



Appeal Decision

Hearing held on 9 & 10 July 2024

Site visit made on 10 July 2024

by S Heywood BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2024

Appeal Ref: APP/T2405/W/24/3342111

Enderby Hub, St Johns, Enderby, LE19 2AB

- 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 Mather Jamie Ltd on behalf of Drummond Estate and Inverock Ltd against the decision of Blaby District Council.
 - The application Ref is 19/0164/OUT.
 - The development proposed is an outline application for a commercial development consisting of the erection of x4 warehouse buildings with ancillary offices and gatehouses (Use Class B8) and x1 training and education centre (Use Class F1) including associated access off Leicester Lane.
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Decision

1. The appeal is allowed and planning permission is granted for an outline application for a commercial development consisting of the erection of x4 warehouse buildings with ancillary offices and gatehouses (Use Class B8) and x1 training and education centre (Use Class F1) including associated access off Leicester Lane, with all matters reserved except the means of access from the public highway from Leicester Lane and St Johns (B4114) at Enderby Hub, Enderby, LE19 2AB in accordance with the terms of the application, Ref 19/0164/OUT, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mather Jamie Ltd on behalf of Drummond Estate and Inverock Ltd against Blaby District Council. This application is the subject of a separate decision.

Preliminary Matters

3. It was agreed by the main parties that the description of development should be that set out on the Council's decision notice, which differs from that on the application form. I have used the Council's description in the heading and decision above.
4. The appeal relates to an outline application with all matters, apart from access, reserved for future consideration.
5. The application was accompanied by a Parameters Plan 'Land Use' which indicated, contrary to the description of development, that the site was to be used for B2 and B8 purposes. An amended plan was submitted prior to the hearing removing the reference to B2 units as this use does not form part of the application. I am satisfied that there would be no prejudice to any party

for me to take this amended plan into account in my determination of this appeal.

6. The appeal development is known as 'Hub 1' by the appellants. A subsequent application for a similar development known as 'Hub 2' was submitted to and approved by the Council's Planning Committee on 13 June 2024, subject to the completion of a planning obligation. Planning permission was granted for the Hub 2 development on 15 July 2024, after the hearing had closed.
7. Whilst the Hub 2 application does not include the proposed training centre included in the appeal before me, the Council's reasons for refusal of Hub 1 did not relate to the training centre. The Council confirmed at the hearing that there is no material difference between the applications for Hub 1 and Hub 2. Accordingly, even if I were to dismiss this appeal, there is a real prospect that a development of very similar nature to the appeal proposal could be implemented on the appeal site.
8. A signed planning obligation by way of Section 106 of the Town and Country Planning Act 1990 (S106) has been provided as part of the appeal, with the final version dated 25 July 2024 submitted by agreement after the hearing closed. The planning obligation includes the following provisions: ensuring travel packs and bus passes are provided to eligible employees, or a contribution is made to the County Council for the same; a financial contribution is made towards traffic signal operation improvements at the B4114 / Park and Ride and the B4114 / Penman Way junctions; a financial contribution is made towards works to the Desford Crossroads junction on the A47; a financial contribution is made towards air quality monitoring equipment, long term monitoring and management; a financial contribution is made towards undertaking a feasibility assessment to establish the need for and delivery of the logistics training and education centre. I return to the S106 agreement later in my decision.

Main Issues

9. The main issues in this appeal are:
 - The impact of the development on the highway and transportation network.
 - Whether the development would accord with relevant development plan policies relating to employment land provision / demand and supply.

Reasons

Local plan context

10. The development plan includes the Blaby District Core Strategy (CS) 2013 and the Local Plan Delivery DPD 2019. The site appears as part of a Green Wedge on the key diagram accompanying the CS and Policy CS16 sets out that Green Wedges will be maintained. However, the policy also makes clear that the need to retain the Green Wedges will be balanced against the need to provide new development in the most sustainable locations and that the detailed boundaries were to be reviewed. A Strategic Green Wedge Assessment was undertaken in 2016, as part of the preparation of the Delivery DPD. Having regard to that assessment, the appeal site was subsequently allocated for employment purposes in the Delivery DPD through Policy SA3.

11. S38(5) of the Planning and Compulsory Purchase Act 2004 makes clear that any conflict in policies in development plans must be resolved in favour of the policy contained in the last document to be adopted. In this case, therefore the employment allocation in the Delivery DPD is the policy which takes precedence.
12. The Local Plan review has only reached an early stage in the process. There are no site-specific allocations at this stage. Aspirations expressed at the hearing for the site to be used as recreation space or for other purposes are therefore of very limited weight in this appeal.

Highway and transportation impact

13. The application includes a Transport Assessment and Updated Transport Assessment (January 2023) (referred to as the TA hereafter). Whilst concern has been expressed that the traffic data was captured during the COVID pandemic, Leicestershire County Council (LCC) as highway authority agreed to a 'COVID Factor' comprising a 91% uplift to the data.
14. The TA compares trip rates from other B8 developments within Leicestershire and uses the rates from Magna Park, an extensive B8 / logistics development to the south west of Leicester located close to the A5. Concern was expressed that there is a different road environment around Magna Park when compared to the appeal site. However, the TA uses the trip rates from Magna Park, as this demonstrates the greatest two-way flows of other potentially comparative developments within Leicestershire. It then applies those trip rates to the road network and junctions around the appeal site.
15. The TA also applies a Sensitivity Assessment to the 'with development' junction assessments. This ignores the potential for a redistribution of traffic away from the junctions under assessment. LCC indicate that the redistribution may not fully materialise in reality. Accordingly, the Sensitivity Assessment shows a worst-case scenario at the junctions. On this basis, I have considered the impact of the development having regard to the impact in the Sensitivity Assessment.
16. Whilst the methodology and data used for the TA has been criticised, both LCC and National Highways are satisfied that the TA provides a robust assessment of traffic generation from the site and its impact on the highway network. Furthermore, similar information was provided for the Hub 2 application, which has subsequently been granted planning permission by the Council. I am therefore satisfied that the traffic data in the TA provides a robust assessment of the highway impact of the proposal.
17. The junction analysis included in the TA sets out the expected effect of traffic at individual junctions in the vicinity of the site having regard to the trip generation and includes the application of the COVID Factor. In each case the Practical Reserve Capacity (PRC) of the junction is assessed demonstrating whether the junction would operate within capacity (a positive value) or above capacity (a negative value).
18. I saw that the existing signalised junction at Leicester Lane / Blaby Road carries a significant amount of traffic. The roads and pavements are narrow, and I saw some HGVs mounting the kerb to make the right hand turn from Leicester Lane towards Hall Walk. I can therefore understand the concerns of

residents of Enderby that the development will exacerbate congestion around the junction.

