

Planning Committee 20 October 2026
Report of the Assistant Director of Planning and
Regeneration

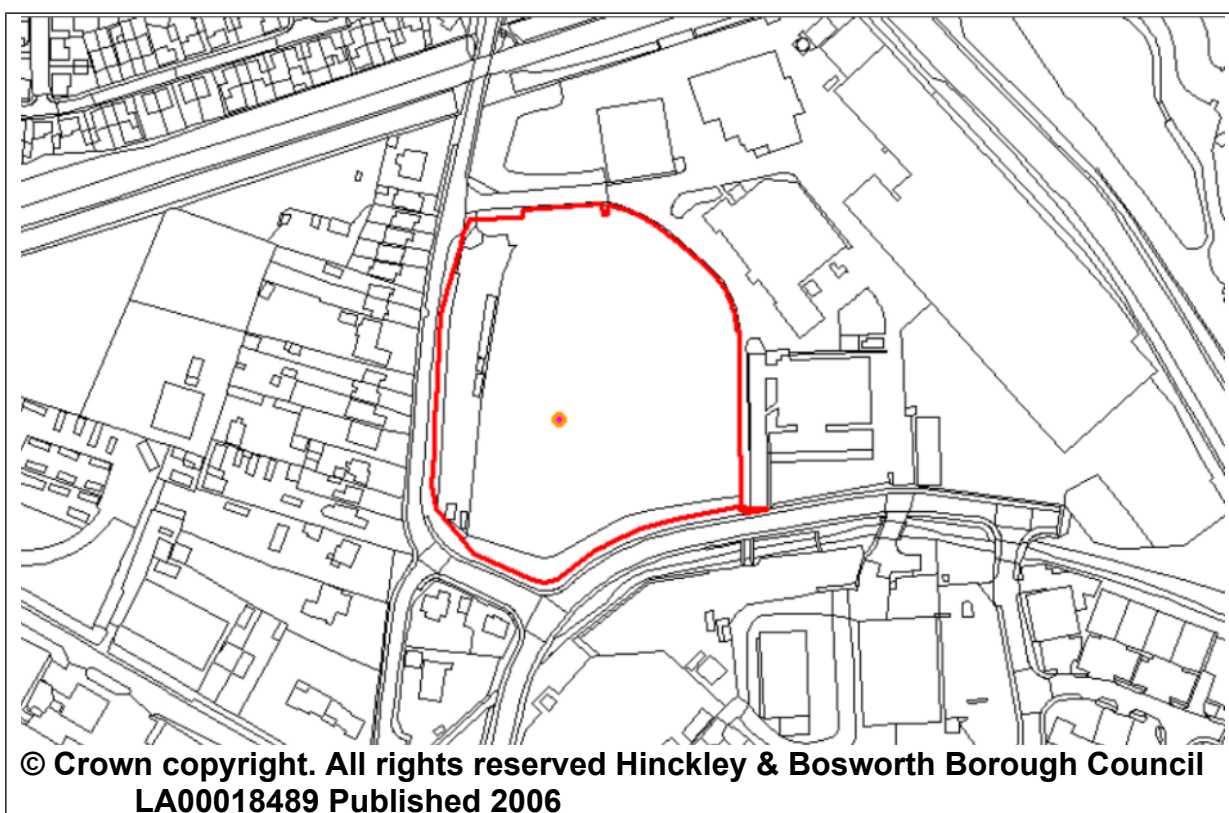


Hinckley & Bosworth
Borough Council

Planning Ref: 25/01192/FUL
Applicant: Hinckley Investment LLP
Ward: Hinckley Clarendon

Site: E M E B Sports And Social Club Nutts Lane Hinckley

Proposal: Erection of an industrial / logistics unit within flexible B2 / B8 Use Class (General Industrial / Storage and Distribution) with associated landscaping, yard, parking, access and other supporting infrastructure.



© Crown copyright. All rights reserved Hinckley & Bosworth Borough Council
LA00018489 Published 2006

1. Recommendations

1.1 Grant planning permission subject to:

- The conditions set out in section 11
- The completion of a S106 agreement to secure the obligations listed in paragraph 8.58-8.59 (highway obligations)
- **The Assistant Director Planning and Regeneration being given powers to determine the final detail of planning conditions and obligations (including trigger points and claw back periods)**

2. Committee Update

2.1 This application was taken to the Planning Committee on 28th July 2026.

- 2.2 As recorded in the minutes for the earlier committee despite the officer's recommendation that permission be granted, some members felt that the scale of the development would have an adverse impact on the residential amenity of neighbouring properties. The building's height and proximity were of particular concern. It was acknowledged that extant permission for solar panels existed on the site, and that the proposal was for further employment use in an employment area. Members also noted that there was insufficient demand for similar units elsewhere in the Borough and that the surrounding road networks struggled to cope with traffic that day due to a road closure. The Committee deferred the decision making to enable the applicant reconsider the proposals in order to address the residential amenity concerns.
- 2.3 Following the committee deferral the applicant has provided further technical information in relation to daylight and sunlight, external lighting, levels and occupier requirements. The following minor amendments have also been incorporated within the scheme:
- The overall height and haunch height of the building has been reduced by 0.5 metres;
 - The previously proposed hipped roof ends have been removed and replaced with a curved roof form to reduce the perceived scale and massing of the building;
 - The roof has been redesigned with a curved profile and bullnose fascia, together with eaves overhangs to the east and west elevations.
 - Rooflight and photovoltaic panel layouts have been amended to respond to the revised roof form.
 - The cladding treatment on the north, south and west elevations has been revised to introduce a graduated colour treatment to provide more visual interest to the elevations.
- 2.4 Updated elevations and sections have been provided to illustrate the proposed changes and to provide a visual representations of the landscaping both at the time of planting and after 15 years. This is intended to demonstrate how the planting will mature and soften views of the development over time.
- 2.5 It should also be recorded that, since the earlier committee the new iteration of the National Planning Policy Framework (August 2026) has been published. It follows that this committee report updates the earlier publication to reflect the new national decision making policy alongside the additional information provided by the applicant.

3. Planning application description

- 3.1 The planning application seeks full planning permission for the erection of a Use Class B2 & B8 warehousing building (General Industrial / Storage Distribution) with ancillary offices. The development would comprise a single warehouse building totalling 7,721 sq m, including ancillary office space totalling 1,105 sq m. The proposed building would be a maximum of 15.4

metres in height with the section of the building closest to Nutts Lane being 12.9 metres in height. The applicant seeks 24 hour access.

