than the approved change of use.'* The consultee considered that the nearby dwelling should be considered as a noise sensitive receptor.
- 7.5.8 Environmental Services also considered that conditions 6 and 7 attached to planning permission ref: 24/0686/FUL control the provision of additional external plant or machinery, and the hours of operation for the facility. The proposed hours of operation are similar to that of the previous permission (Monday to Friday 7:30am to 4:30pm only and closed on Saturdays, Sundays and Bank Holidays). A condition (7) is recommended at the beginning of this report to ensure no machinery is operated, or any work takes place other than between 7:30am to 5pm Monday to Friday only.

- 7.5.9 The applicant subsequently provided an Acoustics Assessment. Environmental Services reviewed the report and confirmed that the conclusions from the assessment were reasonable. The consultee recommended conditions, if permission is granted, to ensure that the roller shutter doors are closed during periods of power tool and machinery operation (where reasonably practicable) (condition 8 above), noise insulation for the building envelope (condition 9 above), details of any additional external plant or machinery to be approved prior to their installation (condition 6 above), hours of use (condition 7 above) and the requirement to provide a further Noise Impact Assessment within 6 weeks of a written request (i.e. a noise complaint from a resident) by the Council (condition 11). If, following receipt of the assessment, it is determined by the Council that additional mitigation measures are necessary, the applicant is required to submit a plan detailing additional noise mitigation to the LPA for written approval within 4 weeks of receiving notice of the need for additional equipment. Once approved, any additional noise mitigation must be installed in accordance with the submitted details within 2 months of its written approval and retained thereafter.
- 7.5.10 Environmental Services also recommended the addition of a condition requiring the applicant to submit a Construction Environmental Management Plan (CEMP) to control the potential impacts from noise, vibration, dust and lighting during the construction phase. The CEMP would need to include the following: a) the parking of vehicles of site operatives and visitors; b) loading and unloading of plant and materials; c) storage of plant and materials used in constructing the development; d) the erection and maintenance of security hoarding; e) measures to control the emission of dust and dirt and air quality during demolition and construction; f) hours of construction and the hours for the loading / unloading of materials; g) measures to control dust, noise and vibration during demolition and construction; h) lighting during the demolition and construction phases; and i) a timetable for the provision of the above points.
- 7.5.11 Accordingly, the proposals are considered to comply with Policies DM2 and FV6, ensuring acceptable standards of residential amenity for both existing and future occupants.

7.6. Ecology and biodiversity net gain (BNG)

- 7.6.1 Policy CS19 states that the Council will protect those species which do not receive statutory protection under a range of legislative provisions but have been identified as requiring conservation action as a species of principal importance for the conservation of biodiversity nationally. Any development proposals should ensure that these species and their habitats are protected from the adverse effects of development through the use of appropriate mitigation measures. Policy FV4 states that new development will be expected to maintain and enhance existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines) to support biodiversity.

- 7.6.2 A Preliminary Ecological Appraisal Report (PEA), Great Crested Newt (GCN) Survey Letter and Bat Letter Report have been provided by the applicant. The PEA states that Croft Pasture Site of Special Scientific Interest (SSSI) is located 330m east of the site, and the site is within the Impact Risk Zone (IRZ). The scheme is a development type which requires further consultation with Natural England on potential impact pathways. As such, Natural England was consulted during the determination of this application.
- 7.6.3 In its latest consultation response, Natural England confirmed that it had no objection to the proposal, subject to appropriate mitigation measures being secured. They considered that without appropriate mitigation, the proposal would damage or destroy the interest features for which the Croft Pasture Site of Special Scientific Interest has been notified. As such, Natural England recommended that the following mitigation measures should be secured: A CEMP produced and implemented to avoid constructional impacts on the interest features of the SSSI; and, any Package Treatment Plant and Sustainable Drainage Systems (SuDS) used should abide by CIRIA guidance. In terms of the CEMP, the consultee requested that the plan should address the following impacts: storage of construction materials / chemicals and equipment; dust suppression; chemical and / or fuel run-off from construction into nearby watercourse(s) and; waste disposal.
- 7.6.4 In LCC Ecology's latest consultation response, it raised no objection subject to conditions 23-27 which are included at the beginning of this report.

Biodiversity net gain

- 7.6.5 Biodiversity net gain (BNG) ensures that development contributes to nature's recovery, leaving habitats in a better state than before. A mandatory 10% BNG applies to this application.
- 7.6.6 The applicant has submitted a BNG Strategy Report and BNG Metric which states that the proposed development will result in an overall habitat area unit change of +0.37, resulting in an overall net change of +13.79%. In terms of hedgerow units, the proposals will result in an overall unit change of +0.1, and net change of +76.63%. Finally, for watercourse units, there would be an overall unit change of +0.04, resulting in a net change of +11.59%. Accordingly, the mandatory 10% BNG will be provided on-site, and therefore the trading rules have been satisfied.
- 7.6.7 As this is an outline application (with landscaping details to be a reserved matter), the BNG Metric will require updating at the reserved matters stage.
- 7.6.8 A legal agreement will be required to secure the long-term management and maintenance of the on-site biodiversity for 30 years, as required by legislation. The final BNG detail will be finalised at reserved matters stage and through the BNG Plan condition.
- 7.6.9 Accordingly, the proposed development is considered to comply with Policies CS19 and FV4.

