

Planning Committee 21<sup>st</sup> March 2023  
 Report of the Head of Planning (Development Management)

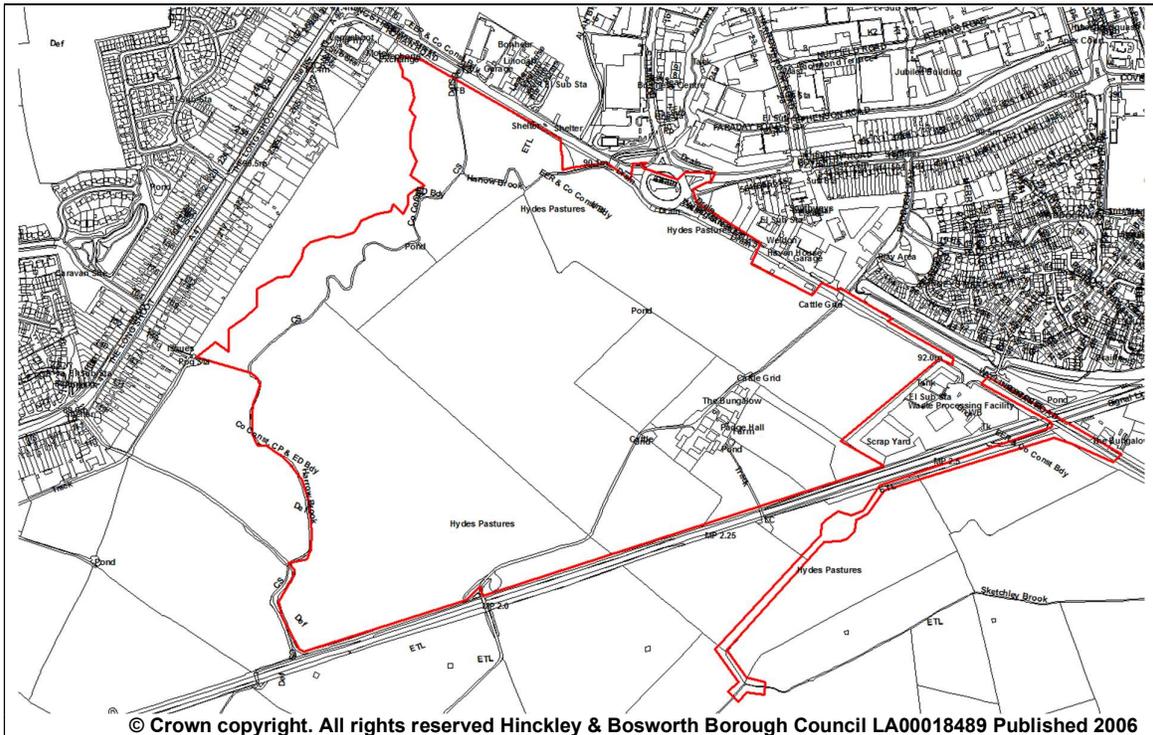


Hinckley & Bosworth  
 Borough Council

Planning Ref: 21/01191/HYB  
 Applicant: Agrarian Development Holdings Limited  
 Ward: Hinckley Clarendon

Site: Land South Of The A5 Padge Hall Farm Hinckley

**Proposal: Hybrid planning application comprising: Outline application (all matters reserved except for site access from the A5) for the demolition of existing structures and the erection of distribution and industrial buildings (Use Class B2 and B8) including ancillary offices and associated earthworks, infrastructure and landscaping; a Full application for the development of a distribution building (Use Class B8), including ancillary offices with associated access, hard standing, parking, earthworks and landscaping. The proposals include improvements to increase the height clearance of the existing railway bridge on the A5 Watling Street. A cross boundary application with Rugby Borough Council and Nuneaton and Bedworth Borough Council (EIA development)**



**1. Recommendations**

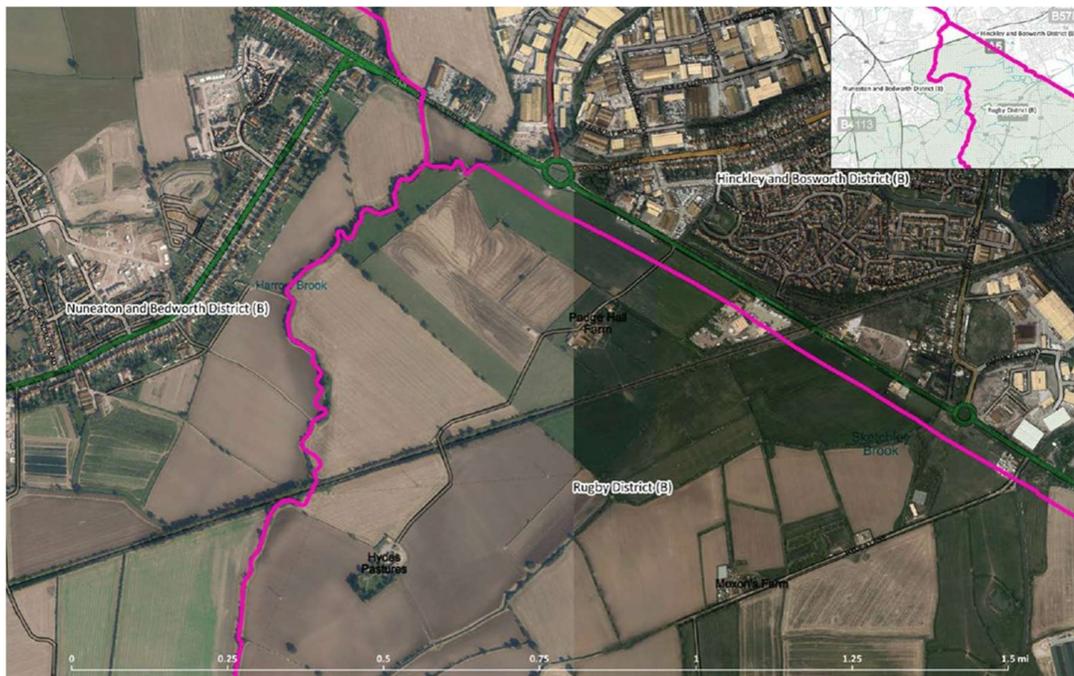
**1.1. Grant planning permission subject to:**

- The completion within 6 months of this resolution of a S106 agreement to secure the following obligations:
  - Safeguarding of land for highways purposes
  - Footpath connections contribution
- Planning conditions outlined at the end of this report.

- 1.2. That the Head of Planning be given powers to determine the final detail of planning conditions.
- 1.3. That the Head of Planning be given delegated powers to determine the final terms of the S106 agreement including trigger points and claw back periods on the basis of the Committee's resolution.

**2. Planning application description**

- 2.1. This application seeks outline planning permission for one part and full planning permission for another part of the same site. This is a cross boundary application with Rugby Borough Council (RBC) and Nuneaton and Bedworth Borough Council (NBBC).
- 2.2. RBC and NBBC have not resolved to determine their elements of the application at the time of writing this report; however, RBC took the application to planning committee on 7<sup>th</sup> December 2022. RBC's agenda for this committee had a recommendation of refusal on highways grounds; however, the application was deferred to resolve the outstanding highways issues. Although HBBC cannot grant planning permission for the parts of the scheme in RBC and NBBC, they are a material consideration within the determination of this application.
- 2.3. The plan below identifies the appropriate Borough boundaries for each Local Authority adjoining the application site. It is important to note that the Local Plan policies only apply to the area of the site within Hinckley & Bosworth Borough Council's administrative area; however, the whole planning application is a material planning consideration.



*Outline Planning Permission*

- 2.4. The outline permission sought is for the demolition of existing structures and the erection of distribution and industrial buildings falling within Use Classes B2 and B8 including ancillary offices and associated earthworks, infrastructure and landscaping. The main considerations in this application are the principle of

development and access to be taken from the A5. Layout, landscaping, scale and appearance are all reserved matters to be considered in detail at a later stage.

Parameters of the outline area to be considered are:

- Finished floor level to 91.00m AOD +/- 300mm
- Maximum height of buildings (from FFL to highest ridge point) – 18 metres
- Up to 136,350 square metres of floorspace (including unit 1 – detailed)

#### *Full Planning Permission*

- 2.5. Full planning permission is being sought for the development of a distribution building within Use Class B8, including ancillary offices with associated access, hard standing, parking, earthworks and landscaping. The proposals also include improvements to increase the height clearance of the existing railway bridge on the A5 Watling Street by lowering the road under the bridge.

#### *Unit 1 – Global Logistics Company*

- 2.6. Unit 1 would be sited to the south of the application site and would be located at least 200 metres away from Watling Street (A5). The proposal would have a maximum height of 18 metres with a height of 16.5 metres to the top of the parapet and an internal floor space of 55,740 square metres. The proposal is required for a global logistics company, who specialise in the design and operation of supply chain solutions for automotive and technology customers.

