

Delegated Report

Planning Ref: 25/00306/FUL
Applicant: FP McCann Ltd
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

A Borough to be proud of

Site: FP McCann Brascote Lane Cadeby Leicestershire

Proposal: Erection of a pipe manufacturing facility with associated storage

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application seeks full planning permission for the change of use of agricultural land to accommodate the extension of the existing industrial and storage uses, the erection of a new plastic pipe manufacturing building, associated external storage, and biodiversity enhancements. The proposals would use the existing site access and parking area. The proposed development would generate approximately 60 new jobs.
- 2.2. The eastern field is proposed to accommodate the plastic pipe manufacturing facility. This facility will consist of one building, with a footprint of 5,469m², and four silos located behind the facility on its north-western elevation. The building is proposed to have an eaves height of 7.8m and a ridge height of 12.2m. The silos are proposed to reach a height of 16m. The building is proposed to be finished with the same materials and colour palette used at the existing industrial buildings across the site. The walls and roof will be clad in plastic coated/steel box profile sheets in goosewing grey, with precast concrete wall panels being installed to a height of 2.5m.
- 2.3. The central part of the site would consist of an external storage area for materials associated with the pipe manufacturing facility, and the western field would contain the biodiversity enhancement area.

3. Description of the Site and Surrounding Area

- 3.1. The application site lies in the countryside to the east of the rural hamlet of Cadeby, to the northeast of the A447 (Hinckley Road) and to the south east of Brascote Lane. The existing FP McCann pre-cast concrete production site has been established for over 30 years, taking the place of the former Cadeby quarry, and measures over 18 hectares in total.
- 3.2. The application site measures 12.15 hectares and includes the site access, office buildings the existing car parking area, and three fields separated by mixed hedgerows.
- 3.3. The eastern field is proposed to accommodate the pipe factory, and measures 6.35ha, comprising open grassland bordered by hedgerow and hedgerow trees.
- 3.4. The central field, which is proposed to accommodate external product storage, measures 3.97Ha and is also relatively flat grassy land, bordered by mature vegetation.

- 3.5. The western field comprises grassland and measures 1.83Ha. The field is bordered by mature hedgerows and mature conifer trees where the field adjoins Highfield House, an adjacent residential property. This field is proposed to contain the biodiversity enhancements associated with this proposal.

4. Relevant Planning History

There is an extensive planning history at this site. The key relevant applications are listed below:

75/00986/4	Erection of building for the manufacture of concrete products	Permitted	15.12. 1975
86/00345/4	Formation of new vehicular access, erection of administration reception block, erection of extensions to existing concrete products manufacturing unit and extension of area used for the stocking of concrete products	Permitted	21.07.1986
96/00808/FUL	Erection of factory unit	Permitted	13.11.1996
03/00519/FUL	Erection of factory unit and batching plant (revised scheme)	Permitted	26.06.2003
04/00152/FUL	Erection of office and canteen buildings	Permitted	14.07.2004
07/00403/FUL	Erection of industrial building	Permitted	30.05.2007
14/00369/CONDIT	Removal of condition 4 of planning permission 12/00370/FUL for the extension to the production unit	Permitted	16.10.2014
16/01092/FUL	Extensions to manufacturing building, erection of concrete batching plant, formation of additional car parking areas, change of use of land to Class B2 (General Industry) for new product storage area including ancillary security and landscaping works and the permanent diversion of a public footpath.	Permitted	28.03.2017
17/00530/CONDIT	Variation of conditions 2, 11 and 16 of planning permission 16/01092/FUL to reposition one of the approved factory extensions and the approved concrete mixing plant.	Permitted	24.08.2017
19/00624/FUL	Extension to existing precast concrete production building	Permitted	23.09.2019

22/00420/FUL	Proposed erection of roof tile facility	Permitted	27.04.2023
23/00926/FUL	Proposed replacement of office and welfare facility reconfiguration of parking, installation of solar panels and 2no. EV charging points and associated works	Permitted	14.12.2023