19. The TA demonstrates that, during the AM peak, the junction already operates above capacity and vehicles queue on each arm of the junction. Queues are smaller during the PM peak (at the 2021 base date). However, at 2026 with the development in place, the AM peak is predicted to improve with the junction operating within capacity. This is likely to be due to vehicles re-routing to avoid the junction. The junction will operate above capacity in the 2026 PM peak with the development, but the development will only make a marginal difference to the queues, when compared to the no development scenario (+1 vehicle on Hall Walk, -1 vehicle on Leicester Lane) at peak times.
20. By 2031, the junction is predicted to be operating above capacity at both the AM and PM peak hours. However, the TA demonstrates that in the AM peak there are likely to be smaller queues than at the base date (2021) due to the proposed construction of a bridge across the M69 linked to a residential development at New Lubbesthorpe. Furthermore, the TA demonstrates that the effect of the development on queues by 2031 is likely to be beneficial, in that queues either remain the same length or reduce, when compared to the situation in 2031 without the development.
21. The Sensitivity Assessment demonstrates that, if there is no redistribution of traffic, the development would reduce the PRC in the AM peak from -17.6% in 2026 with no development to -22.1% with development and from -2.0% in 2031 with no development to -3.8% with the development. In the PM peak, the PRC would be reduced from -13.7% in 2026 without the development to -15.4% with the development and in 2031 from -16.9% to -18.1%. In practice the maximum increase in the number of vehicles queuing would be around 24 additional vehicles queuing on Blaby Road in 2026 during the AM peak. The increase would be less on other junction arms and during the PM peak. By 2031 queues are predicted to reduce on each arm of the junction during the AM peak with the development in place when compared to the base date.
22. Concerns were expressed that the bridge across the M69 may not be built. This is linked to a residential development at New Lubbesthorpe and is due to be constructed after a certain number of dwellings have been completed. The TA assesses the cumulative effect of development on the road network of the appeal development and other committed development, including the totality of the New Lubbesthorpe development. If the bridge is not constructed, this would mean that fewer dwellings will have been completed at New Lubbesthorpe with the consequence that there will be less traffic on the road network. Furthermore, there is no evidence before me to suggest that there are any constraints to the completion of that residential development or that the bridge will not be built.
23. Having regard to the Sensitivity Assessment, I conclude that, overall, congestion would be likely to increase at this junction and the development would cause some harm in this respect.
24. The proposed site access junction is shown to operate within capacity in 2026 with the development. By 2031, it will be operating over capacity with an increase of queuing on Leicester Lane (West) compared to the no development scenario. The junction design would include MOVA signal controls (a system designed to adjust the timing of traffic lights to minimise queuing). These have

not been factored into the junction assessment meaning that the queuing / capacity figures are likely to be an overestimate.

25. The TA demonstrates that the development would have no material impact on the Leicester Lane / B4114 / Leicestershire Police Headquarters (HQ) junction, with no significant impact in queuing or reduction in capacity when compared to the no development scenarios. Whilst the junction is predicted to be operating above capacity in the PM peak by 2031, with a -14.5% PRC, this is predicted to increase to 0.4% PRC with the development, which the TA puts down to traffic re-routing to avoid the area. If this does not happen, the Sensitivity Assessment nevertheless shows that the development would not have any material impact on the PRC or queuing at the junction compared to the 2031 no development scenario. Again, the operation of MOVA signal controls will mean that the assessment is likely to overestimate the impact.
26. I note that Leicestershire Police's Designing Out Crime Officer, in consultation with their Highways Officer, raised concerns due to the "detrimental and significant impact on Leicester Lane" and the effect on access to the HQ located to the east of the junction. Following discussions with the appellants Leicestershire Police no longer maintained their objection, although they remained concerned about the potential for congestion in the Leicester Lane / B4114 area. Their acceptance of the scheme was therefore caveated. However, if they had serious concerns regarding the impact of traffic at the junction on their operations and response times, it is reasonable to expect that they would have maintained their objection given the potential consequences. Furthermore, I note that the Committee Report for Hub 2 states that Leicestershire Police ultimately confirmed they had no objection to that application.
27. At the Meridian South roundabout, the TA demonstrates that there is significant queuing on the A5460 during the AM peak which the development, in the Sensitivity Assessment, would exacerbate. As a result, the proposal includes a signalised arrangement at this junction, to be secured by condition. This is predicted to significantly reduce queues on the A5460 slip road.
28. Improvements are also proposed on the A563 / Grove Farm Triangle / Penman Way junction to widen Lubbesthorpe Way (A563 North). This would mitigate the reduction in PRC predicted in the PM peak as a result of the development. This is also to be secured by condition.
29. A contribution is sought, through the S106, for the upgrading of the Desford Crossroads. Whilst the TA did not identify any material impact at Desford Crossroads, it demonstrates an increased traffic flow through the junction and an increase in queuing as a result of the development. The highway authority confirm that the crossroads operates with significant existing congestion and queuing, and that accords with my observations. The development would directly impact and exacerbate this.
30. Whilst concern was raised that upgrading this junction would further increase the traffic travelling through Enderby, there is no substantive evidence to demonstrate this effect. LCC are best placed to understand the impact of traffic on the wider network and have a proposed scheme for the Desford Crossroads to which the development would make a contribution based upon the extent of its impact. I address the S106 later in this decision.