- 2.7. The development proposed is considered to be an Environmental Impact Assessment (EIA) development and as such, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 is accompanied by an Environmental Statement (ES). The ES provides an overview of the environmental impact of the proposals with a summary of mitigation measures proposed and contains a methodology for assessing the significance of the environmental effects and the cumulative impact. A series of technical papers consider the range of environmental factors.

- 2.8. Due to the administrative boundaries shown above, only approximately 10-15 hectares falls within HBBC's area, which includes the access and landscaping but no built development.

### **3. Description of the site and surrounding area**

- 3.1. The application site is located on the south-western edge of Hinckley, adjoining and immediately to the south-west of the A5. The southern boundary of the site is defined by the Birmingham-Leicester Rail Line. To the west of the application site lies the urban area of Nuneaton and includes the A47 which connects through to the A5 to the north of the site. The site is surrounded by agricultural fields to the west and Harrow Brook extends through the site on the northern and western sides of the site. The vast majority of the application site is situated within the jurisdiction of Rugby Borough Council and a minor part is within the West Midlands Green Belt.

- 3.2. The land is gently sloping, with the vast majority of the site falling from south-east to north-west, with a very gentle fall in land from the farm towards the eastern corner of the site. The context of the site includes industrial and commercial development immediately beyond the A5 and the north-eastern boundary of the site.

### **4. Relevant planning history**

None.

## **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 3 letters of support have been received from local businesses in relation to the lowering of the carriageway under the A5 bridge.
- 5.3. 4 letters of objection have been received in relation to:
  - Increased traffic and congestion
  - Noise pollution
  - Blocking future improvements to the A5 in this area
  - Will cause more issues on the A5 not less
  - Transport disruption from the development will impact local businesses

## **6. Consultation**

- 6.1. The following consultees have no objections, some subject to conditions, on the application:
  - Natural England
  - Leicestershire County Council (Drainage)
  - Leicestershire County Council (Ecology)
  - Leicestershire County Council (Developer Contributions)
  - Leicestershire County Council (Archaeology)
  - HBBC Environmental Health (Drainage)
  - HBBC Waste Services
  - HBBC Environmental Health
  - Highways England
  - Warwickshire County Council (Highways)
  - Leicestershire County Council (Highways)
  - Environment Agency
  - Network Rail
  - Cadent Gas
  - Health and Safety Executive
  - Rugby Borough Council
- 6.2. No response was received from the following consultees:
  - Nuneaton and Bedworth Borough Council
  - Western Power Distribution
  - Leicestershire and Rutland Wildlife Trust
  - Leicestershire Badger Group

## **7. Policy**

- 7.1. Core Strategy (2009)
  - Policy 1: Development in Hinckley
- 7.2. Site Allocations and Development Management Policies DPD (2016)
  - Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM3: Infrastructure and Delivery
  - Policy DM4: Safeguarding the Countryside and Settlement Separation
  - Policy DM6: Enhancement of Biodiversity and Geological Interest
  - Policy DM7: Preventing Pollution and Flooding

- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM20: Provision of Employment Sites

### 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

### 7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Employment Land and Premises Study (2020)
- Leicester and Leicestershire Housing and Economic Needs Assessment (HENA) (2022)

## 8. **Appraisal**

### 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Ecology
- Other matters
- Planning Obligations

#### Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise.

8.4 The relevant development plan documents in this instance consist of the adopted Core Strategy (2009), the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP) and the made Burbage Neighbourhood Plan (2020).

8.5 In relation to the most important policies used to assess this application it is acknowledged that the housing policies within the Core Strategy are out of date and therefore the settlement boundaries within the adopted plan are out of date. This therefore means that Policy DM4 (countryside policy) is also out of date and is applied flexibly. Other policies within the development plan used to determine this application are also considered to be out of date. Therefore, paragraph 11(d) of the

NPPF is relevant to this application whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 8.6 The policies within the development plan however remain consistent with the framework and are therefore accorded significant weight in the determination of this application.
- 8.7 The Emerging Local Plan for 2020-39 has previously been out for consultation at Regulation 19 draft stage (February to March 2022). The latest Local Development Scheme (LDS), was approved at Full Council on 13 December 2022. The updated LDS extends the Local Plan period to 2041, revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a second Regulation 19 Consultation which is scheduled for May-June 2024. The replacement Local Plan is therefore delayed..
- 8.8 The Core Strategy (2009) sets out the overarching spatial strategy for the Borough. In terms of Development in Hinckley (Policy 1) the relevant part of this policy to the application is to support Hinckley's role as a sub-regional centre the Council will ensure there are a range of employment opportunities.
- 8.9 The Site Allocations and Development Management Policies DPD implements the policies within the Core Strategy and contains policies to help guide new employment development and protect existing employment floor space.
- 8.10 Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise.
- 8.11 The application site is located outside any defined settlement boundaries and is therefore situated within the countryside. Policy DM4 of the SADMP seeks to safeguard the countryside from unsustainable development and identifies several criteria outlining where development in the countryside can be considered to be sustainable. The policy identifies that development in the countryside can be considered sustainable where proposed development would significantly contribute to economic growth, job creation; subject to it meeting further detailed criteria; namely that the development would not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development.
- 8.12 Although only the access to the site and the landscaping to the front of the site is within Hinckley and Bosworth's administrative area the application as a whole is a material consideration and therefore the benefits and harm for each relevant topic, associated with HBBC, which are associated with the whole scheme will be weighed in the planning balance.
- 8.13 The SADMP acknowledges that although sufficient employment land is available in the Borough to support the identified growth of the plan period it is important that employment opportunities are not stifled. Policy DM20: Provision of Employment Sites applies to this application and sets out that proposals which stand outside the settlement boundary and on greenfield sites will only be found acceptable where it is demonstrated that there are no suitable alternative sites identified sequentially in the following locations:

- Within settlement boundaries

- On previously developed land
- Adjacent to existing employment sites
- Adjacent to settlement boundaries

#### Consideration of Alternative Sites

- 8.14. As the proposals are EIA development alternative sites had to be considered. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Schedule 4, Part 5 requires an alternative study for inclusion in the Environmental Statement. The above policy was therefore considered through this policy.
- 8.15. The applicant's submission outlines that the consideration of alternative sites is not always as straight forward as it appears, as it is difficult to appraise or fully consider sites which are outside of the applicant's control or being promoted by others. It has been stated that as the applicant does not control land locally outside of the proposed application site, it is therefore proposed that there are no other reasonable alternatives which could be brought forward by the applicant or form a detailed assessment within the remit of the EIA.
- 8.16. The proposal has been driven by an existing Hinckley-based occupier who wishes to continue to invest and expand in close proximity to Hinckley. The occupier had undertaken an extensive search for alternative sites or premises, and confirmed through the submitted Market Report, that there is a severe shortage of existing, allocated employment land in the area. It is stated, within the consideration for alternative sites, that the occupier's workforce is primarily drawn from the local area, and it is a high priority to retain, as well as expand, the local workforce.
- 8.17. Due to the size of the site required, it is considered that there is no suitable site within a settlement boundary or on any available previously developed land in the area. The site is however opposite existing employment sites (Dodwells Bridge Industrial Estate and Harrowbrook Industrial Estate) and is adjacent to the settlement boundary of Hinckley.
- 8.18. The needs of the occupier significantly reduced the relevant area for a potential new site without creating additional economic and operational impacts, as well as potential environmental effects by changing transport patterns and journeys to work. The application site is close to the occupier's existing facility, and adjacent to the urban edge of Hinckley and as such it represents a sustainable location with regard to accessibility and minimising wider effects, more so than remote locations further from the town.
- 8.19. Additional considerations were made by the applicant including the awareness of the West Midlands Green Belt which extends around the southern part of Hinckley, extending southwards along the A5 corridor, and westwards around Nuneaton. The majority of the application site itself is outside the Green Belt and located within the countryside which then informed decisions around the extent and scale of the site based on features on the ground and local context.
- 8.20. As a logistics-led employment proposal, any alternative site needs good access to the Strategic Road Network (SRN), which results in limiting factors on sites further to the west or north around Hinckley, and greatly limits any realistic alternatives. The application site is accessed from the A5, and with access to the M69 motorway to the east, maximising accessibility, and minimising the traffic effects on other parts of the local highway network when compared to any alternatives further from the SRN.

8.21. Sequentially it is therefore considered that the application complies with Policy DM20 of the SADMP.

*Employment Need*

8.22. Paragraph 81 of the NPPF places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.23. The Employment Land and Premises Study (2020) (ELPS) is an evidence-based assessment of the supply, need and demand for employment land and premises (use class B) in Hinckley and Bosworth. The study considers the borough has sufficient overall supply of employment land to meet the Objectively Assessed needs of the Borough of 62.48ha up to 2036. However, there is an over-emphasis on supply for strategic areas and a lack of local options. Within this document this site is assessed as serving local or at least sub-regional supply for light industry, general industry and storage and distribution.

