



Appeal Decision

Inquiry held on 13, 14, 15, 19, 20, 21, 28 May 2026

Site visits made on 12 and 27 May 2026

by John Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2026

Appeal Ref: 6004284

Blaby Golf Range, Lutterworth Road, Blaby, LE84DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Hallam Land Management against the decision of Blaby District Council.
 - The application Ref is 24/0574/OUT.
 - The development proposed is an outline planning application for the redevelopment of the site for up to 200 residential dwellings including re-siting of existing retail/leisure/sui generis uses, demolition of existing buildings and creation of public open space, highways and drainage infrastructure (all matters reserved except for access).
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Decision

1. The appeal is allowed and outline planning permission is granted for the redevelopment of the site for up to 200 residential dwellings including re-siting of existing retail/leisure/sui generis uses, demolition of existing buildings and creation of public open space, highways and drainage infrastructure (all matters reserved except for access) at Blaby Golf Range, Blaby, LE84DP in accordance with the terms of the application, Ref 24/0574/OUT, and the plans submitted with it, subject to the conditions in the annexe at the end of this decision.

Preliminary Matters

2. The planning application was submitted as outline with all matters reserved except for the access. An 'Open Space Provision Plan' was submitted for consideration at this stage, which shows the areas for development and open space. Additionally a suggested condition confirms that the proposal would be limited to a maximum of 200 dwellings.
3. The Council on the 28 May 2025 forwarded a letter dated 19 March 2025 from the Police Authority, concerning contributions. Additionally a third party response was forwarded by the Council which indicated that the English Golf Union had commented in 1990 during the application process for the original golf course construction. The Appellant was aware of these responses prior to the Inquiry closing, and I checked that both parties were able to consider these responses, which they confirmed so. As no party would be prejudiced I have given them both consideration.
4. Following the close of the Inquiry the Appellant advised by e-mail¹ that the Council's Regulation 19 Submission Draft Plan was published on 22 June 2026.

¹ 23 June 2026

They advised that was due to be considered by the Council on 30 June 2026 ahead of its required consultation.

5. A section 106 agreement was submitted on 16 June 2026 for provisions including affordable housing, off/on-site recreation, open space, education, sustainable transport and highway safety.
6. On the 16 December 2025 the Government published a consultation² on suggested changes to the National Planning Policy Framework (the Framework). I have given this consideration but do not find it significant.
7. My site visit included walking around Blaby Golf course as well as the adjacent Crazy Golf and the Pitch and Putt courses. I also walked onto the nearby Enderby Golf course.

Main Issues

8. The third reason for refusal relating to the impact of the loss of employment opportunities was not defended by the Council as they reviewed their stance prior to the Inquiry. I have given this consideration but not as a main issue.
9. The main issues were confirmed by all parties in the Case Management Conference on 23 March 2026 as:
 - the effect of the proposed development on the designated Green Wedge; and
 - the effect of the loss of Blaby Golf Centre on Blaby District's recreational provision and whether the proposed recreation provision is considered equivalent in terms of quantity and quality.

Reasons

The effect of the proposed development on the designated Green Wedge

10. The site is within a swath of land which is designated as 'Green Wedge', which has been the feature of a spatial policy since 1987. Policy CS16 of Blaby Local Plan Core Strategy February 2013 explains Green Wedges are designated to prevent the merging of settlements, guide development form, provide a green lung into the urban areas and provide a recreation resource.
11. At the Inquiry both parties agreed that the strategy in the Emerging Local Plan was not yet fully resolved and there were no particular aspects brought to my attention other than the potential residential allocation for Enderby. The now published Submission Draft Plan is showing several other housing allocations in the vicinity and relatedly a reduction in the Green Wedge. I duly give this consideration.
12. Paragraph 7.16.3 states for CS16 to function effectively it needs to fulfil one or more of the following criteria: development is expected to retain the open and undeveloped character, retain and create networks between the countryside and open spaces within the urban areas and retain and enhance the Green Wedge especially for recreation. The Appellant also highlights the policy has a cross reference to strategic objectives, which while being a consideration do not form any additional tests.

² Consultation closed on 10 March 2026

13. At the Inquiry the Council confirmed that the Green Wedge strategy is not a landscape designation, which is also stated in the supporting text³³ to CS16. It was also agreed at the Inquiry that there are spatial and visual considerations. The Council's Strategic Green Wedge Assessment, September 2016, provides methodology for assessing the baseline and the effect of the proposed development and states they do not constitute Green Belt.
14. DM2 titled Development in the countryside, seeks to control residential development, protect landscapes, avoid conflicting uses and protect town centres. There is a cross reference to the Green Wedge policy, but no additional direction.
15. Policy BN2 of the Blaby Neighbourhood Plan February 2018 restricts development in Green Wedges to that allowed by CS16. BNP9 restricts development to that within the shown settlement boundary. The appeal site is excluded.
16. Policy CS16 identifies six Green Wedges, with the most pertinent one to this appeal being 'Area b' which is between Whetstone, Blaby and Countersthorpe, which includes the appeal site.
17. The Green Wedge Assessment graphically shows these wedges forming an arc three quarters of the way around Blaby. The Assessment defines 3 character areas: 'Area a' to the west, between Whetstone and Blaby which is a narrow strip following the bypasses, 'Area b' is to the south, and the 'Area c' continues the arc southwards and eastwards to separate Blaby and Countersthorpe.
18. The Green Wedge Assessment notes the appeal site is one of the areas around Blaby which is important as a landscape buffer to separate the identity of all settlements.
19. The appeal site largely consists of a 9 hole golf course. Additionally on the western side are crazy golf and pitch and putt courses, a large car park and various buildings, which accommodate a hair salon, gym, and taxi office, all of which are run independently from the golf course. The crazy golf and pitch and putt are owned and run by the golf course operator, which are also supported by a café with an internal connecting corridor. These have replaced a former driving range.
20. The appeal site's western frontage is Lutterworth Road, whilst the eastern frontage is Winchester Road; both provide connecting through routes. Along the northern boundary is a pleasant tree lined footpath which adjoins newly built houses. The Council stated at the Inquiry that the 'material' effect of the proposal would be on the Lutterworth Road frontage (which forms the division of Areas a and b), and not the Winchester Road or the above footpath.
21. On the western side of Lutterworth Road, opposite the appeal site, are a garden centre and commercial offices, and with the Green Wedge policy in force, a rugby club and housing development have followed.
22. The other, eastern, side of Lutterworth Road includes the appeal site, where there is a hedge along the frontage. This is referred to in the Green Wedge Assessment and the Council in closing suggests that this reinforces separation. The hedge does have some effect, but not definitively, due to the presence of buildings being discernible above and through a wide gap at the appeal site vehicular entrance.