31. Contributions are also proposed to enable the upgrade of the B4114 / Park and Ride and the Penman Way junctions to MOVA signal operated junctions. These roads will be directly affected by development traffic and the mitigation would improve capacity and flow of traffic at these junctions. Further improvements are proposed to crossing facilities as part of the access arrangements, a connection is proposed from the site to the existing footpath / cycleway along the B4114 and improved cycle / pedestrian facilities are proposed along the B4114. These improvements are secured through conditions.
32. Concerns were raised regarding other junctions in the vicinity of the site. The TA demonstrates that the following junctions would operate within capacity and the development would have no material impact on the length of queues: the Foxhunter roundabout; the A563/A5460 westbound and slip road leading to the M1/M69 junction; and the M1 / M69 / A5460 Junction 21.
33. In addition to the highway improvements outlined above, the development would incorporate sustainable transport measures to encourage use of transport other than private vehicles. The highway authority and appellants agree¹ that the site is located in an accessible location, close to a range of facilities allowing access to the site by foot, cycle and bus. Nevertheless, the Council and residents raise concerns regarding the frequency and timing of trains and buses and the limited opportunities for cycling.
34. The evidence demonstrates that three bus services operate close to the site: the park and ride service every 15 minutes runs a limited stop service from the park and ride site immediately to the north of the appeal site into Leicester city centre; the number 50 service operates on a 20 minute frequency during peak times from the city centre south to Enderby and Narborough and the X84 runs an hourly service from Leicester to Rugby via Narborough. Further bus services operate to Fosse Park to the north of the site. There are bus stops within 400m of the site on the B4114 and the proposed site access plan incorporates new bus lay-bys and shelters on Leicester Lane to the west of the access point. A condition secures compliance with this plan. Cycle and pedestrian access is proposed from the B4114 into the site and a condition would secure improved facilities along the B4114 to the Leicester Lane junction. The site is also 2.5km from Narborough Rail Station with trains every 30 mins to Birmingham and Leicester and every 2 hours to Cambridge.
35. Whilst the submitted Public Transport Strategy (PTS) recognises that the majority of employees are likely to travel to work using a private vehicle, it recommends the introduction of measures to encourage the use of alternative means of transport. The PTS recommends upgrading and refurbishing bus stops on the B4114 and the implementation of proposals in the Framework Travel Plan. A condition is imposed for the submission of an updated site-wide PTS and implementation of any new bus stop infrastructure.
36. The Framework Travel Plan includes a package of measures to enhance and promote sustainable travel for employees of the site. This includes encouragement for walking, cycling, bus-use and car-sharing. Parking for electric vehicles is also proposed and would be secured by condition. The proposals include the provision of a 6-month bus pass to employees commencing employment within 6 months of the occupation of any of the units in the development. This would be secured through the S106, as would the

¹ Statement of Common Ground on Highway and Transportation

provision of travel packs to inform employees of the sustainable travel choices available. A condition is imposed requiring the submission of an updated Framework Travel Plan and implementation of the recommendations.

37. On the basis of the above, I am satisfied that due to the location of the site and the package of measures proposed, there would be a genuine choice of modes of transport available to future employees of the site. Future employees would also be encouraged to use alternative modes of transport to private vehicles.
38. It was argued that in-commuting would occur as a result of the skill levels of the jobs being provided and that this would have a knock-on effect on the surrounding road network. I assess the socio-economic impacts further in the next issue below. However, I have already concluded that there is a genuine choice of modes of transport for those commuting to the site and that the TA has robustly assessed the impact of traffic growth as a result of people travelling to and from the development by car. I do not therefore consider that in-commuting would result in additional traffic over and above that which has already been included in the above assessment.
39. Bringing together the above, I acknowledge that the site is located on a busy part of the road network, close to the M1 / M69 junction and to the south of the busy Fosse Park retail centre. The proposed development would undoubtedly add traffic to the existing road network and will, at times, be likely to lead to increased queuing at some junctions, most notably the Blaby Road / Leicester Lane junction and on Leicester Lane at the site access. I also acknowledge that, at times when the motorway network becomes blocked, traffic from the site would add to the congestion which would be likely to occur.
40. I heard that residents are concerned about accidents on the network, however, the evidence in the TA does not demonstrate that there is any pattern to these which are attributable to the characteristics of the road network in the vicinity of the site.
41. National Highways, who are responsible for the strategic road network including the motorway network, raised no objections to the proposed development and did not raise the need for highway improvements in the vicinity of the existing motorway junctions. LCC also concluded that the impact of the development on highway safety would not be unacceptable and the impacts on the road network would not be severe.
42. Furthermore, given the allocation of the site for employment purposes for primarily B8 uses in the Delivery DPD, any employment development brought forward within the local plan allocation would be likely to have a similar impact on the surrounding road network. In order to deliver employment within the Policy SA3 allocation by the end of the plan period in accordance with the development plan, it is to be expected that the status-quo in terms of existing traffic levels will not be maintained.
43. Policy SA3 of the Delivery DPD contains criteria to mitigate the impact of employment development of the appeal site. These include the requirement for "A comprehensive package of transport improvements informed by a robust transport assessment" (criterion d). Having regard to the improvements outlined above, I conclude that the proposal would comply with criterion d. Criterion d)i. relates to the provision of junction and capacity improvements in Enderby Village Centre, including opportunities to complete the Enderby by-

pass. The original proposals for the appeal development included the Enderby by-pass. However, LCC are not satisfied that a justification has been provided for the by-pass and consider that the alternative mitigation strategy proposed is acceptable. Accordingly, the appeal proposal was submitted in parallel with the applications for the by-pass. The latter applications were still before the Council and remained undetermined at the time of the hearing into this appeal. The proposal would not therefore comply with criterion d)i.

44. Criterion d)ii. of Policy SA3 requires improvements to junctions and links on the B4114/B582. The submitted TA does not demonstrate the need for such improvements, although MOVA traffic signals are proposed and improvements are proposed to the B4114 / Park and Ride junction and Lubbesthorpe Way as set out above. Accordingly, the proposal would not comply with criterion d)ii. Other improvements / contributions outlined above would ensure that criteria d)iii. - v. of Policy SA3 would be met. I address overall compliance with Policy SA3 later in this decision but note that the Council does not consider that the proposal would be contrary to Policy SA3 and this did not form part of the Council's reasons for refusal on this matter. The development would comply with policy DM8 relating to parking and highway design standards.
45. CS policy CS10 contains a number of criteria aimed at ensuring appropriate transport infrastructure is in place to mitigate the impact of development. Having regard to my conclusions above regarding the accessibility of the site and the transport and highway improvements proposed, I conclude that the proposal would comply with policy CS10. I also note that the Council did not conclude that the Hub 2 application would conflict with policy CS10.
46. Whilst the development would cause some localised harm, taking an overall view having regard to the above mitigating factors, I conclude that the impact of the development would not be unacceptable in terms of highway safety and its residual cumulative impacts on the road network would not be severe. The proposal would not therefore conflict with the Framework in this respect.