- 3.2 The Planning Statement submitted with the application sets out that the proposal would generate a significant number of new job opportunities on-site, including 114-253 Full Time Equivalent jobs and would provide skilled employment opportunities within the local area. The development would contribute to the renewal of a derelict corner of the employment area through the provision of modern business unit.
- 3.3 The proposals comprise approximately 10 dock doors and 2 level access doors. The unit includes a service yard depth of 55m which meets institutional standards. This yard space is sufficient to accommodate the circulation and manoeuvring required for modern heavy goods vehicles. A total of 150 car parking spaces are proposed (150 for B2 and 85 for B8) which includes both accessible and EV charging bays. Cycle parking has been provided for up to 24 cycles and is located near the entrance of the Unit.
- 3.4 Vehicular access to the site is proposed from Hammonds Way to the south-western corner of the site via a new priority junction, with carpark areas proposed off a newly formed access point off the entrance road of Hammonds Way. For B2 use there will be an additional area of car parking located within the service yard. Pedestrian and cycle access is available from Hammonds Way, connecting the Site to nearby pedestrian and cycle routes. The site will include shared surface areas that link the unit and car park to external pedestrian networks, with sufficient street lighting installed.
- 3.5 The proposed unit will feature a combination of elevational treatments. The primary system will consist of horizontal flat cladding finished in Seran Copper, which will contrast with a vertical profiled cladding system in dark grey. Glazed elements will include a curtain wall and door system made from dark grey or aluminium sections. The cladding on the other elevations will incorporate a built-up profiled cladding system with outer sheets in off white, mid and dark grey shades. The cladding will be visually varied by incorporating both vertical and horizontal profiled cladding elements.
- 3.6 The development will include dedicated areas for refuse and recycling to the south of the building. The landscape treatment on the site will include hard and soft landscaping to define areas of public and private realm and to promote access for pedestrians and cyclists, while providing safe access for vehicles. Along the northern and eastern boundary, the proposal seeks to enhance the existing planting by providing new trees, providing further habitat and screening opportunities whilst formalising the entrance. A number of new trees are proposed in key locations as part of the development.

4. Description of the site and surrounding area

- 4.1. The application site comprises approximately 1.3 hectares of former sports pitch land. The site is within the palisade-fenced industrial compound of Hammonds Furniture Limited, Nutts Lane, Hinckley which forms part of an industrial area close to the national grid site to the south.
- 4.2. Views into the site are partially obscured from Hammonds Way to the south by the palisade boundary fence and raised bunding around the edges of the site and the E-On compound located on Nutts Lane to the west
- 4.3. Hammonds Furniture Ltd industrial complex includes five main buildings to the north and east of the site, with access to the buildings and the application site coming from the same point off Nutts Lane. Access is taken through the gated security entrance to Hammonds Furniture and the entire complex is protected by a 1.8 metre high security fence.
- 4.4. No public access is provided into this site at this time, with no sports pitches currently marked out. It is understood that use of the site as a playing field ceased in 2016 and an application was approved in 2023 for the installation of a ground mounted solar array in place of the sports pitch.
- 4.5. There are a number of residential properties located to the south and west of the application site.
- 4.6. The majority of the site is designated as Site HIN45 in the Local Plan, described in the plan as Hammonds Sports Pitch – an outdoor sports facility, designated within Policy DM8 of the Local Plan. The remaining western strip forms part of a Category A employment site designation (HIN122), which covers the western industrial context.

5. Relevant planning history

98/00239/FUL

- Demolition of existing buildings erection of offices and industrial unit for the manufacture and distribution of fitted furniture and highway improvements
- Permission Granted
- 11.02.1999

00/00757/COU

- Change of use to the storage of cars
- Permission Granted
- 31.08.2000

00/00789/FUL

- Erection of Boiler Plant
- Permission Granted
- 08.09.2000

02/01373/FUL

- Retention of Factory Sales Building
- Permission Granted

- 15.04.2003

23/00368/FUL

- Proposed ground mounted solar array
- Permission Granted
- 09.11.2023

6. Publicity

- 6.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 6.2. Five letters of objection were received from interested parties. The following provides a summary of the concerns raised during the public consultation exercise:
 - Loss of recreational land/sports facility
 - Increase in traffic movements including HGVs
 - Highway safety and disruption during “bridge strikes”
 - Flood risk and increase in impermeable areas
 - Residential amenity concerns – scale, height, loss of light, 24 hr operation, noise disturbance, air pollution and vibration
 - Visual impact/loss of amenity
 - Failure to deliver BNG
 - Harm to wildlife
- 6.3. No additional comments from interested have been received following the consultation in response to the additional information provided by the applicant.

7. Consultation

- 7.1. The following section provides a summary of the consultation responses received. Where appropriate the summaries are expanded upon in the relevant section of this report:
 - LCC Ecology – No objection subject to conditions
 - LCC Highways – No objection subject to conditions & planning obligations
 - LCC Archaeology – No objection
 - LCC LLFA – No objection subject to conditions
 - HBBC Drainage – No objection subject to conditions
 - HBBC Environmental Health – No objection subject to conditions
 - HBBC Tree Officer – Requests B Cat Tree be incorporated into design plus conditions
 - HBBC Waste Team – No objection subject to conditions

- Canal & River Trust – No comments
- Sport England - Objects
- National Highways – No objection subject to conditions
- Environment Agency – No objection
- Network Rail – No objection subject to conditions
- Active Travel England – provides standing advice
- Leicestershire Constabulary – provides design advice

7.2. Following receipt of the additional package of information from the Applicant additional consultation has been undertaken. At the point of the publication of this report there has been no change in position indicated by any consultee who has responded.

