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Chief Executive



**Hinckley & Bosworth
Borough Council**

Date: 18 June 2025

To: Members of the Planning Committee

Cllr MJ Crooks (Chair)
Cllr J Moore (Vice-Chair)
Cllr CM Allen
Cllr RG Allen
Cllr SL Bray
Cllr MA Cook
Cllr DS Cope
Cllr REH Flemming

Cllr C Gibbens
Cllr SM Gibbens
Cllr CE Green
Cllr KWP Lynch
Cllr LJ Mullaney
Cllr H Smith
Cllr BR Walker
Cllr R Webber-Jones

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

Please see overleaf a Supplementary Agenda for the meeting of the **PLANNING COMMITTEE** on **TUESDAY, 17 JUNE 2025** at **6.30 pm**.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen
Democratic Services Manager

PLANNING COMMITTEE - 17 JUNE 2025

SUPPLEMENTARY AGENDA

10. **22/00882/OUT - LAND ADJACENT TO MIRA TECHNOLOGY PARK, CALDECOTE**

Outline application (all matters reserved) for extension of MIRA Technology Park to comprise employment use (class B2); associated office and service uses (class E g); storage (class B8); new spine road; car parking; landscaping and enabling works (cross boundary application with North Warwickshire Borough Council).

Late items received after preparation of main agenda:

Following publication of the Planning Committee report ahead of the meeting of 22 April, the item was withdrawn from the Planning Committee agenda. This was because the Council was sent a copy of a pre-action protocol letter ahead of a potential judicial review from a solicitor acting on behalf of an objector (Extra Room Self Storage (ERSS)) to North Warwickshire Borough Council (NWBC).

This letter received by North Warwickshire Borough Council seeks to challenge the decision taken by NWBC to approve the application at their February Planning Committee meeting, subject to completion of a S106 agreement. This letter suggests the following to NWBC:

- That it failed to take into account the necessity of the proposed Drayton Lane works to amend this junction to be 'left in, left out' only and whether the potential restrictions on the objectors business were unreasonable when taking into account para 200 of the NPPF;
- That it failed to take into account the view of statutory consultees in assessing alternative options for the Drayton Lane junction proposed by the objector; and
- It acted irrationally and misled Members in deciding not to seek statutory consultee review of alternative options proposed by the objector

Following receipt of this letter, the item was withdrawn from the HBBC Planning Committee of 22 April and NWBC have considered the letter, assessed the legal implications and have then taken the matter back to their Planning Committee on 9 June for consideration, given that the decision notice had not been issued.

At its meeting of 9 June, NWBC resolved to grant permission subject to a S106 agreement.

In consideration of the item at their meeting on 9 June, NWBC Officers confirmed that, in their view, the proposed works to Drayton Lane / A5 junction would not be unreasonable restrictions and that they will not inhibit the ERSS business through being unduly onerous.

With regards to alternative proposals for the junction being provided by the objector and any statutory consultee review of these alternative proposals, these proposals are not submitted by the applicant and do not form part of the

application to be determined. There is no requirement for alternative proposals submitted by 3rd parties, in this case an objector, to be assessed by statutory consultees, in this case including National Highways and two Local Highway Authorities. The statutory consultees have been engaged in this application since its submission in 2022 and are satisfied that the proposals put forward by the applicant as part of the application are satisfactory.

The applicant has submitted a final proposal for all off site highway works, and this has been accepted by the relevant statutory consultees as being acceptable in highway terms. Planning Committee is therefore cautioned against refusing or deferring an application that is considered acceptable for reasons that a 3rd party has submitted alternative proposals that are not part of the application to be determined, may not be able to be implemented and have not been assessed. It was considered by NWBC in considering the application on 9 June that the proposal, as submitted, is acceptable in planning terms, does not result in harm, and therefore there is no requirement to assess any alternative proposals.

Ahead of the NWBC Planning Committee meeting on 9 June, the applicant has stated the following with regards to the alternative highway proposals put forward by the objector:

- The DTA (on behalf of the objector) proposals are reliant on Simpson Family controlled land and while it is stated that they will gift this land, it would be an uncomfortable position for MIRA to take as it is: a) reliant on this 'good-will' going forward (without any legal protection) to avoid a ransom position; and b) the scheme design would be more complicated and costly to deliver.
- It is not clear whether statutory consultees or the public will support this revised design so MIRA risk potential delay and uncertainty if the revised design is pursued – particularly given Witherley Parish Council originally objected to traffic lights on the Drayton Lane/A5 junction (and supported the restrictions being imposed) in order to discourage rat running through Fenny Drayton.
- The Highways Authorities support the existing proposals and it remains MIRA's view that changes are unnecessary because the existing proposals would not lead to unreasonable restrictions on the Simpson's business (ERSS).

Following the above, and the decision of NWBC to resolve to approve the application on 9 June, the Council has received a letter from solicitors on behalf of an objector on 16 June. This has been circulated to Planning Committee Members. This follows further information being submitted by the objector on 27 May.

In the view of the objector, their proposal of synchronised traffic lights at both the Drayton Lane / A5 and Woodford Lane / A5 junctions achieves all traffic movements to Drayton Lane without a risk of queuing on the A5. Further, this letter sets out that following traffic surveys undertaken earlier in 2025, their sites average 133 vehicles per day. Their letter suggests that the proposed works to the Drayton Lane / A5 junction will result in 100 vehicle trips per day to be diverted, creating additional distance, journey time and emissions, with 75% of trips to the site experiencing a longer journey as a result of the proposed works to Drayton Lane / A5 junction, with a resulting knock on impact on long term business of the site.