³³ Paragraph 7.16. 2

23. Indeed the car park and buildings are close to the frontage and occupy the majority of the width of the site⁴. The buildings and car parking are evident and being urbanising features, they undermine the perception of a gap. The frontage signage too is extensive and exacerbates this impact. Policy CS16 identifies acceptable land uses in the Green Wedge, which includes outdoor recreation but is bracketed with the caveat where the 'associated buildings are small in scale'. Not only are these buildings collectively not small scale but additionally many of the uses are not associated with outdoor recreation including the gym, hair salon and taxi business. This undermines the impetus of CS16 in the context of the appeal site.
24. On the same side of Lutterworth Road as the appeal site and adjacent is a commercial area, which whilst excluded in the revised designation⁵, nonetheless is effectively part of one's experience of the area. This covers an extensive area and includes large buildings readily discernible from the Lutterworth Road frontage.
25. Also on this eastern side of Lutterworth Road but to the other (north) side of the appeal site, is a site for newly permitted development⁶ of 53 new houses known as Davidsons⁷. Whilst being an outline permission, the indicative plan shows houses on at least half of the frontage, which seems likely to follow in the reserved matters details due to the site area and shape being very restricted together with the need for a drainage pond at the lowest point.
26. I find that the A426 carriageway itself (which includes part of Lutterworth Road) contributes to the separation of settlements, but not in all directions, as the Council rightly pointed out in closing⁸, the exception is the Wychwood Road between Blaby and Whetstone.
27. A 'Welcome to Blaby' roadside sign on the Lutterworth Road is on the appeal site frontage. Whilst such signage cannot be taken as a definitive indication that the appeal site is part of Blaby, but nonetheless, it is an aspect influencing such perception.
28. The proposal whilst in outline, includes a master plan which shows the shape of the envisaged development. The existing buildings and car park would be removed and replaced by a significant length and depth of landscaping along the southern part of the site. This would offer separation to the frontage along Lutterworth Road and in this respect the proposal would enhance the existing situation. Additionally the proposal would also retain the frontage hedge⁹ to Lutterworth Road.
29. From the vehicular access off Lutterworth Road there would be a view into the deeper parts of the appeal site, predominantly of housing, which the Design and Access Statement envisages as 2 and 2.5 storey. Additionally retail buildings would be towards the frontage, which both parties expect would be 2 storey, which would also be discernible. Both the retail buildings and that part of the housing development close to the Lutterworth frontage would erode the perception of segregation.
30. Conversely the Winchester Road appeal site frontage is undeveloped with an almost continuous hedgerow with trees and scrub vegetation behind. This is

⁴ Aerial photograph Mr Smith Proof of Evidence page 6

⁵ Statement of Common Ground

⁶ 23/0968/OUT granted 6 May 2026

⁷ This is also identified for residential development in the Submission Draft Local Plan: Allocation H1C

⁸⁸ Paragraph 13

⁹ Arboriculture Report

complemented by the opposite side of Winchester Road which has open fields behind hedges. The proposal shows the retention and reinforcement of substantial landscaping deep into the appeal site with the new buildings set behind open space. I therefore find from here the Green Wedge would not be changed by the proposal.

31. From the northern boundary footpath the perception of separation would be maintained by provision of adjoining open space and retention of landscaping with the potential for more. Additionally the dwellings would generally be set back from the footpath. I therefore find that from this aspect the impact of the proposal would be minimal.
32. CS16 requires respect for green lung characteristics. In this proposal 65% of the site, 10.5ha, would be open space which would be landscaped and managed. This would be a substantial area of public open space and well in excess of the Council's requirement of the 2.3472ha for 200 dwellings¹⁰. The open space would be readily accessible to new and existing residents, and the proposal also would allow for extensive tree and shrub planting. In this respect the proposal meets the green lung aims of the policy.
33. Policy CS16 also requires provision of recreation including the retention and enhancement of public access to Green Wedges. The Council in closing suggested that the proposal would not create any new links between the countryside and open spaces. However the proposal potentially improves footpath provision on site allowing unrestricted access to open space for everyone, rather than those choosing to play golf. The existing footpath across the site is not conducive, due to the threat of being hit by golf balls, which is reflected in the submitted pedestrian counts. This would be remedied by the appeal proposal.
34. The improved footpath access across the appeal site would connect with other links to the surrounding countryside and open spaces. The footpath across the site is a 'desire line' and on my first visit to the site I noted the number of school children walking from Countesthorpe to Blaby. The accessibility is particularly well demonstrated in the submissions from the Appellant¹¹. This shows the connectivity of the appeal site to Countesthorpe Country Park and Oakfield Park to the east as well as the green corridor along the footpath on the northern edge and the public footpath going westward. The improved access within the appeal site would enhance that connectivity. In this respect the proposal meets that particular Policy CS16 requirement for development in Green Wedges.
35. CS16 requires development to retain and create green networks between the countryside and open spaces within the urban areas, provision of open space-shape, form and extent. The proposal provides and retains landscaping including ponds, which would be required to meet biodiversity gains and ensure a satisfactory appearance in the reserved matters.
36. Substantial reference was made at the Inquiry to the Glen Parva application which was permitted by the Council for residential development within the Green Wedge. The officer's report considered that the benefits of the development outweighed the impact on the Green Wedge. I note that development was significantly smaller than this site although correspondingly that proposal only allowed for an additional 1.1ha

¹⁰ Paragraph 6.10 CIL Compliance Statement

¹¹ Gary Holliday Appendix Figure 18

of open space whereas this allows for 10.5 hectares, although the site specific characteristics are not wholly comparable. The Appellant also suggests that the policy has been breached in other examples, which the Council disputed: Land South of Warwick Road, is one such, however 31 dwellings were already permitted, and the application was for 15 more. On Land North of Grove Road, the built form was found not to extend beyond existing residential development. On Land South of Little Glen Road, development was not regarded as extending the built form into the Green Wedge. In the Littlethorpe appeal case¹², the site was not in a Green Wedge. The above therefore do not lead me to a particular decision.

37. The Council in closing¹³ suggest that 'the appeal site forms part of the last vestiges of separation and perception of distance between Blaby and Whetstone, along Lutterworth Road'. Indeed the Council suggested in evidence the situation here is at a 'tipping point'; Mr Baker Adams concluded in his planning evidence that the proposal would 'lead to the further merging of settlements'.
38. The developments surrounding the site as well as the car park and existing buildings on the site itself have undoubtedly narrowed and undermined the Green Wedge, so it is now only partially discernible. However Area b covers a very large area, unlike the narrowness of Area a, and even taking the potential development on the appeal site and Donaldsons together, a large area of Wedge would remain.
39. The Submission Draft Plan makes allocations for residential development to the east and west¹⁴ of the appeal site as well as correspondingly removing those areas from the Green Wedge designation. Even if the appeal site and these allocations are developed, a large area of Green Wedge would remain. The appeal proposal maintains extensive open space which contributes to the size of the Wedge. As I have found above the proposal would erode the perception of the Wedge on the Lutterworth Road frontage. However this frontage is separated from both these allocations and so would not lead to any accumulative harm. I therefore find that the appeal proposal does not conflict with the Submission Plan's strategy.
40. Taken overall there would be very limited harm to the Green Wedge and as such the proposal would be contrary to the requirements of Policy CS16.
41. The policy has wording that: 'the need to retain Green Wedges will be balanced against the need to provide new development (including housing) in the most sustainable locations'. I return to the consideration of the policy as a whole in the planning balance later, after considering the need for the development and its location. Neighbourhood Plan Policy BN2 warrants similar consideration due to its clear cross reference with CS16.
42. The proposal would conflict with BNP9 because it is outside the settlement boundary; nonetheless so is the recently approved Davidsons site for residential development.
43. Neither party made particular reference to Policy DM2. In any event I find that the proposal would not be in conflict as it would not harm the landscape or character of the area.