8. Policy

8.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 5: Transport Infrastructure

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

Policy DM1: Presumption in Favour of Sustainable Development
 Policy DM3: Infrastructure and Delivery
 Policy DM6: Enhancement of Biodiversity and Geological Interest
 Policy DM7: Preventing Pollution and Flooding
 Policy DM8: Safeguarding Open Space, Sport and Recreation
 Policy DM10: Development and Design
 Policy DM11: Protecting and Enhancing the Historic Environment
 Policy DM13: Preserving the Borough's Archaeology
 Policy DM17: Highways and Transportation
 Policy DM18: Vehicle Parking Standards
 Policy DM19: Existing Employment Sites
 Policy DM20: Provision of employment sites

8.3. National Planning Policies and Guidance

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

8.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

9. Appraisal

9.1 Key Issues:

- Assessment against strategic planning policies

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage & Flood Risk
- Trees & Ecology
- Archaeology
- Other matters

Principle of Development & Assessment against strategic planning policies

- 9.2 Paragraph 3 of the National Planning Policy framework (NPPF) confirms that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The national decision-making policies within the NPPF are a material consideration in making planning decisions and should be read alongside the policies in the Development Plan. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 9.3 Paragraph 2 of Annex A of the NPPF confirms that development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies within the NPPF should be given very limited weight. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of the NPPF.
- 9.4 Paragraph 17 details the three overarching objectives of sustainable development: economic, social and environmental. However, Paragraph 18 confirms that these are not criteria against which every development proposal can or should be judged, and that decisions should play an active role in guiding developments towards sustainable solutions, while taking local circumstances into account, to reflect the character, needs and opportunities of each area.
- 9.5 National decision making Policy S4 of the NPPF deals with the principle of development within settlement boundaries. It provides that proposals within settlements should be granted permission unless the benefits of doing so would be substantially outweighed by adverse effects. The policy clarifies that these adverse effects could be in relation to the allocation or safeguarding of land or buildings for a particular use within the development plan, unless there is no reasonable prospect of an application for the allocated use coming forwards or there is evidence that the safeguarding is no longer appropriate. Or where there is failure to comply with one of the national decision making policies which state that development proposals should be refused in specific circumstances.
- 9.6 NPPF policy HC7 considers development affecting existing recreational land and facilities. It provides that development proposals should not result in the loss of existing open space, sports and recreational buildings and land,

including playing fields, other formal and informal playspace or allotments unless it is subject to a set criteria.

- 9.7 The application site is located within the settlement boundary of Hinckley. A small part of the site lies within an allocated Category A employment designation which then extends around the site. Policy DM20 of the SADMP states that development of new employment sites for B1, B2 and B8 uses outside of allocated employment areas will be supported where they stand within settlement boundaries or on previously developed land. In this instance the site is located within the settlement boundary and is compliant in principle with Policy DM20.
- 9.8 As noted in the site description section above, the majority of the site is designated as Site HIN45 in the Local Plan, described in the plan as Hammonds Sports Pitch – an outdoor sports facility, designated within Policy DM8 of the Local Plan. DM8 provides that planning permission will not be granted for proposals resulting in the loss of land or buildings in recreational or sporting use and areas of open space, as identified in the most recent Open Space, Sport and Recreational Facilities Study, except where:
- a) A replacement of an equivalent typology is provided, as defined by the most recent Open Space, Sport and Recreational Facilities Study, in an appropriate location serving the local community; or
 - b) It is demonstrated that there is a surplus of recreational land, facilities or open space of the same typology exceeding the needs of the local community; or
 - c) The development of a small part of a larger site in recreational use would result in the enhancement of recreational facilities on remainder of the site, or on a nearby site serving the same the community.
- 9.9 Whilst the objection of Sport England is duly noted, a key material consideration in the determination of this planning application is the extant permission for the use of the site for ground mounted solar arrays (23/00386/FUL). In the determination of that planning application it was observed that *“whilst officers agree the proposal would not strictly comply ...[with policy DM8]...the situation is that whilst designated as a playing pitch the site is not currently in use as a playing pitch and has not been for over five years. The site is enclosed within the fenced compound with no public access permitted and there is no sports team associated with the site...the opinion of officers is that it is unlikely that the use of the playing pitches would be reinstated. Therefore whilst designated as playing pitches there is no current use of the site for sport, no previous use in the past five years and it’s unlikely it would be used again for such a use in the immediate future. Therefore, the proposal would not lead to a loss of useable playing fields and it could be argued it is therefore surplus to current requirements. Ultimately this conflict will need to be weighed against other benefits of the scheme.”*
- 9.10 It would be unreasonable for the Council to take a different approach to the determination of the current application. Furthermore, the Applicant has pointed officers to Appeal reference APP/E3715/W/25/3373251 (Land North

of Rounds Garden, Rugby, CV21 2BS) which whilst dismissed, established some key positions on the loss of sports land. The decision draws a distinction between development plan policies that seek to safeguard sports land and the requirements of Paragraph 104 of the National Planning Policy Framework ('NPPF'). Whilst the appeal was assessed against the previous iteration of the NPPF both the old and new NPPF focus on safeguarding existing provision.

- 9.11 The appeal decision established that the NPPF takes precedence over local policies and concluded that the sport facilities had not been in use for 23 years and subsequently could not be regarded as existing. The Inspector concluded the sports facilities in question did not in practical reality exist and accordingly there would not be an unacceptable loss of sports facilities when assessed against the NPPF.
- 9.12 This appeal is important to take into consideration in the context of current application where the circumstances are very similar. The site has been vacant and unused for sporting purposes for over a decade and the site does not exhibit the characteristics of an active or maintained playing field. The site's condition and context do not indicate land currently fulfilling a sporting function and does not suggest any realistic prospect of reinstating such use. There is therefore no "existing" sports provision to be lost. Nonetheless the harm associated with the conflict with policy DM8 and the loss of a sports facility should be weighed in the planning balance and weighed against areas of policy support, for example SADMP policy DM20 which supports employment development in this location.