8.24. The ELPS sets out a committed supply of 11.69ha of local supply and 98.05 ha of strategic supply between 2018 and 2036. The local supply therefore only currently makes up 10.6% of the overall supply. The Hinckley and Bosworth Housing Needs Study (2019) identifies that the projected housing growth rate of 457 dwellings/ha will create an additional resident labour force of 5,870 jobs from 2018 to 2036, which generates a need for 61,765sqm of floorspace or 15.84 ha of land. This is reiterated in the ELPS (2020); however it is important to note that this figure represents the employment land requirement specifically from these 5,870 extra jobs and is not a forecast of OAN for the whole Hinckley and Bosworth economy. Labour supply does not accurately predict future land needs; it does however illustrate the economic impacts of the projected housing growth rate of 457 dwellings/ha. The study identifies local options for growth for Hinckley/Burbage/Barwell and Earl Shilton.

8.25. The ELPS (2020) provide an evidence base for Hinckley and Bosworth's specific needs. The Housing and Economic Needs Assessment (HENA), produced on behalf of the Leicester and Leicestershire Authorities and the Leicester and Leicestershire Enterprise Partnership in May 2022 also assesses employment land requirements for both local and strategic needs, for Hinckley and Bosworth Borough over the period to 2036. The HENA Employment Distribution Paper identifies the specific need for employment land, and in addition to that set out in the table below, Local Authorities will also need to seek to meet the need from strategic B8 uses.

Table 1.1 Employment demand / supply balance ha (excluding strategic B8) 2021-2036

	Need		Supply		Balance	
	B1	B2/B8 (small)	B1	B2/B8 (small)	B1	B2/B8 (small)
Blaby	9.1	29.0	10.5	13.3	1.4	-15.7
Charnwood	7.5	35.7	15.1	66.7	7.6	31.0
Harborough	6.8	39.3	18.0	41.7	11.2	2.4
H&B	4.2	53.4	4.2	38.9	0.0	-14.5
Leicester	46,100 sqm (2.3 ha)	67.3	43,000 sqm (2.1 ha)	44.0	-3,100 sqm (-0.2 ha)	-23.3
Melton	2	38.1	2.6	34.4	0.6	-3.7
NWL	8.9	31.8	17.1	36.5	8.2	4.7
O&W	1	3.1	2.8	5.7	1.8	2.6
L&L Total	41.8	297.7	72.4	281.2	30.6	-16.5

- 8.26. The assessment states that Leicestershire authorities are strategically located at the centre of the UK and see strong demand for logistics/ distribution floor space and shows a strong market demand for additional B8 development. The assessment identifies a need (and deficit) for B2 and small scale B8 development (less than 9,000 sqm). It is acknowledged that the application site occupies a strong locational credential, situated in what is known as the 'Golden Triangle' with links to the A5 and M69. There is a strategic B8 assessment for Leicestershire which has not yet been met; however a statement of common ground distributing this need has not yet been reached therefore the strategic B8 need in HBBC cannot currently be quantified.
- 8.27. The applications seeks approval for 63.8 hectares of employment development; however the developed area is just over half of the site.
- 8.28. Although none of the floorspace is within HBBC's administrative area the employment use would be directly associated with Hinckley due to its proximity. In order to ensure the benefit of the employment development it is considered that should permission be granted a condition should be imposed securing a local skills employment training scheme to be submitted for approval.

*Contribution to economic growth and job creation*

- 8.29. The proposed development will have various benefits. The key benefits have been separated into social, economic and environmental benefits below in accordance with paragraph 8 of the NPPF:

<b>Objective</b>	<b>Benefits</b>
Economic	<ul style="list-style-type: none"> <li>• 900 construction jobs over 3 year period</li> <li>• Approx. 2,000 FTE jobs</li> <li>• Contribution to viability of local centres</li> <li>• Approx. £2 million pa in business rates</li> </ul>
Social	<ul style="list-style-type: none"> <li>• New job opportunities</li> <li>• Safeguard mental health and wellbeing</li> </ul>
Environmental	<ul style="list-style-type: none"> <li>• Landscaping and pedestrian linkages</li> <li>• Biodiversity net gain</li> <li>• Sustainable Urban Drainage Systems</li> <li>• Electric Vehicle Charging Spaces</li> </ul>

- 8.30. The above clearly demonstrates the significant contribution this development would make to economic growth and job creation within the Borough and wider local area.
- 8.31. Taking all of the above into account it is considered that the proposal would comply with Policy 1 of the Core Strategy and policies DM1, DM4 and DM20 of the SADMP. This proposal is therefore acceptable in principle subject to all other material considerations.

*Design and impact upon the character of the area*

- 8.32. Policy DM10 states that developments will be permitted providing that the following requirements are met: it complements or enhances the character of the surrounding

area with regard to scale, layout, density, mass, design, materials and architectural features; it incorporates a high standard of landscaping where this would add to the quality of design and siting.

- 8.33. Policy DM4 of the Site Allocations and Development Management Policies DPD states that to protect its intrinsic value, beauty open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.
- 8.34. The minor part of the application site which falls within HBBC falls within the Burbage Common Rolling Farmland Character Area as detailed within the Landscape Character Assessment (2017). The document notes that the landscape around this area is influenced by large scale infrastructure such as the M69 and railway which introduces noise and movement in a relatively rural landscape. It also highlights that there are extensive views across agricultural fields and successive hedgerows are common as a result of the relatively few trees, and consequently the urban edges of Hinckley, Burbage, Barwell and Earl Shilton are often starkly visible as a result of their elevated ridgeline location and the relatively open settlement edge. Because of this extensive visibility and long-distance views the area is sensitive as any change or development has the potential to be widely visible. This leads to the landscape strategy of ensuring any new and existing development is integrated into the landscape such as ensuring built form is orientated to provide broken rooflines and integrated with woodland copses. It also suggests strategic scale woodland planting should be considered to help screen development.
- 8.35. The Landscape Sensitivity Assessment (2017) provides a general overview of comparative landscape sensitivity around key settlements based on landscape character. The application site falls within Sensitivity Area 9: Land south of M69. This area is considered to have a medium to high sensitivity to residential and commercial development due to the strong rural character with intact historic features which is detached from the existing settlement and creates separation from Burbage and smaller villages within Blaby District. There are minor urbanising features such as the A5 and the M69 and it has strong separation from Burbage which results in the site having wide intervisibility with the surrounding landscape. Development within this area would 'leapfrog' the M69 and be disassociated with the existing development form.
- 8.36. The site lies within National Character Area (NCA) 72: Mease/Sence Lowlands. This is a gently rolling landscape with rounded clay ridges and shallow valleys. It is a well-ordered agricultural landscape of open views. Woodland cover is limited to scattered hedgerow trees, coverts and spinneys. Larger modern urban development is present on the fringes of the NCA in Nuneaton, Hinckley and Burton-upon-Trent.
- 8.37. The site lies to the edge of the Mease lowlands: Estate Farmlands Landscape Character Type (LCT) within Warwickshire which is defined similarly to the NCA. Enhancement to the continuity and wooded character of the river and streams and the tree cover through small woodland planting is sought in this character area.
- 8.38. The character of the development along the A5 is both industrial and commercial. The site is adjacent to both Nuneaton and Hinckley. The development in Nuneaton is largely residential in this area. The development in Hinckley is mixed. Directly to the north-east of the site (off Dodwell's roundabout) is Dodwells Bridge Industrial Estate and Harrowbrook Industrial Estate. Further along the A5 to the south-east is a residential estate, Nutts Lane Industrial Estate and Logix Distribution Park (where

Syncreon are currently located). There is therefore a range of development in the area of varying scales, including warehousing development.

- 8.39. A Landscape and Visual Impact Assessment was submitted as part of the application as part of the Environmental Statement.
- 8.40. The Landscape and Visual Impact Assessment (LVIA) states that “the existing wider landscape is generally and relatively more sensitive to the south and south-west and relatively less sensitive to the north, north-west and east and south-east”. The LVIA also states that the other wider effects and influences will be largely contained to the south. Whilst the proposed built form is located just outside of the West Midlands Green Belt, agricultural land beyond the Leicester/Birmingham railway to the south and south-east enjoys almost complete screening and separation from the adjoining towns of Nuneaton and Hinckley which are located in relative close proximity. Indeed, the rolling nature of the landscape comprises established field hedgerows and trees and is interconnected by a network of public footpaths and bridleways which appear highly used by the local community.
- 8.41. The summary of the landscape changes is as follows:
- Landscape character: The urbanisation of the site through development will create a high magnitude of landscape change.
  - Character and amenity of views: There is a public right of way through the site which is proposed to be diverted. Public access to the site is currently present. The development is of a scale that would make a notable different to the landscape.
- 8.42. The above considers the landscape mitigation which is proposed to the boundaries of the site. The scale of the development is considerable and will still be visible post 15 years after the construction and establishment of the landscaping planting. There would therefore be a moderate/major adverse landscape effect.
- 8.43. Given the full element of the application and the parameters which would be secured for the outline element, it is considered that there is an appropriate landscape mitigation approach and it reflects what has been adopted elsewhere around other sides of the built development area. Whilst it is raised that the landscape boundary is approximately 20 metres it is in fact 35 metres wide. The supporting information submitted confirms that the proposed woodland, trees and other planting could be varied to improve the mitigation (in either the short or longer term), and would be willing to consider the selection and mix of species; sizes of planting stock and the density of planting at reserved matters stage.
- 8.44. The proposal would result in an urbanisation of the site which would result in harm to the landscape and therefore there is some conflict with Policy DM4. However, whilst there is conflict it is deemed that the mitigation proposed and to be secured via condition is satisfactory. This application is therefore considered to comply with Policies DM4 and DM10 of the SAMDP.

