

DATE: 21 August 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, 3 SEPTEMBER 2026** at **4.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully



Gemma Dennis
Assistant Director - Corporate Services 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 3 - 12)

To approve and sign the minutes of the meeting held on 30 July 2026 (enclosed).

- 4. 26/0205/VAR Unit 10/11, Fosse Park West, Grove Way, Leicester (Pages 13 - 36)
- 5. 25/0758/FUL Adult Education Centre, Townsend Road, Enderby, Leicester (Pages 37 - 66)

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, 30 JULY 2026

Present: -

Cllr. Lee Breckon JP (Chairperson)
Cllr. Terry Richardson (Vice-Chairperson)

Cllr. Tony Deakin
Cllr. Roy Denney

Cllr. Helen Gambardella
Cllr. Richard Holdridge

Cllr. Mark Jackson
Cllr. Bob Waterton

Substitute:-

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

Officers present:-

Gemma Dennis	- Assistant Director - Corporate Services
Jonathan Hodge	- Assistant Director - Planning & Strategic Growth
Stephen Dukes	- Strategic Growth Manager
Glen Baker-Adams	- Development Services and Enforcement Manager
Clementyne Murphy-Nelson	- Development Services Team Leader
Sandeep Tienza	- Senior Democratic Services & Scrutiny Officer
Avisa Birchenough	- Democratic & Scrutiny Services Officer
Nicole Evans	- Democratic & Scrutiny Services Officer
Sophie Wisher	- Senior Elections & Governance Officer

Apologies: -

Cllr. Les Phillimore

1. **DISCLOSURES OF INTEREST**

Cllr. Roy Denney - 26/0028/RM - Reserved matters application for the erection of 95 dwellings (Use Class C3) including details of appearance, layout, scale and landscaping (in relation to outline planning permission 24/0559/OUT)

Nature of Interest - Other Registerable Interest

Extent of Interest - Cllr. Denney provided a statement to reflect his interest

“This application is not in my ward but is at the heart of my community.

I am on record as having concerns about pedestrian access and safety and about the protection of Fall Brook which could suggest I have predetermined my position.

I will be raising my concerns in these and other areas and remain to be convinced they are adequately addressed but I do have an open mind and will take on board comments at the meeting before coming to any conclusion.”

Cllr. Helen Gambardella - 25/0764/FUL - Demolition of the existing Glenfield Social Club and the erection of a single storey extension to the existing PFS, including a Greggs food to go area, a new bin store, creation of an EV charging zone with EV canopy.

Nature of Interest - Other Registerable Interest

Extent of Interest - Cllr. Gambardella is the Ward councillor.

2. **MINUTES**

The minutes of the meeting held on 2 July 2026, as circulated, were approved as a correct record.

3. 25/0764/FUL - GLENFIELD SOCIAL CENTRE AND CLUB, STATION ROAD, GLENFIELD, LEICESTER

Considered - Report of the Development Services Team Leader, presented by the Development Services and Enforcement Manager.

25/0764/FUL

Demolition of the existing Glenfield Social Club and the erection of a single storey extension to the existing PFS, including a Greggs food to go area, a new bin store, creation of an EV charging zone with EV canopy.

Glenfield Social Centre and Club, Station Road, Glenfield, Leicester LE3 8BQ

DECISION

That the application 25/0764/FUL be approved, subject to the following conditions and reasons outlined in the report.

Conditions:

1. Statutory three-year commencement period
2. Approved plans and documents
3. Submission of materials
4. Hours restriction (06:00 – 23:00) on approved facilities
5. Submission of soft landscaping planting plan within one month of the commencement of works
6. Approved landscaping scheme (condition 5) to be carried out within one year from the completion of the development
7. Submission of a Construction and Traffic Management Plan prior to commencement of development
8. No part of the development shall be brought into use until the approved access arrangements have been implemented in full.
9. The development shall not be commenced until such time as a scheme to dispose of (i) foul and surface water and (ii) the installation of oil and petrol separators petrol have been submitted to/approved by the District Planning Authority (DPA).
10. The development shall not commence until such time as a scheme to submit the underground tanks have been submitted to/approved by the DPA.
11. The development shall not commence until such time as matters relating to land contamination/remediation have been submitted to/approved by the DPA.
12. No occupation of any part of the development shall take place until a verification report demonstrating completion of works in the approved remediation strategy shall be submitted to and approved, in writing by the

DPA.

13. Submission/approval of a strategy for dealing with unsuspected contaminants on site.
14. No development (other than demolition) shall commence until a Written Scheme of Investigation (WSI) has been submitted to and approved by the DPA.
15. Submission of details relating to CCTV and external lighting.
16. Submission of a Biodiversity Enhancement Strategy.

4. 25/1026/RM - LAND TO THE NORTH OF LEICESTER ROAD, SAPCOTE

Considered - Report of the Development Team Leader.

25/1026/RM

Reserved matters approval for development of 80 dwellings and associated infrastructure including layout, scale, appearance and landscaping (outline permission 24/0511/OUT)

Land to the North of Leicester Road, Sapcote

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:

- Jenny Brader - Agent

DECISION

That application 25/1026/RM be approved subject to the following:

The conditions set out below (with delegated authority granted to the Assistant Director – Planning and Strategic Growth to amend as deemed necessary);

Conditions:

1. Development to be carried out in accordance with the approved plans.
2. Permitted development rights to be removed for residential extensions and alterations to the roof for specific plots.
3. Permitted development rights to be removed for conversion of garages.
4. Development to be built in accordance with approved materials.
5. Mitigation measures, including tree protection measures as outlined in Arboricultural Assessment to be adhered to.
6. Permitted development rights removed for fencing/gates/enclosures forward of the dwelling.
7. Parking and turning facilities to be provided in accordance with plans.
8. 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.
9. 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.
10. Prior to above ground construction final glazing and ventilation to be

submitted and agreed in writing in accordance with the submitted Noise Report.

11. Prior to construction Local Area of Play equipment to be submitted and agreed in writing.

12. Prior to construction Substation design to be submitted and agreed.

5. 25/0489/OUT - LAND OFF BROUGHTON ROAD, COSBY

Considered - Report of the Development Services Team Leader, presented by the Development Services and Enforcement Manager.

25/0489/OUT

Outline application for the erection of up to 180 new dwellings, creation of associated new vehicular access off Broughton Road, allotments, associated infrastructure and enabling earthworks and off-site highway improvements, with all matters to be reserved except access points into the Site

Land off Broughton Road, Cosby

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:

- Cllr. Jane Wolfe – Ward Member
- Veronica Rye – Cosby Parish Council Chairperson
- Les Phillimore – Cosby Parish Council Clerk
- Chris Wheatley – Objector
- Robert Gardner – Agent

Cllr. Terry Richardson moved that the application be approved, Cllr. Nigel Grundy seconded the motion. Upon being put to the vote, the motion was lost due to concerns regarding the proposed off-site highway works.

Cllr. Tony Deakin then moved that consideration of the application be deferred pending the provision of further information to the Committee. Cllr. Roy Denney seconded the motion. Upon being put to the vote, the motion to defer was carried.

The Chairperson adjourned the meeting at 6.19pm to allow a comfort break and for members of the public to exit the Council Chamber, the meeting reconvened at 6.24pm.

DECISION

THAT APPLICATION 25/0489/OUT BE DEFERRED PENDING FURTHER INFORMATION TO BE PROVIDED IN RELATION TO THE OFF-SITE HIGHWAY WORKS.

6. 26/0028/RM - LAND AT CROFT LODGE FARM, BROUGHTON ROAD, CROFT, LEICESTERSHIRE

Considered - Report of the Strategic Growth Manager.

26/0028/RM

Reserved matters application for the erection of 95 dwellings (Use Class C3) including details of appearance, layout, scale and landscaping (in relation to outline planning permission 24/0559/OUT)

Land at Croft Lodge Farm, Broughton Road, Croft, 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:

- Chris Ware – Objector
- Amy Gilliver – Applicant

DECISION

That application 26/0028/RM be approved subject to the conditions set out below (with delegated authority granted to the Assistant Director – Planning and Strategic Growth to amend as deemed necessary)

Conditions:

1. Development to be carried out in accordance with approved plans.
2. Permitted development rights to be removed for residential extensions and outbuildings to plots 8, 9, 12, 16, 17, 38, 39, 43, 44, 49, 55, 56, 58, 59, 60, 86, 87, 88, and 93.
3. Permitted development rights removed for fencing/gates/enclosures forward of the principal elevation of each dwelling.
4. Obscure glazing of first floor windows to the side elevations of plots 3, 5, 8, 9, 22, 23, 38, 39, 52, 79, 80, 93, 94.
5. Plot 5 (Weaver house type) to only feature bathroom windows to first floor side elevation, with window obscure glazed as per condition 4.
6. Implementation and maintenance and retention of landscaping (including on plot frontage landscaping).
7. Parking and turning facilities to be provided in accordance with plans.
8. No vehicular gates within 5 metres of highway boundary.
9. 1 metre by 1 metre pedestrian visibility splays on both sides of all private accesses.

- 10.No means of access to be created from turning heads to southeast and southwest of site to adjacent fields.

THE MEETING CONCLUDED AT 7.01 P.M.

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Application reference: 26/0205/VAR

Proposal: Variation of conditions 1 and 2 of planning permission 24/0117/VAR to facilitate the subdivision of the unit to create 2 no. separate retail units and increase the number of units in the retail terrace from 8 to 9.

Site address: Unit 10/ 11 Fosse Park West, Grove Way, Enderby, Leicestershire, LE19 1HZ

Applicant: Wexford Retail LP, a Crown Estate (TCE) company

Case officer: Stephen Dukes, Strategic Growth Manager

Recommendation: That application 26/0205/VAR be approved subject to the following conditions.

Conditions:

1. Approved plans condition (amended to refer to new drawings for subdivision of Unit 10/ 11).
2. Main terrace limited to 9 units (increased from 8 units), only Units 3a and 3b permitted to be less than 393 sq m and only 6 units permitted to be less than 929 sq m (increased from 4 units).
3. Units 1 and 12 shall not be amalgamated with other units or subdivided.
4. Limit of 5,997 sq m gross external ground floor area for main retail terrace.
5. Limit of 4,302 sq m for mezzanine floorspace in main retail terrace.
6. Units 1 and 12 limited to Class E(a).
7. Units 2, 14 and 15 limited to Class E(b) and limits on floor space for each unit.
8. Limit of 5,422 sq m for Unit 1 and limit of 3,537 sq m for ground floor area.
9. Limit of 6,689 sq m for Unit 12 and limit of 2,871 sq m for ground floor area.
10. No more than 5% of any unit in E(a) use to be used for the sale of ancillary food and drink for consumption off the premises.
11. Class E(b) floorspace to be used for no other purpose.
12. Vehicular gates, etc. to service yard to be hung so as not to open outwards. Other gates, etc. to be set back a minimum of 5 metres behind the highway boundary.
13. Minimum of 881 car parking spaces to be retained in perpetuity.
14. Landscaping scheme to be retained and any trees, etc. which die or are removed to be replaced within 5 years of original planting.
15. Lighting scheme to be retained in perpetuity.

1 The site

- 1.1 Fosse Park is a large out of town shopping centre located in Enderby close to Junction 21 of the M1 accessed by the dual carriageways of Soar Valley Way and Narborough Road South.
- 1.2 Fosse Park West (previously known as 'Castle Acres' was granted planning permission in 2017 (in application 15/0577/FUL) and was built on the former site of Everards Brewery. The development was an extension to the existing Fosse Park Shopping Centre (which already comprised of Fosse Park North

and Fosse Park South) and had a gross internal area (new floor space) of approximately 28,329 square metres. As with the existing Fosse Park, the extension had a focus on fashion-led retail, but also contains several café/restaurant units, including two kiosks located in the car park. A separate planning permission (18/0550/FUL) was granted in 2018 which related to the redevelopment of the food court which now connects Fosse Park West and Fosse Park North. The three elements of Fosse Park together provide some 70,500 square metres of retail and food and beverage uses.

- 1.3 The permission granted for Fosse Park West included two main 'anchor' units at the east and west sides of the site (Units 1 and 12, occupied by Next and Flannels respectively). In addition, a main terrace of non-food retail outlets comprised of 7 units of differing sizes. The unit sizes approved were indicative and could be subject to change depending on tenant demand, but condition 4 allowed no more than 7 units within the main retail terrace and also specified that no individual unit could have a ground floor gross internal area of less than 393 square metres and no more than 3 units could have a ground floor gross internal area of less than 929 square metres. The reason for this condition was to protect the vitality and viability of nearby town centres and to ensure that the impact of the development had been adequately assessed and considered.
- 1.4 In addition, condition 7 allowed up to 4,302 square metres of mezzanine floorspace within the main retail terrace and required the size and location of any mezzanine additions to be first submitted to and approved by the District Planning Authority.
- 1.5 The strict controls over the size of the units were to ensure that those in the retail terrace continued to be in line with the large retail units which are a feature of such retail parks and had been considered in the original application. Condition 4 was intended to prevent an increase in smaller units within the proposed development than had been assessed as part of the application whilst allowing flexibility in the specific size of each unit. This reflected the sequential based approach to retail development, as set out in the National Planning Policy Framework and Policy CS13 of the Blaby District Local Plan (Core Strategy) Development Plan Document, whereby retail development should be directed towards the existing higher order retail centres, and only where there are no suitable and available sites in town centres should edge of centre or out of centre locations be considered.

2 The Proposal

- 2.1 This application proposes the subdivision of Unit 10/ 11 to create two separate retail units. The applicant indicates that this will facilitate the occupation of the subdivided units which have been vacant since Fosse Park West was constructed and have never been occupied, despite being marketed for over 8 years. The applicant states that the occupation of Unit 10/ 11 by two separate occupiers will create approximately 42 jobs in a mixture of full and part-time positions.