Employment land need / supply

47. At the time of preparation of the Delivery DPD a residual need for 25.38 hectares (ha) of employment land was identified. The appeal site was allocated to meet this outstanding requirement. The Council and appellants agree² that, due to completions and losses from the employment land supply, the overall requirement has increased by 5.27 ha to 30.65 ha. The net developed area of the appeal site is 23.1 ha.
48. The latest Annual Monitoring Report sets out that, since 2011, a total of 95.75 ha of employment land has been granted planning permission or allocated in the Delivery DPD (including the appeal site). However, this figure appears to be a gross figure and does not net off losses of employment land to other uses. The Council confirmed at the hearing that this information does not alter the current residual requirement for 30.65 ha of employment land, as agreed in the Statement of Common Ground.
49. More up to date employment land data has been produced in the Leicestershire Housing and Economic Needs Assessment 2022. This identifies a requirement in Blaby for the period 2021-2041 of 34.7 ha of non-strategic industrial and

² In the Statement of Common Ground: Employment Land

logistics space (46.1 ha for all non-strategic employment land). In addition, the Strategic Warehousing Study also identifies a need for 419 ha of strategic employment land in Leicestershire, although this figure has not yet been apportioned to the individual district authorities. The appellants consider that this latter figure is an underestimate, but accept that this dispute is not material for the purposes of this appeal. These updated figures assume that the employment land allocation on the appeal site will have been taken up by the end of the current plan period. Furthermore, they demonstrate a likely increased need for employment land in the forthcoming plan period.

50. Evidence was presented to demonstrate that there are vacant employment units on other employment sites within 20km of the appeal site. A number of these are for smaller units than would be developed on the appeal site and would not therefore be comparable. Whilst there are sites on the list of vacant units that are of a comparable size, I heard that some of these have subsequently been let. Furthermore, it is possible that some of the vacancies represent 'churn' in the market, where some premises become available due to businesses moving on or expanding to bigger premises, allowing other businesses to do the same in the vacated units. This is not unusual in an employment market and providing a choice of sizes, location and type of units is part of a healthy market.
51. In any event, the list of vacant premises provided is only a snapshot in time and does not compare to the comprehensive, county and district-wide studies prepared as part of the evidence base for the local plan. Furthermore, the fact that there are vacant employment premises on the market does not provide a reason to depart from the local plan allocation as an employment site. Neither is there anything in national or local policy that requires the demonstration of need before an employment development can be granted permission.
52. Between January and December 2023 unemployment in Blaby stood at 3% compared to 3.7% UK wide and 6.7% for Leicester (ONS statistics). Whilst Blaby's figure is below the national average, there remains a level of unemployment in the district and in nearby Leicester.
53. There is a higher proportion of people employed in managerial and senior roles in Blaby compared to Leicester, the East Midlands and the UK. The jobs generated by the development would be primarily office, haulage and distribution. As such, it was argued that the development would increase in-commuting as the likely skill level of the jobs provided would not meet the profile of those currently living in Blaby.
54. However, the percentage of working age population in Blaby is lower than Leicester, while its share of over 65-year-olds is higher than Leicester and the England average. Blaby also has a high level of out-commuting to employment centres in adjoining districts and Leicester. The development would provide opportunities for those currently out-commuting from Blaby for work to find work in the local area. It would also provide opportunities for those of working age, encouraging them to stay in Blaby. The proposed Training Centre would provide local people with the opportunity to gain new skills which would match the jobs available at the appeal site.
55. The development would also provide opportunities for the population of Leicester, and potentially elsewhere, to commute to work at the appeal site. The fact that the development may increase in-commuting by providing jobs

which suit the skill levels of those living outside Blaby is not a reason to refuse permission. The Framework requires significant weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It also sets out that support should be given to proposals for storage and distribution operations at a variety of scales and in suitably accessible locations.

56. The development is anticipated to provide at least 125 construction jobs, up to 972 warehousing jobs, 500 office jobs, 7 other jobs and 110 jobs in the proposed training centre. It is estimated that a further 477 jobs could be created indirectly through distribution of earnings in the local area. The employment benefits would be a significant positive aspect of the development.
57. I note that the Council concluded that the Hub 2 application would meet the need for employment land, meet its strategic employment needs and provide on-site education and training opportunities. Having regard to the matters outlined above, and taking into account the Council's approval of the Hub 2 application, I conclude that the appeal proposal would also meet these identified needs.
58. Core Strategy Policy CS6 sets out the strategic objective to provide the appropriate quantity, quality and mix of employment opportunities to meet identified needs. It aims to ensure a range of employment opportunities are provided to meet the needs of residents and wider communities, allowing growth of existing businesses and inward investment. The proposed development would comply with this policy. Delivery DPD policy SA3 allocates the site for employment purposes primarily within B8 (storage and distribution) but also for ancillary uses where transport impacts can be mitigated. The proposal would comply with the mix of uses set out in this policy. The proposal would also accord with the provisions of the Framework relating to economic development set out above.
59. I therefore conclude on this matter that the development would accord with relevant development plan policies relating to employment land provision / demand and supply.

Other matters

Heritage assets

60. The Fosse Way Roman Road, a non-designated heritage asset, crosses the site from north to south. Policy SA3 requires that the design and layout of the development seeks to retain the integrity of the alignment by avoiding development along its length. Opportunities to provide interpretation and awareness of the asset will also be encouraged. The policy also requires archaeological evaluation of the site.
61. The proposed development would retain a 20m wide strip of land over the alignment of the Fosse Way, providing interpretation boards, seating areas and landscaping. I acknowledge that the nature and character of the route, which currently crosses open fields, would alter as a result of the development. Nevertheless, the line of the route would be retained and the open space in which it would sit would minimise the impact of the development on its setting. Furthermore, its interpretation would be enhanced as a result of the proposal.

62. I note that the County Council's Archaeologist raised no objections to the application subject to the imposition of a condition requiring a programme of archaeological work and that Historic England were also satisfied with the proposals for the Fosse Way. Having regard to the above, I conclude that the development would not harm this non-designated heritage asset.
63. My attention was drawn to listed buildings (LBs) within Enderby Village, including the Grade II* Church of St John the Baptist, and the Enderby Conservation Area (CA) centred around the junction between Blaby Road and Leicester Lane. The appeal site itself is located some distance to the east of the CA and LBs, separated by the M1 motorway. The development would have no direct effect on the setting or significance of the LBs or on the CA.
64. The heavily trafficked nature of the junction and roads through the CA and running alongside the LBs already detract from the character of the CA and environment in which the LBs are experienced. Nevertheless, I consider that the increased traffic at that junction would not be significant in the context of the existing busy environment. The development would not therefore harm the significance of the designated heritage assets.
65. The development would therefore accord with Core Strategy Policy CS20, Delivery DPD Policy DM12 and Policy SA3 in relation to its impact on heritage. Furthermore, it would not conflict with the Framework in terms of the impact on designated and non-designated heritage assets.