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Two responses have been received as a result of public consultation, both objecting for the reasons outlined below:
- Site currently acts as an important green buffer from Cadeby
 - Harm to the character of the open countryside
 - Heritage harm due to proximity to the Bosworth Battlefield
- Officer note: The site is located approximately 2.3km outside the Battlefield Boundary*
- The land is not designated for employment
 - Light pollution
 - Traffic issues
 - Lack of screening/planting to mitigate visual impacts
 - Mineral extraction area

Consultation

- 5.3. No objections, some subject to conditions, have been received from:-

Leicestershire County Council (Highways)
Leicestershire County Council (Ecology)
Leicestershire County Council (Minerals)
Leicestershire County Council (Archaeology)
HBBC Environmental Health (Pollution)
HBBC Drainage

Cadeby Parish Council: Objection:

- *There is no mention in the application of how the quantity of mineral deposits to be removed*
- *There are still outstanding traffic measures from previous applications which have not been actioned (for the tile factory), these need to be implemented prior to this application being considered.*
- *This is a new building in the countryside on a site which has not been identified for employment. The agricultural land has been solely purchased for the building*

of an industrial site. If it were a field and a house was to be built it would be rejected.

- *This is an inappropriate site as per HBBC's Local Planning Policy.*
- *What are the waste water drainage arrangements? This proposed site is lower than the existing buildings, which means it won't be able to drain into the existing drains, and run off won't be able to drain into the natural water course as they are all too high. New engineering will be required to enable use of the current systems.*
- *Storage area is closer to the village – the noise from here with the increased vehicle movements will have an impact on the village. It was estimated the number of vehicles would be 20 per day, we are unclear if this is 20 or 40 movements.*
- *The southern visual impact has no mitigation to blend the site into the greenbelt environment.*
- *More tree planting could be a solution to also enable increased biodiversity, as the current level of biodiversity for this site is still lower than the recommended matrix and the net gain barely adequate.*
- *Lighting around the buildings and the storage yard need to be considered and submitted. The current lighting has a massive pollution impact throughout the night, the village understands the need for security, however the levels have increased and are too high and would not wish to have it increased further.*
- *If the application is permitted no further lighting should be added to the site without further planning application due to the impact.*

Other pollutants are not mentioned:

- *Noise*
- *Smell*
- *Micro-Particles*
- *Dust - the existing dust from this site currently affects the village of Cadeby and if there is no wind hangs heavy in the air.*

A recent quote from a resident "I think the smell and the dust on the car are the tangible signs of something potentially more serious, in that we are likely breathing in particles which cannot be good for health. The smell and 'thick air' usually occurs after sunset and especially after dark. This past week there have been 2 occasions when I have gone out between around 10.30pm and 11pm with my dog for her last outing before bed, and it has been particularly bad."

Officer comment: This report addresses the points raised above.

6. Policy

6.1. Core Strategy (2009)

- No directly relevant policies.

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery

- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites
- Policy DM20: Provision of Employment Sites

6.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- Planning (Listed Buildings and Conservation Areas) Act 1990

6.4. Other relevant guidance

- Cadeby Conservation Area Appraisal, Management Plan and Map (2007)
- Employment Land and Premises Review (2024)
- Leicestershire Highway Design Guide
- Landscape Character Assessment (2017)
- Landscape Sensitivity Assessment (2017)

7. **Appraisal**

7.1. 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
- Flood Risk and Drainage
- Ecology and biodiversity
- Impact on Heritage Assets
- Other matters