- 2.2 The application has been submitted under Section 73 of the Town and Country Planning Act 1990 to amend conditions proposed on the most recent amended consent, 24/0117/VAR. That consent was granted on 4th June 2025 and was itself a variation to the original Fosse Park West permission (15/0577/FUL) and proposed the subdivision of another unit, Unit 3, at Fosse Park West.
- 2.3 The application proposes to amend conditions 1 and 2 attached to planning permission 24/0117/VAR.
- 2.4 Condition 1 is proposed to be amended to refer to the latest drawings which show the internal reconfiguration. However, no external alterations are proposed.
- 2.5 Condition 2 restricts the total number of retail units within the main retail terrace to 8 units and sets a minimum unit size. The minimum size of unit was previously 393 square metres but application 24/0117/VAR permitted the subdivided units (i.e. Unit 3) to be smaller.
- 2.6 Unit 10/ 11 comprises of a total of 1,080 sq m at ground floor level only. The proposal is to subdivide the unit to create two separate retail units of less than 929 square metres so a variation to condition 2 is required. The subdivided Unit 10 is proposed to be 465 sq m and Unit 11 605 sq m. The total number of units in the main retail terrace will increase from 8 to 9.
- 2.7 The application therefore proposes the following amended wording to condition 2:

Previous wording:

“The main retail terrace shown on plan 14173-0303-04 (Proposed Block Plan – Main Terrace) shall comprise of no more than 8 units, no individual Class E(a) retail unit shall have a ground floor gross internal area of less than 393 square metres except for Units 3A and 3B (being created by the sub-division of Unit 3, formerly Unit 11), which shall have a ground floor gross internal area of no less than 216 sq. m, and no more than 4 units shall have a ground floor gross internal area of less than 929 square metres”

Proposed wording:

“The main retail terrace shown on plan 14173-0303-04 (Proposed Block Plan – Main Terrace) shall comprise of no more than 9 units, no individual Class E(a) retail unit shall have a ground floor gross internal area of less than 393 square metres except for Units 3A and 3B, which shall have a ground floor gross internal area of no less than 216 sq. m, and no more than 6 units shall have a ground floor gross internal area of less than 929 square metres”

2.8 Section 73 application

An application made under Section 73 of the Town and Country Planning Act 1990 can be used to vary or remove conditions associated with a planning permission. A new, independent planning permission is created with amended conditions which sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement

the new permission or the one originally granted. A decision on a Section 73 application should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect. It is therefore necessary to review all conditions imposed on the permission being varied.

2.9 Environmental Impact Assessment

The process of Environmental Impact Assessment (EIA) in the context of town and country planning in England is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental impacts.

The original planning application was considered 'EIA development' as it comprised of an urban development project where the site area exceeded 1 hectare and an Environmental Statement was submitted with the planning application. The Planning Practice Guidance advises that a Section 73 application is considered to be a new application for planning permission under the Environmental Impact Assessment Regulations, and that where an EIA was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations. It states that whether changes to the original Environmental Statement are required or not, an Environmental Statement must be submitted with a Section 73 application for an EIA development. In this instance, the previous Environmental Statement submitted with application 15/0577/FUL has been provided, but no additional or amended information was considered necessary as the proposal simply involves the subdivision of one of the retail units and would not have any additional or altered impacts on the environment. The same approach was taken for application 24/0117/VAR which involved the sub-division of a different unit, Unit 3.

2.10 Deed of Variation

The original planning permission granted in 15/0577/FUL was issued alongside a Section 106 agreement which secured the following:

- A contribution to Leicestershire County Council towards highway and transportation measures;
- A contribution to Leicestershire County Council towards provision of a Sustainable Travel Strategy;
- A contribution towards the monitoring of nitrogen dioxide emissions;
- Anchor unit 'keep open' provisions for Units 1 and 2 – to require

- Leicester City Centre stores to continue to operate for 5 years;
- A contribution to Leicester City Council towards measures to mitigate the retail impact on Leicester City Centre; and
- A contribution to Leicester City Council towards a 3-year package to develop and implement a skills strategy.

The original Section 106 did not include a clause that would bind any future permissions under Section 73 under the terms of the Section 106. The previous Section 73 approval granted in 24/0117/VAR therefore required a Deed of Variation to the original Section 106 to bind the new permission. That Deed of Variation included a new clause 19 which also binds any future applications made under Section 73, unless the District Council reasonably requires a new deed or variation. A Deed of Variation is not considered necessary in this case as the owner of the land would be bound by the obligations of the original Section 106 Agreement and no further obligation are necessary.

3 Relevant Planning History

Reference	Description	Decision	Date
15/0577/FUL	Demolition of existing buildings and erection of a non-food shopping park (Class A1) and complementary A3 uses together with access and servicing arrangements, car parking and landscaping and associated works including closure Page 116 of Everard Way to create new pedestrian link into Fosse Shopping Park.	Approved	21 February 2017
18/0550/FUL	Redevelopment of existing food court including demolition of existing building and erection of new building comprising of A1 and A3 use with new management suite, pedestrian link, car parking, servicing areas, landscaping and associated works	Approved	24 August 2018
17/1046/DOC	Submission of mezzanine floorspace details for unit 6 in accordance with condition 7 of application 15/0577/FUL	Approved	7 September 2017
17/1101/NMAT	Non-Material Amendment to application 15/0577/FUL - (Demolition of existing buildings and erection of a non-food shopping park (Class A1) and complementary A3 uses together with access and servicing	Approved	27 February 2018

	arrangements, car parking and landscaping and associated works including closure of Everard Way to create new pedestrian link into Fosse Shopping Park) - proposing replacement of the previously approved conservatory and garden centre to Unit 1 with a restaurant		
18/1748/NMAT	Non-Material Amendment to 15/0577/FUL (Castle Acres Approval) - Unit 1- Including re introduction of conservatory as originally approved, raising of the parapet wall and amendments to Condition 10 (GEA clarification)	Approved	5 March 2019
20/0276/DOC	Discharge of condition 7 attached to 15/0577/FUL relating to mezzanine floorspace details for units 5 and 6	Approved	12 June 2020
20/0716/DOC	Discharge of condition 7 attached to 15/0577/FUL relating to mezzanine floorspace details for unit 8	Approved	15 December 2020
24/0116/FUL	Use of first floor of Unit 2 as medical, wellness and aesthetic clinic within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), the provision of a carve out of part of the floorspace to the rear of Unit 3 for access to Unit 2, and external alterations to the elevations	Approved	15 May 2024
24/0117/VAR	Variation of conditions 2 and 4 of planning permission 15/0577/FUL to facilitate the subdivision of the unit to create 2 no. separate retail units and associated external changes	Approved	4 June 2025

4 Consultation Responses

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

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

4.1 Leicestershire County Council Consultees

- 4.1.1 Local Highway Authority (1)
No objection

4.2 Others

- 4.2.1 Blaby Parish Council (1) - No comments
- 4.2.2 Braunstone Town Council - No response received
- 4.2.3 Enderby Parish Council (1) - No observations
- 4.2.4 Glen Parva Parish Council- No response received
- 4.2.5 Harborough District Council - No response received
- 4.2.6 Hinckley and Bosworth Borough Council - No response received
- 4.2.7 Leicester City Council (1) – Objection – discussed in Section 7.6
- 4.2.8 Oadby and Wigston Borough Council - No response received
- 4.2.9 Narborough Parish Council - No response received
- 4.2.10 Ward Councillor - No comments received

5 Consultation Responses

- 5.1 As part of the consultation process and in accordance with the Council's Statement of Community Involvement (2020); adjacent commercial properties were consulted.
- 5.2 An objection has been received on behalf of the owners of Highcross Leicester (the shopping centre in Leicester city centre) who have become aware of the application. This is discussed in section 7.7.

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 CS10 – Transport Infrastructure
Policy CS13 – Retailing and other town centre uses
Policy CS24 – Presumption in Favour of Sustainable Development

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

Policy DM1 - Development within Settlement Boundaries
Policy DM8 – Local Parking and Highway Design Standards

6.2 Material considerations

National Planning Policy Framework (NPPF) (2026)

The revised NPPF was published on 18th August 2026. The following National Decision-Making Policies are the most relevant to this application:

- S3 – Presumption in favour of sustainable development
- S4 – Principle of development within settlements
- DM3 – Determining development proposals
- E2 – Meeting the need for business land and premises
- TC3 – Main town centre uses outside town centres
- TC4 – Assessing the impact of development on town centres
- L2 – Making effective use of land
- DP3 – Key principles for well-designed places
- DP4 – The design process

Planning Practice Guidance (PPG)

This supports the NPPF and provides practical guidance on a variety of topic matters.

New Blaby District Local Plan Regulation 19 Proposed Submission Version

The emerging Local Plan, published under Regulation 19 and currently subject to consultation, is a material consideration in the determination of this application. However, as the Plan has not yet been independently examined or adopted, it can only be afforded very limited to limited weight.

In accordance with policy DM4 of the NPPF, the weight attributed to emerging policies depends on: (i) the stage reached in the preparation of the emerging plan, (ii) the extent of unresolved objections to relevant policies, and (iii) the degree of compliance with the policies for plan-making in the NPPF. As the Plan has reached the Regulation 19 stage, weight can now be applied in decision making. Nevertheless, the weight afforded can only be very limited to limited at this stage, depending on consistency with the NPPF, pending examination by an independent Inspector.

Weight to policies will increase as we take the document through the formal submission and examination stages with the Planning Inspectorate, who will be assessing whether our Local Plan should be adopted, but much depends on whether there are objections to the policies within it.

Blaby District Retail, Town Centre, and Leisure Study

This forms part of the evidence based to inform the preparation of the new Local Plan

7 Consideration of application

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise. All material considerations must be carefully balanced to determine whether the negative impacts outweigh the positive impacts to such a degree that the adopted policies of the Development Plan should not prevail. This section will consider the proposed changes which the applicant wishes to make to planning permission 24/0117/VAR, considering the following:

- Retail policy
- Background to the Fosse Park West permission and the floorspace/ unit restrictions
- Background to previous change to the Fosse Park West permission in 24/0117/VAR
- Sequential assessment
- Impact assessment
- Objection from Leicester City Council
- Objection from Highcross Leicester

7.1 Retail policy

7.1.1 Both the relevant Local Plan policies and the National Planning Policy Framework adopt a 'town centre first' approach to retail development, whereby retail development in existing town centres is given priority over edge or out of centre locations. Policy CS13 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 identifies the 'Motorways Retail Area (including Fosse Park) as an 'out-of-centre' location as it is not located at the heart of an existing settlement and therefore sits at the bottom of the retail hierarchy.

7.1.2 Policy CS13 states that:

"Proposals for retail, leisure and other main town centre uses, as defined in the NPPF, will be subject to a 'sequential test'. This requires main town centre uses to be located within town centres, then edge of centre locations and then, only if suitable sequentially preferable sites are not available, in out-of-centre locations."

The policy contains the retail hierarchy which places Leicester City Centre at the top of the hierarchy, then town centres, district centres, rural centre, and

local centres, with out of centre locations including Fosse Park at the bottom. The settlement of Blaby contains the only 'town centre' in the district. The applicant has undertaken a sequential test which is considered in Section 7.4 of this report. The requirement for a sequential test in CS13 is consistent with the NPPF which states, in national decision-making policy TC3, *"A sequential test should be applied to proposals for main town centre uses for which planning permission is required, where these are neither in an existing centre nor in accordance with an allocation for that purpose in an up-to-date development plan"*.

7.1.3 Policy CS13 has a section which refers to the 'Motorways Retail Area' which states:

"Within the Motorways Retail Area (comprising Fosse Park Shopping Park, Asda, and the Grove Farm Triangle Retail Development) managed growth will be facilitated within the Motorways Retail Area in a form which is complementary to the achievement of the Blaby Town Centre Masterplan."

The policy does not define the term 'managed growth'. However, it is clear from the policy that some growth at Fosse Park and the surrounding area is supported, provided this is managed appropriately and is complementary to other retail centres such as Blaby. The Blaby Town Centre Masterplan is a regeneration project dating back to 2006 which aimed to improve and enhance Blaby Town Centre, making it more attractive and appealing as a shopping and leisure venue. This document does not have any policy status and is no longer an up-to-date document. However, despite the masterplan being out of date it is recognised that Blaby serves a different function to Fosse Park. Blaby comprises of generally smaller units providing a range of services and facilities, with the retail offering being more towards convenience goods, with the centre serving Blaby town itself and surrounding settlements. Fosse Park comprises of generally larger units with the retail offering being more towards comparison goods, with the centre serving a wider catchment area.

7.1.4 Policy CS13 also states that:

"New development or extensions in the Motorway Retail Area will be required to demonstrate the following:

- (i) There would be no unacceptable impacts on existing centres;*
- (ii) There are no sites suitable, available and viable and which are in sequentially preferable locations within or on the edge of existing centres;*
- (iii) They are capable of being well integrated with the existing retail facilities; and*
- (iv) They incorporate the provision of proportionate sustainability measures, including:*
 - Public realm, design and architectural improvements;*
 - Improved accessibility to the site by means of public transport, walking and cycling;*
 - Greater connectivity and ease of access between disparate parts of the MRA, particularly for pedestrians;*
 - Improvements to the local and wider transport network resulting from*

development;

- *Retail units maintaining the minimum floorspace thresholds identified in the original consent.*
- *Mitigation of any material impacts on flooding that might occur.”*

The policy refers to ‘new development or extensions’ being required to demonstrate compliance with the criteria. The development proposed in this application does not result in an increase in overall floorspace and therefore could not be considered an extension. It is also debatable as to whether it is ‘new development’ as the two units being created would both fall within Use Class E(b), the same as the existing unit. Nevertheless, officers have considered the proposal against the criteria in the policy.

- (i) *No unacceptable impacts on existing centres – see 7.1.5*
- (ii) *No sequentially preferable sites – see section 7.4*
- (iii) *Capable of being well integrated with the existing facilities -*

The existing vacant unit is an established part of the main retail terrace at Fosse Park West and is integrated with the existing units and adjacent car parking. Only internal alterations are required to subdivide the unit. It is therefore considered that the proposal is well integrated with existing facilities.

- (iv) *Provision of proportionate sustainability measures -*

The proposed development does not include improvements to public realm, design or architecture, or improved accessibility to the site by means of public transport, walking or cycling, or greater connectivity or transport network improvements. However, as the proposal simply involves internal works to facilitate the subdivision of the unit, it is considered that requiring such improvements would be disproportionate to the proposal being considered. Nevertheless, it is noted that the owners of Fosse Park have been undertaking incremental improvements to the older areas of Fosse Park (at Fosse Park North) to improve the public realm, and measures to improve accessibility, such as cycle stands, improved signage to nearby areas, etc. have been implemented in recent years. As the proposal is internal, there would be no material impacts on flooding. The proposed two subdivided units would not maintain the minimum floorspace thresholds identified in the original consent, necessitating a variation of the condition. The proposal would therefore not accord with this element of the policy relating to maintaining minimum floorspace thresholds.