Design and impact upon the character of the area

- 9.13 Policy DP3(1) of the NPPF confirms that development proposals should respond to their context including the history, character and features of their site and its setting, so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.
- 9.14 Policy DP3(2) of the NPPF details the seven principles of well-designed places that development proposals should reflect as appropriate to the nature of the development and its location. Policy DP3(3) of the NPPF states that development proposals should be refused if, without clear justification, they conflict with Policy DP3(1), or relevant aspects of the principles in Policy DP3(2), or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.
- 9.15 Similarly Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

- 9.16 The submitted Planning Statement explains that *“the design and orientation of the building has been carefully considered to present a modernised development that will make efficient use of the land and deliver best in class flexible storage and industrial floorspace.”* The design brief was to create a *“high-quality contemporary development that is both attractive and a functional extension to a well-established employment area”*. The pre-assessment of the building suggests that the building will be constructed to BREAM Excellent standard.
- 9.17 The design of the building is high quality and the use of a composite cladding solution on the external surfaces of the building, with a grey colour pallet, will complement other buildings, including the DPD depot and buildings off Logix Road, which form part of the site’s surroundings.
- 9.18 The layout and scale of the unit has been designed to provide a unit that delivers economic growth and makes efficient use of land. Whilst the proposed building with a GEA of 7,928 sq m is large it will not appear out of scale with the larger commercial buildings in its surroundings which include the larger Hammonds building which spans approximately 9,800 sq m and the DPD buildings at 14,400 sq m and 24,000 sq m.
- 9.19 The unit is a maximum of 15.4 metres in height which is in-keeping with the height of the surrounding industrial units. The building will not appear out of place in the context of its employment surroundings. Whilst the site could be argued to be a transitional zone between the residential and commercial land uses, Nutts Lane provides a clear defensible boundary that separates the land uses such that the land bares a stronger relationship with the adjacent commercial land uses and buildings.
- 9.20 As noted in the earlier sections of this report the scheme has been amended to show a reduced roof height at a maximum of 15.4 metres together with an amended curved roof form. The new curved roof form has a curved profile and bullnose fascia and eaves overhangs to the east and west elevations. The elevational treatment has also been adjusted to provide more visual interest.
- 9.21 The building will be softened by a complementary landscaping scheme which will be secured by condition. The scheme retains the landscaped character of the site’s periphery and will provide further buffering between the different land uses. Updated visuals have been provided to illustrate the planting maturing over time.
- 9.22 The landscape concept plan shows the four A Category trees that front Nutts Lane, to be retained and supplemented by 6 no x new trees and thicket planting. Grassland and tall ornamental shrub planting are shown on the site’s northern boundary. A mix of new trees and thicket planting are shown along the southern boundary. Within the site there would be low ground cover planting and specimen shrubs. The planting mix will serve to soften

the development and provide screening and assimilate it with the existing landscaping that surrounds the site.

- 9.23 Whilst the building is large it is considered, on balance, to be appropriate in its employment land context with sufficient separation with neighbouring land uses. Overall, it is considered that the proposals are acceptable with regard to their effect on the character and appearance of the area such that SADMP policy DM10 is complied with.

Impact on Neighbour Amenity

- 9.24 Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, including from noise, light and land contamination.
- 9.25 Chapter 17 of the NPPF is concerned with pollution. Decision making policy P3 provides that development proposals should be appropriate for their location, taking account the likely effects of pollution on health, living conditions and the natural environments. It requires development proposals to provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution that could have an unacceptable adverse effect on health and the quality of life.

Noise

- 9.26 A Noise Impact Assessment has been submitted in support of the planning application and considered the potential noise impacts arising from the operation of the proposed employment unit within use class B2 / B8 upon the surrounding noise sensitive receptors, which includes the nearby residential properties. The likely impacts will be from deliveries and vehicle servicing trips as well as the unloading / loading operations relating to the vehicles. Internal noise from any future indoor industrial operations would be sufficiently contained within buildings, and the potential break-out would have a negligible contribution to noise rating levels at residential properties. The main focus of the assessment was on the noise contribution from vehicle servicing trips and the unloading / loading of these vehicles and considers the proposed 24 hour operation of the unit. The assessment noted that, based upon a reasonable worst-case scenario and from the traffic data supplied, the operational noise during the daytime and night-time periods is predicted to be less than the background sound levels at all noise sensitive receptors identified in this report. While the predicted noise levels indicate no adverse impacts would be experienced, the wider context of the site must be considered before classifying any level of noise impact. The main factor in considering the context is the existing industrial use of the surrounding area. While the proposed operations have the potential to increase industrial noise

levels in the area, the existing receptors are already exposed to industrial noise from sources within the surrounding premises, and so the receptors would likely be less sensitive to the introduction of new noise sources with the same noise character. Furthermore, it was observed during equipment installation and collection that the dominant noise source contributing to ambient noise levels was the A5 Watling Street to the south of the site as well as trains from the nearby railway line. The dominant nature of these noise sources would have a masking effect on any new industrial noise sources introduced into the environment.

- 9.27 The noise assessment concluded, in respect of the operational phase of the development, that based upon a reasonable worst-case scenario and after taking into consideration the site-specific context and in line with the methodology and criteria set out within BS 4142:2014+A1:2019, the impact of the proposed development noise at all identified noise sensitive receptors would be classified as less than the Low Observed Effect Level (LOAEL). Predictions show that noise levels at receptors as a result of night-time maximum noise events would be below the 60 dB(A) threshold set by WHO and would be classified as less than LOAEL. Subsequently no mitigation is proposed. It can therefore be concluded that the proposed development is unlikely to conflict with the national, regional, and local planning policy or guidance referenced in this assessment. The impacts can therefore be classified as less than the LOAEL.
- 9.28 The construction phase was also considered in the noise assessment. Assuming the appropriate mitigation measure are employed, and this would be secured through a CEMP, the potential construction impacts can be minimised, to the point that any adverse impacts will be temporary in nature and result in NOEL (No Observed Effect Level) to LOAEL in terms of potential impacts. With some clarification, the Environmental Health Officer is satisfied with the noise assessment and raises no objection based on this matter subject to a condition to secure details of any future plant that may be installed.

Air Quality

- 9.29 The planning application was supported by an air quality assessment. The Environmental Health Officer raised no concerns regarding the robustness of this assessment. Impacts on Air Quality during construction will be controlled by the CEMP which will be secured by condition. The operational phase impacts are predominantly relating to traffic pollutants. However, concentrations at all receptors are expected to remain within the relevant air quality standards.

Lighting

- 9.30 The Environmental Health Officer was satisfied with the proposed lighting strategy subject to a condition ensuring that the development complies with the strategy. This condition is included in section 11 of this report.

Contamination

- 9.31 The Environmental Health Officer has requested a condition be applied to any permission to cover an eventuality whereby unexpected contamination is encountered during the construction phase. This condition is included in section 11 of this report.