Assessment against strategic planning policies

7.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

7.3. The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

- 7.4. The adopted Core Strategy provides an over-arching long-term vision for the Borough but does not contain any policies that are directly relevant to the proposal. It does however include spatial objectives that seek to strengthen and diversify the economy, support strong and vibrant rural communities and protection and enhancement of the natural environment and biodiversity.
- 7.5. Policy DM19 of the adopted SADMP and the Employment Land and Premises Review (2024) identifies the existing site as a category 'B' employment site where 100% employment use should be retained, and which has a rural location but with low prominence.
- 7.6. Policy DM20 of the SADMP relates to the provision of new employment sites. Whilst the wider site is an existing Category B employment site, most of the proposed development would fall outside of the existing Employment Allocation "CAD07".
- 7.7. Policy DM20 states that proposals which stand outside the settlement boundary and on greenfield sites will only be found acceptable where it is demonstrated that there are no suitable alternative sites identified sequentially in the following locations:
- a) Within settlement boundaries
 - b) On previously developed land
 - c) Adjacent to existing employment areas
 - d) Adjacent to settlement boundaries
- 7.8. The proposed development would diversify the existing operational functions of the employment site and effectively operate as a new employment site, with the creation of 60 new jobs. The proposed development lies adjacent to the existing employment area and would operate synonymously with the existing site. Due to the presence of the existing operations on site, it is not feasible for the proposed development to be located within a settlement boundary or on previously developed land. In summary, whilst DM20 is not directly applicable in this case, it is considered that the proposal complies with the aims of this policy.
- 7.9. As the site is located in the countryside Policy DM4 of the adopted SADMP is applicable. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. However, the policy also states that development in the countryside will be considered sustainable where it significantly contributes to economic growth and job creation subject to there being no significant adverse impact on the character and appearance of the countryside.
- 7.10. The site lies adjacent to is an established employment area with several large buildings associated with the operation on site. The impact on the character and appearance of the countryside will be assessed later in this report. The creation of 60 new jobs as part of this proposal is considered to amount to a significant contribution to economic growth and job creation.
- 7.11. Overall, the proposed development is acceptable in principle in accordance with Policies DM4, DM19, and DM20 of the SADMP subject to accordance with the wider material considerations covered later in this report.

Design and impact upon the character and appearance of the area

- 7.12. Policy DM4 requires that development proposals in the countryside do not have any significant adverse effects on the intrinsic value, beauty, open character and landscape character of the countryside. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, design and materials.

- 7.13. Hinckley and Bosworth Borough Council's Landscape Character Assessment (2017), defines the site as being located within the Bosworth Parkland Landscape Character Area C (LCA C). The key characteristics are defined as follows:
- Rolling farmland and parkland with gentle slopes which rise and fall reaching a high point around the town of Market Bosworth;
 - Scattered trees, woodland and smaller fields of pasture around settlements add interest to the regular pattern of enclosure fields divided by low hawthorn hedges;
 - A rural and peaceful character with development limited to scattered farm buildings and historic settlements well-integrated into the landscape by vegetation and small scale of buildings;
 - Parkland of Bosworth Park with avenues and Bosworth Hall country estate;
 - Recreation and tourism - Market Bosworth Country Park and a good network of public footpaths and routes popular with cyclists. Destinations include Market Bosworth, the Battlefield Visitor Centre, the Battlefield Line Railway and the Ashby Canal;
 - Bosworth Battlefield has strong heritage associations;
 - Historic villages of Cadeby and Sutton Cheney, with attractive red brick buildings and farm cottages, have a strong relationship with the surrounding agricultural landscape; and,
 - Market Bosworth provides an important focus within the area and St Peter's church provides a key landmark.
- 7.14. A number of Public Rights of Way are located across the wider setting of the site, including Footpath S66 which runs parallel to Brascote Lane to link Bridleway S25 with the Hinckley Road (A447). Bridleway S25 intersects the application site itself. Footpath S65 runs roughly parallel to the site, lying approximately 270m south of the proposed pipe manufacturing building.
- 7.15. The wider site at present contains several large buildings including an office and welfare space towards the northern part of the site, surrounded by a staff car parking area. Several large industrial buildings, machinery and storage areas associated with the site's concrete manufacturing operation lie immediately to the north and west of the proposed development.
- 7.16. Visibility of the site is restricted by the localised presence of both mature woodland / vegetation together with the existing built form and boundary features of the existing FP McCann concrete manufacturing facility. Public views of the new building and storage area would be primarily restricted to immediate locations and from receptors located to the south (Footpaths S65). Views of the site are therefore limited due to a combination of distance between the site and visual receptors, topography of the landscape (which is generally flat), and a mature intervening vegetation. Closer views from Brascote Lane and Footpath S25 would be in the context of the existing buildings and operations within the site, and direct views of the new building and storage area would be screened by the existing buildings on the site.
- 7.17. The proposed factory would have a maximum height of 12.2m, with a pitched roof and eaves height of 7.8m. The proposed building would measure 78.5m in length, with a width of 66m. The building footprint would be 5,463m². The proposed materials are plastic coated/steel box profile sheets in a goosewing grey, the same as the roof tile facility, with precast concrete wall panels. This materials palette would assimilate well with amongst the wider FP McCann site and ensure consistency in terms of design and appearance. The four silos measuring 16m in height would be the most