#### Impact upon neighbouring residential amenity

- 8.45. DM10 of the SADMP seeks to ensure that development proposals do not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.46. The development within Hinckley and Bosworth is considered to be minor and only consists of the access and landscaping. The landscaping has been deemed to be

sufficient in terms of visual impact. The landscape buffer would be a minimum of 30 metres to the front of the site. The nearest residential dwellings in Hinckley and Bosworth are on the opposite of the A5 a significant distance away from the proposed development. It is considered that conditions and reserved matters applications can sufficiently mitigate any adverse impacts upon neighbouring residential amenity.

- 8.47. The proposal is therefore considered to accord with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.48. Policy DM17 of the Site Allocations and Development Management Policies DPD states that development proposals will be supported where they demonstrate that there is not a significant adverse impact upon highway safety and that the development is located where the need to travel will be minimised.
- 8.49. Policy DM18 states that proposals will be required to provide adequate levels of parking provision of an appropriate design.
- 8.50. Paragraph 110 of the Framework states that it should be ensured that safe and suitable access to a site can be achieved for all users.
- 8.51. Policy 111 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.52. A Transport Assessment (TA) and Framework Travel Plan were originally submitted with the application within the Environmental Statement (ES). Various addendums and technical notes have been submitted throughout the course of the application to respond to highways comments from all three highway authorities. Since the deferment of the application at RBC's planning committee in December 2022 additional information has also been submitted in relation to the pedestrian/cycle access to the site and the highways modelling relating to the impact on the transport network. This section sets out the current position of National Highways and both Leicestershire and Warwickshire Local Highway Authorities as technical consultees for this application.
- 8.53. Due to the location of the site National Highways (NH), Warwickshire County Council (WCC) and Leicestershire County Council (LCC) have all assessed the scheme. The access to the site is off the A5 which is within Hinckley and Bosworth Borough Council and is within the jurisdiction of National Highways as a strategic highway. National Highways have assessed the impact of the scheme on the strategic road network (SRN). The Local Highway authorities have assessed the impact on the Leicestershire and Warwickshire local road networks (LRN). All authorities have assessed the sustainable access to the site in terms of walking and cycling.
- 8.54. Highways are discussed as a whole in this report for context and to provide the full picture for consideration however the Planning Committee would only be determining the application in its own administrative area. The only omission from this assessment in this report is the internal parking provision for the development as this is for RBC to consider.
- 8.55. All highway authorities have no objections to the scheme subject to conditions and obligations.

***National Highways Assessment***

- 8.56. The site access, trip generation and distribution and traffic modelling have been assessed by NH.

*Transport Modelling and Network Impact*

- 8.57. NH have reviewed the TA information, together with subsequent clarifications and technical notes including the TA Addendum dated April 2022. NH are satisfied that the proposed development would not have a severe impact on the Strategic Road Network.

*Mitigation measures*

- 8.58. The application proposes a new site access junction with the A5 and changes to the A5 Dodwells roundabout and the lowering of the A5 carriageway under the Nutts Lane railway bridge. A Walking, Cycling and Horse-riding Assessment and Review was also submitted to support the proposals. Following review, discussion and revision of the submitted drawings and associated documents the principle of these improvements has been accepted. Stage 1 Road Safety Audits have been undertaken of the proposed schemes with the findings and action approved by National Highways.

*A5 Future Improvements*

- 8.1. The site is situated on land to the south of the A5 adjacent to the Dodwells Roundabout. It should be noted that this is along the corridor of the A5 Hinckley to Tamworth Road Investment Strategy 3 (RIS3) Pipelines scheme as identified in the Road Investment Strategy 2 (RIS2). Currently the improvements within the RIS3 pipeline are only up to option development stage. Progress into further stages, including construction, will be determined through the RIS3 process but it is considered that this scheme is not yet sufficiently advanced. It is considered that the development has the potential to prejudice the options which may be available for the RIS3 Pipeline scheme. The submitted parameters plan has identified an 'A5 Future Road Corridor (Indicative Safeguard Area)'. It is uncertain at this stage whether this area will contribute positively to future options being considered as part of NH RIS3 Pipeline scheme. However, the applicant has committed to safeguard this land for NH, such that it would be available for future consideration. This would be secured through a Section 106 agreement.

- 8.59. In summary, having reviewed the submitted information and additional information submitted since December 2022, NH considers that the proposed development would not have a severe impact on the SRN. In addition, the proposed improvements would provide substantial betterment to the operation of the A5. NH therefore are of the opinion that the application complies with local and national policy subject to conditions and obligations.

***Local Highway Authorities Assessment***

- 8.60. The Highway Authority for both Warwickshire County Council and Leicestershire County Council have undertaken a full assessment of the development proposals in accordance with National and Local Planning and Transport Policy. Previously three reasons for refusal were proposed concerning safe and suitable access, mitigation of significant impacts on the transport network and issues concerning the strategic improvements to the A5. These reasons for refusal have now been withdrawn based on the following assessment.

*Detailed Development Impact Assessment*

### A5 Bridge

- 8.61. A principal benefit of the development scheme proposed is the inclusion of a potential scheme to lower the A5 carriageway under the rail bridge over the A5. A bridge previously termed "the most bashed bridge in Britain" in the media. The LHAs support this in principle. Previously the LHAs raised concerns in relation to the mitigation proposed if the carriageway under the bridge were to be lowered. Within this LCC LHA also previously raised the issue of increased flood risk associated with the road – this is considered by Lead Local Flood Authority for the A5 which is LCC and the Environment Agency.
- 8.62. The LLFA have no objections to the proposal as detailed within the drainage section of this report. Highways are discussed as a whole in this report for context and to provide the full picture for consideration; however Planning Committee would only be determining the application in its own administrative area. HBBC does therefore have jurisdiction over the access and the sustainable transport access.
- 8.63. Previously both LCC and WCC had concerns surrounding the additional HGV movements on the A5 that could filter through onto the Local Highway networks due to the lowering of the carriageway under the railway bridge. Additional information was submitted in light of this. A revised assessment has been undertaken by the applicant's team to understand the potential impact of doubling the 10% HGV fleet to 20% which is the national average. This was then remodelled, and the revised assessment did not present a material deterioration of the junction performance.
- 8.64. The A5 carriageway-lowering works are also conditioned to be completed prior to occupation of the units; therefore the effects of the improvements will be felt before the occupation of the development.

### Site Access and A5 Dodwells Roundabout

- 8.65. The LHAs understand that the principle of access onto the SRN has been agreed with National Highways and comprises a new signalised junction onto the A5 and a complementary access scheme at the adjacent Dodwells roundabout junction to facilitate U-turning traffic wishing to travel east on the A5. A short stretch of additional widening on the westbound A5 approach to Dodwells roundabout creates an additional right turn lane whilst preserving the existing two-lane approach. An additional U-turning lane is added on the Dodwells circulatory to facilitate this movement over the existing single lane which serves right turning traffic to the A47, B4666 or the very infrequent U-turn movement that may currently, occasionally occur.
- 8.66. As identified above, the A5 westbound approach currently provides 80m of two-lane approach back from the stop line at Dodwells roundabout. The proposed scheme is presented as providing a 3 lane approach for 60 metres and 2 lanes for 100 metres. This is mainly achieved by provision of land along the development site's frontage with the A5 and which affords the additional third lane approach and enlarged Dodwells roundabout to facilitate the U-turn movements necessitated by the signalised site access being left out only. The LHA notes that the additional 20m of two-lane approach equates to approximately 3 cars or 1 HGV in length.
- 8.67. The LHA's previously raised concerns that the strategic modelling assessment of the development was undertaken prior to an agreed access strategy being finalised. The Saturn network coding information for the Dodwells junction tested in the Pan Regional Transport Model (PRTM) has been provided by the applicant along with a difference plot showing flow change between the latest Dodwells scheme and the one used in the strategic modelling that underpinned the submitted Transport

Assessment. Review of this additional information would appear to show that the revised Dodwells mitigation scheme would not have a significant impact on the capacity or routing of trips through the A5 Dodwells junction when considered in the context of the strategic highway model/ The PRTM run is therefore considered reasonable and the outputs can be broadly relied on.