¹² APP/T2405/W/25/3365777

¹³ Paragraph 26 c

¹⁴ H1D and H1E respectively

44. The Appellant makes reference to Policy CS17 which covers areas of separation and suggests they are a higher level of protection. However the policy wording is different which warrants its own particular interpretation. Additionally these have a different size and context so are not wholly comparable. Consequently I do not find that this is persuasive to my decision.

The effect on recreational provision

45. Policy CS15 seeks to ensure that residents have access to high quality and accessible open space for sport and recreation facilities.
46. Paragraph 103 of the Framework promotes access to high quality open spaces and opportunities. It highlights the need for policies to be based on robust determination of what open space, sport and recreation facilities are needed.
47. Paragraph 104 has two limbs, and the use of 'or' indicates either of which would allow compliance. Firstly an assessment shows the open space, buildings or land are surplus to requirements. Secondly whether the loss would be replaced by equivalent or better in terms of quantity and quality. The Council in closing suggest this requires planning judgement.
48. The Sport England guidance 'Assessing Needs and Opportunities Guide' for indoor and outdoor sports facilities states any assessment of need should ensure that an approach is tailored to reflect the particular nature of the study area and how different facilities are used and sports are played.
49. The appeal site has a 9 hole 34 shot golf course, a par 3 pitch and putt course, an 18 holes Congo River Crazy Golf theme course as well as a gym and café. The proposal involves their loss. Golf England objected to the proposal, whilst Sport England responded that it was not within their remit to comment.
50. The Council relied upon a Golf Needs Assessment which was produced for the Local Plan, whereas the Appellant submitted their own assessment by Litchfield consultants. Whilst the Council questioned some of the methodology of the Litchfield's study, they nonetheless accepted the conclusion that only one of the Blaby and Enderby courses is needed.
51. This shows¹⁵ that there are 18 active golf venues within Blaby and its 20-minute drivetime catchment area. Enderby and Blaby are within a few miles of each other and consequently have significantly overlapping catchment. Both have 'pay as you go' usage.
52. Both the main parties relied on the Golf Needs Assessment for usage at Enderby and Blaby. This shows¹⁶ 24,000 for Blaby and 28,332 at Enderby in 2024, whilst no figures were available for 2023.
53. Councillor Hartshorn speaking at the opening of the Inquiry suggested that the 2025 usage was more than 2024 and had been steadily increasing over recent years. He suggested that forecasts for future use were even better. However it was acknowledged by both parties at the Inquiry that weather is a key factor and the favourable 2025 summer conditions led to more usage generally. The evidential basis for the forecast was not clear.

¹⁵ Paragraph 2.8

¹⁶ Paragraphs 2.101 and 2.87

54. The Inquiry was informed that the Council is seeking to allocate Enderby for residential development in the Local Plan review. The subsequently published Submission Draft Local Plan does indeed make such an allocation¹⁷.
55. The Council¹⁸ in closing emphasised Blaby's affordability and ease of access. Its green fees are £9:50 -£14 whereas at Enderby is £10:50 -£13 at weekdays and £11:50-£16 at weekends¹⁹. Whilst Blaby is slightly cheaper than Enderby, the differences are not overly significant: evidence was not provided to the Inquiry that the difference would be prohibitive and importantly both are playable without the cost and commitment of membership fees.
56. Blaby is also in a very basic condition and lacks elevation or shape to the tees with the greens being created at ground level. Additionally the public right of way across the course does not help the flow of play. Safety of the course was questioned at the Inquiry: notably the Appellant's witness had played it and experienced the conditions and concluded there were some risks. Nonetheless no accidents have been recorded which limits the significance bearing in mind its 1991 establishment, in any event risk is likely to depend upon the individual and the numbers playing.
57. The reason for refusal makes particular reference to the Blaby course providing a pathway for beginners. Accordingly was considered in the submissions to the Inquiry.
58. The Council suggested that Blaby is useful for beginners as the holes are short. However there is a risk of overhitting as modern materials mean the driver will send the ball too far if the fairway is too short.
59. The Golf Needs Assessment²⁰ notes other courses in the vicinity that are 'least challenging': Charnwood, Leicester, Ullesthorpe and Whetstone as well as Enderby. Leicester is also described in the Assessment as operating in a similar manner to Enderby and Blaby. These offer alternatives to Blaby.
60. At Blaby there is no professional on site who would be expected to provide training, whereas Enderby has a professional and duly provides lessons. It also has a junior association.
61. Enderby has a practice ground. This is free and ideal for beginners as they do not hold up other golfers waiting to tee off or risk damaging the playing surface. It also can be overseen from the clubhouse and is suitable for group sessions.
62. As was explained at the Inquiry golf is a technical sport and professionals are therefore more adept at teaching the various techniques required, rather than for example, an average golf partner who may be a friend or relative. This input can be in a variety of forms. An individual lesson typically lasts for 30 minutes and would normally be in the region of £30. Additionally group sessions are often run by professionals which are substantially cheaper. Similarly professionals will oversee novices practising in a golf driving range and will offer advice. There are various initiatives at Enderby golf course to support beginners, and these are particularly

¹⁷ S11

¹⁸ Paragraph 3

¹⁹ Table 2.8 Golf Needs Assessment

²⁰ Paragraph 2.68

- cost effective. As explained by Mr Smith, Enderby is run by 'Active Everyone' which is a charity which has programmes to support participation.
63. In a BBC article, the manager of Enderby stressed its suitability for juniors. Indeed Enderby is only slightly harder than Blaby being a par 36 compared to a par 34²¹.
 64. The Appellant advise that work is about to start to make an indoor golf simulator²² facility at Enderby. It has advantages of convenience and would be particularly useful for coaching.
 65. Enderby is attached to a leisure centre providing soft play, gym, green bowls and swimming pool as well as a café, which support interest and facilitate the golf use. Equally Blaby is supported by the crazy golf and pitch and putt courses which also facilitate interest in the formal game itself. I therefore find that they are both equal in terms of their complementary facilities.
 66. The Inquiry was told that there is a substantial difference in technique and difficulty in going from a putting format to an 'aerial' [usual] form of golf, as one would in the traditional way, drive in the opening shot, whereas the crazy golf format is a putting approach which offers a very narrow grounding for a beginner.
 67. Additionally as explained above the Davidson's residential development is adjacent to the appeal site. As part of that permission there is a requirement²³ for a safeguarding zone to be created, which will remove space currently used for golf. This will entail changes to the first hole and potentially changes to the eighth.
 68. These changes need planning permission in their own right, which creates an element of uncertainty. Moreover Mr Smith, representing the Appellant, estimates the construction costs would be £150,000, which was uncontested. In addition he estimates that the total including the inevitable loss of income, would be considerably higher.
 69. The Blaby Golf Course operator has only 13 years left on the lease of the appeal site, and it was questioned at the Inquiry whether they would or could make such investment. In particular the Appellant questioned whether finance would be available in this situation.
 70. In 2009 in a Planning Statement²⁴ for an application seeking the change of use of the former driving range, the tenant operator openly acknowledges that 'the golf range side of Blaby Golf Club has for a number of years been underused and was losing money'. Consequently 'in order to reverse the loss the further sub-letting of additional units marked proposed on the plan will further increase the additional revenue generated'.
 71. The Council did not produce any viability evidence but instead questioned its relevance. Mr Wright on behalf of the Council made reference to two appeal decisions²⁵ to support this stance. However it is important in this particular case because if the viability is challenging, it may impair the future investment needed not only to maintain and retain the course but also to make the changes required by the Davidsons development.