visually prominent element of the proposal and would be viewable from footpath S65 with possible transient glimpses from Hinckley Road and Brascote Lane.

- 7.18. Whilst it is acknowledged that the building would be more visually prominent from certain vantage points, it is not considered that there would be any unacceptable degree of visual harm caused. This is for several reasons; firstly, due to the surrounding context that the building and storage area would lie within, which already includes large industrial buildings which characterise the areas industrial and commercial use. Secondly, the site location and visual receptors limit the visual impact of the proposal. Whilst the site is currently greenfield, it is not considered that the scale of the proposal is significant enough to cause an unacceptable degree of harm to the character and appearance of the countryside. Additionally, the proposed biodiversity enhancement area in the western field would ensure that a permanent buffer between the site and Cadeby to the west beyond the A447 is maintained. This would also introduce some additional screening in the form of secondary hedgerow along the southern and northeastern boundaries of the western field.
- 7.19. In summary, whilst there would be some degree of visual harm caused by the proposed factory and storage area, the harm to the character of the countryside would not be significantly adverse for the reasons outlined above. Therefore, it is considered that the proposed scheme would not result in any significant conflict with Policies DM4 and DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 7.20. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings including matters of lighting, air quality, noise, vibration and visual intrusion. Policy DM7 of the adopted SADMP requires all reasonable steps to be taken to avoid light pollution, noise or vibrations of a level which would disturb areas valued for amenity and avoid poor air quality.
- 7.21. There are a number of isolated dwellings located around the application site, the closest and most notable being Naneby Hall Farm and Cottage. The proposed building would lie approximately 380 metres south of the southern boundary of Naneby Hall Cottage, and approximately 380m east of Orchard Farm. Due to the distance separation and the well-established boundary treatments between the site and the closest dwellings to the site, it is not considered that there would be any overbearing or loss of privacy impacts caused by the development.
- 7.22. Environmental Health (Pollution) raises no objection to the proposal subject to conditions relating to noise control, lighting, and a Construction Environmental Management Plan.
- 7.23. In summary, the proposal would not result in any significant adverse impacts on the amenities of the occupiers of any nearby properties and therefore the proposal would be in accordance with Policies DM7 and DM10 of the adopted SADMP.

Impact upon highway safety

- 7.24. 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. Policy DM3 of the adopted SADMP seeks the provision of improved infrastructure where necessary.

Paragraph 110 of the NPPF states that a safe and suitable access to sites should be achieved and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