Ecology / Biodiversity

66. The Ecological Appraisal and Environmental Statement identifies the presence of badger setts off-site to the south / south east. A further walkover survey was carried out in early 2024 for the Hub 2 application. It was noted that the entrances were unused and there were no signs of recent activity at the setts. No signs of activity were noted during a walkover of the site boundaries. A condition is imposed requiring a further badger walkover survey 6 months before works commence on the site and mitigation measures if necessary.
67. The site was not considered to be of high value for bats in the Ecological Appraisal and Environmental Statement. A further survey was undertaken in April 2024 for the Hub 2 application which confirmed that low numbers of common and widespread species were noted on the site. The site is considered to be of local value for bat species. A condition is proposed to ensure details of lighting are approved to ensure these have regard to local bat populations and usage of the site. A further condition, relating to the Construction Environmental Management Plan, requires measures to protect ecology and monitor impacts during construction.
68. An updated Breeding Bird Survey Report was submitted for the Hub 2 application. It identified the presence of Amber List species such as Skylark and Red List species - Greenfinch, Linnet and Yellowhammer. However, the survey concluded that the site supported an assemblage of common and widespread, generalist species in small numbers. Skylark was likely to be the species impacted most by the development due to the loss of the arable fields. However, due to the low numbers recorded on the site and the presence of similar habitats in the wider area, the survey concluded that the loss would not be significant.

69. Proposed areas of planting and attenuation ponds would provide opportunities to maximise the value to birds. I note that the County Council's Ecologist did not raise any objections to the proposals subject to the imposition of conditions. Conditions are imposed relating to landscaping, the installation of bird boxes and no site clearance during bird breeding season.
70. The application was submitted prior to the mandatory requirement in the Environment Act 2021 to include a 10% biodiversity net gain (BNG) for major developments and therefore, is not subject to it. The development nevertheless proposes a 10.35% net gain in habitat units, a 6.81% gain in hedgerow units and a 100% gain in river units. This would be a benefit of the proposed scheme.
71. Having regard to the above, I am satisfied that the above proposed measures could be secured by conditions and would ensure that significant impacts upon protected species and non-protected species would either be avoided or suitably mitigated. The proposal would therefore comply with Core Strategy Policy CS19. I note that the Council did not raise any objections on this basis in either the appeal proposal or the Hub 2 application.

Other concerns raised

72. A number of other matters were raised by local residents. The site is in flood zone 1 but parts of the site are within a medium and high risk from surface water flooding. No buildings would be sited within these areas and the evidence does not demonstrate that the development would cause on or off site flood risks. The proposal would not conflict with Core Strategy Policy CS22.
73. Noise from the proposed site both during construction and operation of the site can be adequately controlled by the imposition of suitable conditions. The air quality evidence demonstrates that none of the relevant objectives and target levels would be exceeded and all impacts are predicted to be negligible. Conditions are imposed requiring mitigation of any operational impacts.
74. The development would not have an unacceptable visual impact having regard to the surrounding built environment. Existing residential properties would be a sufficient distance away from built development such that no harm would be caused to the living conditions of nearby occupiers.
75. Having regard to the above, there are no other matters which would cause unacceptable levels of harm to be weighed in the overall balance below.

Planning Obligation

76. I have considered the final planning obligation in accordance with the guidance in the Framework, the Planning Practice Guidance (PPG) and in accordance with the Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations), as amended. The planning obligations must be relevant, necessary and proportionate in scale and kind to the development.
77. As stated above, the travel packs and bus passes are part of a package of measures to enhance and promote sustainable travel for employees of the site. They, or a financial contribution for the County Council to provide the same, are necessary to make the development acceptable.

78. A financial contribution towards improvements to the B4114 / Park and Ride and the B4114 / Penman Way traffic signals is necessary to ensure that the development would not have an unacceptable highway impact. A contribution towards works to the Desford Crossroads is also necessary as set out above. The financial contribution would be based on the amount of traffic expected from the proposed development and would therefore be proportionate in scale and kind to the development.
79. A financial contribution towards air quality monitoring equipment and long-term monitoring and management of air quality is required in order to ensure (together with condition 37) that the development does not have an unacceptable impact on air quality.
80. As set out above, the proposed Training Centre would have the benefit of providing opportunities for local people to gain new skills which would match the jobs available at the appeal site. The S106 sets out that a financial contribution is paid to Blaby District Council towards undertaking a feasibility assessment to establish the need for and delivery of the centre, including establishing market demand, viability, marketing, the identification of prospective tenants and the lease of the land. This provision is necessary to ensure that every effort is made to ensure that the development has the job benefits intended.
81. I conclude that the S106 would meet the requirements of the CIL Regulations and I have had regard to it in coming to my conclusions.

Conditions

82. I have had regard to the agreed suggested planning conditions submitted by the Council and the appellants and the discussion which took place at the hearing. I have considered these in light of the Framework and the Government's PPG on use of conditions. My conclusions on each are summarised below.
83. Conditions 1, 2 and 3 relate to the standard time limits for outline applications and submission of reserved matters, submission of detailed plans for each phase and plans compliance. These are necessary in the interest of certainty of the permission granted. Condition 4 restricts the use of the buildings to those applied for, also in the interests of certainty and to ensure that the buildings are used for employment and ancillary purposes in accordance with the site allocation. Condition 5 requires the submission of a phasing strategy and plan to ensure that necessary infrastructure is provided in a timely manner.
84. Condition 6 requires the submission of Design Codes and Masterplans for each separate parcel of land to ensure a well-designed, comprehensive and integrated development across the site.
85. In order to ensure a satisfactory appearance of the development, Condition 7 seeks approval of the details of gatehouses, sprinkler tanks and CCTV systems whilst Condition 10 requires details of extraction, ventilation equipment and external plant.
86. The following conditions are required in order to protect and enhance biodiversity: Condition 8 relating to local native planting within the buffer zones; Condition 9 relating to lighting details; Condition 25 requiring updated

habitat and species surveys, mitigation, enhancement and maintenance; Conditions 26 and 27 requiring a detailed Biodiversity Net Gain plan and maintenance through a 30 year Landscape and Ecological Management Plan; Condition 28 to ensure the appropriate treatment of Japanese Knotweed and installation of bat and bird boxes; Condition 29 to ensure no site clearance during bird nesting season; Condition 30 requiring an updated badger survey and mitigation if necessary and Condition 31 requiring the retention of hedgerows and buffer zones of vegetation / open space.