²¹ Paragraph 210 Golf Needs Assessment

²² A digital mock-up of tee and playing surface whereby the balls hit a screen

²³ An obligation within the Section 106 agreement signed by the golf course owner

²⁴ Mr Smith Proof of Evidence paragraph 4.8

²⁵ Coventry Speedway APP/E3715/W/23/3322013 and Widnes Golf Club APP/D0650/W/21/328581

72. It was uncontested at the Inquiry that the works in response to Davidsons would take 12 to 18 months, which would amount to considerable disruption. The alternative, not doing the works, would be to accept an 8 hole course, which would be an anomaly.
73. Even if the course was amended to retain a nine hole format it would be even shorter than currently. Both parties agree that the course already has short holes. The main 9 hole course at Blaby measures only approximately 2,275 yards. The three other 9 hole courses within the local catchment (Charnwood Forest, Leicester Golf Centre, and Enderby) each measure approximately 2,900 yards for 9 holes or above²⁶. The implications of short tee distances are that courses are designed so that there are several approach shots before reaching the green. Thus foreshortened holes limit the number and range of shots, which reduces the attractiveness of the course. Whilst the Council in closing indicate that the course could be redesigned to be safe, the above impairments would nonetheless be apparent.
74. The Council suggest if this appeal is dismissed it would lead to more play at Blaby, particularly if Enderby shuts. However there is no certainty of this particularly bearing in mind the implications from the Davidson's development and the 13 year lease.
75. The Blaby course has some recreational value but is not ideal. Its basic provision meets the needs of some users who choose to use it either for reasons of accessibility, familiarity or informality. Its loss would reduce the overall recreation provision in the Borough but based upon the evidence before the Inquiry this would not be fundamental.
76. In addition to the loss of the 9 hole golf course, the crazy/ adventure golf course and pitch and putt courses would be lost. As the Appellant emphasised the pitch and putt course is not a compliant par 3 course being short in yardage for the holes. Whilst it has limited benefit towards developing golfers, it nonetheless does have recreational value. It is likely to attract people into the game particularly as the necessary clubs are provided.
77. Councillor Hartshorn suggested that 50,000 people a year use the adventure golf and pitch and putt. However there are six alternative adventure golf courses within 5 - 10 miles radius of the appeal site²⁷. The Appellant suggests that these are newer and or more elaborate than the facility at Blaby, which was uncontested. Additionally the Inquiry was also told that they have a short duration as demand necessitates changes.
78. Therefore there is significant provision of adventure golf courses in the area. I noted on my site visit that they do not take up much land and can be established independently of a golf course. Therefore the facility at Blaby could be potentially replaced if demand is warranted.
79. Councillor Hartshorn also emphasised that the adventure golf and pitch and putt are accessible to a wide range of users and are popular with community based groups. I noted the widespread use during my site visit and the absence of barriers to those with challenges. However accessibility and inclusiveness should be

²⁶ Paragraph 124 Appellant closing

²⁷²⁷ Mr Smith Proof of Evidence paragraph 7.46

characteristic of any facility. These courses do not take up much land and can be designed so that the topography is not discouraging and can be placed close to car parking and facilities. In addition it is reasonable to expect that any facility would be encouraging community groups as it would help their business.

80. Consequently I find that the loss of the pitch and putt and adventure golf would be upsetting and unhelpful for some who live close. However I find that the replaceability of the crazy golf would be likely if demand is warranted and the loss affords limited weight in planning terms.
81. The proposal provides a new football pitch, in response to the relevant Council officer bearing in mind the shortage in the area. However the proposed 200 dwellings here would generate their own additional need, and this is effectively mitigation towards that new need rather than being a compensation for the recreational loss of the golfing facilities. Accordingly I do not weigh it in the balance of this issue.
82. The open space and associated on site footpaths would promote walking and running and other informal recreation, which would be widely accessible to new and existing residents. The proposal would provide 10.45ha of open space whereas the requirement to meet the needs of the 200 new households would be 2.3472ha. This is substantially more open space than that required to meet the needs of the new households and is a significant gain, which would go some way towards mitigating the loss of the golf course.
83. The section 106 agreement does make provision of £100,00 towards golf facilities within a 20 minute drive time of the course. This is suggested towards mitigation for the loss of the golf course and would go towards increasing golf within the catchment area. I give this consideration latterly.
84. The loss of Blaby facilities would diminish the overall recreation opportunities in the area, which are close to local population and are valued by their users. Other facilities are available but would lead to inconvenience, less accessibility, less desirability than the range of facilities here and some may not go elsewhere, particularly those well established and those appreciating the informality. Thus inevitably the proposal would lead to diminishing sport and recreational opportunity, albeit for a minority of the general population and importantly the evidence before the Inquiry shows that there is a surplus of one golf course in the catchment area.
85. Overall I find that the proposal would conflict with Policy CS15. I also have had regard to The Public Sector Equality Duty²⁸ The facilities are readily accessible but based upon the evidence before the Inquiry I do not find that the needs of any individuals or groups with protected characteristics would be impaired.
86. I find the proposal is neutral in terms of paragraph 103. Against 104, under the first limb, the facilities on the whole would be diminished and would not be wholly replaced as required by the second limb. The proposal would therefore be in conflict with paragraph 104.

²⁸²⁸ Section 149 of the Equality Act 2010 requires public authorities and organizations delivering public functions in Great Britain to consider how their policies, decisions, and services impact people with protected characteristics.