7.1.5 Policy CS13 also sets a local floorspace threshold for the requirement for retail impact assessments. It states that:

“New retail and leisure developments should not have an unacceptable adverse impact on the vitality and viability of any other existing centre.

All applications for new retail and leisure developments in excess of 929 sq m (10,000 sq ft) gross and not within an existing town, district, rural or local centre will be required to provide impact assessments.

Assessments will be required to demonstrate:

- *The impact of the proposal on the vitality and viability of any centre,*

including local consumer choice and trade in the centres; and

- *The impact of the proposal on existing, committed and planned public and private investment in any centre.”*

The unit proposed for subdivision measures 1,080 sq m which is above the threshold of 929 sq m. However, the applicant has suggested that as the application relates to an existing E(a) retail unit with no change to the range of goods permitted to be sold and no additional retail floorspace being proposed, there is no policy requirement to undertake an impact assessment.

It is acknowledged that Policy CS13 refers to all applications for *new* retail development in excess of 929 sq m as requiring an impact assessment. However, national decision-making policy TC4 of the NPPF does not include the word ‘new’ and simply states, *“Development proposals for retail and leisure uses located outside town centres should be accompanied by an impact assessment if the proposal exceeds a floorspace threshold set out in an up-to-date development plan, and is not on a site which is allocated for the proposed use in the plan”*.

The Planning Practice Guidance states that *“the impact test will need to be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible”*. The PPG also includes a checklist for applying the impact test.

Following objections to the application, the applicant has provided what it considers to be a proportionate impact assessment as part of additional information provided. This is referred to and discussed in section 7.5.

7.2 Background to the Fosse Park West permission and the floor space restrictions

7.2.1 The original planning application which was considered by Blaby District Council for Fosse Park West (15/0577/FUL) was subject to a sequential test and impact test. The proposed development passed the sequential test as there were no identified sites which offered the genuine potential (i.e. were suitable and available) to accommodate the proposed development in sequentially preferable locations (i.e. which were better related to existing centres) within Blaby, Hinckley and Bosworth, Leicester City and Oadby and Wigston.

7.2.2 Case law has demonstrated that where the sequential test is applied, the suitability of alternatives for the whole development needs to be considered, but the Planning Practice Guidance does state that consideration should be given to any scope for flexibility in the format and/or scale of the proposal. At the time of the original approval it was therefore the potential for existing centres to accommodate the entirety of the proposed Fosse Park West development which had to be considered, rather than the ability to contain individual units.

7.2.3 The impact test submitted firstly examined the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposed development and it was

concluded that the proposed development would not have a significant impact on any existing, planned or committed investment.

- 7.2.4 Secondly, the impact assessment assessed the impact of the proposed development on town centre vitality and viability within the identified catchment area. It was concluded that the proposal would have a significant adverse impact on the vitality and viability of Leicester City Centre. The NPPF indicates that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on at least one of the two elements of the impact test, the application should be refused. However, case law has shown that a local planning authority must weigh all factors in the planning balance, taking into account any mitigating circumstances.
- 7.2.5 In determining the application, the District Planning Authority took into account mitigation measures which could be used to offset the degree of impact on Leicester City Centre. Leicester City Council considered that mitigation measures would minimise the impact to a point where they could conclude that the impact on the vitality and viability of Leicester City Centre would not be significantly adverse. The mitigation measures included contributions to city centre improvements, the funding of an employment and skills coordinator, and controls to prevent the main anchor store retailers occupying stores in Leicester City Centre from occupying stores at Fosse Park West and closing their existing stores in Leicester City Centre within a period of 5 years.
- 7.2.6 Leicester City Council also recommended a number of planning conditions to be imposed if planning permission was granted which included the following:
- Conditions restricting floorspace to that applied for as per the application;
 - Conditions restricting range of goods to be sold by all units to comparison goods to preclude the sale of convenience goods (over an ancillary amount of up to 10% of the sales floorspace)
 - Conditions precluding further subdivision of units and retention of the minimum unit size of 929 sq m for all units other than those specified below this requirement in the application
 - Conditions restricting the construction of mezzanine areas to those as detailed in the application only.
- These recommended conditions formed the basis of conditions 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of the original permission.
- 7.2.7 Regarding condition 4 of 15/0577/FUL, there is no clear reason as to why the main terrace was limited to 7 units only, or why 393 square metres was selected as the minimum ground floor gross internal area. It is noted that 929 square metres (the gross internal floor space which only three units were permitted to fall below) is the threshold above which Policy CS13 of the Core Strategy requires an impact assessment to be carried out for retail developments which are not in an existing town centre. Overall, however, it appears that the intention of the conditions was to limit the development to that which was being applied for and to exercise control over any future changes to the retail development.
- 7.2.8 The committee report for 15/0577/FUL also indicates that the intention was to

avoid the development evolving in the future to a point where it would start to provide accommodation which would appeal to retailers who may not have a requirement to locate at both Fosse Park and Leicester City Centre. The report stated that without a condition relating to sub-division and minimum unit size, the development could evolve such that one of Leicester City Centre's key differentiators (i.e. that it provides a range of different types of shops including relatively small and specialist retailers) was diluted. The report considered that the conditions imposed achieved this.

7.3 Background to previous change to the Fosse Park West permission in 24/0117/VAR

7.3.1 The original Fosse Park West permission was recently varied in application 24/0117/VAR. This permitted the subdivision of another unit in the main retail terrace, Unit 3, into two separate units, increasing the number of units in the main retail terrace from 7 to 8 and allowing a reduction in the minimum floorspace limit and an increase in the number of units permitted to have a floorspace of less than 929 square metres (10,000 sq ft) from 3 to 4.

7.3.2 That unit had also remained vacant since Fosse Park West was first built. In granting planning permission, it was recognised that the proposal did not result in an increase in overall floorspace at Fosse Park West but rather a change to the way it was divided up. A sequential test was provided which identified that there were no sequentially preferable sites in higher order centres. It was acknowledged that the proposal would not comply with the criteria in Policy CS13 which requires the minimum floorspace thresholds in the original consent to be maintained. However, the economic benefits of the proposal were recognised in terms of the jobs which would be created and the proposal enabling an existing vacant store to be occupied.

7.4 Sequential assessment

7.4.1 The applicant makes the following general observations to set the context for the sequential test:

- The application relates to an existing Class E (retail) unit and the proposals do not introduce additional or different town centres uses
- The application site forms part of an existing shopping destination, located within the Motorway Retail, serving the wider needs of the local catchment area.

7.4.2 In determining the scope for the sequential test, the applicant refers to case law and appeal decisions which support the view that in applying the sequential test it is potentially sequentially preferable locations for the development as a whole which should be considered, not an alternative proposal, and that whilst there is a requirement to demonstrate some flexibility, there is no requirement for disaggregation of units. The same approach was taken in relation to the sequential test submitted with the previous application, 24/0117/VAR. Officers considered that the sequential test had been carried out comprehensively with some flexibility demonstrated.

- 7.4.3 However, in applying the sequential test for the current application, the applicant has taken two different approaches. Scenario 1 considers alternative locations which can accommodate the combined floorspace of 1,070 sq m of the existing unit, rather than considering each proposed unit in isolation. The sequential test has applied some flexibility by considering units ranging from 963 sq m to 1,177 sq m, representing 10% below and above the total floorspace.
- 7.4.4 Although it is the applicant's view that the proposed units should not be disaggregated, they have also undertaken a separate assessment, Scenario 2. This assesses the units individually for the purposes of the sequential test. It considers alternative locations which can accommodate a floorspace ranging from 418 sq m to 667 sq m (10% below the smaller proposed unit of 465 sq m and 10% above the larger proposed unit of 605 sq m).
- 7.4.5 In both scenarios, units which are currently vacant or available in the short term have been considered. The same centres assessed in the 24/0117/VAR sequential test have been considered (Leicester City Centre, Blaby Town Centre, Beaumont Leys and St Georges Retail Park), along with town and district centres identified in the retail hierarchy in Policy CS13.
- 7.4.6 Within Leicester City Centre, 8 vacant sites were identified which were larger than the minimum threshold under Scenario 2 (418 sq m). The units were dismissed as not suitable, either because they were too large under both Scenarios 1 and 2, they were in peripheral locations outside the shopping core with reduced footfall, they were subject to planning permission for alternative uses, or they were currently 'under offer' to other retailers. In Blaby Town Centre, the three units available were all significantly below the floorspace required. In Beaumont Leys, the one unit available is below the floorspace required. In St Georges Retail Park (an edge of centre location) no vacant units were identified. The centres of Wigston, Enderby, Glenfield and Narborough were all considered to be lower order centres with groups of small shops and a main convenience store or supermarket and were not considered an appropriate scale or function to accommodate the proposed development.
- 7.4.7 The sequential test concluded that there were no suitable or available sequentially preferable sites which could accommodate the development proposals under both Scenarios 1 and 2 and that the sequential test was therefore passed. It is the view of Officers that the sequential test, carried out in December 2025 prior to the submission of the application, was undertaken comprehensively and the methodology used was reasonable and robust, considering both the disaggregated and non-disaggregated approaches. City, town and district centres within the vicinity were considered. Whilst more distant town centres outside of the district, such as Hinckley, Market Harborough and Lutterworth were not considered, these are at least 10 to 15 miles from the application site and considered to have different catchments. Some flexibility was also applied in the size and format of units. Officers are of the view that the sequential test has been passed.
- 7.4.8 Highcross Leicester, in an objection, subsequently remarked that the sequential assessment had not been carried out comprehensively as units

available in its Leicester city centre-based shopping centre had not been considered. The applicant has undertaken an assessment of the additional highlighted units and maintains that there were no suitable and available units at the time of the assessment, with all available sites having been considered in the original or additional assessment.

7.5 Impact assessment

- 7.5.1 The applicant position, as set out in the submitted Planning Statement, is that a retail impact assessment is not a requirement, as although the existing unit exceeds the 929 sq. m threshold in Policy CS13, the application relates to an existing Class E(a) unit with no change to the range of goods permitted to be sold and no additional floorspace proposed.
- 7.5.2 However, in its response to the Highcross Leicester objection, the applicant has undertaken a 'proportionate retail impact assessment' of the impacts on Leicester city centre (see 7.7.6) in response to concerns raised. The PPG states that the impact assessment should assess the proposal's turnover and trade draw (the proportion of trade that a development is likely to receive from customers within and outside its catchment area), consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities, and set out the likely impact of the proposal clearly, including in respect of quantitative and qualitative issues.
- 7.5.3 In applying the impact assessment, the applicant has assessed the lawful fallback position of Unit 10/11 being occupied, as opposed to the existing vacant unit.
- 7.5.4 From a quantitative perspective, the applicant has assessed the predicted turnover of the existing unit (£3.85 million) as compared to the two subdivided units combined (£4.02 million) based on average sales data for a national comparison retailers occupying units of a similar size. The applicant considers the difference would be minimal and against the overall estimated goods expenditure at Fosse Park of £405m per annum (based on the findings of the Blaby District Retail Town Centre and Leisure Study (2025)), the existing unit represents less than 1% of Fosse Park's turnover and the increase with the subdivision of the unit would be less than 0.04%. As such, the applicant concludes that the proposed subdivision would not materially increase customer expenditure or trade diversion from existing centres.
- 7.5.5 From a qualitative perspective, the applicant acknowledges that the subdivision of Unit 10/11 would create two retail units capable of appealing to a broader range of comparison retailers but considers the additional flexibility does not equate to an impact issue and definitely not a significant adverse impact on Leicester city centre. The applicant considers that the proposed subdivision would not affect occupier demand, investment, or the role and function of Leicester city centre
- 7.5.6 Officers welcome the provision of an impact assessment as this is considered to be required by Policy CS13 and the NPPF. Officers consider that the impact assessment is appropriate and proportionate, as the application does not

propose new development but rather a rearrangement of existing floorspace. The impact assessment finds that the turnover of the subdivided unit would not be materially greater than the existing unit and so the proposed subdivision would not have a significant adverse effect on town centre vitality and viability.

7.6 Objection from Leicester City Council

7.6.1 Leicester City Council has objected to the Section 73 application. The reasons for objection are summarised below, alongside responses provided on behalf of the applicant to the objections, and the view of Officers in relation to each reason:

7.6.2 *Conflict with the original planning conditions (unit size and number of units) and departure from original assessment basis:*

Leicester City Council considers that the increase in units from 8 to 9 and increase in smaller units from 4 to 6 would weaken the longstanding planning restrictions designed to control the retail mix and which originally limited the number of smaller units to protect existing retail centres. The city council comments that the original 2015 permission was supported by a retail impact assessment based on larger unit sizes and fewer small units. They point out that the proposed changes would alter the development beyond what was originally assessed and justified.

Officers acknowledge that the proposal would comply with the original planning conditions, hence an application is required under Section 73. However, conflict with previously imposed planning conditions is not in itself reason to refuse planning permission and the impact of the variation of the conditions must be considered, taking account of the Development Plan and other material considerations. If consent is granted, the new consent will include conditions which ensures that the local planning authority maintains control over future changes.

7.6.3 *Harm to the vitality and viability of Leicester City Centre:*

Leicester City Council considers that smaller units at Fosse Park could broaden the range of retail operators which would ordinarily be found in the city centre and could impact on the diversity of comparison goods in Leicester.

Officers acknowledge that retail units at Fosse Park are generally of a larger scale than those generally found in Leicester city centre and so Fosse Park may attract a different range of retailers. The proposal would create two smaller sized units. However, it is considered that consent can only be refused where the harm to the vitality and viability of Leicester city centre is considered significantly adverse, in line with national decision-making policy TC4 of the NPPF which is not the case in this instance in Officers' opinion.

7.6.4 *Progressive weakening of planning controls (incremental creep):*

At the time of the previous application, 24/0117/VAR, Leicester City Council expressed concern that granting consent would set a precedent for subsequent reductions and subdivisions of units, which would allow an incremental creep of changes to the nature of the units. Less than a year on LCC remarks that a

further application has been submitted which further waters down the original 2015 conditions and intention to protect Leicester city centre.