- 8.68. In relation to the Leicestershire network select link analysis was also provided to demonstrate the residual impact on Nutts Lane where the flow difference plots previously presented identified traffic routing away from the A5. The analysis identified the origins and destinations of trips routing via Nutts Lane to understand the wider routing of these trips and demonstrated that a proportion of the trips are development trips routing to site rather than displaced background traffic which lessens the concerns raised over this specific impact. Further analysis of the queuing and delay on Coventry Road and the A47 approach to Dodwells roundabout has also been provided. These routes were considered in different modelling scenarios (LinSig model). The Coventry Road results showed no material change in performance, with small fluctuations in degree of saturation, queuing and average delay. The A47 Dodwells Road results also showed no material change in performance, with no severe? increases in degree of saturation, queuing or average delay when comparing the different scenarios run. The LHA is therefore satisfied in relation to Leicestershire that there would be no material deterioration on the highway network due to this development. It is also noted that NH considered that impacts on the A5 strategic road network are considered to be acceptable to NH.
- 8.69. In relation to Warwickshire the additional modelling submitted demonstrated, to the satisfaction of NH and LCC, that the impacts of the additional traffic, on the A5 and at The Long Shoot/Dodwells junctions in conjunction with the proposed mitigation schemes at Dodwells junction and the height-restricted railway bridge to the east of the site, would not lead to a severe impact on the network over and above that would occur without the development.
- 8.70. In summary, the applicant has demonstrated that any significant impacts of the cumulative impact of development can be mitigated, complying with the National Planning Policy Framework.
- 8.71. Access by sustainable modes  
The LHAs previously raised concerns with the sustainable connectivity proposed to the application site, namely inadequate crossing facilities, lack of provision east along the A5 to connect with the existing provision that terminates under the railway bridge, further details of provision to the residential area to the east (Applebees Meadow) and to the west of the site along the A5 and linkages to Nuneaton.
- Previously, the sustainable connectivity to the site is predominantly proposed via a link from Applebees Meadow and crossings at the proposed Dodwells roundabout and signalised access junctions. The routes via Dodwells roundabout rely upon a number of Toucan and uncontrolled crossings. Additional footpaths are now proposed from opposite the site access on the A5 to the A5 railway bridge and from the west of the site to The Longshoot. In addition, the applicant has also provided detailed access proposals for walking and cycling from the emergency access onto the Dodwells roundabout on the A5. These pedestrian/cycle routes will either be conditioned or secured as a section 106 obligation.
- 8.2. Finally, a way-finding strategy inclusive of additional directional signage to clarify safe crossing routes for pedestrians and cyclists crossing the A5 to access the site

when approaching the site from the west or east along the recently proposed footway/cycleway has been provided and will be conditioned.

- 8.3. It was previously considered that a route is required for pedestrians and cyclists from Nuneaton. Given the nature and scale of the proposed development the LHAs would anticipate and welcome significant demand for travel by sustainable modes to the development site from existing residential areas, including from the east such as those adjacent to the existing Syncreon site.
- 8.4. Access by modes other than the private car are to be encouraged, and therefore a contribution is requested in order to extend hours of operation for existing bus services that operate between Nuneaton, Hinckley and Leicester. Travel Plans will also be required via condition.
- 8.5. The additional information relating to footpath/cycleway provisions which are now proposed are considered to provide a safe and suitable access for all users in conjunction with the Travel Plan which will be conditioned and the Bus Service contribution (discussed further in the Planning Obligations section of this report).

#### A5 Strategy/Improvements

- 8.6. The development proposals are speculative in nature with no Local Plan Allocation. As such, it is of significant concern to the LHAs that they may be prejudicial to the strategic improvements under development for the A5 corridor in this area with the potential to prejudice the options which may be available for the Road Improvement Strategy 3 (RIS3) Pipeline scheme. NH also raised a potential concern with this; however NH consider the development acceptable subject to the identified 'safeguarded area' within the development. The LHAs note that the A5 Long Shoot to Dodwells dualling scheme, recently removed from the RIS 2 programme, formed part of various evidence bases in the allocation of existing planned growth in the area. The omission of this scheme heightens the importance of avoiding the situation where unallocated, speculative growth prejudices the delivery of the future strategic improvements for the RIS3 Pipeline scheme.
- 8.7. This issue was a previous reason for refusal however was not taken forward within the November committee report reasons. Although National Highways had potential concerns surrounding the future improvements to the A5 in this area they set out clearly the current status of the work surrounding these potential improvements. The improvements do not have an associated scheme or funding and the area of land which could be safeguarded is also not outlined.
- 8.8. The Local Planning Authority consider that given the current status of the Road Improvement Strategy for this stretch of road and the fact that the land is not safeguarded within a local plan there would not be a justifiable reason for refusal in relation to this element of the concerns raised. The Local Highway Authorities have withdrawn this reason for refusal due to this.

#### Local Highway Authority Assessment Conclusion

- 8.9. The proposed employment site located to the south of the A5 is anticipated to lead to significant pedestrian demand. The Local Highway Authorities consider that a deliverable access strategy which enables safe and suitable access for all users has been demonstrated.
- 8.10. The strategic modelling assessment of the development impact in conjunction with the additional information submitted demonstrates that the residual cumulative

impacts of development can be mitigated and would not present a severe highway impact subject to conditions and obligations requested by all three highway authorities.

#### ***Public Rights of Way***

- 8.72. Public footpath R282 runs through the site from the A5 to the north, connecting with footways R1, R1a and R2 to the south of the site.
- 8.73. The existing Public Right of Way R282 crosses the development site from the railway bridge in the southeast corner, to the existing site access junction on to the A5 Watling Street. This Public Right of Way would need to be diverted so that it follows the railway line and then joins the site access road and would connect pedestrians to the A5 Watling Street. This diversion would form a separate legal process to this planning application.
- 8.74. The proposed alterations would also be subject to the submission of a Diversion Order, being submitted to the Local Planning Authority, with the final approval being the subject of confirmation from colleagues within Public Rights of Way.

#### ***Highways Conclusion***

- 8.75. There are no objections from National Highways, Warwickshire County Council or Leicestershire County Council subject to conditions and obligations.
- 8.76. Based on the assessment undertaken above it is considered that the applicant has overcome the previous reasons for refusal put forward by the Local Highway Authorities. Therefore, it is considered that a safe and suitable access for all users would be provided and that any significant impacts on the transport network from the development can be mitigated. It is therefore considered that there would not be a severe impact upon the highway network in accordance with paragraph 111 of the NPPF. The development is also considered to comply with Policy DM17 of the site Allocations and Development Management DPD (2016) and Paragraph 110 of the NPPF.

#### **Drainage**

- 8.77. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.78. A Flood Risk Assessment has been submitted with the application in accordance with paragraph 163 of the NPPF.
- 8.79. WCC has considered the drainage of the scheme however LCC have considered the drainage surrounding the lowering of the A5 under the railway bridge.
- 8.80. LCC have no objections to the proposal subject to conditions. Accordingly, the proposed development, subject to conditions, is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk.

#### **Ecology**

- 8.81. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be

prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

- 8.82. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.83. WCC Ecology have confirmed there is a biodiversity net gain on the site which will be secured through a section 106 agreement as the offsetting will occur on land within the blue line not currently within the applicant's control. There is also no adverse impact upon protected species subject to conditions.
- 8.84. Policy DM6 of the SADMP is therefore complied with.

Other matters

- 8.85. Rugby Borough Council have considered the following aspects as part of their application and have found no major conflict with policies subject to proposed conditions and obligations:
- 1) Gren Belt
  - 2) Land designation and use
  - 3) Character and Design - Detailed layout for Unit 1 and Illustrative masterplan (including parameters) for Units 2-5
  - 4) Pollution – Noise, Lighting, Air Quality, Contaminated Lane, Asbestos
  - 5) Parking Provision
  - 6) Trees and Hedgerows
  - 7) Archaeology
  - 8) Heritage
  - 9) Planning Obligations – HBBC will be a party and signatories to the S106 agreement which only relates to Ecology presently.
- 8.86. Although the highways impact has been assessed as a whole within this report the conditions requested by the Highway Authorities will not all be imposed on this permission as not all the proposed sustainable transport routes fall within the Leicestershire administrative area. HBBC has been working alongside RBC to ensure that all highways and rights of way conditions will be imposed upon the relevant decision notice.

#### Planning Obligations

- 8.87. Policy DM3 of the adopted SADMP requires development to contribute toward the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.88. The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and the Planning Obligations PPG makes it clear that these 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. If a requested planning obligation does not comply with all of these tests then it is not possible for the Council to require this. It is within this context that the Council has made and received a number of requests for planning obligations

as detailed below. It is considered that all of these requests meet the necessary tests and are therefore CIL compliant.