Other Matters

87. The existing commercial premises on site would be demolished as part of this proposal, and the loss of employment was the subject of the third reason for refusal. Local residents speaking on the opening morning commented that the golf course is particularly well suited to youth employment and the café is successful. I noted both aspects on my site visit.
88. The existing commercial buildings would be replaced by 600sqm retail/commercial business opportunities. The section 106 agreement makes provision for a marketing strategy to promote the uptake of these new premises, which would be well positioned towards the site's frontage. The submitted evidence foresees the potential employment would be at least close to the existing levels. In addition the construction of 200 houses would have employment and economic benefits. I therefore find no harm in this respect. I also note that the Council in the Statement of Common Ground (SOCG) refer to Policy SA5 in this regard, but this concerns key employment sites which is not the case here.
89. There was concern about the potential increase in flooding, however surface water run-off would be channelled into holding ponds on site, which would be sufficient to mitigate the hard surfaces created by the development. The necessary capacity of the ponds could be provided as space would not be unduly constrained. No concern was raised by the relevant consultees and I concur.
90. There was concern about the capacity of schools and medical facilities in the area to cater for the new residents. However the relevant consultees advise that potential capacity can be made, and contributions are accordingly specified in the legal agreement.
91. The SOCG confirms the view of the parties that in the medium term the proposal would not result in any significant landscape harm. The site is largely shielded from public views and is not experienced in conjunction with any overly sensitive landscape. An LVIA has been submitted which provides a sound analysis of the site and the surrounding landscape. The proposal provides substantial open space and new landscaping opportunity, and I concur too and find no significant harm in the medium term. I therefore find compliance with Policy BNP1 of the Neighbourhood Plan which requires all new development to create a sense of place in terms of scale, layout and materials.
92. Local residents comment about the resulting traffic and highway safety. The existing access would be re-used which has sufficient visibility to meet accepted standards. Additionally the 30mph limit would also be moved to encompass the site access. The traffic generation has been quantified, and I note the Highways Officer had no objection. I similarly concur.

Planning Obligations

93. The CIL Regulations and paragraph 58 of the Framework provide the legal and policy tests for obligations. These tests require that planning obligations should only be sought where they are: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

94. Compliance Statements in respect of the CIL Regulations were submitted by both District and County Councils to cover their particular responsibilities.
95. Policy CS12 states where requirements for infrastructure, services and facilities arising from growth are identified through robust research and evidence, it is expected that developers will contribute towards their provision. Reference is made to the Council's 2024 Planning Obligations and Developer Contributions (SPD) and other evidence of need as well as the Infrastructure Plan.
96. The Council questioned whether the obligation for the contribution to off-site golf improvements would be CIL compliant: the agreement does not specify where and how the money would be spent and so it is suggested there is nothing that connects the money to the development. The Appellant did not offer justification in their closing statement, although it was raised in exchanges in the Inquiry itself.
97. The contribution is intended to mitigate the impact of the loss of the Blaby course²⁹. Logically the funding could go towards improvements of an existing facility or new facility to provide additional playing capacity for the displaced users of the appeal site. In this respect, the requirements of Paragraph 104 (b) are relevant: 'the loss resulting from proposed development would be replaced by equivalent or better provision.'
98. However it has not been quantified what the money would provide, therefore it is hard to establish what actual benefit would arise. There is also acceptance that there is a surplus of one golf course in the area, which would indicate no need for it. This questions whether the contribution is necessary.
99. Additionally without evidence to the contrary, the sum may well only be enough to fund part of a project, in which event it is questionable where would the remainder of the funding come from. It may also have revenue implications for the future. Whilst there was mention of the Enderby course at the Inquiry, golf improvements may not be aligned with the management plans for the site. Thus there is some doubt over the potential use of the funds without specific projects identified. Even if a project was identified, the contribution would only be necessary to make the development acceptable if it tipped the balance either in Development Plan Terms or a balance under paragraph 11(d) of the Framework. I return to this latterly.
100. Provision is made for 25% of the development as affordable housing in accordance with Local Plan Policy CS7.
101. An obligation requires the provision of the on-site football pitch and play area which as explained above are necessary towards the recreational needs of the new residents. These measures would meet the requirements of Policy CS15.
102. £774.40 per dwelling would go to improvements at Hazelmere or Northfield Medical centres which would ensure that the new residents could be reasonably accommodated. There is also provision for payment towards new sport facilities offsite at Holmes Park, Oakfield Park and Northfield Park, which would help meet the recreational demands of the new residents.
103. The obligation makes provision for the refuse/recycling bins for each dwelling, which is necessary to ensure that provision of this basic service is promptly implemented and encourage responsible waste management. Relatedly another

²⁹ Paragraph 5.74 Mr Cussen Proof of Evidence

contribution would go towards increasing capacity at Whetstone Recycling Centre. The contributions would accord with Policy CS23.

104. The agreement also provides for the required bio-diversity net gain enhancement in accordance with national requirements and Policy CS19.
105. The agreement makes provision for the commercial premises to be marketed in accordance with a strategy approved by the Council.
106. The agreement requires each household to have Travel Packs, including bus passes which would promote low carbon access to local facilities.
107. The Police Authority seek contributions to cover new vehicles, identification technology, start-up personal equipment, infrastructure and estate support as well as crime reduction initiatives. They provide a breakdown of the costs of equipment. They refer to the new demand on their work from the growing new households, in particular the pressures resulting from the scale of major developments; they suggest that the safety of new communities could be jeopardised, impairing quality of life and social cohesion. They also state that other Leicestershire and Rutland Councils have been more favourable to contributions. They emphasise that the Authority has a budgetary shortfall and is one of the lowest centrally funded forces.
108. The contribution in part towards vehicles and information technology is supported by both parties and was found to meet the CIL tests in the 2025 Littlethorpe appeal decision³⁰. However the other elements are not supported by the parties. The above SPD³¹ states requests from Emergency Services require sufficient justification. The Council has provided its Position Statement of 12-02-25, which provides a robust assessment against the CIL Regulations of these contributions, making appropriate reference to the differences of revenue and capital investment as well as general operational use rather than localised specific projects. I also find that these elements would be expected to be funded out of ongoing general taxation from the new residents. I therefore concur with both main parties that the only CIL compliant contributions here relate to vehicles and information technology: the obligation in paragraph 5.1 of the agreement and the definition on page 20 is so worded to identify such funding of £10,661.60.
109. The agreement provides for the expansion of early years and SEND education which would ensure that the new residents would have sufficient places.
110. The agreement has a formula for a contribution towards improvements at Blaby library to accommodate the new residents.
111. The agreement allows for a contribution towards the cost of a Traffic Regulation Order to relocate the 30mph limit on Lutterworth Road. This is necessary in the interest of safety.
112. Both County and District Councils requested monitoring fees, based on their own calculations for their particular responsibilities in each obligation within the agreement as outlined in their respective obligations guidance. The obligations Ppg³² allows for monitoring costs if proportionate and reasonable. The obligations would have to be checked by the Councils' staff throughout the progress of the

³⁰ Paragraph 41

³¹ Paragraph 4.4.17

³² Paragraph 36

development and payments would need to be requested, received, and actioned. Both Councils have particular responsibilities for overseeing the obligations and the funding. I therefore find that the monitoring fees are necessary and reasonably related to the proposal.

113. The above obligations are intended to mitigate the needs and impact of the occupants arising from the 200 additional households, to avoid placing undue pressure on the existing community facilities. The requirements were based on calculating the resulting new residents and the likely need for the particular facilities.