The applicant acknowledges that the original controls imposed under 15/0577/FUL were intended to ensure that future changes remained subject to planning control, but argues that these controls does not mean that any subsequent variation is unacceptable in principle, rather that they should be assessed at the time in accordance with the relevant policy. The applicant comments that the proposal represents only a modest reconfiguration of existing consented floorspace to facilitate occupation of a long-term vacant unit, and that any future proposals would require their own applications and be subject to separate assessment.

It is the view of Officers that although controls were placed on the original Fosse Park West permission, this does not necessarily mean they must remain unchanged in perpetuity, rather the application under Section 73 requires an assessment of the planning controls to be undertaken in the context of the changes proposed.

7.6.5 *Failure to provide an adequate retail impact assessment:*

Leicester City Council considers that a retail impact assessment is essential as the unit is over the threshold of 929 sq m and Leicester City Council's own new Local Plan policy requires retail impact assessments for proposals with a gross floor space in excess of 500 sq m. It also refers to a Retail Study undertaken by Blaby District Council to inform its emerging New Local Plan, which recommends that proposals for retail and leisure in excess of 500 sq m which are not in an existing centre (including applications relating to mezzanines the variation of restrictive conditions) would require an impact assessment.

The applicant disagrees with the requirement for an impact test, arguing that neither the adopted nor emerging Leicester City Local Plan forms part of the statutory development plan for the site and therefore carries no weight. Similarly, they argue that the Retail, Town Centre and Leisure Study for Blaby's emerging Local Plan is an evidence base document only and its recommendations do not constitute part of the adopted Development Plan. The applicant considers that the relevant adopted policy remains Policy CS13 of the Blaby District Core Strategy which requires a retail impact assessment for proposals involving new retail and leisure development exceeding 929 square metres outside designated centres. As the proposal does not constitute a 'new retail development' but rather internal subdivision and reconfiguration and a minor reduction in floorspace, the applicant maintains that a retail impact assessment is not required. Nevertheless, impacts have been considered as part of the applicant's response to the Highcross objection. This is referred to in section 7.7.6.

Officers have considered the retail impact assessment submitted by the applicant in response to the objections (see section 7.5) and consider that the impacts on town centre vitality and viability would not be significantly adverse.

7.6.6 *Undermining the retail hierarchy and cross-boundary impacts:*

Leicester City Council comments that increasing the number of smaller units at Fosse Park would blur the distinction between centre and out-of-centre sites as both locations have a similar catchment and compete for trade.

It is acknowledged by Officers that Fosse Park and Leicester city centre, being only approximately 4 miles apart, do share a similar catchment. However, the application must be considered in terms of the proposal being considered and the modest changes which it makes and the resulting impacts on higher order retail centres as a result of the change rather than considering cumulative or possible future changes.

7.7 Objection from Highcross Leicester

7.7.1 An objection has been received on behalf of the owners of Highcross Leicester, a shopping centre within Leicester city centre. The reasons for objection are summarised below, alongside responses provided on behalf of the applicant to the objections, and the view of Officers in relation to each reason:

7.7.2 *Harm to the vitality and viability of Leicester city centre:*

The subdivision would increase the smaller retail units in an out of centre location, and, similar to the Leicester City Council objection, the objection from Highcross Leicester argues that this would make it more attractive to national retailers which risks diverting occupiers, investment and spending away from Leicester city centre, including Highcross. This would undermine the 'town centres first' policy in the Local Plan and NPPF.

However, the applicant argues that the proposal would not give rise to significant adverse impacts on the city centre and that the concerns that the development would divert investment and trade away from Leicester are speculative. Although the identity of individual prospective retailers is not a material planning consideration, the applicant remarks that one of the potential occupiers of the subdivided unit already trades in Leicester city centre and would retain its unit there whilst the other is not currently represented in the region.

Officers have considered the retail impact assessment submitted by the applicant in response to the objections (see section 7.5) and consider that the impacts on town centre vitality and viability would not be significantly adverse.

7.7.3 *Progressive weakening of planning controls (incremental creep):*

The Highcross objection also remarks that the application is part of a pattern of repeated applications weakening the original restrictions places on Fosse Park. The original controls were imposed specifically to prevent Fosse Park competing directly with Leicester city centre but the proposal is part of a gradual but cumulative change that fundamentally alters the retail role of the site.

In response to the above, the applicant comments that planning conditions are not intended to remain unchanged forever regardless of market conditions, and that Policy CS13 does allow for 'managed growth' at the Motorways Retail Area. They comment that the principle of increasing unit numbers has already been

accepted through permission 24/0117/VAR, and that the proposal is a relatively small change, with the unit representing only around 1.5% of the total floorspace at Fosse Park as a whole. Furthermore, restrictions on unit sizes would still remain after the variation.

It is the view of Officers that although controls were placed on the original Fosse Park West permission, this does not necessarily mean they must remain unchanged in perpetuity, rather the application under Section 73 requires an assessment of the planning controls to be undertaken in the context of the changes proposed.

7.7.4 Creation of smaller units changing the retail function of Fosse Park

The Highcross objection comments that although the total floorspace will remain unchanged, the subdivision creates more marketable, smaller units and different types of retailers which intensifies the competition of Fosse Park with town and city centres.

Competition with other retailers is not in itself a material planning consideration, rather it is the impact on the vitality and viability of higher order retail centres which must be considered, as a result of the changes proposed by the application.

Officers are of the view that whilst the subdivided units may be more marketable (the application has only been submitted as the existing unit has remained vacant), it is the impact of the change from a combined unit to two separate units on the vitality and viability of higher order centres which must be considered, not whether the unit is more likely to be filled. Fosse Park already contains a range of different sizes of retail units and so it is not considered that the proposed change would fundamentally change the retail function of Fosse Park.

7.7.5 Failure of the sequential test

Highcross argues that the applicant has not properly demonstrated that no suitable city-centre sites are available. They identify several vacant units within Highcross itself that could accommodate the proposed subdivided units. The criticism of the applicant's sequential test includes a lack of flexibility in the applicant's search and a deemed incorrect reliance on a combined unit for the search rather than assessing two separate units.

The applicant, however, argues that the sequential tests assessed the scheme as both one combined retail requirement and on a disaggregated basis and applied a +/- 10% flexibility margin as a normal and proportionate approach. The applicant has also reviewed each of the suggested units within Highcross Shopping Centre and concluded that none are genuinely suitable or available – they are either under offer, irregular in layout or format, in peripheral locations or smaller in size than claimed. The applicant also indicates that the sequential test must be applied proportionately by reference to the circumstances at the time the application was prepared and submitted and cannot remain permanently open ended whenever occupier circumstances change.

Officers have considered the sequential test in Section 7.4 and consider that it has been carried out comprehensively, with the requirement for flexibility demonstrated, and that the sequential test has been passed.

7.7.6 Lack of retail impact assessment:

Highcross remarks that policy CS13 requires an impact assessment for schemes over 929 square metres which are outside of existing centre. Although no extra floorspace is being created, Highcross argues that the subdivision will increase the trade draw and competition and the impact is therefore real and has not been assessed.

The applicant disagrees with the requirement for a retail impact assessment, pointing out that the proposal is not for new retail development and no additional floorspace is being created, rather it is a reconfiguration of existing retail floorspace. Nevertheless, in its additional information submitted in response to the Highcross objection, the applicant has undertaken what it considers to be a proportionate impact assessment.

In this assessment, it outlines that the single occupied unit could generate an annual turnover of £3.85 million (based on the floorspace). By comparison, the two subdivided units together could generate approximately £4.02 million (smaller units generally achieve slightly higher average sales densities). The applicant outlines that the difference is minimal and would represent a 0.04% increase in turnover across the whole of Fosse Park, meaning the proposal would have no material effect on Fosse Park's overall trade draw, market share or strategic role within the retail hierarchy.

Officers have considered the retail impact assessment submitted by the applicant in response to the objections (see section 7.5) and consider that the impacts on town centre vitality and viability would not be significantly adverse.

7.7.7 Vacancies not justifying relaxation of controls:

The applicant cites the long-term vacancy of the unit as a justification for the subdivision. However, Highcross argues that this does not justify the weakening of planning policy protections. Instead, Highcross suggests that the original large-format retail model was flawed. In addition, Highcross comments that no robust marketing or viability evidence has been provided to evidence the need for the subdivision.

The applicant has provided further details of the marketing of the unit, commenting that it has been marketed since before construction and since Fosse Park West opened in 2021. Active marketing has been undertaken through a variety of methods, with no offers being received during the last four years. The applicant comments that interest has, however, been received from retailers looking for smaller units.

Officers acknowledge that the long-term vacancy of the unit is what has triggered the application for subdivision. Evidence has been provided in the form of a letter from JLL, who have acted as letting agents on Fosse Park since January 2015, which details the types of marketing. Officers consider that this demonstrates that genuine marketing of the existing unit has taken place. Due to the changing nature of retail, vacant retail units exist across both town centre

and out of centre locations. However, the proposal would facilitate an existing, permitted retail unit being occupied, whilst still retaining control over future changes across Fosse Park.

7.7.8 *Overstated economic benefits:*

The applicant refers to the economic benefits of the proposed subdivision which would enable a currently long-term vacant unit to be occupied, and the benefits in terms of jobs created, business rates, etc. However, the Highcross objection challenges these claimed benefits arguing that the benefits may simply be displaced from Leicester city centre and are therefore not net gains. It comments that the focus should be on the impact on the retail hierarchy, not local economic gains within Blaby District alone.

The applicant considers that Highcross conflates two separate issues – firstly, the economic and employment benefits of bringing vacant existing retail floorspace into productive use and secondly, any retail impacts that the proposals may give rise to.

National decision-making policy E2 of the NPPF, however, states that to support business growth, substantial weight should be given to the economic benefits of proposals for commercial development which allow businesses to invest, expand and/or adapt. National decision-making policy L2 refers to giving substantial weight to the benefits where a development proposal would make better use of vacant or underutilised land and buildings (including redeveloping underutilised retail and business sites). Officers consider that these national decision-making policies of the NPPF support this proposal and should be given substantial weight. Furthermore, the filling of a vacant unit at Fosse Park would have economic benefits which extend beyond the boundaries of Blaby District, particularly given 52% of staff at Fosse Park reside in Leicester (as indicated in the applicant's planning statement).

7.7.9 *Conflict with development plan:*

The proposal is said to conflict with Policy CS13 which seeks to protect the retail hierarchy and control out of centre growth, and with the NPPF. Specifically, Highcross argues that it fails the sequential test and lacks a proper impact assessment. These matters have been considered in detail earlier in the report.

8 Overall Planning Balance and Conclusion

- 8.1 This Section 73 application proposes to amend conditions on the substantive Fosse Park West planning permission to allow for the subdivision of Unit 10/11 to create two separate retail units. The amended conditions would allow an increase the total number of units in the main retail terrace at Fosse Park West, and an increase in the number of smaller units.
- 8.2 The application follows a similar Section 73 application to allow for the subdivision of Unit 3 at Fosse Park West, which was granted in June 2025 (24/0117/VAR).
- 8.3 Whilst an established shopping destination, in retail planning policy terms

Fosse Park is classed as an 'out of centre' location in adopted and emerging development plans and planning policy therefore directs new development and extensions to higher order retail centres, the so-called 'town centre first' approach.

- 8.4 Policy CS13 provides the policy context for retail development in the district, whilst the National Planning Policy Framework is a material consideration of critical importance. The site falls within the 'Motorways Retail Area' where CS13 states that managed growth will be facilitated. Policy CS13 also outlines the requirements for the retail sequential test and retail impact assessment.
- 8.5 The applicant has undertaken a sequential test which assesses sequentially preferable sites for both the floor space of the existing unit and the two separate units disaggregated and demonstrates suitable flexibility. Further sites put forward by Highcross Leicester in an objection have also been assessed. This concludes that there would be no suitable and available sites for the development in higher order centres. Officers consider that the sequential test has been carried out comprehensively and with an appropriate degree of flexibility based on units in higher order settlements available at the time.
- 8.6 The applicant does not consider an impact assessment to be required as the proposal is not 'new development' but rather a reconfiguration of floorspace. Nevertheless, by assessing the likely change in turnover of the two separate units as compared to the existing unit, the applicant concludes that the proposal would not have a material impact on the vitality and viability of Leicester city centre or other higher order retail centres. Officers agree that the impact on other higher order retail centres would not be 'significantly adverse'.
- 8.7 The NPPF states in national decision-making policy TC3 that "*where a development proposal fails to satisfy the sequential test, or is likely to have a significant adverse impact on one or more of the considerations in policy TC4 (i.e. impact on public and private investment in centres in the catchment area and the impact on town centre vitality and viability) it should be refused*". In this case, the sequential test has demonstrated there are no sequentially preferable sites and, given the minor nature of the proposal and minimal increase in turnover of the subdivided unit as compared to the combined unit, the proposal is not considered to result in significant adverse impact on existing centres.
- 8.8 Officers consider that the proposed subdivision of the unit would be classed as 'managed growth' of the Motorways Retail Area which Policy CS13 of the Core Strategy states will be facilitated. Whilst the minimum floorspace thresholds identified in the original Fosse Park West consent would not be maintained, a new Section 73 permission would include new minimum floorspace and unit numbers conditions via varied conditions, ensuring that any future changes which will require the consent of the local planning authority, thereby maintaining control over the role and function of Fosse Park, and ensuring that further changes are required to consider their impact and the relationship with Leicester city centre and other higher order retail centres.

- 8.9 Objections have been received from Leicester City Council and Highcross Leicester. The concerns raised include alleged harm to the vitality and viability of Leicester city centre, concern about progressive weakening of planning controls at Fosse Park, a departure from the original assessment undertaken in the original consent, a claimed failure of the sequential test, a failure to provide an adequate retail impact assessment, an undermining of the retail hierarchy, a change in retail function of Fosse Park, vacancies not justifying the relaxation of planning controls and overall alleged conflict with the development plan. These objections have been considered in detail in this report.
- 8.10 Overall, it is considered that the proposal to subdivide Unit 10/ 11 Fosse Park West into two separate units is acceptable when considering the development plan as a whole, taking into account other material planning considerations including the national decision-making policies of the NPPF. The proposal is a relatively modest change which is not considered to result in a significant adverse impact on higher order retail centres. Furthermore, a sequential assessment has demonstrated there are currently no sequentially preferable sites where the two units, either disaggregated or combined, could be accommodated.
- 8.11 The three dimensions of sustainable development have been considered (economic, social and environmental) as set out in the NPPF, and taking into account the adopted Development Plan considerations and all other material considerations your officers are of the opinion that the proposal is acceptable, and accordingly it is recommended that planning permission is granted for the variation of conditions 1 and 2 of 24/0117/VAR subject to the conditions set out at the start of this report.