Residential Amenity

- 9.32 The building is a maximum of 15.4 metres in height which is roughly the equivalent of a four storey building. To provide some context the Good Design Guide recommends a 14m separation distance between habitable rooms and a blank two storey elevation and a minimum 21 metre back to back distance between habitable rooms within neighbouring residential properties to preserve amenity standards. The 30-35 metres between the proposed building and the residential neighbours to the west on Nutts Lane with the intervening road and landscaping appears, on balance, to be acceptable. There will be almost 60 metres separation between the proposed building and dwellings to the south on Nutts Lane.
- 9.33 These separation distances together with the intervening features will ensure that the residential properties do not experience any significant increased sense of enclosure. No overbearing impacts would occur and the lack of openings on the opposing west elevation will ensure that no loss of privacy occurs. The brise soleil and separation distance will mitigate any potential loss of privacy to residential buildings to the south. The relationship between the residential neighbours and the proposed building are, on balance, considered to be acceptable particularly in light of the analysis below.

Daylight/Sunlight

- 9.34 Policy P3 (2b) refers to daylight and sunlight and states that development proposals should not give rise to, or contribute to, an unacceptable level of daylight and sunlight for neighbouring residents and occupiers. The BRE Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (3rd Edition, 2022) is the established National guidance to aid the developer to prevent and/or minimise the impact of a new development on the availability of daylight and sunlight in the environs of the site (The BRE Guidance). It refers in turn to the daylight and sunlight recommendations in BS EN 17037: 2018+A1:2021 (with UK Annex): 'Daylight in Buildings'.
- 9.35 Whilst concern has been raised over the potential for loss of light the planning application has been supported by a daylight/sunlight assessment. The assessment sets out the results and analysis of a 3D Model that tests the development scenario to show the development's impact when assessed against the recommendations in the BRE Guidelines. The tests for daylight/sunlight are performance in terms of Vertical Sky Component (VSC) and Daylight Distribution (DD).

- 9.36 It was reported to the last committee that 5 rooms in 5 homes were impacted by the development, yet the baseline existing conditions are not optimum – due to the properties' orientation and obstructions including extensions and overhangs.
- 9.37 Since the earlier committee the roof form of the proposed development has been revised and the daylight sunlight assessment has been updated. The applicant has reiterated that the baseline is such that it is inevitable that some alterations to daylight and sunlight will occur that will fall short of the base targets suggested by BRE.
- 9.38 For daylight and sunlight, the results of the technical assessment shows that the vast majority of windows (91% for vertical sky component) and rooms (98%/100% for daylight distributions and 98% for annual winter annual probable sunlight hours) tested within the neighbouring buildings will satisfy the BRE criteria. This is an improvement compared to the earlier scheme whereby 85% of windows met the vertical sky component test and 94% met the daylight distribution test and 94%/96% met the recorded sunlight in winter periods test.
- 9.39 At a property level, 11 of the 15 neighbouring properties assessed now fully meet the BRE daylight criteria, compared with 10 previously. 14 of the 15 properties fully meet the sunlight criteria, compared with 12 previously.
- 9.40 The revised assessment shows that the vast majority of windows and rooms meet the BRE guidance with a small minority falling short. In all cases the affected windows are inherently more sensitive to change due to the baseline conditions. Furthermore these all relate to multi-glazed rooms where either additional windows provide BRE compliant levels of light or they relate to a room where one of the two key tests are met.
- 9.41 It remains the view of Officers that the limited infringement of daylight/sunlight to a small number of windows would not tip the significant threshold where the development would be in conflict with the relevant policy.

Amenity Conclusions

- 9.42 Overall, whilst some harm is identified above, as explained this is not considered to be significant and therefore it is considered that the proposed development would be acceptable in terms of its impact on neighbouring residential amenity and, with the use of the recommended conditions, would be in compliance with Policy DM7 and Policy DM10 a) and b) of the SADMP and the requirements of the NPPF.

Impact upon highway safety

- 9.43 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18

requires new development to provide an appropriate level of parking provision to serve the development proposed.

- 9.44 NPPF decision making policy TR6 provides that development proposals should be refused where they would have a severe adverse impact on the transport network (in terms of capacity and congestion including cumulative impacts) or an unacceptable impact on highway safety; taking account of mitigation measures as well as wider network improvements, including measures to support sustainable patterns of movement.
- 9.45 Both the Local Highway Authority (LHA) – Leicester County Council – and National Highways has been consulted in respect of this application due to the site's proximity to the A5 which forms part of the strategic road network (SRN). The nearest point of impact from the development on the SRN is the A5 Hammonds Way roundabout, located approximately 0.1km south of the site.

Site Access

- 9.46 The proposed new site access is located off Hammonds Way which is a C classified road, subject to a 30mph speed limit. The LHA previously requested further information in relation to the site access to show that the access road can be negotiated by an 18.5m length articulated heavy goods vehicle (HGV) without overrunning the access road centreline. The LHA has now indicated, in response to the Applicant providing additional information that, an 18.5m articulated vehicle can enter and egress the site without overrunning the centreline. The LHA are now satisfied that a safe and suitable site access can be achieved at the location.

Internal Layout

- 9.47 The B2 plan shows a total of 150 car parking spaces, 21 HGV parking spaces and 24 spaces for cycle parking. The B8 plan shows a total of 85 car parking spaces, 27 HGV parking spaces and 24 spaces for cycle parking. The LHA has indicated that this level of parking is appropriate for both uses.

Highway Safety

- 9.48 The Personal Injury Collision data (PIC) has been obtained for the five-year period of 01/01/2021 to 31/12/2025 for the study area relevant to the site. This shows that six PICs have occurred of which four were classified as 'slight' in severity and two were classified as 'serious' in severity. Having reviewed the PIC data, the LHA are satisfied that the proposed development will not exacerbate the existing highway safety situation.

Trip Generation

- 9.49 An updated trip generation exercise has been undertaken using the TRICS database version 8.25.6. Based on National Highways' independent check they are content with the updated trip rates which equate to 74 two-way

movements in the SRN AM peak period and 59 two-way movements in the SRN PM peak period. The LHA also consider the trip rates and subsequent trip generation to be acceptable

Trip Distribution

- 9.50 The trip distribution methodology presented in the Transport Assessment (dated October 2025) sets out separate methodologies for light vehicles and HGVs.

Light Vehicles

- 9.51 A trip distribution exercise has been undertaken using 2011 Census Journey to Work data, for MSOA Hinckley and Bosworth 011. The submitted Transport Note presents that 80% of development traffic will route via the A5, with 39% routeing east along the A5 and 41% routeing west along the A5. The remaining 20% will route via the Local Road Network. Based on our independent checks, National Highways is content with the trip distribution split from the proposed site.