87. In the interests of visual amenity Condition 32 requires maintenance of landscaping and Condition 33 requires details of the open space and its management.
88. In the interests of highway safety on the M1, Condition 11 requires details of boundary treatments and Condition 12 requires details of lighting, signage and frontages facing the motorway.
89. In order to protect heritage assets, Condition 13 is necessary to secure the satisfactory retention and treatment of the Foss Way Roman Road and Condition 24 requires a programme of archaeological works.
90. A Construction Environmental Management Plan is required by Condition 14 to minimise the environmental and amenity impacts of the construction phase.
91. Conditions 15, 16, 17 and 18 ensure the submission and implementation of details of specific off-site highway improvement works required to make the development acceptable in highway terms. A Travel Plan and Public Transport strategy are required by Conditions 19 and 20, in order to encourage sustainable travel. Condition 21 requires the submission of highway details including parking in the interests of highway safety.
92. In order to ensure satisfactory site drainage, Conditions 22 and 23 relating to foul and surface water drainage and maintenance are necessary.
93. Condition 34 requires any contamination of the site to be investigated and remediated, in the interests of public and environmental health. To ensure public safety and the protection of infrastructure, Condition 35 requires a scheme for the diversion of the gas pipeline running across the site. Condition 36 requires the control of noise and vibration to protect the surroundings and nearby residents. Condition 37, relating to air quality mitigation, is necessary to protect the public and environment from potentially harmful effects of air pollution.
94. Suggested Condition 7 on the agreed list of conditions would require the buildings to reach (BREEAM) excellent. The application was presented on this basis and it would be a benefit of the scheme. However, it is not a policy requirement of the Council, neither is it a requirement of Government policy. I do not find that these benefits are necessary to make the development acceptable. This condition would not therefore meet the test of necessity and I have not imposed it.

Overall balance and conclusion

95. Section 70(2) of the Town and Country Planning Act 1990 requires regard to be had to, amongst other things, the provisions of the development plan, so far as material to the application, and to any other material considerations. Section

- 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
96. The development would accord with the allocation of the site for employment purposes in the Delivery DPD. I have found conflict with the wording of Policy SA3 d)i. and d)ii. in terms of specific highway mitigation set out in the policy. Nonetheless, having regard to the overall mitigation package, I conclude that the proposal would be in overall accordance with Policy SA3.
97. I have concluded that the development would not cause unacceptable harm in terms of the main or other issues raised. In reaching the above view, I have taken into account that there would be localised harm arising from increased traffic within Enderby and at the proposed site access. However, subject to the conditions set out in the attached schedule and the planning obligations in the S106 agreement, there would be no unacceptable impacts or harm overall.
98. In the absence of unacceptable impact, the proposal accords with the relevant requirements of the CS and Delivery DPD, as set out above.
99. Furthermore, there would be socio-economic benefits of the development and the benefits from the proposed BNG. The Framework also advises that significant weight should be given to the need to support economic growth and productivity and there would be no conflict with other relevant provisions of the Framework.
100. Overall, the proposal would be in accordance with the development plan as a whole. The material considerations in this case do not indicate that this appeal should be determined otherwise than in accordance with the development plan.
101. For the reasons set out above, I conclude that the appeal should be allowed subject to the conditions set out in the attached Schedule.

S Heywood

INSPECTOR

Conditions Schedule

1. Applications for approval of Reserved Matters shall be made within 3 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) Five 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. Detailed plans and particulars of any phase of the proposed development shall be submitted to and approved in writing by the District Planning Authority before any phase of development takes place and shall show:-
 - a) Layout of the development;
 - b) Scale of the development;
 - c) Appearance of the development;
 - d) A landscaping scheme including details of any trees and shrubs to be retained; new planting including plant type, size, quantities and locations; other surface treatments; fencing and boundary treatments; any changes in levels; the position of service and/or drainage runs;
 - e) The means of vehicular and pedestrian access within the application site which are to serve each respective development plot.

The development shall be carried out as approved.

3. The development hereby permitted shall be built in strict accordance with the following approved plans unless otherwise required by a condition of this permission:-

Application Site Boundary – Drawing No: 15-079 P001 Rev A;
Parameters Plan – Drawing No: 15-079 P003 Rev L;
Proposed Site Access, Leicester Lane – Drawing No: JNY8838-01 Rev L;
Proposed Pedestrian/Cycle Access St. John – Drawing No: JNY8838-30 Rev B.

4. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development Order 2015 (or any order revoking or re-enacting that Order with or without modification) the buildings hereby permitted shall be used for Use Classes B8 (storage and distribution) only, and Use Class F1 (Learning and Non-residential Institutions) for the dedicated training/education facility.
5. The development hereby permitted shall not commence until a phasing strategy has been submitted to and approved in writing by the District Planning Authority. The phasing strategy shall include a phasing plan that identifies all phases of delivery associated with the development and the provision of the primary infrastructure, which shall include all road/highway infrastructure, footpaths and cycleways. The development shall be carried out in strict accordance with the approved details.