Application reference: 25/0758/FUL

Proposal: Change of use of land and erection of Primary Care Building (Health Centre) with pharmacy. Proposed new access and parking area. External works including hardstanding, landscaping, cycle and bin store and proposed fencing.

Site address: Adult Education Centre, Townsend Road, Enderby, Leicester, Leicestershire, LE19 4PG

Applicant: One Medical Property

Case officer: Helen Wallis, Senior Planning Officer

Recommendation: That application 25/0758/FUL be approved subject to the applicant entering into an agreement pursuant to section 106 of The Town and Country Planning Act to secure the following:

Section 106 Contributions:

1. Travel Plan monitoring contribution
2. On-site biodiversity net gain, management and monitoring provisions and related monitoring contribution (if necessary and justified).
3. Travel Plan monitoring fee of £6,000 for Leicestershire County Council's (LCC) Travel Plan Monitoring System.
4. Appointment of a Travel Plan Co-ordinator
5. Provision of six-month bus passes, one per employee.
6. A £7,500 contribution toward the consultation process for the installation of waiting restrictions on George Street, Enderby.

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

Conditions:

1. Statutory time period condition (3 years)
2. Development to be built in accordance with approved plans and documents.
3. Materials (samples to be submitted and approved)
4. Details of all external plant and machinery to be submitted, approved and implemented and maintained in accordance with agreed scheme.
5. Details of waste storage management, approved and implemented.
6. Details of finished floor levels to be submitted and approved.
7. Obscured glazing to be installed on first floor windows of western elevation and retained
8. Soft and hard landscaping to be submitted, implemented and maintained for five years (including details of site levels and boundary treatments).
9. Development to be carried out in accordance with the approved Arboricultural Method Statement.
10. Tree planting to be carried out in accordance with submitted details.

11. Construction environmental management plan for biodiversity (CEMP: Biodiversity) to be submitted, approved and adhered to during construction.
12. Biodiversity enhancement strategy to be submitted, approved and implemented and retained thereafter.
13. Wildlife sensitive lighting design scheme to be submitted, approved and any lighting implemented in accordance with the agreed scheme with no alterations permitted.
14. Details of surface water drainage scheme to be submitted, approved and implemented prior to first use.
15. Details of management of surface water drainage during construction to be submitted, approved and implemented.
16. Details of maintenance of surface water drainage system to be submitted, approved and adhered to in perpetuity.
17. Construction method statement to be submitted, approved and adhered to.
18. Construction traffic management plan to be submitted, approved and adhered to.
19. Access arrangements to be implemented prior to development being operational.
20. No gates within 6m of the highway boundary.
21. Off-site highway works to be implemented prior to development being operational.
22. Travel plan measures to be implemented.
23. Parking and turning to be implemented prior to development being operational.
24. Cycle parking to be implemented prior to development being operational.
25. No tree/shrub planting within 1m of public right of way.
26. Restricted hours of operation 08:00 to 18:30 Mondays to Fridays, no weekends or bank holidays.
27. Building to be used as a primary care health centre only and no other Class E use.
28. Pharmacy to be ancillary to primary care health centre.
29. Details of CCTV to be submitted and approved prior to its installation.

1. The site

- 1.1. The site extends to approximately 0.26ha and is located immediately behind and to the west of the Enderby Adult Learning Centre (GoLearn!), which fronts George Street, in Enderby. The site is located within the settlement boundary of Enderby as defined by the adopted Local Plan Policies Map. The site is currently accessible via a mesh gate from George Street or via the car park access from Townsend Road. It is noted that George Street is a narrow one-way street with on-street parking. The Adult Education Centre was opened in September 2018 utilising the buildings of the former Danemill Primary School, which is an Edwardian building. The existing centre provides range of facilities

including IT suites, a specialist craft room and a main hall with sprung floors for dance and ballet fitness classes.

- 1.2. Surrounding the site is a mix of educational, residential and commercial uses including various business units and 'Fraser James Blinds' located off Townsend Road. George Street provides amenities such as a children's nursery, hair salon and various businesses within the King Street Buildings. The site is located a short walk (6-8 minutes) from the centre of Enderby and its other shops and business.
- 1.3. There is a residential property located close to the northern boundary of the site, which is Redclyffe House. The amenity space for this property abuts the site's boundary.
- 1.4. On George Street, next to the western boundary of the application site, there is a dwelling, which provides yoga classes and a turf company appears to utilise the garage.
- 1.5. The site is also located close to 1A George Street, Enderby, which is a Grade II Listed Building originally built in the 1860s as the first steam powered hosiery manufacture in Leicester. The building is currently used as a children's day nursery.
- 1.6. Enderby Adult Learning Centre is constructed with a red brick exterior and has the features of a traditional Edwardian school building. The roof is pitched with slate over. The window frames are a mix of uPVC or timber frames, painted white. Solar panels are installed on the roof.
- 1.7. Materials within the surroundings include brick walls or mostly red or brown brick, traditional clay brick, and pitched roofs with tile coverings, either clay tiles or concrete tiles.
- 1.8. Perimeter fencing is located around the site; these fences are chain link or welded mesh. Gates are present at vehicle entrances off Townsend Street and George Street. Low level metal fencing can be found at the entrance to the Adult Education Centre. Currently the development site and Adult Education Centre have no fencing between them.
- 1.9. Levels across the site rise from approximately 98.7 AOD adjacent to George Street to approximately 101.5 AOD adjacent to the northern boundary of the site.
- 1.10. There are hedges, shrubbery or trees present along parts of the edges (especially between property/back yards) which soften the boundary visually, they contribute to the overall edge definition. There are large trees located along the western boundary of the site and along the south site boundary.
- 1.11. The site is located to the east of a TPO (The Blaby District Council (Rear of 2 - 14 George Street) Tree Preservation Order 1999). This TPO is located to the west of the footpath (reference W19) that runs north to south part way along the western boundary. The site itself also contains a Tree Preservation Order

covering a group of trees in the north western corner and two individual trees located on the western boundary (The Blaby District Council (Adult Education Centre, Townsend Road, Enderby) Tree Preservation Order 2025).

1.12. The following constraints have been identified for this site:

- Flood Zone 1
- Public Right of Way to western boundary of the site.
- Proximity to Grade II listed 1A George Street, Enderby
- Blaby District Council (Adult Education Centre, Townsend Road, Enderby) Tree Preservation Order 2025.
- Mapped as in the Open Space Audit 2019 as an education open space typology.

2. The Proposal

- 2.1. The application proposes the erection of a new medical centre with pharmacy, associated car parking, alterations to the existing George Street access and other ancillary buildings and structures including a bin store and fencing. Some alterations to the existing land levels will be required to provide a suitable development plateau for the proposals.
- 2.2. It is intended the new facility will replace the existing Enderby Medical Centre premises on Shortridge Lane/King Street (which does not have a pharmacy) and which is considered by the GP Partners at Enderby Medical Centre to be unsuitable for modern primary care and cannot be modified to accommodate long term clinical requirements.
- 2.3. The proposal has evolved significantly since its original submission. The building was initially placed against the northern boundary of the site with car parking to the front, with resulting problematic impacts upon residential amenities and manoeuvrability for both pedestrians and vehicles within the site.
- 2.4. The applicant and their team have worked with officers to make substantial changes to the scheme, addressing key areas of concern with the original scheme.
- 2.5. The application now proposes the construction of a rectangular shaped building alongside the eastern boundary of the site, adjoining the Adult Education Centre car park. The building has a footprint of circa 562m² and contains approximately 960m² of internal floorspace across two floors. The ground floor comprises the main reception area, pharmacy, toilets, five consulting/treatment rooms as well as a meeting areas. The first floor contains staff areas, office spaces and a further eight consulting rooms.
- 2.6. The building is two storeys in height with a maximum height of 10.5m. The building has been designed with pitched roofs, with the exception of a small flat roofed area on the eastern elevation. The building's elevations will be constructed from a combination of red brickwork, render and composite vertical cladding with a standing seam roof system in dark grey (RAL 7012) utilised for the roof areas. Photovoltaic panels are proposed to the south facing roof slope

on the building. At ground floor level, a wrap-around aluminium curtain walling system will provide a clear entrance to the public areas of the building.

- 2.7. Car parking will be positioned predominantly to the western and northern sides of the building and will provide a total of 36 standard parking spaces. To the front (south) of the medical centre an additional four disabled parking are shown, as well as an ambulance space. Cycle parking is to be provided for eight cycles. A manual arm barrier is to be installed at the site entrance to ensure that the parking remains available for users of the medical centre.
- 2.8. Given the rising land levels across the site (south to north), the need to provide a level area for the building and the car parking, earthworks will be required to level the site, particularly towards its northern end. Retaining gabion cage structures of approximately 1.2m in height of are proposed around the excavated area.
- 2.9. To the western boundary, the plans indicate that the existing wire mesh fence will be retained. To the eastern boundary a new 2.4m high wire mesh fence will be installed to define the boundary with the Adult Education Centre. Gabion structures will also be provided along this boundary.
- 2.10. In addition to the drawings of the proposed development (including site access), the application has been submitted with the following supporting documents:

General

- Supporting Planning Statement
- Statement of Need

Design

- Townscape and Visual Appraisal
- Design and Access Statement – Rev B (dated 14.05.2026)

Ecology and Biodiversity/Trees

- Biodiversity Metric Tool
- Biodiversity Net Gain Assessment
- Preliminary Ecological Appraisal
- Arboricultural Survey and Tree Constraints Report

Environmental (relating to originally submitted proposals)

- Specification for 4-way blow ceiling cassette system
- Specification for Multi R2 heat recovery system - specification
- Specification for Air conditioning units
- Lighting proposals

Flood Risk and Drainage

- Flood Exceedance Route
- Proposed Impermeable Areas Plan
- Drainage Strategy
- Flood Risk Assessment and Drainage Strategy

Highways

- Transport Assessment
- Travel Plan
- Road Safety Audit Stage 1
- Road Safety Audit – Designer’s response

3. Relevant Planning History

- 3.1. There is no relevant planning history for this application site. Planning history relates to the former Danemill School (Adult Education Centre).

4. 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.

4.1. Blaby District Council Consultees

4.1.1. Principal Planning and Conservation Officer (2)

Site makes a limited contribution to the setting and significance of designated and non-designated heritage assets and proposals result in a lower level of less than substantial harm.

4.1.2. Environmental Services (4)

No objections subject to conditions relating to construction management, installation of plant and lighting.

4.2. Leicestershire County Council Consultees

4.2.1. Archaeology (2)

No archaeological actions required – no direct or indirect impacts.

4.2.2. Ecology (3)

No objections subject to conditions, including the statutory Biodiversity Gain Plan.

4.2.3. Forestry (3)

No objections subject to conditions requiring implementation of the Method Statement and replacement tree planting.

4.2.4. Lead Local Flood Authority (2)

No objections subject to surface water drainage conditions.

4.2.5. Local Highway Authority (5)

4.2.6. Comments provided on revised scheme submitted in May 2026. Further full response awaited on revisions to off-site highway proposals submitted 11th August.

4.3. **Others**

4.3.1. Enderby Parish Council (3)

Supports the application subject to Highway Authority approval in relation to access. Concerns raised about impact of and on existing on street car parking.

4.3.2. Leicestershire Fire and Rescue Service (2)

Comments only provided at Building Regulations consultation stage for commercial premises.

4.3.3. NHS (Leicester, Leicestershire and Rutland Integrated Care Board)

No comments to make on proposal.

4.3.4. Ward Councillor

No representation received.

5. **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.

5.2. 16 representations were made regarding the application as originally submitted; four provided comments neither objecting to nor supporting the application and 12 supported the application. The comments highlighted the following:

Comments neither supporting or objecting:

- Concerned about the entrance off George Street and the loss of on-street parking, noting limited parking along George Street.
- Concerns on increase traffic flow along George Street.
- Noted poor road conditions (kerbs loosening, road sinking and potholes)
- Feels that there should be an entry gate at the east end of the frontage and in/out route.
- Concerns that people leaving the Medical Centre will forget that George Street is a one-way street.
- It is a large and utilitarian building.
- Proposal exceeds that of the existing Medical Centre.
- Made comments that the design does not respond sensitively to the existing context.
- Comments regarding high eaves height.
- Notes that the existing trees are to be felled and that the development would not lend any green credentials to the proposal. Made comments on the proposed hedgerow planting.
- Questioned the need for two pharmacies in Enderby.
- The size of the car park is small when compared to large staff numbers, patients and size of the building.

- Notes proposed air conditioning and heat pumps and states that they should be quiet.
- Asks that opaque glass is provided across the western elevation.
- Asks for a brick wall rather than wire mesh fence.
- Against lighting, which might impact their property and the same for CCTV monitoring their property.
- Current medical centre in need of expansion
- The plan is modern and efficient.
- Modern design can sit well with heritage buildings. Other comments made regarding the design and considered that an imitation Edwardian or Victorian construction would be necessary or appropriate.
- Design will be built efficiently, referred to energy consumption.
- Provide desperately needed parking.
- Sensible use of land.
- Compares the use of the site to a housing development.
- George Street is a well-established one-way street and parking restrictions could readily be introduced to facilitate easy entrance into the site.
- Made comments on the parking at the existing Enderby Medical Centre.

Supporting comments:

- Support a new medical centre.
- New build is essential for us to be able to stay at Enderby Medical Centre.
- Vital for the community and surgery offers excellent care.
- Design is sympathetic to varied character of surrounding area
- In support but why not widen the current access gate to allow one way in and one way out with a one-way system and loop around within the car park and with curved entrance and exit flows complementary to the one way road system?
- Inadequate parking at current doctors' surgery.
- Disappointed to see that a resident's concern regarding privacy is an issue, considering solutions.
- Will be submitting a FOI.
- Need a doctors in Enderby so that can access without a car.
- Housing development on site would generate more traffic.
- Parking restrictions could be implemented to facilitate easy access to the site.
- Will address current lack of space at current medical centre.