Planning Benefits

114. The Council has a severe shortfall in Housing Land Supply, which both parties agree is 2.78 years. As such there is a pressing need to find further land for housing and the 200 dwellings here would be a substantial contribution. The new dwellings would help towards the growing needs of the local community, providing a range of new homes. The Written Ministerial Statement in 2024³³ describes the national housing picture as an acute and entrenched housing crisis.
115. In addition there is an annual need for 536 affordable homes, whereas the average construction is 62 per year³⁴. The situation can only be described as very severe, impairing the everyday health and well-being of many households. The 50 proposed affordable dwellings would make a considerable contribution to those in particular need. The Appellant quoted from a recent appeal decision³⁵ which describes the implications: 'The consequences of not providing enough affordable homes affect people. Being able to access good housing has a bearing upon everyday life and there are socio-economic effects such as financial security and stability, physical and mental health, decrease social mobility and adverse effects on children's education and development'.
116. The Council accept that the benefits of market and affordable housing warrant substantial weight. I find that it warrants even slightly more.
117. The proposal would have economic benefits from the construction operation and the Appellant's uncontested estimation is that this would generate £56.1 million³⁶. Even taken as a ballpark, this would significantly support jobs directly and indirectly. I give these benefits moderate weight.
118. The proposal would result in a Biodiversity Net Gain of 12.95% habitat units and 29.98% hedgerow units. I give this benefit limited weight.
119. The Council in closing suggest that no additional weight to the housing delivery should be attributed to it being in a sustainable location, because that would be a requirement for any development. Similarly the additional landscaping and density of development is required to make it acceptable therefore should not carry weight. To some extent the Council makes a valid point but there are degrees of sustainability and extents of landscaping. I find this site is in a particularly sustainable location but the essence of that consideration rests with a comparison with other development sites and that is beyond the scope of this section 78

³³ Housing Minister, Mr Matthew Pennycook MP, in his remarks to the Housing, Communities and Local Government Select Committee on 20 November 2024

³⁴ Leicester and Leicestershire HENA 2022 Mr Stacey Proof of Evidence

³⁵ Paragraph 88 APP/C3620/W/23/3324631 Land at Sondes Place Farm, Westcott Road, Dorking RH4 3EF

³⁶ Paragraph 5.87 Mr Cussen Proof of Evidence

Inquiry. The potential extent of landscaping would also be much more than usually expected but I have considered this under the implications for the Green Wedge, and it should not be 'double counted'. Consequently I do not attach weight to these aspects.

120. The £100,000 golf provision, even if CIL Compliant, cannot be accounted as a benefit as it is clearly intended in mitigation for the loss of the golf course. The football pitch, play area and cricket contribution are principally proposed to help towards the needs of the new residents.

121. I find that the benefits of the proposal would be considerable.

Development Plan and Planning Balance

122. As stated above Policy CS16 requires the need to retain Green Wedges to be balanced against the need to provide new housing in the most sustainable locations. The site lies close to town centre facilities at Blaby, schools are within walking distances and employment opportunities are also close by and the area is well served by buses. The parties agree that the site is in an accessible position, and I find that this is one of the 'most sustainable locations'. There is a severe shortfall in the Housing Land Supply and a pressing need for the development. Consequently I find the proposal complies with CS16 when taken as a whole. This also reflects the strategy in the Submission Draft Plan, whereby the Wedge at those specific points has been weighed up against the need for new housing. I also find compliance with Neighbourhood Plan Policy BNP2, due to its cross reference.

123. My finding above on the CS16 policy reflects the process undertaken in the lead up to the Submission Draft Plan, whereby the Wedge at those specific points has been weighed up against the need for new housing. This approach has also occurred in the past.

124. I found above the proposal would conflict with Policy CS15, in that overall there would be a loss to sport and recreation. I give this moderate weight reflecting the scale of the overall loss and need for the golf course, pitch and putt and adventure golf.

125. The SOCG identifies: CS1, CS5, CS15, CS16, DM2 and BNP2 and BNP9, as the most important policies. CS1 is the strategy for delivery of housing and CS5 covers housing distribution, whilst the rest are summarised above.

126. I find that the proposal would accord with policies CS1, CS5 and CS16. I found earlier conflict with BNP9 and CS15.

127. The SOCG accepts that the aforementioned most important policies are out of date³⁷. This limits the weight to be attributed to the Development Plan, particularly those restrictive residential policies which do not help address the severe Housing Land Supply shortfall.

128. In any event Policy CS24 covers situations where the other LP policies are out of date: whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. I found earlier only limited harm and considerable benefit.

³⁷ Paragraph 8.19

129. The Policy CS15 and Neighbourhood Plan BPN9 conflicts does not mean there is conflict with the Development Plan when taken as a whole³⁸. The overall balance of the range of Development Plan Policies is not a mechanical or quasi- mathematical approach³⁹ rather a matter of planning judgment. I find that the weight of policies in favour of the proposal clearly surpasses this conflict.
130. The Council did not produce written evidence on the compliance or otherwise with the Development Plan as a whole, nor the balance within CS16 on the need for new housing in the most sustainable locations. Whilst grading to the benefits was undertaken, the weight attributed was increased during the Inquiry. I find the balance clearly supports the proposal.
131. The £100,00 contribution for golf improvements, even if funding an identified specific and deliverable project, would not be significant in the planning balance as the planning merits are otherwise overly favourable. Consequently this contribution is unnecessary and fails the CIL tests reinforcing my earlier findings.
132. When the proposal is considered in relation to the Development Plan policies taken as a whole, I find that it would be in accordance.
133. Paragraph 104 of the Framework was substantially covered in the evidence before the Inquiry and I found conflict above. However Paragraph 3 of the Framework emphasises that it needs to be read as a whole and when taken as a whole I find the proposal would comply. Paragraph 8 has economic, social and environmental objectives. I find that the housing would be an economic benefit and employment opportunities would neutralise the loss of current buildings, the provision of new homes towards a severe need would trump the loss of recreation facilities in respect of the social objective, and the additional new planting and bio-diversity net gain, without adverse landscape impact in the medium term, would satisfy the environmental objective. When taken as a whole I find the proposal would comply with the Framework.
134. The Submission Plan makes an allocation for residential development for Enderby Golf course, and my decision here could be considered as hindering such prospects. However there was clear evidence showing that Enderby has more sporting/recreational value than Blaby, and Blaby is burdened by the impact of Davidsons and has the uncertainties of the 13 year lease. Indeed there is also no certainty that at this stage in the Local Plan and pre-application, that development at Enderby would be forthcoming.
135. At the Inquiry it was suggested that 800 dwellings would be allocated at Enderby. However I note that the actual allocation⁴⁰ is for 'around 560 dwellings'. This allocation would be less than the 200 proposed here, which would potentially leave a shortfall. However no Local Plan can guarantee implementation of all the sites put forward, so reviews and /or reserve sites have such roles. Moreover the difference of dwellings would not be so significant in the overall quantum to fundamentally undermine the housing delivery strategy.
136. I therefore find that a favourable decision on this appeal would not be prejudicial to the Local Plan review process.