### *Highways*

- 8.89. National Highways requests two contributions to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel.
- Contribution to enable the implementation of a pedestrian and cycle link to the development site from the west connecting to The Longshoot.
  - Safeguarding of land adjacent to the A5 (Drg No. ADC1839-DR-022 Rev P3) for a period of 20 years (echoed by WCC and LCC).
- 8.90. Warwickshire County Council have also made requests in relation to Travel Plans and footpath/cycleway contributions. Both have been considered by RBC however the footpath also has to be considered within the application as part of it lies within the HBBC boundary.
- The Highway Authority seeks a financial contribution prior to commencement of development, with the amount to be determined and to be advised in due course, to allow the Highway Authority to construct a shared use footway/cycleway link with lighting within the corridor indicated on drawing number ADC1839-SK-016 Revision S3 between the site and the public highway A47 Long Shoot.
- 8.91. Works proposed to the A5 to lower the road below the Nutts Lane railway bridge are to be secured through a pre-occupation planning condition (20) rather than through the S106.
- 8.92. The highways infrastructure contributions identified above are considered to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed and therefore CIL compliant. The contributions could be secured through the completion of a suitable section 106 planning obligation. Subject to the section 106 agreement completion the development would be in accordance with Policies DM3 and DM17 of the adopted SADMP.

## **9. Planning Balance and Conclusion**

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2. The application site is located outside any defined settlement boundaries and is therefore situated within the countryside. Policy DM4 of the SADMP therefore applies.
- 9.3. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. Development which significantly contributes to economic growth, job creation and/diversification of rural businesses is considered to be sustainable development in the countryside. It is considered that the development would significantly contribute to job creation and economic growth in accordance with criterion c) of Policy ? SADMP. However, harm is identified in conflict with Policy DM4 i) as the urbanisation of the site would result in moderate/major harm to the landscape. This Policy is afforded significant weight given its consistency with the NPPF as is the harm associated with the conflict in this case.

- 9.4. The site is adjacent to existing employment sites and the settlement boundary of Hinckley, the sub-regional centre. The site is considered to be in a sustainable location.
- 9.5. The ELPS (2020) considers the borough has sufficient overall supply of employment land to meet the Objectively Assessed needs of the Borough of 62.48ha up to 2036. The HENA identifies further employment needs within the area. The Local Plan is currently being reviewed and this is being considered as part of this process.
- 9.6. The Rugby Borough Council committee report is a material consideration within this application, with a positive recommendation to be presented to their Planning Committee of 15<sup>th</sup> March 2023. This identifies a loss of Best and Most Versatile Lane (Grade 3a) and therefore this will be weighed in the balance.
- 9.7. Rugby Borough Council also identify conflict with their strategic planning policies in relation to the location of the development. It is acknowledged that there is no conflict with HBBC's policies however any harm should be considered along with any benefit therefore this will be weighted within the balance.
- 9.8. In relation to other matters set out in this report, subject to adequate mitigation or conditions, the development is considered to be acceptable and complies with the policies specified within this report.
- 9.9. Weighed against the identified harm and conflict is the significant weight placed on the need to support economic growth and productivity in accordance with paragraph 81 of the NPPF.
- 9.10. The NPPF sets out a presumption in favour of sustainable development and advises decision-takers to approve a development proposal that accords with the development plan without delay. The question of whether or not a particular proposal constitutes "sustainable development" is not simply a matter of location; it involves a wide variety of other considerations such as the three dimensions of sustainability. The NPPF at paragraph 7 identifies the three dimensions to sustainability, those being economic, social and environmental. Paragraph 8 goes on to advise that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 9.11. The proposal would bring economic benefits through investment by occupiers in new premises resulting in additional employment, approximately 900 construction jobs over a 3 year demolition and construction programme, approximately 2,000 full time jobs on the site across the manufacturing, logistics, transport and distribution sectors. Furthermore the proposal would also result in a contribution to the viability of local retail uses and services, this is considered to be a minor benefit to the sub-regional economy. Such matters would have a positive impact on the local economy and prosperity of the Borough which weighs in favour of the application. As such, the proposed development would satisfy the economic role of sustainable development. The economic benefits associated with the scheme hold significant weight.
- 9.12. From a social perspective the scheme will provide new jobs therefore creating opportunities for new employment within the Borough. Job security is important to the community and access to employment opportunities is a critical component of sustainable development. It also plays a key role in helping improve and safeguard mental health and wellbeing. The condition requiring apprenticeship and training details during construction, offering local people training and work, would contribute to the social aspect. As such, the proposed development would satisfy the social

role of sustainable development. These benefits are given moderate weight within the planning balance.

- 9.13. From an environmental perspective additional planting is proposed through landscaping, additional pedestrian linkages are proposed, electric vehicle charging points and a biodiversity net gain would be secured through a legal agreement. Sustainable Urban Drainage Systems are also proposed. Where negative effects have been identified in terms of landscape harm, mitigation measures are proposed to minimise any potential impact. The proposal provides mitigation against flood risk, in particular surface water run-off. It is considered that the proposed mitigation provided will off-set any harm that may be caused. The environmental benefits are given significant weight.
- 9.14. As acknowledged in the highways section of the report the lowering of the A5 carriageway under the railway bridge is considered to be a significant localised benefit of the scheme.
- 9.15. On balance, taking into account the identified harm and the proposed benefits it is considered that the proposed benefits outweigh the harm identified within the planning balance. Therefore, it is considered that the development would result in sustainable development and is therefore recommended for approval in accordance with the recommendation below.

## **10. Equality implications**

10.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

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

10.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **11. Recommendation**

11.1 **Grant planning permission** subject to:

- The completion within 6 months of this resolution of a S106 agreement to secure the following obligations:
  - Safeguarding of land for highways purposes
  - Footpath connections contribution

- Planning conditions outlined at the end of this report (including off site highway works).
- That the Head of Planning be given powers to determine the final detail of planning conditions.
- That the Head of Planning be given delegated powers to determine the final terms of the S106 agreement including trigger points and claw back periods, on the basis of the Committee's resolution.

## 11.2. Conditions and Reasons

### GENERAL/Site Wide Conditions

*These conditions apply to the site as a whole (all phases of development)*

1. Development hereby permitted shall be carried out in complete accordance with the details shown on the following submitted plans and documents received by the local planning authority:
  - Site Location Plan 18-144 PP-01 Rev L
  - Site Plan – as existing 18-144 PP-02 Rev L
  - Site Plan – as proposed 18-144 PP-03 Rev K
  - Unit 1 – Site Plan – as proposed 18-144 PP-04 Rev M
  - Unit 1 – Overall Building Plan – as proposed 18-144 PP-05 Rev K
  - Unit 1 – Elevations & Section – as proposed 18-144 PP-06 Rev K
  - Unit 1 – Roof Plan – as proposed 18-144 PP-08 Rev L
  - Boundary Treatment & Cycle Shelter Details – as proposed 18-144 PP-09 Rev K
  - Gatehouse Details – as proposed 18-144 PP-10 Rev K
  - Illustrative Masterplan (excluding Unit 1) 18-144 PP-03 Rev L
  - Landscape Concept Proposal 01 Rev H
  - Landscape Concept Proposal – Spine Road 02 Rev C
  - Detailed Planting Plan Sheet 1 of 2 03 Rev E
  - Detailed Planting Plan Sheet 2 of 2 04 Rev A
  - Landscape Concept Sections 05 Rev A
  - Detailed Planting Plan Spine Road 06 Rev A
  - Illustrative Landscape and Green Infrastructure Plan 8815-L-30 Rev M
  - Accessibility Plan ADC1839-DR-009 Rev P2
  - Development Parameters Plan 8815-L-08 Rev V
  - Accessibility Plan ADC1839-DR-009 Rev P2
  - Design and Access Statement Rev E
  - Flood Risk Assessment and Drainage Strategy (ref 19-7712-FRA Issue 9)

**Reason** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
2. Prior to, or concurrently with, the submission of the first of the reserved matters application(s), a Site-Wide Phasing Plan shall be submitted to the Local Planning Authority for approval. Any subsequent applications for approval of reserved matters which result in amendments to the phasing shall include an updated Site Wide Phasing Plan submitted for approval by the

Local Planning Authority. The Site Wide Phasing Plan shall include the proposed sequence of providing the following elements:

- a) development parcels roads/routes within the site, including timing of provision of access points into the site, timing of provision of sustainable transport infrastructure including footway/ cycle routes, timing of provision of the emergency access;
- b) site wide foul surface water features and sustainable drainage systems;
- c) confirmation of the early delivery of the structural landscaping bund (visual and noise mitigation) delivered as part of the site-wide earthworks in accordance with the Parameters Plan and as described in the Environmental Statement (Chapters 4 and 5).
- d) site-wide structural green infrastructure and 'Biodiversity Net Gain' habitat creation features.

No development shall commence, apart from Enabling Works and Archaeological Investigations agreed in writing by the Local Planning Authority, until such time as the Site Wide Phasing Plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing contained within the Site Wide Phasing Plan.