7.7 Arboricultural implications

- 7.7.1 The proposal will require the removal of a small number of trees: T1 – small weeping willow; T4 -T7 – medium conifer trees, T8 and T9 – small conifer trees, T13 and T14 – small cherry trees, T15 – T17 – small silver birch trees and T18 – T19 – small oak trees, however a significant buffer of trees are proposed on the site's eastern boundary, as well as surrounding the proposed car park.
- 7.7.2 LCC Forestry's Team has been consulted on the application. In their latest comments the consultee states that the trees specified for removal are all young / recently established trees and their removal to facilitate an otherwise acceptable development should not be considered a constraint, and the trees can be appropriately mitigated with a robust planting and landscape plan.
- 7.7.3 The consultee requested that any existing trees or hedgerows which are indicated for retention should be protected by appropriate fencing in accordance with BS5837:2012, which can be secured by a condition (which is included in condition 28 at the beginning of this report).

7.8 Land contamination

- 7.8.1 Policy DM13 states that development proposals will be required to clearly demonstrate that any unacceptable adverse impacts related to land contamination, landfill, land stability and pollution can be satisfactorily mitigated.
- 7.8.2 The applicant has submitted a Phase One Desktop Study and Phase Two Intrusive Assessment. The Council's Environmental Services Team has reviewed this report and has commented that the document includes an assessment of previous site uses and possible contaminants, allowing for the development of a CSM and risk assessment of potential contaminant linkages. The report concludes a worst case 'High' risk of potential linkages.
- 7.8.3 The consultee confirms that ground investigation results identified no contamination exceeding relevant guidance levels, and no pesticides were found. However, asbestos-containing materials (ACMs) are present within buildings due to be demolished and their removal will need to be carefully managed to avoid the need for further soil testing. Accordingly, condition 16 has been included at the beginning of this report.
- 7.8.4 The consultee also noted that geotechnical testing was not undertaken as part of this investigation and recommended that the applicant seek expert advice with regards to any requirements for specialised foundation types and / or floor slab design, amongst other relevant considerations. In addition, subject to the safe removal of any ACMs, Environmental Services commented that minimal remedial works are recommended by the report, to include a radon resistant membrane, which should be installed and verified in accordance with relevant standards.

7.8.5 Following completion of the asbestos survey, a remediation method statement and verification plan (to include proposals for soft landscaping) should be written. The consultee stated that this information may be provided either by pre-commencement conditions or at any reserved matters stage. Accordingly, condition 17 has been included at the beginning of this report.

7.8.6 The proposed development is therefore considered to comply with Policy DM13.

7.9 Archaeology

7.9.1 Leicestershire County Council's Archaeology Team has been consulted during the determination of this application. In its consultation response the consultee commented that it does not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. It has therefore advised that the application warrants no further archaeological action. No concerns are therefore raised in this regard.

8. **Overall Planning Balance and Conclusion**

8.1 In summary, Policy CS1 directs the majority of new development, including employment, towards the PUA of Leicester. Croft is designated as a 'Medium Central Village' within the settlement hierarchy, where the scale of development will reflect the settlement's range of available services, facilities and public transport alternatives. Policy CS1 also actively encourages the use of Previously Developed Land (brownfield) and underused land and buildings within each settlement. The application site, currently occupied by three existing agricultural buildings, is classified as previously developed land, and its existing structures are proposed for demolition.

8.2 Policy CS6 further supports the provision of diverse employment opportunities within the district, facilitating business growth and inward investment, and enabling new smaller-scale employment uses in other settlements. It is also important to note that the site already benefits from planning permission for B2 and B8 use under planning application ref: 24/0686/FUL (for the change of use of existing agricultural buildings).

8.3 The new building would also help meet the needs of the current business, whilst enabling the future expansion of the business.

8.4 Policy CS18 states that in the Countryside, planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape. It is noted that in terms of landscape sensitivity, the overall assessment for large scale commercial development (warehousing – B8 use category) is scored as a medium – high sensitivity. However, the application site is already occupied

by three existing agricultural buildings, as well as a large area of hardstanding to the west. Even though the footprint and scale of the proposed building will be larger than the existing buildings, these differences are not considered to be significant. Given the site's previously developed nature, the proposed layout and scale (which indicatively includes increased landscaping), the proposals are considered to improve the appearance and character of the nearby landscape. Great weight is given to this benefit. The proposals are therefore considered acceptable, in principle.

- 8.5 The proposed development is considered acceptable in terms of their impact on the surrounding highway network and would not result in highway safety issues, from the point of view of the Local Highway Authority (subject to recommended conditions).
 - 8.6 Other matters, including flood risk, impact on the amenity of nearby residents, ecology impacts, the provision of 10% BNG, arboricultural impacts, land contamination and archaeological impacts have also been taken into consideration, and the proposed development is considered acceptable in respect of these matters.
 - 8.7 It is therefore recommended that outline planning permission be granted, subject to the applicant first entering into a Section 106 Agreement to secure S106 monitoring contributions (including BNG) outlined at the beginning of this report, and subject to the recommended conditions.
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