- 7.25. The site is to be accessed via a private road which is a continuation of Brascote Lane and was approved via application 22/00420/FUL. The LHA advise that given it is stated the proposals would not result in an increase in staff numbers at the site, it has no objection to the continued use of the existing access arrangements, or the proposed development using the arrangements required by the LHA as part of application 22/00420/FUL.
- 7.26. The LHA advise that the road improvement scheme conditioned as part of 22/00420/FUL must be implemented prior to first occupation of the development. This has been conditioned as part of this recommendation.
- 7.27. Regarding the internal layout, the LHA previously advised that based on the Leicestershire Highway Design Guide (LHDG), 100 car parking spaces would be required within the site. Given the level of parking proposed is only a fifth of the minimum parking provision required, the proposals would also reduce the level of available parking for other permitted uses on the site. Concerns were also raised that there could be a parking problem at shift changeover times either for the proposed development or the wider site. The LHA requested the Applicant to provide additional information in respect of parking and a further parking area.
- 7.28. The Applicant has responded within Part 6 of the Transport Note (TN) that whilst it is acknowledged that another B2 operator could require additional parking, given the niche nature of the site in the event FP McCann were to vacate, two scenarios are likely. One is that a similar operator would occupy the site and the other is that planning permission would be required to change the site and its buildings to reflect the industry specific requirements from another operator. The Applicant considers in the first scenario, the parking demands would likely be similar and in the other, this would be considered as part of any planning application.
- 7.29. In addition to the above, the Applicant has stated there are hardstanding areas that can accommodate additional parking demand should it become apparent that additional parking is required. The Applicant has also highlighted that as part of the construction of application reference 23/00926/FUL within the wider site, parking has been relocated elsewhere within the site.
- 7.30. Within paragraph 6.7 of the TN, the Applicant has stated suitable overflow areas would be provided within the site should the car park ever be full and staff would be informed of where these are and that no parking would be permitted externally or locations where it would detrimentally affect the operations of the business.
- 7.31. Overall, the LHA accepts the above and considers with overflow parking provision available as well as the narrow nature of the adopted section of Brascote Lane, it is unlikely the development would lead to on-street parking problems in the area.
- 7.32. The LHA previously advised that a total of 14 HGV spaces would be required and that while it was stated there would be suitable space to accommodate HGV's, it was unclear where this would be. The Applicant has stated within the TN that similarly to the car parking situation, the site-specific operations do not result in an accumulation of HGVs for significant periods of time. Vehicles would arrive to deliver or pick up and then immediately leave the site. The Applicant has however shown an HGV overflow storage area to the south of the site within the TN.
- 7.33. When considering transport sustainability, the LHA previously requested the Applicant to submit a Travel Plan to accompany the proposals. The Applicant has stated that whilst they would be happy to do so, given the limited public transport

options to and from the site it is questioned what value this would offer. As an alternative, the Applicant has agreed to provide Travel Packs to employees which would highlight methods of sustainable travel such as car sharing, walking/ rights of way network and cycling to staff. These are secured within the s106 Agreement.

- 7.34. On the matter of Public Rights of Way, the LHA accepts that as part of this application it could not justify further work in respect of improvements to the PRoW network given third party land and the additional level of traffic being generated. It is noted that any future applications along the route which result in an intensification in use by vehicular traffic, particularly HGV's, could necessitate further improvements in order to separate vehicles and non-motorised users.
- 7.35. Conditions are recommended by LHA relating to offsite works, Construction Traffic Management Plan, Parking and Turning Facilities, and secure cycle parking. Subject to these conditions, the proposal would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Flood Risk and Drainage

- 7.36. Policy DM7 of the adopted SADMP requires that any adverse impacts from flooding as a result of development would be prevented.
- 7.37. The site is located wholly within Environment Agency Flood Zone 1 which is at the lowest risk of flooding. The applicant has stated that an existing drainage system exists on site which captures rainfall and surface water. The proposals include rainwater drainage connections from the proposed structures to this existing infrastructure. The proposed development will not result in any increase in surface water volumes, nor will it restrict surface water flows. The proposed development will not affect the flood plain or exacerbate flood risk. HBBC Drainage have no objections to the proposal subject to conditions.
- 7.38. The proposal would therefore be in accordance with Policy DM7 of the adopted SADMP.

Ecology and biodiversity

- 7.39. Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation and ecological habitats.
- 7.40. LCC Ecology were initially consulted and requested the submission of additional information for breeding birds, irreplaceable and priority habitats, and mandatory biodiversity net gain.
- 7.41. The Applicant provided this information and LCC Ecology are satisfied that there is sufficient ecological information to support the determination of the application, subject to conditions relating to the ecological appraisal recommendations being followed, CEMP, Biodiversity Enhancement Strategy, wildlife sensitive lighting scheme, HMMP and the statutory BNG condition.
- 7.42. In summary it is considered that there would be no ecological harm caused by the proposal (subject to conditions) and it is therefore in accordance with Policy DM6 of the SADMP.

Impact on heritage assets

- 7.43. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 require local planning authorities to pay special attention to the desirability of preserving listed buildings and their setting or any features of special architectural or

historic interest which they possess and the desirability of preserving or enhancing the special character or appearance of conservation areas.