5.3. Further consultation was carried out on the revised scheme proposals. Two representations were received neither objecting to nor supporting the application. The following comments were made:

- External lighting should be masked and switched off at 9.30pm.
- Security features should ensure that access is limited to working hours.
- Comments re location of security cameras and audible security alarms
- Double yellow lines should be provided along entrance flares to control parking and allow better visibility for access/egress.

- Continued concerns traffic, traffic speed access and parking along George Street

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 CS10 - Transport infrastructure

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 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

National Planning Policy Framework (NPPF) - National Decision-Making Policies (NDMP) (2026)

S3 – Presumption in favour of sustainable development

S4 - Principle of development within settlements

L2: Making effective use of land

DP3: Key principles for well-designed places

DP4: The design process

TR3: Locating development in sustainable locations

TR4: Street design, access and parking

TR6: Assessing transport impacts

HC4: Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits

HC7: Development affecting existing recreational land and facilities

F4: Assessing flood risk for decision-making

F7: Ensuring development is safe from flooding

N2: Improving the natural environment

N3: Trees in new development

HE4: Securing the conservation of heritage assets

HE5: Assessing effects on heritage assets

HE6: Proposals affecting designated heritage assets

HE7: Decisions on non-designated heritage assets

HE9: Conservation areas

Planning Practice Guidance (PPG)

National Design Guide - Planning practice guidance for beautiful, enduring and successful places (2021)

Leicestershire Highways Design Guide

Blaby Landscape and Settlement Character Assessment (2020)

Blaby Strategic Flood Risk Assessment Level 1 Final Report (2020)

Blaby Strategic Flood Risk Assessment Level 2 Final Report (2021)

Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Document (2024)

Emerging Blaby Local Plan 2025 - 2042 – Proposed Submission Version

The emerging Local Plan, published under Regulation 19 and currently subject to consultation, is a material consideration in the determination of this application. However, as the Plan has not yet been independently examined or adopted, it can only be afforded very limited to limited weight.

In accordance with paragraph 48 of the NPPF, the weight attributed to emerging policies depends on: (i) the stage reached in the plan-making process, (ii) the extent of unresolved objections to relevant policies, and (iii) the degree of consistency with national planning policy. As the Plan has reached the Regulation 19 stage, weight can now be applied in decision making. Nevertheless, the weight afforded can only be very limited to limited at this stage, depending on consistency with the NPPF, pending examination by an independent Inspector.

Weight to policies will increase as we take the document through the formal submission and examination stages with the Planning Inspectorate, who will be assessing whether our Local Plan should be adopted, but much depends on whether there are objections to the policies within it.

7. Consideration of Application

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

- The principle of the development
- Need for medical centre
- Design and impact on the character of the area
- Historic environment and archaeology
- Transport and highway safety
- Arboricultural impacts
- Residential Amenity
- Flood risk and drainage
- Ecology and Biodiversity
- Environmental Implications

7.2. The Principle of the Development

7.2.1. Policy CS1 states that most new development in the District of Blaby, including housing and employment, will take place within and adjoining the Principal Urban Area (PUA) of Leicester. Outside of the PUA, development will be focussed within and adjoining Blaby (the District's only settlement with a town centre) and within and adjoining the settlements of Enderby, Narborough, Whetstone and Countesthorpe, referred to as the 'Larger Central villages', as identified in the Housing Distribution Policy CS5. The policy states that in each settlement, encouragement will be given to the use of Previously Developed Land (brownfield) and underused land and buildings.

7.2.2. Policy DM1 states that within the Settlement Boundaries as set out on the Policies Map, development that is consistent with other policies of the Local Plan will be supported where certain criteria are met.

7.2.3. The proposed development would be located within the settlement boundary of Enderby, as defined by the adopted Policies Map. This is a larger central village containing a range of services and facilities and access to public transport. Indeed, the village already has a medical centre on Shortridge Lane/King Street, which it is intended would be replaced by the proposed new facility.

Enderby is considered a settlement of an appropriate scale and character to accommodate a medical centre of this size and in this location, close to the village centre.

- 7.2.4. The Blaby District Open Space Audit 2019 (OSA 2019) identifies the site (including the Adult Education Centre) as education open space and it is mapped as such on the emerging local plan policies map. Education open space has no related standards of provision, as this is often not accessible and there is limited opportunity for the Council to influence their provision and management. Furthermore, the space has not been associated with a school since the Adult Education Centre opened in 2018. It is apparent from the appearance of the site that it does not perform any recreational/formal or informal open space function. Furthermore, the scope for introducing a recreation/sport or other open space facility on the site would seem limited.
- 7.2.5. The proposal would make use of an underused area of land close to the centre of Enderby. Whilst the site falls within the grounds of the Adult Education Centre, it does not appear to be used for any purpose connected with the centre and does not presently seem to have a defined function. Development of the site would accord with the aims of the NPPF to make effective use of land for homes and other uses. It would also provide public service infrastructure (which includes health care facilities), the benefits of which should be given substantial weight in accordance with NDMP HC4.
- 7.2.6. The proposed development is suitably located and an appropriate use for the settlement. Whilst there is a loss of education open space this needs to be balanced against the provision of new public service infrastructure in a sustainable location and the lack of existing open space uses on the site. Overall, the proposed is deemed acceptable in principle and compliant with policies CS1 and DM1 of the development plan.

7.3. Need for the medical centre

- 7.3.1. The development plan does not contain any policies that explicitly support the provision of new health care facilities beyond those that relate to new housing development and developer contributions. NDMP HC4 supports the provision of new or improved community facilities, public service infrastructure and development providing public health benefits. The policy states that substantial weight should be given to the benefits where new public infrastructure is provided and where proposals would make demonstrable contribution towards promoting good health, preventing ill-health, reducing health inequalities or supporting social interaction in the local community.
- 7.3.2. In this case, the applicants have submitted a 'Statement of Needs' to provide context to the development proposals. It is advised that the lease on the existing building is due to end in March 2027 and that the current GP Partners do not intend to renew this lease as the property is fundamentally unsuitable for modern primary care and cannot be modified to meet long-term clinical requirements. The statement specifically notes that the building is undersized and presents clinical and accessibility problems due to the lack of a lift,

preventing those with reduced mobility from accessing the upper floor spaces. These issues are reflected in letters of representation.

- 7.3.3. In addition, housing expansion in the area has already led to an increase in the local population which has put the practice under pressure with a rise in registered patients exceeding the capacity of the current premises. Taking into account the practice's catchment area, as published on its website, it is noted that the area covers Whetstone, Narborough, Littlethorpe and Huncote; all settlements that are likely to see housing growth in future years due to further consented development and as set out in the emerging local plan.
- 7.3.4. Based on correspondence from the applicants, it is understood that the proposals have supported funding from the NHS. It is also explained in the supporting statement that the proposals would support the NHS 10 Year Health Plan for England by providing more care within the community rather than in hospitals, enabling the delivery of an "Integrated Neighbourhood Team" to allow GPs to work alongside pharmacists, mental health leads and physiotherapists under one roof.
- 7.3.5. The applicants have not provided detailed rationalisation for the size of the building and number of consulting rooms, etc., however, it is stated in the revised Design and Access Statement (May 2026) that the scale and quantum of development have been derived from the clinical brief and operations requirements of the healthcare provider. The application has also been submitted by a specialist NHS healthcare property provider, One Medical Property, in partnership with the GP Practice (who will then lease the facility from One Medical Property over a long-term lease period). Whilst the views of the NHS Integrated Care Board were sought on this application no comments were offered as the proposal does not relate to residential development.
- 7.3.6. Nonetheless, in the context of future housing growth in the practice catchment area, the identified limitations of the existing premises and the direction of travel in the NHS delivery of healthcare services, the proposed scale of development is considered to be appropriately justified for the purposes of assessment of this planning terms.
- 7.3.7. Although the applicants have stated that they are not planning on renewing their lease on Shortridge Lane/King Street, the authorised planning use of the building would continue and, in theory, another medical practice could occupy the premises resulting in two medical practices in close proximity. In this case, there is no robust basis on which to consider revocation of the operative planning permission (87/0469/1/PY) and it is your officers' view that it would not be expedient to pursue this. The development is therefore considered on the basis that the existing medical centre could be continued to be used, alongside the new development.
- 7.3.8. Despite the limited information presented by the applicants to explain the precise form of the development proposals, it is accepted that the constraints of the existing premises make the building unsuitable for meeting long-term clinical requirements and that the proposals would be of a benefit to the local community, as well as being delivered in a suitable location. This remains the

case even were the existing premises to continue in use as a medical centre. Accordingly, substantial weight is given to the provision of the new medical centre in accordance with policy set out in the NPPF.

7.4. Design and impact on the character and appearance of the area

7.4.1. Policies CS2 and DM1 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. They further seek to create places of high architectural and urban design quality to provide a better quality of life for the district's local community. It is considered that Policies CS2 and DM1 are consistent with the NPPF NDMP DP3: Well Designed Places and can therefore be given full weight.

7.4.2. The development site is located within the village centre of Enderby but not located within the historic core of the settlement, which is designated as a Conservation Area. The Blaby Landscape and Settlement Character Assessment 2020 (BLSCA) provides some context regarding Enderby Village and describes the key settlement characteristics of Enderby, as:

- *“Historic village centre with a winding street pattern, surrounded by modern suburban housing development.*
- *Set on rising topography the roofline of the village is visible in the surrounding landscape.*
- *Slightly fragmented urban centre with a strong division between the older and more modern centres.*
- *Mixture of cottage terraces, terraces and thatched properties often fronting directly onto the street or behind small front gardens.*
- *Thatched properties are landmark buildings within the village.*
- *Property boundaries mostly use a combination of granite and brick.*
- *Small walled footpaths link between roads.*
- *Urban fringes are defined by the disused railway to the west and agricultural parkland to the east*
- *The southern part of the settlement is effectively merged with the adjacent settlement of Narborough.”*

7.4.3. In respect of built form and settlement character, the BLSCA highlights the following:

“The village centre is defined by its tight enclosed street pattern which winds around the rising topography. This provides a continuous frontage and variety along the street with buildings such as the thatched New Inn pub providing focal points along the street. Most buildings are two storeys in height, although roof styles vary. The historic core contains some commercial and retail development; however, the contemporary village centre is located slightly further south. There have been modern infill developments and shops which have partly fragmented the character creating a wider street pattern with buildings set back from the road. Terraced housing development is located

adjacent to the centre and the dense nature of this style of built form contributes to the enclosed character.”

7.4.4. The assessment also notes that:

“Enderby has a varied roofline created by the varied topography and range of building types and heights within each street. Towards the south the skyline becomes more uniform where the built form becomes predominantly terraced.

The village was expanded in the 19th century, with Victorian terraces characteristic to the south of the village core. Further expansion occurred in the 20th century onto allotments and fields to the south and west of the historic core. These dwellings have a suburban character with cul-de-sacs and semi/detached dwellings, which contrast with the Victorian terraces and historic village core.”

7.4.5. The BLSCA goes on to describe the specific architectural styles found within Enderby:

“The older historic buildings such as the church and former school are characterised by granite stone construction. These buildings are in prominent positions and have ornate detailing around windows, doorways and along the roofline. Shop frontages within this older core generally integrate well with their buildings and have ornate detailing around windows and doors. The old bank still retains its ornamental detailing around large ground floor windows and a simple painted archway over the door.

Most buildings within the village are small brick terraced cottages. There are some larger townhouses at the intersection of High Street, Cross Street and Chapel Street. Several thatched properties occur within the village, the most prominent located on the corner of Broad Street and Cross Street within the village centre. These buildings tend to have steeply pitched rooflines and contrasting black and white colouring. Smaller cottages are more varied in character, and front directly onto the street.

Windows in older buildings tend to have architectural highlights provided either by a brick detailing, arched windows or wider lintels. The most common building materials are red brick and slate or dark grey tiles. Granite is restricted to the eastern periphery of the village adjacent to the church. A small amount of white render or paint is used on buildings, but this is not a prominent feature within the village. Property boundaries are often constructed using granite with brick pillars. Evergreen and ornamental hedgerows occasionally enclose the fronts of houses’.

7.4.6. Whilst noting the limited capacity for infill development within the village centre, the assessment provides recommendations for development within Enderby, the most relevant recommendations are noted below:

- Conserve and in places restore small walled footpaths and connecting routes through the village centre and encourage their inclusion within new development.

- Restore the tight urban form within the southern part of the village centre through careful placement of new infill development and sensitive and integrated public realm treatment.
- Ensure that new development reflects the existing character of the village in terms of building style and materials used.
- Any development within the village centre should reflect the distinctive winding street pattern and mix of building styles which complement the scale and form of existing terraces. Buildings should front directly on to the street or be set behind small front gardens. Feature buildings which reflect the characteristics of black and white thatched properties should be included within any proposals

7.4.7. As originally submitted, the application proposed a contemporary, flat roofed structure on a L-shaped footprint. The building was positioned close to the northern boundary of the application site, away from George Street, with a large car park to the front (south) of the building. This design and layout of the site was not considered to sufficiently respect the site's context and character and the layout itself presented accessibility problems, particularly for pedestrians.

7.4.8. The National Design Guide states that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

7.4.9. Having regard to these points, the applicants have worked with the Council's officers to significantly revise the proposals, submitting amendments that change the position of the building on the site, its footprint and design character. An updated Design and Access Statement has also been submitted explaining the scheme's design evolution.

7.4.10. The building has been repositioned adjacent to the eastern boundary of the site, abutting the car parking of the Adult Education Centre. This has addressed previous concerns about the proximity of the building to the boundary with the residential property Redclyffe House (3 Townsend Road) and consequent impacts upon its amenities.

7.4.11. The building's revised position also brings it closer to George Street, with the principal, publicly accessible part of the building addressing the streetscene in a more direct way than previously. Nonetheless, the medical centre is still set back approximately 15m from George Street behind a bank of disabled parking bays and an ambulance parking area. This is not fully reflective of the nearby commercial and residential buildings in the area (King Street, George, and part of Townsend Road) which are typically sited closer to the road. However, it is noted that the school is set back from Townsend Road and that the sense of enclosure in the area to the east of the south is significantly fragmented. On balance, the proposed siting is considered to strike an acceptable balance

between meeting the practical requirements for parking and creating an active frontage that will be sympathetic to the surroundings.