³⁸ *R (on the application of William Corbett) v Cornwall Council* [2020] EWCA Civ 508

³⁹ *E Staffs v SSCLG* [2017] EWCA Civ 893

⁴⁰ Policy S11: Land at Carlton Park, Narborough - Strategic Development Site

137. The proposal accords with the Development Plan, and I do not find that material considerations indicate a decision otherwise.

Conditions

138. Paragraph 57 of the Framework and the Planning Practice Guidance, Use of planning conditions, provide the tests for the imposition of conditions. The Framework is clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions accordingly.
139. A condition is needed to specify the submission of the particular outstanding reserved matters in the interests of clarity. Similarly, a condition on the plans submitted for approval is warranted. As I found above a condition is needed for compliance with the Open Space Plan.
140. Rather than the usual three years for the application of the reserved matters, 2 years is suggested to encourage the early provision of the new housing. I find that is necessary to boost Housing Land Supply and this would be a reasonable duration to undertake the various procedural arrangements. This mirrors the Davidson's decision.
141. The conditions on building heights and datum levels are necessary as I have found above in the interest of the character and appearance of the area. The condition limiting the development to 200 dwellings confirms the intent of the description of development and the basis for determination.
142. A condition requiring the approval of materials would ensure that the scheme has a satisfactory appearance.
143. Conditions are needed to ensure that the scheme is appropriately landscaped to blend with the surroundings, and a condition is similarly needed on its post development maintenance. A tree protection and management condition would ensure protection of those important specimens.
144. A condition requiring a Travel Plan would promote use of local facilities and buses to support low carbon travel in the interest of the wider environment. Conditions on the specifications, visibility and implementation of the vehicular access, pedestrian and cyclists access are necessary in the interest of safety and encouragement of non-motorised forms of transport. Another condition requires off-site works, which again is in the interest of highway safety.
145. There was dispute over the intent of suggested condition (now numbered 27) on the details of the highway access. The access off Lutterworth Road and the first 20m length into the site are detailed and agreed, which are the subject of the approved plan condition. This suggested condition covers the rest of the new road, with the Council seeking to specify the dimensions but the Appellant favours more open wording but within scope of Leicestershire standards. I agree with the Appellant's wording that this should not constrain the reserved matters scheme and moreover there is a risk of leading to an overly engineered road dominated scheme.
146. The conditions on ecology would ensure that the proposal is sensitive to the surroundings and network of neighbouring open spaces and trees as well as

managing protected species. Similarly a condition controlling external lighting is needed to prevent spillage in the interest of ecology and dark skies.

147. The condition on archaeological investigation is necessary to ensure that the potential is properly researched to inform the heritage of the area.
148. Conditions on contaminated land would ensure the health of new and adjoining residents. A condition requiring a Construction Environment Management Plan would minimise nuisance and disturbance to adjoining residents during construction. A condition on acoustic measures would ensure that the new residents have no such amenity concerns. A condition on the design of the development in respect of waste collections would ensure that this basic provision can be made in the interest of the well-being of new residents.
149. The conditions on surface water management would ensure that the development does not exacerbate the existing situation and helps water quality. Similarly a condition on waste management is warranted.
150. A condition requiring that 5% of the dwellings satisfy the requirements of M2 of the Building Regulations would ensure that they meet the diverse needs of the community.

Conclusion

151. Paragraph 2.7 of the section 106 agreement has a 'blue pencil' clause which allows me to waive any obligation not found to meet CIL tests. The 'Golf Facilities Contribution', as defined on page 20 and in the obligation at paragraph 2.1, is not imposed for earlier reasons. Otherwise I am satisfied that each obligation, including the partial contribution to the Police Authority, would meet the tests in that they are all necessary to make the development acceptable, directly related and fairly and reasonably related in kind and scale. The provisions would also accord with Policy CS12.
152. I have found above that the proposal accords with the Development Plan when taken as a whole and material considerations do not indicate a decision otherwise. I therefore conclude that the Appeal should be allowed subject to the conditions in the conditions annexe below and the section 106 agreement as in terms of paragraph 156 above.

John Longmuir

INSPECTOR

Appearances

For the Council

Adam Collinge BSc(Hons) PG Dip LA Ma AmlEnvSci CMLI, Technical Director, Arthian

Steven Wright BSc(Hons), Director, Knight Kavanagh & Page

Glen Baker-Adams BSc(Hons) MA Development Services and Enforcement Manager,
Blaby District Council

For the Appellant

James Maurici, Kings Counsel, supported by Claudia Hyde, Landmark Chambers

Gary Holliday BA(Hons) MPhil FLI Director, FPCR Environment and Design Ltd

James Stacey BA(Hons) Dip TP MRTPI Managing Director, Tetlow King Planning

Mark Smith BA MRICS MBA Director, Smith Leisure

Nigel Cussen BSc(Hons) Dip TRP MRTPI Senior Planning Director, Pegasus Group

Matthew Pruce MPlan MRTPI Senior Development Planner, Hallam Land

Submitted evidence but did not appear:

Ben Pycroft BA(Hons) Dip TP MRTPI Senior Director, Emery Planning

Richard Cook BA(Hons) MA Senior Director, Economics, Pegasus Group

Interested Parties/Local Residents

Cllr Paul Hartshorn, Blaby District Council

Sue Jordan Vice Chair Blaby Parish Council

Max Louch, Golfer

David Saunders, Local resident

Claudia Bolton, Employee

Jack Allured, Tusk Gym

Ian Warner, Local resident

Nigel Cooper, Golfer

Andy Hall, Business supplier to the cafe

Rory Cuthbert, Local resident

Documents submitted during the Inquiry

Council opening statement

Appellant opening statement

Cllr. Hartshorn speech

Claudia Boulton speech

Ian Warner speech

Nigel Copper speech

Andy Hall speech

Site visit itinerary

Leicester, Leicestershire and Rutland NHS CIL Statement

Leicestershire County Council CIL Statement

Blaby District Council CIL Statement

Suggested conditions

English Golf Union letter 1990

Letter from Leicestrshire Police

Council closing statement

Appellant closing statement

Conditions annexe

1. Application for approval of reserved matters shall be made within 2 years from the date of this permission and the development shall be begun not later than whichever is the later of the following dates:

a) Four years from the date of this permission; or

b) Two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

3. The development hereby permitted shall be carried out in accordance with the approved plans listed:

Location Plan (7657-L02 Rev. A)

Site Access Lutterworth Road (109390-PEF-ZZ-XX- DR-TP-00004 Rev. P03)