- 7.44. Policies DM11 and DM12 of the adopted SADMP and Section 16 of the NPPF seek to protect, conserve, and enhance the historic environment and heritage assets. Development proposals should ensure the significance of a conservation area is preserved and enhanced and that proposals are compatible with the significance of listed buildings and their setting.
- 7.45. The proposed building is located approximately 600m east of the village of Cadeby at its nearest point. Cadeby is a designated conservation area and includes a small number of listed buildings within its historic core. The proposal therefore has the potential to affect designated heritage assets by virtue of its location within their wider setting.
- 7.46. There is no known key historic, functional, or other relevant relationships between the application site and the above heritage assets so it makes no direct contribution to their significance. There is no clear intervisibility between the existing FP McCann site and any listed buildings within the village due to the presence of existing built form, topography, and vegetation. There is very limited visibility of some of the taller existing FP McCann Depot structures from the along the main A447 Hinckley Road as it forms the eastern boundary of the conservation area. Where visible it is considered that due to their industrial character and appearance these features are a minor negative presence within the wider setting of the conservation area.
- 7.47. The proposed development would introduce an additional tall structure which could be seen in glimpses from the eastern edge of the conservation area. It is considered that the proposed development would result in a negligible visual change along the eastern boundary of the Cadeby Conservation Area and would cause no harm to its significance. As a result, the proposal would comply with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Section 16 of the National Planning Policy Framework and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

- 7.48. The submission includes a trial trenching report (26/11/2025) which includes a commitment to OASIS reporting with the Archaeological Data Service (ADS) and an accession number for the Leicestershire Museums Service (LMS). The latter is supported by a description of the archive content and a note stating the intention to deposit the paper (LMS) and digital archive (LMS/ADS) in accordance with professional standards. These provisions are in accordance with the planning requirements and the approved Written Scheme of Investigation. LCC Archaeology have been consulted and have no objections to the proposal on the basis of the information above.

8. Equality Implications

- 8.1. 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.

8.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

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

9. Conclusion and Planning Balance

9.1. The site partly forms an existing employment allocation under Policy DM19 of the SADMP, with the majority of the site adjacent and within the open countryside defined by the local plan. Policy DM4 requires that development proposals in the countryside do not have any significant adverse effects on the intrinsic value, beauty, open character, and landscape character of the countryside. Whilst it is acknowledged that the proposals would cause some degree of harm to the character and appearance of the open countryside, it is not considered that it would cause significant adverse impact upon the character of the area, and the proposed biodiversity enhancements would improve the appearance of part of the site, whilst also maintaining an important visual buffer in perpetuity. Therefore, the proposed scheme is acceptable in principle and would not conflict with Policies DM4, DM10, DM19 and DM20 of the adopted SADMP.

9.2. It has been demonstrated that there would be no adverse impacts as a result of additional noise, disturbance or light pollution to nearby residential properties from the development. No significant adverse impacts have been identified in respect of highway safety, and the scheme would preserve the setting of the Cadeby Conservation Area. The significant economic benefits of the scheme are considered to outweigh any harm identified and would therefore result in a sustainable development in this case.

9.3. In summary, the proposal represents diversification to the existing operations on site, ensuring job creation and the longevity of a Category B employment site, in accordance with the strategic objectives set out in the Local Plan and the priorities within the NPPF, which seek to support economic growth, innovation and productivity through sustainable development.

9.4. Overall, the proposal would be in accordance with Policies DM1, DM4, DM6, DM7, DM10, DM11, DM12, DM17, DM18, DM19 and DM20 of the adopted SADMP and the overarching principles of the NPPF and is therefore recommended for approval subject to conditions.

10. Recommendation

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

- Planning conditions outlined at the end of this report.

10.2. Conditions and Reasons

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

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Location Plan (KD.FPPF.1.D.001) received 21.03.25
- Proposed Site Layout (KD.FPPF.1.D.003) received 21.03.25
- Proposed Elevations and Floor Plans (KD.FPPF.1.D.003) received 21.03.25
- Development Cross Sections (KD.FPPF.1.D.009) received 21.03.25

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No part of the development shall be occupied until such time as the offsite works shown on ADL drawing numbers 5321-101.1 Rev. A (with the exception of the ghost right turn lane on the A447 Ashby Road), 5321-101.2 and 5321-101.3 Rev. A have been implemented in full.