6. Each application for the approval of Reserved Matters shall include submission of a Design Code and Parcel/Area Masterplan for the area addressed by that application to be approved in writing by the District Planning Authority. Each Reserved Matters application shall accord with the Design Code for that Reserved Matters application and the development shall be carried out in strict accordance with the approved details. The Design Code shall contain a written and illustrative component that will address the following:-
- a) architectural and sustainable construction principles;
 - b) architectural features and building materials;
 - c) building heights and finished floor levels;
 - d) provision for renewable energy systems;
 - e) street materials (including the extent of adoptable highway, sight lines and means of lighting to all streets and green spaces);
 - f) car parking and lorry parking management both on and off plot (including provision of charging points for electric cars);
 - g) cycling parking provision (including provision of charging points for electric bikes);
 - h) pedestrian and cycle links to adjoining land;
 - i) structural landscaping, including hard and soft landscaping features;
 - j) planting character (including species variety, stock sizes, densities);
 - k) provision of street trees;
 - l) tree and hedgerow protection measures;
 - m) boundary treatments and means of enclosure;
 - n) provision of public open space (including timetable for implementation).
7. The Reserved Matters application(s) shall include for approval full details of the following features where they are to be provided in respect of the relevant section(s) of the site to which the Reserved Matters application relates. The development shall thereafter be carried out in accordance with the approved details:
- Gatehouses;
 - Location and material finishes for sprinkler tanks;
 - CCTV system.
8. Any landscape details submitted as part of reserved matters applications shall ensure that any landscape planting within buffer woodland planting areas, frontage landscaping and areas adjacent to the site boundaries shall be of locally native species only.
9. Prior to first occupation of the development within each phase, an external lighting scheme for that phase shall be submitted to and approved in writing by the District Planning Authority. The scheme shall include details of the siting, height, design, level of illumination and position of the lighting proposed and details of any lighting which would overspill onto any retained hedgerows and how this would be minimised to a value of 1 lux or lower. All external lighting shall be implemented in accordance with the approved scheme thereafter and

no other form of external lighting shall be implemented on the site without the prior approval of the District Planning Authority.

10. Prior to first use of the development within any phase, full details of any extraction, ventilation equipment, external plant and machinery (including roof and wall mounted flues and vents) to be provided in that phase shall be submitted to and agreed in writing by the District Planning Authority. The installation of the extraction, ventilation equipment, external plant and machinery shall be carried out in accordance with the approved details.
11. No development hereby permitted in the part of the site adjacent to the M1 shall be occupied until details of the site boundary treatment adjacent to the M1 motorway boundary have been submitted to and approved in writing by the District Planning Authority in consultation with National Highways (formerly Highways England). The details shall include a programme for implementation. The approved boundary treatment shall thereafter be constructed in accordance with the approved plans and programme and maintained in perpetuity.
12. No development hereby permitted in the part of the site adjacent to the M1 shall be occupied until the details of the external lighting and building signage installation, and any details of any building frontages, design and illumination, overlooking the motorway have been submitted to and approved in writing by the District Planning Authority in consultation with National Highways (formerly Highways England). The details shall include a programme for implementation. The works shall then be carried out in accordance with the approved details and programme.
13. No development shall take place until a scheme for the treatment the Public Right of Way within the application site has been submitted to and approved in writing by the District Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping and details of seating, interpretation boards and wayfinding along the route of the Fosse Way Roman Road, including maintenance thereafter for the life of the development, together with a timetable for implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.
14. No development shall commence within any phase until such time as a construction traffic management plan and a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The Statement shall provide details of:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading/unloading and storage of plant, materials, oils, fuels, and chemicals;
 - c) wheel washing facilities and road cleaning arrangements;
 - d) measures to control and monitor the emission of dust and air pollutants during construction;

- e) hours of construction work;
- f) construction phasing and routing plans, including access arrangements and permitted construction traffic arrival and departure times;
- g) the management and monitoring of surface water and protection of ground water on site during construction;
- h) site compound and storage locations;
- i) measures to control and monitor the emission of noise and vibration during construction;
- j) measures to protect ecology and monitor impacts during construction
- k) measures to monitor and manage land contamination during construction.
- l) the method for foundation construction and any associated piling techniques to be employed, including precise details regarding the location of piles, geology and the ground conditions in those locations.
- m) arrangements by which the developer will maintain communication with residents and businesses in the vicinity of the site

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

15. Notwithstanding the submitted plans, no development shall be occupied until a revised scheme of pedestrian access and highway improvements has been submitted to and approved in writing by the District Planning Authority that includes details of a footway/cycleway scheme from the footway access to Barr Close to the Leicester Lane / B4114 junction including crossing provision as necessary across the Park and Ride access junction, and the approved scheme has been implemented in full.

16. No part of the development permitted shall be occupied until the scheme of capacity enhancements at the A563 / Meridian South roundabout identified on drawing No. JNY8838/26 Rev A, or such other scheme of capacity enhancements which are not materially different in effects to those in the submitted Environmental Statement and Updated Traffic Assessment that shall first have been submitted to and approved in writing by the District Planning Authority, has been implemented.

17. No part of the development permitted shall be occupied until the access proposals at Leicester Lane as generally shown on drawing number JNY8838-01 Rev L have been implemented in full in accordance with full design details which shall first have been submitted to and approved in writing by the District Planning Authority.

18. No part of the development hereby permitted shall be occupied until the improvement works to Lubbethorpe Way as shown generally on drawing 0164.000/A1/1, or such other scheme of improvement works which are not materially different in effects to those in the submitted Environmental Statement and Updated Traffic Assessment, have been implemented subject to further full design details which shall first have been submitted to and approved in writing by the District Planning Authority having consulted with Leicestershire County Council.

19. No phase of the development hereby permitted shall be first occupied until a Framework Travel Plan for that part which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the District Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.
20. Prior to the occupation of any phase of the development hereby permitted, a Site-wide Public Transport Strategy shall be submitted to and agreed and written by the District Planning Authority. Any new bus stop infrastructure recommended by the strategy shall be to a specification first agreed in writing by the District Planning Authority and likely include bus stop flags, shelters, raised kerbs, lighting, timetable and real time information. Thereafter the agreed Public Transport Strategy shall be implemented in accordance with the approved details.
21. Full details of parking and turning facilities, access widths, gradients, surfacing, signing and lining and visibility splays shall be submitted to and approved in writing by the District Planning Authority before each phase of the development commences. All details of the proposed development shall comply with the design standards of Leicestershire County Council as contained in its current design standards document. The details shall be implemented as approved.
22. No development within any phase approved by this planning permission shall take place until such time as a foul water and surface water drainage scheme in accordance with sustainable drainage principles for that phase has been submitted to and approved in writing by the District Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.
23. No occupation of any phase of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within that phase of development have been submitted to and approved in writing by the District Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details for the life of the development.
24. No development in any phase (other than site clearance works) shall take place until a staged programme of archaeological work has been undertaken for that phase. Each stage shall be completed in accordance with a written scheme of investigation (WSI), which shall have first been submitted to and agreed in writing by the District Planning Authority. The WSI shall include the statement of significance and research objectives and:

The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and

The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.

No development shall take place on any part of the site the subject of the WSI at any time other than in accordance with the agreed WSI.