HGVs

- 9.52 The TN states that all HGVs will route to the A5 with the assumption that vehicles will then split evenly east and west along the A5. National Highways is content with this assumption.

Traffic Survey

- 9.53 National Highways notes that a traffic survey was conducted at the A5 Hammonds Way roundabout on Wednesday 13th May 2026, to be used within the Junction Modelling. We are content that the date selected reflects a neutral period.

Junction Modelling

- 9.54 The LHA has reviewed the junction model for the A5/Hammonds Way roundabout and noted that some corrections to the model had to be made. As a result the roundabout is forecast to operate over capacity on the A5 East arm. They have clarified that only the east arm of the roundabout is over capacity, not the roundabout as a whole.
- 9.55 Whilst National Highways similarly noted discrepancies in respect of the junction geometries, they have undertaken independent testing and conclude that the junction is operating within its theoretical capacity, and the discrepancies are unlikely to have a material impact on the modelling results. National Highways have indicated that they are content with the model validation and the future year assessment such that the assessment is considered to be robust.

- 9.56 The LHA are content that if National Highways have reviewed an updated model or are satisfied the arm is not to be considered to be operating over capacity, they trust their judgement as the A5 falls under National Highway's jurisdiction. Similarly, National Highways have clarified that the assessment that they reviewed shows the junction to operate within capacity. As the roundabout will continue to operate within capacity National Highways are not seeking mitigation to improve this junction as this would not be warranted.

Transport Sustainability

- 9.57 The LHA is satisfied with the details provided in the Travel Plan and with the requirement to provide requirement to provide six month bus passes and monitoring, which will be secured through a legal agreement, the development can be said to promote the use of more sustainable and less polluting forms of transport.

Off-Site Works

- 9.58 There is an existing shared footway/ cycle provision on the A5 island. The LHA have requested that the Applicant develop proposals to extend the footway/cycleway into Hammond's way and to the development site. The Applicant has obliged in this respect.

Highways Summary & Conclusions

- 9.59 Both the LHA and the NH have indicated that the proposals are acceptable in highways terms. With the use of the recommended conditions by both authorities and a legal agreement to secure the requested mitigation, the development proposals would not result in unacceptable impacts on highway safety and considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with the National Planning Policy Framework (2026).

Drainage & Flood Risk

- 9.60 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. NPPF decision making policy F4 sets the requirement to provide site specific flood risk assessments. Policy F7 sets requirements to ensure that development is safe from flooding and F8 sets the requirement for development which could affect drainage on or around development sites to provide sustainable drainage systems.
- 9.61 The LLFA have advised that the 2ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to high risk of surface water flooding. The proposals seek to discharge at 8.2 l/s via an attenuation tank to the adjacent ditch-course.

- 9.62 With the applicant having provided additional details of the drainage strategy including the location of the storage area for the 1 in 100 year flood event (plus climate change allowance), the location of hydrobrakes, details of the connection of the drainage ditch to the wider network, the location of access strips to maintain the ditch course; and details of the ownership of the discharge point, the LLFA is satisfied that the proposals are acceptable and, with the use of the conditions listed in section 11, would not increase the risk of flooding on the site or elsewhere in the locality.
- 9.63 It should be recorded that the HBBC Drainage team have raised no objection to the proposals and requested a condition to secure the drainage scheme that has been detailed in the submitted FRA.
- 9.64 With the use of the conditions outlined in section 11 of this report the proposals comply with Policy DM7 of the SADMP and the advice contained in the NPPF that is relevant to drainage and flood risk.

Trees & Ecology

- 9.65 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. Decision making policy N2 of the NPPF requires (inter alia) development to consider the environmental qualities of land proposed for development; conserve and enhance natural features and use appropriate landscaping and minimise adverse impacts on biodiversity.
- 9.66 To consider the development's impact on trees, the Council's Arboriculturalist has confirmed that the existing tree stock is modest, with the majority of features being of low quality (Category C) or unsuitable for retention (Category U). The principal Arboricultural assets are the Category A Lime trees along Nutts Lane, which are retained within dedicated landscaping zones, representing a positive outcome.
- 9.67 The proposals do however involve removal of lime tree T9 (Category B). It was requested that the design be reconsidered to enable the retention of this tree due to its value in terms of providing frontage continuity. Unfortunately, it has been confirmed that due to level changes and statutory drainage connections, it is not possible to retain this tree. This is subsequently harm that should be weighed into the planning balance.
- 9.68 Having received a revised BNG matrix seeking to address the Ecologist's previous comments, the Council's Ecologist is now satisfied that the mandatory net gains in biodiversity can be achieved.
- 9.69 Beyond matters relating to BNG, the Ecologist has indicated support for the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been detailed in the Landscape Enhancement Management and Monitoring Plan (BWB, December 2025) and shown in Appendix 2 of the report to secure net gains for biodiversity.

The enhancement specifications, locations and orientations are appropriate and should be secured as a compliance condition. This condition is listed in section 11 of this report.

- 9.70 In order to conserve and enhance protected and priority species, including those that have been recorded in the locality, the mitigation measures identified in the Ecological Impact Assessment (BWB, October 2025) should be secured by condition and implemented in full.
- 9.71 The Ecologist has recommended that a Construction Environmental Management Plan (CEMP) - Biodiversity is secured as by condition and should include protection measures for designated sites, retained trees and boundary features, and precautionary mitigation for relevant species as identified in the Ecological Impact Assessment (BWB, October 2025). The CEMP - Biodiversity should include a pre-works check for new badger activity by a suitably qualified ecologist.
- 9.72 With an adjustment to control the warmth of external lighting, the ecologist is satisfied with the submitted Lighting Strategy.
- 9.73 Subject to the relevant BNG be secured and with the use of the recommended conditions, the proposals are considered to broadly comply with SADMP policy DM6 and the advice contained in the NPPF. As noted above the harm associated with the loss of the B Category tree will be weighed into the planning balance at the end of this report.