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

3. No demolition/development shall take place in each phase until:
  - a) a Written Scheme of Investigation (WSI) for a programme of further archaeological evaluative work if relevant to that phase has been submitted to and approved in writing by the Local Planning Authority.
  - b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI for that phase has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to and approved in writing by the planning authority.
  - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development in that phase and should be informed by the results of the archaeological evaluation.The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

**Reason:** To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11, 12 and 13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No compound or any other construction related activities are to be carried out within the 'no build zone' as identified through a written scheme of investigation as secured in condition 3.

**Reason:** To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policies DM11, 12 and 13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Prior to the commencement beyond enabling and site preparation works (to be defined in the S106) on each phase of built development, an Employment and Training Statement for construction employment at the site shall be submitted to the local planning authority for their approval in writing. The approved Statement shall be implemented in full within that phase.

**Reason:** To promote employment opportunities for local residents.

6. Prior to the commencement of any works in any phase, a Demolition and Construction Environmental Management Plan shall be submitted in writing to, and approved by, the Local Planning Authority. This shall take account of the 'Environmental Statement September 2021' Chapter 8.6 Mitigation. It shall include details relating to:

- a) the control of noise and vibration emissions from demolition and construction activities including groundwork's and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the demolition and construction phase
  - b) the control of dust including arrangements to monitor dust emissions from the development site during the demolition and construction phase. This shall take account of the 'Environmental Statement September 2021' Chapter 8.6 Air Quality Mitigation.
  - c) measures to reduce mud deposition offsite from vehicles leaving the site.
  - d) details concerning pre-commencement ecology checks (including badgers, bats, breeding birds, otter and water vole) and appropriate working practices and safeguards for wildlife and habitats that are to be employed whilst works are taking place on site.
  - e) a method statement and confirmed tree protection details during the construction phase, with regard to the approved Tree Retention Plans (8815-T-10 – 8815-T-18) contained in the ES Chapter 11.
- Development shall be carried out in compliance with the approved Demolition and Construction Environmental Management Plan.

**Reason:** To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7.
  - a) Development shall not begin until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and approved in writing by the Local Planning Authority
  - b) All works which form part of the scheme shall be completed before the permitted development first comes into use.

**Reason:** To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. If unexpected contamination is found after the development hereby permitted has begun, having regard to the GIP Combined Phase 1 and Preliminary Ground Investigation Report for a Proposed Industrial / Commercial Development Upon Land Located off Watling Street, Hinckley, Leicestershire, Date 10th December 2019 ref SJR/28385, report status Final' rec'd 28/2/23', it shall be reported in writing immediately to the local planning authority. Each of the following subsections a) to c) shall then be subject to approval in writing by the local planning authority.
- a) An investigation and risk assessment shall be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.
  - b) Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared.
  - c) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. To ensure the site is suitable for its proposed use in accordance with paragraph 183 of the National Planning Policy Framework (2021) and Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Notwithstanding the agreed submitted details to date, no development excluding site clearance and preparation and any works associated with archaeological investigations shall take place for each phase, until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme to be submitted shall:
- Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 4.4l/s/ha for the site in line with the approved surface water drainage strategy (ref: 19-7712- FRA, Issue 9, dated 08/03/22).
  - Further details regarding the Harrow Brook outfall
  - Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme.
  - Provide detail drawings including cross sections, of proposed features such as swale, attenuation features, and outfall structures.
  - Provide detailed, network level calculations demonstrating the performance of the proposed system.
  - Provide external levels plans, supporting exceedance and overland flow routing plans.
  - Provide details of the disposal of surface water and foul water drainage directed away from the railway

The scheme shall subsequently be implemented in accordance with the approved details prior to the development being first brought into use. The approved details shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Prior to the development within each phase being first brought into use a detailed, site specific SUDS maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should;
1. Provide the name of the party responsible, including contact name, address, email address and phone number
  2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
  3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
  4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance

The development must be carried out in accordance with these approved details.

**Reason:** To ensure the future maintenance of the sustainable drainage structures in accordance with policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. A landscape and ecological management plan (LEMP) for each phase shall be submitted to, and be approved in writing by, the Local Authority prior to the development for that phase being first brought into use. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implantation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning

biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**Reason:** To ensure a net biodiversity gain in accordance with paragraph 174 of the National Planning Policy Framework (2021).

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

**Reason:** To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy DM7 of the adopted site allocations and development management policies development plan document (2016).

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

**Reason:** To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the adopted site allocations and development management policies development plan document (2016).

14. Construction shall be limited to the following hours (excluding highways works which will be subject to separate agreement):
- Monday - Friday: 0730hrs to 1800hrs
  - Saturday: 0830hrs to 1300hrs
  - No working on Sundays and/or bank holidays

**Reason:** To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. The following will be adhered to in relation to public footpath R282:
1. No site security fencing may be erected on or within 1m of public footpath R282.
  2. No construction may commence on the existing alignment of public footpath R282 until it has been diverted (temporarily or permanently) by a legal order that has come fully into effect.
  3. The applicant must make good any damage to the surface of public footpath R282 caused during any site works.

**Reason:** To ensure sustainable routes are maintained in the interest of the public.

16. Prior to the development being first brought into use, a scheme of works for the A5 site access as shown on drawing 1839-DR-014 Rev P4 (or as amended by a Road Safety Audit or Detailed Design), shall be submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with National Highways. The access shall be provided in accordance with the approved details prior to the development being first brought into use.

**Reason:** To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

17. Prior to the development first being brought into use, a scheme of works at A5 Dodwells roundabout as shown on drawing 1839-DR-007 Rev P5 (or as amended by a Road Safety Audit or Detailed Design), having first been submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with National Highways, shall be provided in accordance with the approved details.

**Reason:** To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

18. Prior to commencement of any development, detailed plans for the provision of a pedestrian footway along the northern side of the A5 between the Nutts Lane Rail Bridge to a point directly opposite the site access must be submitted and supported by a Road Safety Audit Stage 1 and Walking, Cycling and Horse-Riding Assessment, and approved in writing by the Local Planning Authority, in consultation with National Highways and Leicestershire County Council.

**Reason:** To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

19. Prior to the development hereby permitted first being brought into use, the pedestrian footway along the northern side of the A5 between the Nutts Lane Rail Bridge to the site access (as approved under Condition 25) will be implemented in full and available for use in accordance with the approved plans.

**Reason:** To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

20. The scheme of works for the lowering of the A5 carriageway under the Nutts Lane railway bridge, as shown on drawing 1839-DR-100 Rev P2, having first been submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with National Highways, shall be completed prior to any part of the development hereby approved being first brought into use. The works shall be carried out in accordance with the approved details.

**Reason:** To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

21. No part of the development shall be first brought into use until such time as the pedestrian and cycle access as generally shown on drawing number ADC1839-DR-021 Rev P2 has been implemented in full.

**Reason:** To mitigate the impact of the development, in the general interests of highway safety and encouraging sustainable access in accordance with the National Planning Policy Framework (2021).

22. No part of the development shall be first brought into use until such time as the way finding strategy as generally shown on drawing number ADC1839-DR-020 Rev P2 has been agreed in writing with the Local Planning Authority (in consultation with the relevant highway authorities) and implemented in full.

**Reason:** To mitigate the impact of the development, in the general interests of highway safety and encouraging sustainable access in accordance with the National Planning Policy Framework (2021).

23. The development shall not be first brought into use until a continuous footway/footpath link has been provided within the site between the proposed buildings and the existing bus stops on A5 Watling Street north-west of Dodwells Roundabout, in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority.

**Reason:** To mitigate the impact of the development, in the general interests of highway safety and encouraging sustainable access in accordance with the National Planning Policy Framework (2021).

24. The applicant shall submit a Travel Plan (for each unit/occupier) prior to the first occupation of the unit to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with both Leicestershire and Warwickshire County Councils as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time.

The plan shall:

- (i) specify targets for the proportion of employees and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
- (ii) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
- (iii) explain and justify the targets and measures by reference to the transport impact assessment submitted in support of this application;
- (iv) identify a senior manager of the business using the site with overall responsibility for the travel plan and a scheme for involving employees of the business in its implementation and development.

**Reason:** To mitigate the impact of the development, in the general interests of highway safety and encouraging sustainable access in accordance with the National Planning Policy Framework (2021).

25. Prior to the commencement of any construction work a Construction Traffic Management Plan (CTMP), including, as a minimum, details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a

timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with National Highways. The approved plan and timetable shall be adhered to throughout the construction period.

**Reason:** To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

26. No development of the A5 road lowering works shall take place until an assessment of the fluvial flood risk to and resulting from this element of this scheme has been submitted to, and approved in writing, by the local planning authority (in consultation with the Environment Agency). The assessment shall also include:

1. Confirmation of any fluvial flood risks to the road lowering (including suitable hydraulic modelling or calculations for all fluvial flood events up to the design flood event, including an allowance for climate change (2022 guidance).
2. Details of any mitigation measures required to overcome any fluvial flood risk issues.