25. No development shall commence on any phase of the development unless, within a period of two years prior to commencement on the relevant phase, an updated survey of (and assessment of the impacts of the proposed development on) existing habitat and species within the relevant phase (and including details of necessary updated mitigation and enhancement measures, together with a timetable for their implementation and details of their long-term maintenance and management) has been submitted to and approved by the District Planning Authority. The development shall be carried out and thereafter be maintained and managed in accordance with the agreed mitigation and enhancement and maintenance measures and timetable.
26. The first reserved matters application in respect of the development shall be accompanied by a detailed biodiversity net gain assessment and improvement / management plan for the entire site area, including full details of all measures proposed in respect of the enhancement of the biodiversity of the area, details of future maintenance and a timetable and phasing for the implementation of the relevant measures. The submitted details shall demonstrate that the development shall achieve biodiversity net gain of at least 10% as measured by DEFRA metric 3.1 (or any subsequent metric thereafter). The development shall thereafter be undertaken and maintained in accordance with the agreed measures and timetable.
27. No phase of the development hereby permitted shall be occupied until a supporting 30-year Landscape and Ecological Management Plan (LEMP) for that phase, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped and open space areas, has been submitted to and approved in writing by the District Planning Authority. The Plan shall include details of the mechanisms to secure its implementation and shall be carried out in accordance with the approved details.
28. Prior to the occupation of any phase of development, details of a scheme for on-site ecological mitigation shall be submitted to and agreed in writing by the District Planning Authority and implemented as approved. The Scheme shall include provision for details for that phase to be submitted and agreed for the removal and control of Japanese Knotweed and the installation of bat and bird boxes on retained trees.
29. No site clearance shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken by a qualified ecologist and that there are appropriate measures in place to protect nesting bird interest on the site.
30. No development shall take place (including ground works or vegetation clearance) until an updated badger walkover and survey report has been undertaken and the results submitted to and approved in writing by the District Planning Authority. This walkover and survey is to be carried out within the 6 month period prior to the commencement of works on site. The report is to include details of mitigation measures for badgers if necessary. All works on site

are to be carried out in accordance with the approved survey report and mitigation measures.

31. Prior to the commencement of any phase of development, a plan showing all boundary hedgerows (including those within the site) to be retained within that phase including a 5m buffer zone of open space/natural vegetation, shall be submitted to and agreed in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. The buffer zones shall be preserved and maintained throughout the lifetime of the development.
32. The approved landscaping scheme for any phase of development shall be carried out within one year of completion of the development within that phase and any trees, hedges, shrubs or plants which within a period of 5 years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
33. Prior to the commencement of development, an Open Space Delivery and Management Scheme shall be submitted to and approved by the District Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved Open Space Delivery and Management Scheme throughout the lifetime of the development.
34. If during development works any contamination should be encountered which was not previously identified or is derived from a different source and/or of a different type to those considered under the contamination proposals; works shall cease, and the District Planning Authority notified immediately. An investigation and risk assessment must be undertaken and shall make provision for a methodology for dealing with the contamination and where remediation is necessary, a remediation scheme must be prepared and submitted to and agreed in writing by the District Planning Authority within 5 working days of works ceasing. Works shall only commence again once the remediation proposals have been approved in writing by the District Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared which is subject to the approval in writing of the District Planning Authority.

35. Prior to the commencement of any phase of development, details of a gas pipeline and apparatus diversion scheme, including a schedule and programme for diverting the gas pipeline apparatus shall be submitted to and agreed in writing by the District Planning Authority. The approved Scheme and Schedule shall be carried out in accordance with the approved details.
36. Prior to the occupation of any phase of development, a scheme that specifies the provisions that will be implemented for the control of noise and vibration emanating from the site during the operation of that phase, shall be submitted

to and approved in writing by the District Planning Authority. The noise and vibration mitigation shall be implemented in accordance with the approved details and, where necessary maintained for the life of the approved development.

37. Prior to the occupation of any phase of development, a scheme that specifies the provisions that will be implemented for the control of air quality impacts emanating from the site during the operation of that phase, shall be submitted to and approved in writing by the District Planning Authority. The air quality mitigation shall be implemented in accordance with the approved details and, where necessary maintained for the life of the approved development.

APPEARANCES

FOR THE APPELLANT:

Michael Bedford KC	Instructed by Robert Barnes, Planning Prospects
Robert Barnes	Planning Prospects
Melanie A'Lee	Brookbanks
Ben Grinnall	Landchain, representing the Appellants

FOR THE LOCAL PLANNING AUTHORITY:

Daniel Henderson	Barrister, instructed by Blaby District Council
Councillor Tony Deakin	Planning Committee Member, Blaby District Council
Councillor Richard Holdridge	Reserve Planning Committee Member, Blaby District Council
Kirsty Ingles	Development Services Manager, Blaby District Council
Clementyne Murphy-Nelson	Senior Planning Officer, Blaby District Council
Gemma Yardley	Principal Policy Officer, Blaby District Council

INTERESTED PERSONS:

Councillor Gill	Blaby District Councillor and local resident
Councillor Patricia Beeson	Blaby District Councillor and local resident
Sandra Stevens	Local Resident
Angela Dunnett	Local Resident
Sue Wareham	Local Resident

DOCUMENTS

Document 1	Leicestershire Police email dated 18 May 2023, submitted by Council
Document 2	Need / employment data, submitted by local residents
Document 3	Blaby District Council, Annual Monitoring Report 2022 – 2023
Document 4	Hub 2 Ecological Technical Note, submitted by Appellants
Document 5	Hub 2 Bat Report, May 2024, submitted by Appellants
Document 6	Hub 2 Breeding Bird Survey Report, May 2024, submitted by Appellants
Document 7	Leicestershire County Council Supplemental CIL Compliance Statement, dated 10 July 2024
Document 8	High Court Judgement <i>The Queen on the application of Robert Hitchins Ltd and Worcestershire County Council and Worcester City Council</i> . Submitted by Appellants
Document 9	Hub 2 decision notice, submitted by Appellants
Document 10	Completed S106 Agreement, dated 25 July 2024
Document 11	Leicestershire County Council addendums to CIL Compliance Statement, submitted 26 July 2024

PLANS

Plan 1	Plan, names and Grade for Listed Buildings in Enderby village. Submitted by Council
Plan 2	Footpaths map, submitted by Council