4. Reserved matters pursuant to condition 2 shall generally adhere to the approved Open Space Provision Plan, 07657-FPCR-XXDR-L-0011-S3-P02. For the avoidance of doubt, no built development shall be permitted on the areas identified as Strategic Open Space on this plan.
5. The quantum of residential units to be constructed for the development hereby approved shall be limited to a maximum of 200.
6. The dwellings hereby approved shall not exceed 2.5 storeys in height.
7. A minimum of 5% of the dwellings shall be constructed to meet the Building Regulations Part M4(2) standard or any superseding standard.
8. The details of all external materials shall be submitted to and approved in writing by the Local Planning Authority as part of each relevant Reserved Matters application. The development shall only be built in accordance with the approved materials.
9. No development shall commence until full details of the existing and proposed site levels and finished floor levels of the buildings have been submitted to and approved in writing by the Local Planning Authority as part of each relevant Reserved Matters application. The development shall only be implemented in accordance with the approved site levels and finished floor levels.
10. No part of the development shall be occupied until a lighting scheme for the public areas of the development has been submitted to and approved in writing by the Local Planning Authority as part of each relevant Reserved Matters application. The lighting scheme shall include details of lighting to footpaths and the public realm and shall set out the way in which the lux levels are responsive to hedgerows and other sensitive habitats. The lighting scheme shall be implemented and maintained in accordance with the approved details.
11. As part of any Reserved Matters Application, a Waste Collection Strategy shall be submitted to and agreed in writing by the Local Planning Authority, which demonstrates how each property on the development will be accessed by waste and re-cycling collection vehicles and how the waste re-cycling bins will be stored at each property on the development and presented for these vehicles on the respective waste collection day. The development shall be constructed to incorporate the features contained in the approved waste collection strategy.
12. No development shall commence until such time as a Construction Environment Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The management plan shall provide details of:
 - a) Loading/unloading and storage of plant, materials, oils, fuels, and chemicals;
 - b) Hours of construction work;
 - c) Provision and use wheel washing facilities;
 - d) Vehicle parking and a timetable for their provision;
 - e) Site compound and storage locations;
 - f) Measures to control noise and vibration during construction; and
 - g) If piling is proposed, then a piling method statement should be submitted.

The approved details shall be adhered to throughout the construction period for the development.

13. Prior to the commencement of any development:

- a) A site investigation scheme shall be designed for the site using the information obtained from the desktop study. This shall be submitted to and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site.
- b) The Phase II Site Investigation shall be undertaken in accordance with details approved by the Local Planning Authority and a risk assessment shall have been completed.
- c) Method Statement detailing remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation shall have been submitted to the Local Planning Authority. This shall be approved in writing by the District Planning Authority prior to that remediation being carried out on the site.
- d) A verification plan providing details of the information that will be collected in order to demonstrate the works set out in the remediation method statement are complete, including identification of any requirements for longer term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, shall be submitted to the Local Planning Authority for written approval.

14. Prior to commencement of any above ground development, the approved remediation works shall be completed in accordance with the approved Method Statement to the satisfaction of the Local Planning Authority. Appropriate validation of the remedial scheme shall be submitted to the Local Planning Authority for written approval.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13 and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of condition 13, which is subject to the approval in writing of the Local Planning Authority.

16. No Reserved Matters application shall be submitted until an Acoustic Assessment has been prepared by a competent and suitably qualified acoustic consultant. The assessment shall:

- a) Be carried out in accordance with relevant and current acoustic standards;
- b) Identify all potential noise sources and assess the likely noise impacts on the proposed development; and
- c) Set out recommended noise mitigation measures necessary to ensure acceptable internal and external noise environments.

The Acoustic Assessment shall be submitted with the Reserved Matters application for approval by the Local Planning Authority.

Any noise mitigation measures required by the approved Assessment shall be fully implemented prior to the first occupation of the development and shall be retained and maintained for the lifetime of the development..

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

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

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

18. No development (including any site clearance, demolition, groundworks, or construction) shall commence until a Tree Protection Plan (TPP) and associated Arboricultural Method Statement (AMS), in accordance with BS 5837:2012 "Trees in Relation to Design, Demolition and Construction", have been submitted to and approved in writing by the Local Planning Authority. The TPP shall include details of the following:

- a) Trees to be retained and removed;
- b) Tree protection fencing and ground protection measures;
- c) Root Protection Areas (RPAs);
- d) Phasing and timing of tree protection measures;
- e) Supervision and monitoring arrangements by a qualified arboricultural specialist; and
- f) Any special engineering or construction methods required within RPAs.

The development shall thereafter be carried out strictly in accordance with the approved TPP and AMS. All protective fencing and ground protection must be installed prior to the commencement of development and retained in position until completion of all construction works.

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

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

21. No occupation of the development approved 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.

22. 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.

23. No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The

LEMP shall include the following details:

- a) Description and evaluation of the features to be created/managed.
- b) Aims and objectives of management.
- c) Appropriate management options for achieving aims and objectives.
- d) Prescriptions for management actions.
- e) Work schedule.
- f) Species/seed mixes to be planted/sown; and.
- g) Ongoing monitoring and remedial measures.

The approved plan will be implemented in accordance with the approved details.

24. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP include the following details:

- a) Identification of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical measures and sensitive working practices to avoid or reduce impacts during construction;
- d) Timing of works to avoid harm to nesting birds;
- e) Responsible persons for overseeing sensitive works;
- f) Use of protective fencing where required; and

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

25. Prior to commencement of any development (including site clearance, groundworks, or vegetation removal), a Badger Survey and Reasonable Avoidance Measures Statement (RAMMS) shall be submitted to and approved in writing by the

Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved RAMMS, and all avoidance and mitigation measures shall be implemented in full for the duration of construction.

26. No development (including site clearance, vegetation removal, groundworks, or storage of materials) shall commence until a Reptile Mitigation Strategy (RMS) has been submitted to and approved in writing by the Local Planning Authority. The RMS shall be prepared by a suitably qualified ecologist. The development shall thereafter proceed only in accordance with the approved RMS, and all approved mitigation, monitoring and habitat management measures shall be fully implemented for the duration of the construction period and thereafter where specified.

27. Notwithstanding the submitted plans, the proposed access shall accord with the Leicestershire Highway Design Guide. The access once provided shall be so maintained at all times.

28. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 54.0 metres have been provided at the site access in accordance with Drawing 109390-PEF-ZZ-XX- DR-TP-00004 Rev. P03. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

29. No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of any proposed accesses with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

30. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular accesses on Lutterworth Road and Winchester Road that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

31. No part of the development shall be occupied until such time as the offsite works shown on Drawing 109390-PEF- ZZ-XX-DR-TP-00004 Rev. P03 have been implemented in full.

32. The Reserved Matters application pursuant to Condition 2 shall include full details of the proposed pedestrian and cycle access points from the development onto both Lutterworth Road and Winchester Road, including details of a continuous cycle connection through the development connecting the access points on to both Lutterworth Road and Winchester Road and cycle improvement works to Winchester Road, which shall include provision of a parallel crossing upgrade on Winchester Road. All access points and connections shall be designed in accordance with the Leicestershire Highway Design Guide. The development shall be carried out in full accordance with the approved details, and the access arrangements shall be retained and maintained thereafter in perpetuity.

33. The Reserved Matters application pursuant to Condition 2 shall include a scheme for the treatment of the Public Rights of Way Footpaths Z56/4, Z56/5 and Z67/1 to be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for, surfacing, width, structures, signing and landscaping,

together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

34. No part of the development hereby permitted shall be first occupied until such time as the Pell Frischmann Framework Travel Plan Rev.P3 dated 21/05/2025 which sets out actions and measures with quantifiable outputs and outcome targets has been implemented. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

End of conditions

Richborough

Richborough