Archaeology

- 9.74 Policies DM11 and DM13 of the adopted SADMP and Section 16 of the NPPF seek to protect and enhance the historic environment, including archaeology. Where proposals have the potential to impact a site of archaeological interest, full archaeological investigation and recording by an approved archaeological organisation will be required before development commences.
- 9.75 In response to initial comments provided by the County Archaeologist, the applicant provided a geophysical survey of the site. In response to this the Archaeologist indicated that that no possible/probable archaeological anomalies were identified. Furthermore the survey indicates the presence of historic disturbance across the application area. In this regard the survey has identified linear responses possibly representing drainage features/service pipes or cables associated with the sports ground and/or nearby industrial sites. Further areas of magnetic disturbance have been identified resulting from modern landscaping and consolidation associated with the removal of a pavilion and a former tennis court.
- 9.76 Given the absence of a clearly defined archaeological potential and the extent of previous disturbance within the site, including the impacts indicated by the results of the geophysical survey, the Archaeologist does not consider that the proposals would result in a significant direct or indirect impact upon

the archaeological interest or setting of any known or potential heritage assets. No further archaeological action or investigation is warranted.

Other Matters

- 9.77 In reconsidering the design, as directed by committee members, beyond the measures outlined earlier in this report; the applicant considered lowering the ground level of the building. This was discounted due to an engineering review that showed that exporting excavated and surplus material would not be environmentally responsible nor sustainable.
- 9.78 The applicant has also clarified that the 12 metre clear internal height is the minimum to meet Grade A modern warehousing specification. The height enables occupiers to:
- maximise pallet storage through higher racking systems;
 - increase storage density without increasing the building footprint;
 - accommodate automated storage and retrieval systems (ASRS);
 - install mezzanine floors where operationally required;
 - improve operational efficiency and reduce operating costs; and
 - future-proof the building for changing occupier requirements.
- 9.79 The site layout is also dictated by best practise and HGV manoeuvrability. The applicant highlights a shortage in Grade A industrial and logistics accommodation within the borough and reiterates that they are in advanced discussions with two potential occupiers for the building. A supplementary report by Savills indicates that a review of units between 50,000 and 150,000 sq ft within an indicative 10-mile radius of the site identifies no immediately available Grade A buildings within the borough. The nearest available options are principally concentrated at Magna Park, Lutterworth, including MPS 10, Magna 104 and MPS 11. Other comparable buildings outside the borough are either under offer, exchanged or remain under construction and therefore do not represent immediately available supply.
- 9.80 Policy E2 of the new NPPF sets out that substantial weight should be given to the economic benefits of commercial developments. This is addressed in the planning balance section of this report.
- 9.81 It should be recorded that whilst Network Rail raise no objection to the development proposals, they have requested that details of the construction methodology be secured to ensure the safety of the operational railway during construction. This is due to the proximity of the proposed development to the operational railway boundary. Accordingly a condition has been included in section 11 of this report.
- 9.82 Leicestershire Constabulary have provided observations making design recommendations that should be incorporated within the build intended to reduce the risk of crime. These measure generally don't require planning permission and so the recommendations have been passed to the developer on an advisory basis.

- 9.83 It should also be noted that the waste team have requested conditions to secure a waste strategy for the operational phase of the development.

10. Equality implications

- 10.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 10.3 There are no known equality implications arising directly from this development.

11. Planning Balance & Conclusion

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. It is necessary to weigh any harms arising from the development against benefits arising from the scheme.
- 11.2 The loss of a B category tree is held in limited negative weight in the planning balance the harm is tempered by the benefit surrounding the wider landscaping scheme and the management of the trees that will be retained.
- 11.3 Limited negative weight is afforded to the loss of light to a small number of windows in nearby residential properties.
- 11.4 The loss of a sport facility is held in neutral weight in the planning balance. The harm is tempered by the approach of the Inspector in appeal ref APP/E3715/W/25/3373251 which ruled that a sports facility in these specific circumstances cannot reasonably be treated as existing. The harm is also tempered by the fact that there is an extant permission for a solar farm on the same site and so a change of use has already been established in principle.
- 11.5 There are a number of areas of policy, for example those relating to flood risk, archaeology, ecology etc, where policy is complied with. These matters

are held in neutral weight in the planning balance - as matters of compliance rather than benefits as such.

- 11.6 To consider the benefits of the development, there are clear social and economic benefits associated with the regeneration of a disused plot of land on the edge of an employment park, the provision of a high quality, purpose built employment complex, which will create the equivalent of up to 253 FTE jobs which will contribute to the provision of skilled employment in the local area. Together, these benefits are held in significant weight in the overall planning balance
- 11.7 Taking all material planning considerations into account the benefits arising from the scheme are not substantially outweighed by adverse effects when assessed against the decision making policies contained in the framework. The proposal is therefore considered to represent sustainable development, and it is recommended that permission be granted.

12. Recommendation

- 12.1 **Grant planning permission** subject to the recommendations set out in paragraph 1.1.

12.2 Conditions and Reasons:

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

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

2. The Development hereby approved shall be built in accordance with the following approved plans;

- Site Location Plan 24-078-Ex-1001 V2
- Proposed Site Plan (B2 Parking) PL-3010 PL08
- Proposed Site Plan (B8 Parking) PL-3011 PL08
- GA Ground Floor Plan 24-078-PL-3100 V4
- Office Floor Plan 24-078-PL-3110 V4
- GA Roof Plan PL-3120 PL05
- GA Elevation PL-3201 PL09
- GA Cross Section PL-3301 PL03
- Proposed Site Sections PL-3310 PL06
- Typical 12 Place Cycle Shelter Details 24-078-PL-3902 V2
- Bin Store and AC Compound Details 24-078-PL-3903 V3
- Sliding Gate Details 24-078-PL-3906 V2
- Single Timber Gate Details 24-078-PL-3907 V3
- Double Timber Gate Details 24-078-PL-3908 V3

- Typical Hit and Miss Fence Details 24-078-PL-3909 V3
- Landscape Masterplan 2445-25-05 V1
- Sustainability Statement 0580-ESC-00-ZZ-SP-Z-0001 V2
- Proposed External Lighting Layout (B8 Parking) Drw No 2318
ESC-00-ZZ-DR-E-2100 T1

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

3. The materials to be used on the external surfaces of the development hereby approved shall be as indicated on the approved drawings, Design & Access Statements and site images.