The objector therefore requests a delay in determining the application to allow for National Highways (and any other consultees) to assess their proposal.

In response to the information submitted by the objector, the applicant provided the following additional comments to NWBC ahead of their meeting on 9 June:

Milestone (our Transport Consultants) have reviewed the new information, and we respond as follows:

- The detail of the traffic counts is not provided so it is difficult to understand when these movements occur and at which entrance/egress point. We are therefore unable to compare the traffic movements with the previous counts taken (in support of the ERSS extension planning application) to understand the disparity between the two sets of data. Moreover, the traffic counts would not differentiate between customer traffic for ERSS and other traffic - farm traffic, and traffic travelling between the sites for example.*
- The letter states that the counts recorded an average of 932 vehicles entering the 2 sites over the period of a week, but without the data we can't validate it. It seems significantly higher than the figures used in their own planning applications (where they noted 930 vehicles entering the site over a 6 month period), so question whether these are trips accurately recorded or whether they represent trips in and out of the site, rather than just 'entering' the site. The level of trips being stated is certainly not reflective of a) the numbers purported to be generated by the business when seeking planning permission; nor b) consistent with the Drayton Lane junction trip data used in the wider Leicestershire PRTM transport model.*
- It is not clear why the data supporting the figures in the letter have not been provided, or the figures from the 7 Feb – 13th Feb provided earlier? They have had adequate time to provide these figures for consideration and chose not to. We expect the withholding of this data is either to prevent interrogation, or a further tactic to delay the determination of the application.*

Nevertheless, the key points to note are:

- The traffic counts show that vehicle trip diversion will be lower than the previously submitted evidence by ERSS (ERSS now state weekly diversions would total 2,394 km compared to 6,443km in their original submission)*
- The only trip to-and-from ERSS that experiences any noticeable increase in journey distance/time will be the exit from ERSS to Destinations West. This information is summarised below.*
 - North to ERSS – the proposal maintains the same route through village*
 - East to ERSS – the proposal leads to a diversion through village but same distance as via Drayton Lane*
 - South to ERSS – the proposal leads to diversion through village but same distance as via Drayton Lane*
 - West to ERSS – this same route via Drayton Lane is maintained*
 - ERSS to Destinations North – same route is maintained*
 - ERSS to Destinations East – same route via Drayton Lane or village*
 - ERSS to Destinations South – same route via Drayton Lane or village*
 - **ERSS to Destinations West – diversion through village or Drayton***

Lane and Redgate Junction (potential 3 minute diversion)

On the basis that the Traffic Modelling (using census data) shows that 22% of journeys on the road network originate in the west, this would broadly indicate that only 11% of trips (i.e. the return trips to the west) would be affected by the change to the Drayton Lane junction. This does not amount to a 'very significant diversion' for ERSS customers and instead represents a minor impact.

Conclusion:

This additional comments from the applicant concludes that only 11% of all trips related to ERSS will be impacted by the proposed works to Drayton Lane / A5.

Planning Committee Members will be aware that the objector has an extant planning permission for an extension to an existing storage facility, referenced above. This is for an additional 956sqm and was resolved to grant permission at Planning Committee on 6 June 2023 (23/00239/FUL). This permission remains extant, within the three year period for commencement, however work has not commenced nor is this extension built or occupied.

The highway impact of this extension was assessed as part of the application, with the LHA reviewing the information submitted and resulting in the following paragraph (Para 8.24) of the 23/00239/FUL Planning Committee report:

8.24 The Applicant undertook a survey within the site of vehicles visiting the site from 16 January 2023 until 29 January 2023. This included vehicle types, and the times the vehicle accessed the site. This demonstrated that a minimum amount of vehicles visiting the site in any one day was 8 and the maximum was 16, with 166 vehicles in total. The above information equates to an average of 11.9 vehicles a day with 24 x 2-way trips to the site a day. The methodology used by the Applicant for the expected trips to the site is based on the current level of trips to the site given the current Ground Floor Area (GFA) of 1,225sqm, and expected trips based on an additional 926sm2 of floor space. Given the above the proposals could potentially generate an additional 9 vehicles (18 two-way movements) per day. During the morning and evening peak hours, this equates to one additional vehicle trip (2 two-way movements). The LHA accept the methodology used and the outcomes provided. (my emphasis)

This information, presented to Planning Officers and Planning Committee in 2023 and following traffic survey work undertaken in January 2023, contrasts with the information now submitted to seek to justify the significant harm that the objector considers will arise from this application (22/00882/OUT) and works proposed to the Drayton Lane / A5 junction, works that are considered by statutory consultees and planning officers to have a significant highway safety benefit. It is noted that this is now over two years old and does not take into account the movements to and from the Drayton Grange Farm site, however this does provide a snapshot of traffic movements significantly below those now suggested, proposed by the objector and agreed with statutory consultees, just over two years ago.

Recommendation:

Taking into account the report, including paras 8.37 – 8.45, together with the further information submitted by an objector, response from the applicant and the subsequent resolution to grant permission by NWBC on 9 June, the recommendation remains that planning permission be granted, subject to a S106 agreement and planning conditions as set out in para 11 of the report.