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

4. Prior to commencement of development a Construction Traffic and Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from mud dust, odour, noise, smoke, light and land contamination, as well as vehicle parking facilities. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable. The plan shall detail how such controls will be monitored and will provide a procedure for the investigation of complaints.

The agreed details shall be implemented throughout the course of the development.

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

Monday to Friday 07:30–18:00

Saturday 08:00 – 13:00

No working on Sundays, Public Holidays and Bank Holidays

Reason: To minimise disruption to the neighbouring residents in the interests of neighbouring amenity, to reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in accordance with Policies DM7, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with KEDD drawing number KD.FPPF.1.D.003. 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 SADMP and the National Planning Policy Framework (2024).

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

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. The development hereby permitted shall not be occupied until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

8. Prior to the use of the factory hereby permitted for any manufacturing purposes, the roller shutter doors shall be fitted with a locking mechanism to prevent the plant being operated whilst the doors are open. The locking mechanism shall be retained at all times and the doors shall remain closed whilst the plant is in operation.

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

Reason: To ensure that the development hereby permitted does not result in unacceptable levels of noise pollution in the interests of neighbouring amenity and in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. The development hereby permitted shall not be occupied until the details of any external lighting, including a lighting design strategy for biodiversity have been submitted to and approved by the Local Planning Authority. This information shall include:

- a) a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles).
- b) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- c) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that the development hereby permitted does not result in unacceptable levels of light pollution, and to 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), and in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 10. Development shall not begin until a scheme to provide a sustainable surface water drainage system in accordance with the Flood Risk Assessment and Drainage Strategy dated March 2025 has been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that surface water is managed appropriately to prevent increase in flood risk, in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 11. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. 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.

Reason: To ensure that surface water is managed appropriately to prevent increase in flood risk, in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 12. Prior to commencement of development details in relation to the long-term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include responsibilities and schedules for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

Reason: To ensure that surface water is managed appropriately to prevent increase in flood risk, in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Revised Preliminary Ecological Appraisal (Heatons, July 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will 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: 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) and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) 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).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP 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: 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) and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of Revised Preliminary Ecological Appraisal (Heatons, July 2025), shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;

- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended) and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. Prior to the commencement of development, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:

- 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: 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, and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to Applicant

1. Your attention is drawn to the Biodiversity Net Gain note within the Decision Notice. The development is subject to the Biodiversity Gain Condition. A Biodiversity Gain Plan needs to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The application can be made online here:

https://www.hinckley-bosworth.gov.uk/info/200249/view_planning_applications_and_decisions/1476/does_the_property_comply_with_planning_conditions

IMPORTANT: Biodiversity Net Gain Plan Condition

The development is subject to the mandatory "biodiversity gain condition". A Biodiversity Gain Plan must be submitted to and approved in writing by Hinckley and Bosworth Borough Council prior to commencement of this development.

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply, these are listed below. However, based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

You should submit an application to discharge the Biodiversity Gain Plan condition to Hinckley and Bosworth Borough Council using a discharge of conditions application form. The current application fee is £145.

Further guidance on the submission of the Biodiversity Gain Plan can be found [here](#).

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

- The application for planning permission was made before 12 February 2024.
- The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
- The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

- The permission which has been granted is for development which is exempt being:
- Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
- Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
- Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
- Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
- Self and Custom Build Development, meaning development which:
 - i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and
 - iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
- Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
 - ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.
2. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
 3. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
 4. The Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

5. The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
6. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
7. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
8. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
9. Government guidelines (Inclusive Mobility published by DfT) recommend that 6% of parking should be allocated to disabled people, unless otherwise covered by local planning regulations. The applicant is advised that these guidelines should be followed as part of the parking provision for the site, and a minimum of 12 disabled parking spaces should be provided on the basis that there will be a total of 190 spaces.