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

4. Prior to commencement of development, a Construction Traffic Management Plan (CTMP) for the proposed development shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The CTMP shall, as a minimum include details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision. The development thereafter will be carried out in full accordance with the approved CTMP

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area. To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area and to ensure the efficient and reliable operation of the Strategic Road Network during construction stage in accordance with policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016)

5. Within one month of the occupation date, an updated Travel Plan in accordance with Hinckley Borough Council guidance will be submitted and approved in writing by the Local Planning Authority in consultation with the Local Highway Authorities to include arrangements for ongoing

monitoring of implementation and effectiveness with targets to reduce private car movements to and from the site.

Reason: To ensure the provision of opportunities for travel by all modes of transport to and from the development site and prevent a reliance on car-based journeys. Ensuring the safe and efficient operation of the highway network and protecting the environment.

6. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Proposed Site Plan (B8 Parking) drawing no. PL-3011 Rev PL04. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2026).

7. No part of the development shall be occupied until such time as the offsite works shown on Proposed Footway/Cycleway drawing number 27339-03 have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2026).

8. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing number 27339-02 have been implemented in full. Visibility splays shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access in the interests of general highway safety and in accordance with the policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and National Planning Policy Framework (2026).

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

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2026).

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

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase and to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2026).

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

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development and to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2026).

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

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy and to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2026).

13. The development hereby approved shall only be carried out in full accordance with all mitigation and enhancement measures and/or works as set out in the Ecological Impact Assessment (BWB, October 2025) and the Landscape Enhancement Management and Monitoring Plan (BWB, December 2025)

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: In accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2026) and to conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

14. No development approved by this planning permission shall take place until a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity should as a minimum cover the following matters:

- a) Risk assessment of potentially damaging construction activities.
- b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- c) The location and timing of sensitive works to avoid harm to biodiversity features.
- d) The times during construction when specialist ecologists need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. The appointed person shall undertake all activities, and works in accordance with the approved details.
- g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: In accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2026) and to conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended)

15. Prior to the commencement of development, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall be submitted concurrently and in accordance with the Biodiversity Gain Plan. It shall include:

- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
- c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

Reason: In accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2026) and to satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

16. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- Measures for the control of dust, odour, noise, smoke, light and land contamination.
- Details of how measures will be monitored
- measures to be taken to prevent mud from vehicles leaving the site being deposited on the public highway and to control dust, odour, noise and vibration;
- details of storage of plant and materials required in the construction of the development;
- any lighting during construction;
- start and finish time of construction activity;
- procedures for dealing with complaints; and
- the proposed construction programme, including phasing.

Development shall be implemented in accordance with the approved CEMP for the duration of the construction period.

Reason: To protect the amenities of nearby land users in accordance with adopted Site Allocations and Development Management Policies Development Plan Document (2016) policies DM7 and DM1 and the advice contained in the National Planning Policy Framework (2023)

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

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

18. Prior to the installation of any plant or equipment on-site with a sound power level that exceeds 73 dB(A), a BS 4142:2014+A1:2019 noise impact assessment shall be submitted for approval to the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014+A1:2019. The noise rating levels shall be determined at the worst affected existing residential property and should include the provision to be made for the control of noise arising from the development use where adverse impacts are predicted. The development shall thereafter be operated in accordance with the approved scheme

Reason: To protect the amenities of nearby land users in accordance with policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the advice contained in the National Planning Policy Framework (2026)

19. The lighting strategy shall be installed and maintained as per the submitted External Lighting Report- Document reference number: 2318/ESC/00/ZZ/RP/Z/0016 Revision P3.

Notwithstanding the External Lighting Strategy all external lighting should be a warmer colour temperature of 2700K in line with Guidance Note 08/23 (Institute of Lighting Professionals)

Upon completion of the development, a statement of a suitably qualified contractor shall be submitted stating that any lighting installation to which condition 20 above applies is fully compliant with the ILP Guidance Note 01/21 for the Reduction of Obtrusive Light 2021 for a sign within zone E3.

Reason: To protect the amenities of nearby land users and to reduce disturbance to bats in accordance with policies DM6, DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the advice contained in the National Planning Policy Framework (2026) and to and to conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

20. No development shall take place until an Arboricultural Method Statement, in accordance with BS 5837:2012, for the site as a whole, including details of the position, species, size and condition of each existing tree and hedgerow on and adjacent to the site, and identifying those trees and hedgerows to be retained, has first been submitted to and approved in writing by the local planning authority. This shall

include full details of measures for the protection of trees and hedgerows to be retained during the course of development. Thereafter the development shall be carried out in accordance with the approved Arboricultural Method Statement.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM4 and DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 187 of the National Planning Policy Framework (2026).

21. Notwithstanding the submitted waste strategy, prior to the first use of the development hereby approved, there shall first be submitted to and approved in writing a waste strategy including full details of the accessibility of the proposed waste storage areas showing that adequate space is provided to facilitate collection of waste via a registered waste carrier. The waste storage areas will thereafter be implemented in full accordance with the approved details and will be available for their intended use prior to the first use of the development.

Reason: To ensure the bin storage on site is well designed and fit for purpose in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. Prior to the commencement of the development hereby approved there shall first be submitted to and approved in writing by the LPA in consultation with Network Rail full details of the construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments.

Reason: to ensure the safety of the operational railway during these works.

Notes to Applicant

Please be advised that it may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works. Please be aware that where any damage, injury or delay to the rail network is caused by construction works or future maintenance (related to the application site), the applicant or developer will incur full liability. This could also include police investigation as it is a criminal offence to endanger the railway or obstruct the passage of rail traffic. It should also be noted that any damage that requires a line closure or repairs can result in costs which could exceed hundreds of thousands of pounds.

All new enquiries will need to be submitted via the Asset Protection and Optimisation - Customer Portal (ASPRO Network Rail Implementation (oraclecloud.com)). From there, the outside developer can create an account and submit their enquiry. The enquiry will then be assigned to one of the Asset Protection team to progress.

BNG Condition/requirements

Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>

The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for event durations up to the 24 hour (or longer where required) for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods with results ideally showing critical details only for each return period.

Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the

surface water drainage system that will not be adopted by a third party and will remain outside of individual property ownership. For commercial properties (where relevant), this should also include procedures that must be implemented in the event of pollution incidents.

The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach. Where infiltration is deemed viable, proposed infiltration structures must be designed in accordance with CIRIA C753 "The SuDS Manual" or any superseding version of this guidance.