Any mitigation measures required shall be fully implemented prior to first use of the lowered road (A5) and subsequently in accordance with the scheme's timing/phasing arrangements. Any measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To reduce the risk of fluvial flooding to the proposed development (A5 road lowering scheme) and to prevent flooding elsewhere by ensuring that any fluvial flood risk is appropriately managed in accordance with Policy DM7 of the adopted site allocations and development management policies development plan document (2016).

27. Prior to commencement a method statement and risk assessment in relation to the railway must be submitted to the Local Planning Authority (in consultation with Network Rail). The development shall then be carried out in accordance with the approved method statement.

**Reason:** To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

28. The developer is to submit details of suitable trespass proof fence adjacent to the boundary with the railway to the Local Planning Authority (in consultation with Network Rail). The details approved by the LPA shall be implemented and installed prior to any building being first brought into use and shall be maintained in perpetuity.

**Reason:** To protect the adjacent railway from unauthorised access

29. Prior to any scaffolding works occurring within 10m of the railway boundary, details shall be submitted to the Local Planning Authority. The details shall be implemented as agreed with the Local Planning Authority in writing (in consultation with Network Rail).

**Reason:** In the interests of protecting the railway and its boundary from over-sailing scaffolding.

30. Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to the Local Planning Authority (in conjunction with Network Rail) and approved by the LPA in writing. The works shall then be carried out in accordance with the approved details.

**Reason:** To prevent any piling works and vibration from de-stabilising or impacting the railway.

31. Prior to any buildings first being brought into use, details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted to the Local Planning Authority and approved in writing by the LPA (in consultation with Network Rail). The measures shall then be carried out in accordance with the approved details.

**Reason:** To prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion.

#### Outline

33. Application for approval of the reserved matters specified in Condition 34 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority:

(a) for the first phase containing built development, before the expiration of three years from the date of this permission,

(b) for all subsequent phases, before the expiration of five years from the date of this permission.

**Reason:** To comply with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

32. Each phase of development must be begun not later than the expiration of two years from the final approval of the last such matter to be approved in respect of that phase.

**Reason:** To comply with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

33. Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority for each phase of development before any part of the development of that phase is commenced and shall be implemented as approved:

a - Layout,  
b - Scale,

- c - Appearance,
- d - Access (excluding the site access) &
- e – Landscaping, including hard and soft landscaping, details of planting mix and species and quantity, size, species, position and the proposed time of planting of all trees to be planted.
- f - full details of finished floor levels of all buildings and ground levels of all access roads, parking areas and footways within that phase

**Reason:** To ensure that the details of the development are acceptable to the Local Planning Authority.

34. The reserved matters submitted under Condition 34 shall be strictly in accordance with the principles and parameters described and illustrated in the Design and Access Statement and the Plans within Condition 1 hereby approved. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

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

35. If within a period of 10 years from the date of planting of any tree/shrub/hedge that tree/shrub/hedge, or any tree/shrub/hedge planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/shrub/hedge of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

**Reason:** In the interests of biodiversity and visual amenity in accordance with paragraph 174 of the National Planning Policy Framework (2021) and Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

36. Ecology surveys are to be completed and submitted in support of a reserved matters application for each phase. The ecology surveys supporting a reserved matters application should be no more than two years old at the date of submission of the reserved matters application.

**Reason:** To ensure the development contributes to enhancement and management of biodiversity of the area to accord with paragraph 174 of the National Planning Policy Framework (2021).

37. The approved landscaping scheme relating to the area between the built development zone and the A5 road shall be laid out before any of the units approved under the outline element of the permission are first brought into use.

**Reason:** In the interests of visual amenity and sustainability of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Full (i.e Plot 1 and main new site access)

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

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

39. The building and associated access roads, parking areas and footways hereby approved in detail (plot 1) shall be delivered in accordance with the finished floor levels shown on the approved plans, including the drainage strategy plan drawing ref. 19-7712 SK0010P8.

**Reason:** To ensure the proper development of the site.

40. The development hereby permitted (including demolition but excluding archaeological investigation works) shall not commence until further bat survey of trees and buildings with bat roost potential has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

**Reason:** To ensure that protected species are not harmed by the development in accordance with paragraph 179 of the National Planning Policy Framework (2021).

41. The development shall be carried out in accordance with the submitted flood risk assessment (ref 19-7712-FRA dated 08/03/2022 Issue 9) including the following mitigation measures it details:

- Finished floor levels shall be set no lower than 600 mm above the 100 year plus climate change flood event.
- All built development to be confined to flood zone 1.
- No ground level raising with flood zones 2 or 3. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the existing storage of flood water within the red line boundary is maintained in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

42. No above ground works shall commence unless and until a comprehensive hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in full accordance with the approved landscaping scheme and the soft landscaping shall be implemented no later than the first planting season following the development first being brought into use within that phase.

**Reason:** To ensure the proper development of the site and in the interest of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

43. Landscaping and planting details, including species mix, number and location of plants on the strategic earthworks bund to be created around the site

perimeter as part of the site enabling and earthworks to create the development plateau must be submitted to the Local Planning Authority and approved in writing by the LPA and implemented in accordance with the approved details in advance of the approved building on Plot 1 being first brought into use.

**Reason:** In the interests of biodiversity and visual amenity in accordance with paragraph 174 of the National Planning Policy Framework (2021) and Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

44. If within a period of 10 years from the date of planting of any tree/shrub/hedge that tree/shrub/hedge, or any tree/shrub/hedge planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/shrub/hedge of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

**Reason:** In the interests of biodiversity and visual amenity in accordance with paragraph 174 of the National Planning Policy Framework (2021) and Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

45. No development of the A5 road-lowering works shall take place until an assessment of the fluvial flood risk to and resulting from this element of this scheme has been submitted to, and approved in writing, by the local planning authority (in consultation with the Environment Agency). The assessment shall also include:
1. Confirmation of any fluvial flood risks to the road lowering (including suitable hydraulic modelling or calculations for all fluvial flood events up to the design flood event, including an allowance for climate change (2022 guidance)).
  2. Details of any mitigation measures required to overcome any fluvial flood risk issues.

Any mitigation measures required shall be fully implemented prior to first use of the lowered road (A5) and subsequently in accordance with the scheme's timing/phasing arrangements. Any measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To reduce the risk of fluvial flooding to the proposed development (A5 road lowering scheme) and to prevent flooding elsewhere by ensuring that any fluvial flood risk is appropriately managed in accordance with Policy DM7 of the adopted site allocations and development management policies development plan document (2016).

### 11.3. Notes to applicant

- The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
- Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from National Highways.

- The following information will need to be provided when Condition 9 is discharged (numbered to match the condition):
  1. It is recognised that the Environment Agency has given an indication of acceptance regarding the outfall into the Harrow Brook. At the detailed design stage, the LLFA will expect further details regarding this outfall and confirmation, ideally in the form of a Flood Risk Activities Permit (or confirmed exemption), as to the final approval of such design elements.
  2. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
    - a. For the 'Full' site: further consideration should be given.
      - i. The design to date assumes a 'Medium' pollution hazard index however a 'High' may be considered more appropriate given such description includes haulage yards, highly frequented lorry approaches to industrial estates amongst others – justification will be required of the current designation.
      - ii. Hazard Mitigation Indices have been provided regarding the proposed interceptors and justification of these will be required at the detailed design stage in line with manufacture recommendations. The management train could be revisited to pass water through as many features as possible.
      - iii. Pumps are required on the southern side of the Unit 1 building. Further details of these will be required and where feasible given levels, the LLFA suggest aboveground, shallow over the edge drainage combined with overland flow routing is used to minimise the area draining to the pumps.
    - b. For the 'Outline' site, further details will be required demonstrating the use of above-ground SuDS, in line with the principles established as part of the 'full' application
  3. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753. Of note to consider:
    - a. The location and design of sediment forebays.
    - b. The design of the proposed surface water pumping from the dock levellers
  4. This should include:
    - a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. relevant scenarios such as a surcharged outfall or pump failure), and justification of such criteria where relevant.
    - b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
    - c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.

- d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
5. Such overland flow routing should:
    - a. Support the drainage strategy to date showing retention of flood volumes in proximity of the drainage channels and across the wider site, demonstrate how runoff will be directed through the development.
    - b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
    - c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.
- In relation to all landscaping conditions, the **proposed tree planting** specification shall include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition, all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified.
  - This planning permission is subject to pre-commencement conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before ANY development may lawfully commence. Any development commenced in breach of these pre-commencement conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.
  - The applicant/developer is advised that the development will need to comply with Approved Document B, Volume 2, Section B5 - Access and Facilities for the Fire Service.
  - Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
  - Public rights of way should remain open and available for public use at all times unless closed by legal order and should not be obstructed by parked vehicles or by materials during any works. Any damage to the surface of any public right of way caused during the works should be made good.
  - This development is subject to a s106 legal agreement.