- 7.4.12. The revised layout has also resolved other issues of poor design relating to pedestrian accessibility to the site from George Street and across the car park. A segregated footpath will be provided from George Street into the site which will connect with a pedestrian crossing providing direct access into the reception area of the centre. A path is proposed to the western elevation of the building providing a logical route from the parking area to the building and reducing scope for potential conflict with vehicles.
- 7.4.13. The architectural design and materials palette have also been substantially changed to respond more positively to the character of buildings in the vicinity of the site. The adjacent Edwardian buildings, notably the Adult Education Centre (1906) and King Street Buildings display a strong and well-defined character with pitched roofs, expansive use of red brick and grey roofs. These design characteristics are also represented more widely in the vicinity of the site in the terraced housing, noted within the BLSCA.
- 7.4.14. The amended design has drawn on this established character, replacing the flat roof form of the original proposals with pitched roofs. The massing has also been reduced by use of two perpendicular sections of roof and some single storey elements. Whilst the effectiveness of this roof form in reducing overall massing is perhaps less successful than achieved through the Adult Education Centre's multiple pitch roofspace, the significant improvement made is in the scheme's design is acknowledged. It is also recognised that in form and massing, the proposed building is not dissimilar to the King Street Buildings on the opposite side of George Street and that this works well with the long, narrow character of the site. In addition, the proposed ridge height of 10.5m is not significantly higher than the three storey buildings opposite (Imperial House) which have a ridge height of 10m.
- 7.4.15. The proposed medical centre is to be constructed predominantly from red brick in recognition of the prevailing character of Enderby (large areas of the previously proposed building were to be rendered). The grey roofing typical of the surrounding buildings will be replicated through use of a proposed dark grey standing seam roof system. Elements of off-white render, cladding and the standing seam system will also be used on the southern and western elevations of the building. Whilst these materials are not commonly found on elevations in the surrounding area, their use is not extensive and they serve to break up the façade of the building, add visual interest and highlight the public entry point to the building, improving the building's legibility. It is also acknowledged that taking into account the site's context and integrating with the surroundings does not necessarily require slavish adherence to all identified local characteristics. It is considered that the amended proposals acceptably balance the aspiration for the medical centre to have contemporary and individual identity with the need for the development to respect distinctive local character.
- 7.4.16. Whilst materials have been indicated on the plans, precise details of the type of brick to be used is not given and given the prominence of the site, it is considered necessary to require further information and samples of all materials

to be used in the construction of the building. A condition is therefore recommended to secure this (condition 3).

- 7.4.17. It is recognised that making effective use of the land (as discussed in section 7.2 above) should be balanced against the character of the area. Whilst underused and somewhat neglected in appearance, the site does have a verdant character, significantly enhanced by the highly visible mature trees and vegetation that are present along the western boundary of the site with public right of way W19 and 2A George Street and along the George Street site frontage. The recently made Blaby District Council (Adult Education Centre, Townsend Road, Enderby) Tree Preservation Order 2025 recognises the amenity value of these trees.
- 7.4.18. The proposed building footprint and associated access and car parking area would occupy almost the full extent of the site, requiring removal of the former school playing field as well as the loss of a number of mature trees (further consideration is given to this below in section 7.7, arboricultural impacts). Whilst some new tree planting is proposed along the retained area of green adjacent to the western boundary, this will not fully compensate for the loss of the mature trees and vegetation. This will result in harm to the character of the site itself as well as having a detrimental impact upon the appearance of the surroundings and loss of the sense of enclosure along the George Street streetscene. As discussed below, the potential for greater tree retention on the site has been explored with the applicant but it has not been possible to make significant changes to improve this. To ensure that opportunities to enhance the appearance of the development are maximised, it is considered necessary to impose a condition requiring implementation of a landscaping scheme (see condition 11)
- 7.4.19. On balance, whilst there are some negative aspects to the development due to the loss of the verdant character of the site, overall, the proposals are considered to comply with the requirements of policies CS2 and DM1 of the development plan in respect of design and impact upon the character of the area.

7.5. Historic environment and archaeology

- 7.5.1. Policies CS20 and DM12 seek to preserve and enhance the cultural heritage of the District and recognise the need for the Council to take a positive approach to the conservation of heritage assets. Policy CS20 goes on to state that proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.
- 7.5.2. In the determination of applications for development which affects a listed building or its setting, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) places a statutory duty upon the Council to have “*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*”

- 7.5.3. In relation to Conservation Areas, section 72 of the LBCA requires that in the exercise of any planning function *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*
- 7.5.4. The development would be sited some 65-70m from the designated Enderby Conservation Area and is separated from it by intervening buildings and physical features. The Adult Education Centre (former school buildings) appears on the Leicestershire and Rutland Historic Environment Record and could be considered a non-designated heritage asset owing to its historic importance and architectural interest. The site also lies to the north of and adjacent to a Grade II listed building known as the Workshop 10m east of Junction with Shortridge Lane and George Street (now known as 1A George Street, presently occupied by Harlequins Nursery).
- 7.5.5. Leicestershire Council (LCC) Archaeology were consulted on the application and provided the following comments: *‘Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do 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. We would therefore advise that the application warrants no further archaeological action.’*
- 7.5.6. Comments have also been provided by Blaby District Council’s Principal Planning and Conservation Officer on both the original and proposed schemes. Given the separation distance and intervening features, the development of the site is not considered to make a significant contribution to the setting of the Conservation Area.
- 7.5.7. It is specifically noted in the consultation response that the amended scheme would bring the footprint of the building closer to the boundary with the Adult Education Centre, a non-designated heritage asset, as well as closer to the setting of the Grade II listed building at 1A George Street. Nonetheless, the Conservation Officer acknowledges that the positioning and design of the amended proposals are an improvement to the development that is more reflective of the surrounding context. The loss of mature vegetation and verdant character remains regrettable, however, in light of the site’s limited contribution to the setting and significance of heritage assets and the improved design the Conservation Officer advises that development would result in lower level of less than substantial harm.
- 7.5.8. The balancing exercise outlined in paragraphs NPPF NDMP HE6: Proposals affecting designated heritage assets should therefore be undertaken. This requires that where a development proposal would harm the significance of a designated heritage asset, the effect should be weighed against any public benefits of the proposals. In this case, the low level of harm identified is considered to be outweighed by the clear public benefits that would arise from the provision of a new healthcare facility in a central and accessible location in Enderby.

7.5.9. There are no archaeological matters raised regarding the site and based on the assessment by the Principal Planning and Conservation Officer, the low level of harm is outweighed by the proposal's public benefits. The development is therefore considered compliant with Policies CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and DM12 of the Blaby District Local Plan (Delivery) Development Plan Document (2019).

7.6. Transport and Highway Safety

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.

Access

7.6.3. The proposed development will be accessed from George Street via a single point of access, located to the west of the existing double gates into the site, which will be permanently closed. George Street is an adopted, unclassified road, subject to a 30mph speed limit. It is also a one-way road running east to west with a public footway on either side of the carriageway.

7.6.4. The proposed vehicular access will have a 5.8m width. Existing vegetation shall be cleared to ensure the footway width, on either side of the access is commensurate with the width of the existing footway at the uncontrolled pedestrian crossing to the east of the site. Where required footway widening will be implemented without reducing the width of the carriageway. Representations have suggested an in/out access and discussion has taken place about the potential of an access to Townsend Road, however, these alternatives are either not achievable for the revised layout or not deliverable for the applicant. The access has been designed to allow an ambulance to enter and exit the site. and the application submissions note that refuse collection will occur at the roadside.

7.6.5. To the east of the access a 2.4m x 43m visibility splay is to be provided and to the west a 2.4m x 28.7m splay giving visibility of the George Street/Shortridge Lane junction is proposed. These take into account the one-way nature of the road and the Local Highway Authority (LHA) is satisfied that these are appropriate for the likely 85th percentile speeds of passing traffic.

7.6.6. As a new access is proposed, a Stage 1 Road Safety Audit (RSA) has been undertaken and has been subject to a Designer's response. George Street is noted to experience on-street parking along the northern side of its length which has the potential to make it difficult for development traffic to manoeuvre safely

in and out of the site. To address the manoeuvrability concerns raised in the RSA, it is proposed that on-street parking controls are implemented (double yellow lining) to prevent parking in the area immediately around the access. The site access drawing indicates 30m of George Street around the access would be subject to parking controls (approximately six vehicle spaces). This will require a Traffic Regulation Order (TRO) to be implemented which is subject to a separate public consultation process to be carried out by the LHA.

- 7.6.7. Given the existing parking pressures within Enderby, the LHA consider there may be local resistance to the proposed TRO/ parking controls. Whilst it would be the preference of the LHA for parking controls to be implemented as this would be beneficial for both visibility and manoeuvrability, the applicant has demonstrated an ambulance can enter the site and exit the site without the parking controls in place. Furthermore, Manual for Streets (paragraph 7.8.5) and Manual for Streets 2 (paragraph 10.7.1) acknowledges that parking in visibility splays in built-up areas is quite common and does not appear to create significant problems. The LHA therefore consider the proposals could still be implemented without the TRO if this were not successful. A contribution of £7,500 is requested towards the TRO process.

Public Rights of Way

- 7.6.8. Public footpath W19 runs adjacent to the development from George Street to Alexandra Avenue. The LHA is satisfied that the development will not significantly affect the use and enjoyment of the path. Details of any works to the boundary treatment separating the site from the right of way and measures to safeguard users of the path during construction are necessary to ensure that the development is acceptable and can be secured by condition.

Highway Safety

- 7.6.9. The LHA note in their comments that there have been Personal Injury Collisions (PICs) in the previous five years (data currently available until April 2026) within 500.0m of the site access. The LHA is satisfied that there are no patterns in the data that are likely to be exacerbated by the proposals.

Trip Generation

- 7.6.10. The proposals will intensify the use of the access from George Street in comparison to any extant use. Furthermore, the trip generation of the proposals cannot be offset against the closure of the existing practice premises on King Street/Shortridge Lane as this it not to be secured through the planning process.
- 7.6.11. The proposed development is likely to generate 526 daily two-way movements with 57 during the AM highway network peak hour and 52 during the PM peak hour. All traffic will arrive from the site from the east and depart to the west to the junction with Shortridge Lane. The junction at George Street/ Townsend Road will be subject to 31 trips as a result of the development during the AM peak hour (all other peak hour trips are fewer than 30 movements).

- 7.6.12. A capacity assessment is typically required for junctions subject to an increase of more than 30 two-way trips during a peak hour. The LHA acknowledge, however, that the development will result in only one trip above the 30 two-way trip threshold and given the existing constraints of the surrounding junctions/ road network there is no scope to reasonably mitigate the impacts of the proposals. In addition, the increase represents the generation of up to one vehicular movement per minute during the highway peak hours. Accordingly, the LHA is satisfied that the residual impacts of the proposed development on the highway network will not be severe.

Internal Layout

- 7.6.13. The submission documents note that there will be 25 full-time equivalent staff and 12 consulting/treatment rooms. In accordance with the Leicestershire Highways Design Guide (LHDG) 49 car parking spaces should be provided. The site layout drawings indicate a total of 40 car parking spaces, four of which are accessible spaces. In light of the sustainable location of the site, the proposed parking provision is considered acceptable to the LHA.

7.6.14. Travel Plan

- 7.6.15. A travel plan has been submitted with the application which notes that the site is accessible on foot from the surrounding residential areas as is approximately 150m from the nearest bus stop on George Street, where the Arriva service 50 between Leicester and Narborough stops.
- 7.6.16. The Travel Plan Coordinator tenure has been listed in accordance with Leicestershire County Council (LCC) standards, and each member of staff is to be offered a six-month bus pass to encourage the use of public transport. The LHA is satisfied that a suitable action plan has been included and that the Travel Plan contains all necessary elements. A travel plan monitoring fee of £6,000.00 is to be secured by way of a Section 106 Agreement as set out at the beginning of this report and a condition recommended to secure implementation of the plan (condition 22).
- 7.6.17. In conclusion, the proposed access and use will not cause harm to highway safety or the capacity of the highway network and a travel plan is to be implemented to maximise sustainable travel opportunities. The development is therefore considered compliant with policies DM8 and CS10.

7.7. Arboricultural impacts

- 7.7.1. Policy CS14 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 bio-diversity, wildlife habitats and corridors through the design of new developments. Opportunities to incorporate key landscape features such as woodlands, ponds, rivers and streams and the local topography should be used to create high quality design incorporating a wide range of high quality, functional and useful open spaces and links.

- 7.7.2. The site contains a number of mature trees which were assessed as meriting a TPO last year due to their visibility, group value and expedience factor, given that the development proposals indicated removal of the group of trees. The Blaby District Council (Adult Education Centre, Townsend Road, Enderby) Tree Preservation Order 2025 was brought into force 1st December 2025 and has been subsequently confirmed. This protects a group of 7 trees in the north western corner of the site and an ash and Swedish whitebeam, both located along the western boundary. It was acknowledged in making this TPO that three of the protected trees are large poplars that are problematic to manage, particularly in a built-up area and prone to branch failure.
- 7.7.3. Significant concerns were raised about the impact of the previous layout on the mature trees on the site. Whilst the applicants have slightly reduced the building's footprint and relocated it away from the mature trees on site, the associated car parking requirement and site level changes required to deliver this, mean that the trees on the site are still adversely affected by the development.
- 7.7.4. The revised proposals have been supported by an arboricultural method statement, incorporating an arboricultural impact assessment and tree survey. In total 13 trees are to be removed as part of the development with six individual trees/stems and one group within the site shown to be retained.
- 7.7.5. The assessment identifies 4 individual trees for removal, including three Category B trees and one Category C tree. The three Category B trees include two of the protected poplar trees (8T and 11T) as well as a horse chestnut (13T) located on the western boundary. The Category C ash tree (16T) to be removed is located at the eastern end of the site frontage close to George Street. After further discussion with the applicant, it has only been possible to additionally retain the protected whitebeam.
- 7.7.6. Additionally, partial removal of two groups of trees on the site is also proposed, totalling 9 stems. One of these groups (15G) is located on the site frontage and 4 stems will be removed within this group to allow provision of the site access. One tree in this group will be retained adjacent to the proposed bin store.
- 7.7.7. The group of trees located in the north west corner of the site (12G) incorporates the trees protected by the TPO and is also heavily affected by the development. Of the trees within this group 5 stems will require removal; mostly due to the need to reduce levels to the provide car parking; the extent of excavation needed within the root protection areas (RPAs) is not compatible with the retention of these trees. Four trees in this north western group of trees will be retained.
- 7.7.8. As noted above in section 7.4 the development proposals will result in the removal of mature trees on the site and consequent loss of verdant character of the site and loss of amenity within the surrounding area. To provide some compensation for this loss new tree planting is proposed as shown on a submitted planting plan. Two rowans (*Sorbus aucuparia*), one fastigate oak (*Quercus robur* 'Fastigiata'), two field maples (*Acer campestre*) and two

hawthorns (*Crataegus monogyna*) are proposed along the western edge of the site. All will be standard trees of 10-12cm girth.

- 7.7.9. Comments have been received from LCC Forestry on the revised proposals. These state:

“Whilst the removal of any trees within the site is regretful, it is acknowledged that the developer has attempted to amend the design to accommodate the mature tree group. It is also noted, that the original TPO for the site was served previously to reflect the fact that no alternative proposal for tree retention had been explored at the time. The TPO included two mature hybrid poplars which, whilst highly visible large specimens, are not ideal candidates for inclusion within a development. The removal of the proposed poplars and neighbouring trees would enable succession replanting to take place with appropriate species once the excavations for the site have been complete.

The proposed removal of the trees for the development would need to be weighed very carefully with existing local planning policies and needs. Where the removal is accepted to facilitate the development the LPA should require justification by way of appropriate onsite compensatory tree planting supported by a robust on-site landscape scheme to address any loss of local amenity.”

- 7.7.10. Tree planting proposals have been subsequently submitted and LCC Forestry have commented that the suggested species are sensible specimens that offer a range of different traits and benefits. The consultation response draws attention to the need for closely follow the monitoring and supervision section of the arboricultural method statement, arboricultural monitoring through the development and implementation of aftercare. Conditions 9 and 10 are recommended to ensure that this takes place.
- 7.7.11. The harmful impacts of the development on the arboricultural character of the site and surroundings is recognised. There is therefore some conflict with policies CS2 and DM1 of the Local Plan, although the conflict is slightly reduced due to the replacement tree planting proposed to compensate for the loss of the trees.

7.8. Residential Amenity

- 7.8.1. Policy DM1 states that development will be acceptable where it provides a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers, including but not limited to, consideration of: privacy, light, noise, disturbance and overbearing effect; vibration, emissions, hours of working and vehicular activity.
- 7.8.2. The revised site layout now positions the proposed building adjacent to the boundary with the Adult Education Centre, setting the building away, as far as possible from neighbouring dwellings. The northern elevation of the building is located approximately 20m from the shared boundary with Redclyffe House (3 Townsend Road) and a further 19m from the rear elevation of this dwelling. The separation distance of nearly 40m between the two buildings is considered

sufficient to ensure that there are no harmful impacts in respect of overbearing impact, overshadowing, loss of light or loss of privacy.

- 7.8.3. Some increased disturbance is likely to result from comings and goings of vehicles within the car park, however, the site is close to the village centre where there are already a mix of uses and car parking areas and vehicular activity is not out of character with the area and is reasonably typical of a central village location. The applicants have outlined that the proposed hours of use for the medical centre are 8am to 6.30pm and that a barrier will be installed in the car park which will limit access at unsociable hours. Furthermore, the proposed car parking spaces adjacent to the northern boundary of the site will be positioned at a lower level than the prevailing land levels which may help reduce noise and disturbance. With hours controls in place (ref condition 26) and clarification on boundary treatments it is not considered that the development would have a harmful impact on Redclyffe House.
- 7.8.4. 2a George Street is located immediately adjacent to part of the western boundary of the site and has windows in the eastern elevation, albeit that these do not appear to serve habitable rooms. Its garden also runs alongside the site and is presently screened by the site's mature vegetation, which will be lost as part of the development proposals. The proposed two storey medical centre is sited parallel to and at a distance of approximately 16m from the shared boundary. Given the relationship to 2A George Street's rear garden area and the level and height of the building, it is considered necessary to require windows at first floor level in the western elevation of the building to be obscured glazed and suitable boundary treatment to be implemented in order to limit overlooking of this property. Conditions 7 and 8 are therefore recommended.
- 7.8.5. The proposed 10.5m height of the medical centre building and indicated ground and floor levels will result in a building that sits considerably higher than 2A George Street. However, given the oblique relationship between the two buildings, the separation distance and the fact the building will not be directly in front of principal windows on 2A George Street, it is not considered that it could be demonstrated that the proposed medical centre would have any overbearing effect or would result in significant loss of light or overshadowing.
- 7.8.6. This neighbour is also likely to be impacted by the proposed car parking to the east of this dwelling. The car park spaces are between 1.3m and 4.7m from the boundary of the rear garden to 2A George Street, therefore this dwelling is likely to experience some noise from cars and users of the car park within their rear garden area. It is considered that some of this impact could be mitigated by control on hours of use and a detailed landscaping and boundary treatment as referenced above in paragraph 7.8.4.
- 7.8.7. The development will have impacts upon the occupants of the properties located along George Street and directly opposite the site, due to the movement of vehicles in and out of the site, which would be substantially increased due to the proposed development. These properties include residential and commercial premises, however, in the context of existing traffic movements along the road and the proposed hours of operation, it is not considered that this would result in a detrimental impact on residential amenities. The proposed

medical centre is sited approximately 22m from the nearest properties on George Street this separation is considered sufficient to ensure that George Street neighbours will not be adversely affected in respect of privacy, overlooking or overbearing impact concerns.

- 7.8.8. On balance, the proposed development is not considered to result in significantly detrimental impacts on residential amenities, subject to the imposition of the conditions as set out at the head of this report. The proposed development is therefore considered to comply with policy DM1 of the Blaby Local Plan Delivery Plan DPD.

7.9. Flood risk and drainage

- 7.9.1. NPPF NDMP F7: Ensuring development is safe from flooding states that development proposals should not present a risk from flooding to potential occupiers, users, or visitors and should not increase flood risk elsewhere. Policy CS22 of the Core Strategy 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.

- 7.9.2. The application site is located entirely within Flood Zone 1, being at a low risk of flooding from rivers, and is at low risk of surface water flooding. Nevertheless, due to the proposed application being a major development, a Flood Risk Assessment and Drainage Strategy has been submitted.

- 7.9.3. The proposals seek to discharge at 1.0l/s via an attenuation tank and permeable paving into an existing public surface water sewer in George Street, located 50m to the southwest of the site. Severn Trent Water have confirmed that if disposal via infiltration and watercourse is unviable a connection to the surface water sewer would be accepted; soakaway testing has confirmed that infiltration is not a viable option. The Lead Local Flood Authority (LLFA) have been consulted and have advised that sufficient detail has been provided at this stage, with the final drainage design and maintenance details to be secured by condition (see conditions 14, 15 and 16)

- 7.9.4. The proposed development has had no technical objections relating to surface water and foul drainage from the LLFA or BDC Environmental Service Officers. The application is considered acceptable in regard to drainage therefore accords with Policy CS22 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013).

7.10. Ecology and Biodiversity

- 7.10.1. 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. Policy CS14 relates to green infrastructure and seeks to improve and enhance this network within the district.

- 7.10.2. 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.
- 7.10.3. The application has been supported by an updated biodiversity net gain metric, biodiversity net gain assessment and Preliminary Ecological Appraisal (all dated May 2026).
- 7.10.4. In respect of the ecological interests of the site, Leicestershire County Council Ecology advise that the Preliminary Ecological Appraisal provides sufficient information about likely impacts on designated site, protected and priority and species as well as appropriate suggested mitigation measures. These include the installation of bat boxes within the fabric of the new building, implementation of a lighting strategy, installation of a minimum of two bird boxes, use of precautionary working methods in respect of protected species. These are recommended to be secured by planning conditions relating to details and implementation of a construction environmental management plan for Biodiversity (CEMP:Biodiversity), biodiversity enhancement scheme and wildlife sensitive lighting scheme (conditions 11, 12 and 13 respectively).
- 7.10.5. *Biodiversity net gain*
- 7.10.6. The submitted statutory biodiversity metric and biodiversity net gain assessment report is supported by LCC Ecology and provides sufficient information at this stage to enable the application to be determined. It is noted that the development proposals will result in a significant net loss of -71.92 habitat units on the site. As biodiversity net gains of at least 10% on relevant developments is a statutory requirement, it will be necessary for the applicant to demonstrate how this is to be achieved through submission of the mandatory Biodiversity Gain Plan (BGP). At this stage it is expected that biodiversity net gain will be delivered through some on site enhancements and purchase of off-site credits.
- 7.10.7. The currently submitted post-intervention values shown on the metric do not indicate that significant on-site enhancements will be provided, however, this will ultimately be determined through the submission of the BGP. Where significant on-site enhancements are proposed, there is a requirement in the regulations that these are maintained and monitored for a period of 30 years, through an agreed Habitat Management and Monitoring Plan (HMMP). This can be secured as required as part of the S106 agreement, together with the relevant monitoring contributions as set out at the head of this report.
- 7.10.8. The applicant has set out how biodiversity net gains will be delivered notwithstanding the on-site losses and the imposition of conditions will secure ecological protections and enhancements. As such the proposals are deemed

compliant with policies CS19 and CS14 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013).

7.11. Environmental Implications

- 7.11.1. The proposed development includes the provision of 12 air source heat pumps on the eastern elevation of the building, facing onto the Adult Education Centre car park. The location of this fixed plant is therefore likely to limit its scope for harmful noise and disturbance impacts. Whilst details of plant were submitted with the originally proposed scheme, the most recent drawings indicate that the final design of this plant will be subject to MEP (Mechanical, electrical and plumbing) design. BDC Environmental Services have been consulted on the revised proposals and they are satisfied that these details can be suitably controlled by condition (condition 4).
- 7.11.2. In respect of lighting, BDC Environmental Services considered an indicative lighting scheme in conjunction with the original proposals and advised that this should be approved as indicated. This lighting scheme has not, however, been updated to support the revised scheme. Taking into account the advice of LCC Ecology (who require a lighting scheme to be submitted by condition, see condition 13), it is considered reasonable that details of any external lighting can be dealt with at the post decision stage.
- 7.11.3. It is recommended that waste collection and management details are secured by condition (condition 5). Given the proximity of the site to residential properties, BDC Environmental Services advise that a construction management plan condition is also necessary to ensure that neighbouring residents are not subject to unacceptable construction impacts (condition 16). No issues of contamination have been identified on the site.
- 7.11.4. It is considered that the development could be suitably conditioned to ensure its compliance with Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document (2019) and policies CS2 and CS23 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013).

7.12. Sustainable Design

- 7.12.1. Policy CS21 of the Core Strategy supports development that mitigates and adapts to climate change, including through focussing development in the most sustainable locations and by seeking site layout and sustainable design principles which reduce energy demand and increase efficiency.
- 7.12.2. The submitted plans show that solar panels are proposed to the south facing roof slope of the proposed development and heating is to be provided through utilisation of air source heat pumps. A fabric first approach to the building is outlined in the Design and Access Statement. Whilst these measures accord with Policy CS21, it is likely that they will be required to ensure compliance with Building Regulation requirements.

8. Overall Planning Balance and Conclusion

- 8.1. When determining planning applications, the District Planning Authority is mandated to decide in accordance with the Development Plan, unless material considerations dictate otherwise. The National Planning Policy Framework (NPPF) national decision-making policies (NDMPs) are a material consideration of critical importance in this context. NDMP S4 requires planning authorities to grant permission for development within settlements unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision making policies in the Framework.
- 8.2. The development would be located within the settlement boundary of Enderby where development is considered acceptable in principle subject to consideration of the impacts of the development and compliance with other policies. The provision of a new medical centre would also make use of an underutilised area within the village, meeting requirements to make efficient of land within a suitable and sustainable location. Compliance with the development plan policies in these respects weighs in favour of the scheme in the planning balance.
- 8.3. The provision of a new, purpose built and modern medical centre, addressing existing deficiencies in the current premises, would bring significant public benefits to Enderby and surrounding communities and fulfils the social dimension of sustainable development. Whilst the evidence supporting the specific floorspace needs for the medical centre as proposed is limited, the overall benefits are still considered to attract substantial positive weight.
- 8.4. There would be limited economic benefits arising from the development, where Construction activity would generate short-term employment and investment, but these benefits are temporary and as such are afforded only moderate positive weight.
- 8.5. The public benefits that would be derived from the new medical centre would outweigh the lower levels of harm to the significance of heritage assets that would result from the development. Overall, this is a matter that attracts modest weight against the scheme.
- 8.6. In this case there are no technical matters that require addressing regarding flooding, ecology or biodiversity matters. The Local Highway Authority have raised no objections and confirm that the residual traffic impacts would not be severe. The proposed design of the medical centre has been significantly improved and is considered to be sympathetic to the character of the surroundings as required in both national and local policy. No harmful impacts on neighbouring properties have been identified with the proposals. Meeting baseline policy requirements on design and technical matters is a neutral factor which neither weighs for or against the proposal.
- 8.7. The development proposal would result in the loss of an area of land that is defined as education open space. However, the land has no existing recognisable open space function and substantial adverse impacts would not result from the development. Nonetheless, this is a negative aspect of the

proposal which is afforded moderate weight. The proposal requires the removal of a substantial number of trees that contribute positively to local character and public amenity from several viewpoints. The development also results in the loss of the present verdant character of the site which is considered an attractive part of the streetscene. This is a negative detracting factor for the development. Whilst replacement planting is proposed this does not fully mitigate the loss of the trees or green and open character of the site. Overall, significant weight is attributed to this matter.

- 8.8. Taking into account the assessment above, it is considered that the benefits of the scheme are not substantially outweighed by the harms identified. The proposed development is in overall conformity with the Development Plan. The three dimensions of sustainable development have been considered (economic, social and environmental) as set out in the NPPF, and taking into account the adopted Development Plan considerations and all other material considerations your officers are of the opinion that the proposal is acceptable, and accordingly it is recommended that planning permission is granted.