



- £11,337.50 Travel Plan Monitoring system
  - Appointment of a Travel Plan Coordinator
  - 6 month bus passes per employee
  - Travel Pack
  - Planning conditions outlined at the end of this report
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

## 2. **Planning application description**

- 2.1. This application is a hybrid application seeking planning permission for:
- Outline permission for a mixed-use development providing B1, B2 and B8 employment. The illustrative masterplan for the outline element shows a B2/B8 unit 1858.1m<sup>2</sup>, a three storey office (Class E) unit (3302.07m<sup>2</sup>) and three two storey office pavilions (Class E) (2369m<sup>2</sup>) with 196 car parking spaces.
  - Full permission for a roadside services facility, comprising of a petrol filling station with retail convenience comprising of 484.8m<sup>2</sup> (in the same building to purchase food and drink and associated vehicle maintenance products) – (Sui Generis), with forecourt, canopy and HGV facilities, a Starbucks Drive Through coffee shop facility (Class E - 171.3m<sup>2</sup>), car parking (54 spaces), 1 coach parking space, 6 HGV parking spaces and landscaping.
- 2.2. The site would be accessed from the A5 with a new signalised road junction. The existing junction between the A5 and Wolvey Road is also proposed to be improved as part of the works.
- 2.3. The application falls within the administrative areas of Hinckley and Bosworth Borough Council (HBBC) and Rugby Borough Council (RBC); however HBBC have no power to determine the application within RBC area. A separate application for the development proposed within RBC has been submitted, and has a resolution at committee to grant permission. The larger portion of the site and development falls within the administrative area of RBC.

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

- 3.1. The application site is approximately 5.25 hectares and located to the south of Burbage outside any defined settlement boundary, and therefore in the countryside. The application site is situated immediately to the northwest of Junction 1 of the M69 where the M69 joins the A5, Watling Street. Given its location the site is flanked to the north by Watling Street and along the south by the M69. Within the application is an existing overhead pylon, and to the north west are five residential dwellings which back onto the application site.
- 3.2. The application is identified as a Local Wildlife Site, and the site comprises of grassland bound with mature hedgerows. To the south the Soar Brook water course travels through the site adjacent to the M69.

## 4. **Relevant planning history**

- 4.1 Given the cross boundary nature of the application, with the larger portion of the site falling within RBC the planning history relates to this larger portion of the application site.

- 4.2 Application reference R11/0239 was for a proposed mixed-use development comprising a restaurant, offices, a hotel and a leisure unit together with associated car parking and landscaping with vehicular and pedestrian access proposed via Wolvey Road to the north which involved alterations and improvements to the Wolvey Road/A5 junction.
- 4.3 The planning application was called in by the Secretary of State (SoS) pursuant to Section 77 of the Town and Country Planning Act 1990 for his own determination rather than be determined by Rugby Borough Council. The Secretary of State granted planning permission subject to conditions and planning obligations in August 2013 following a public inquiry. Reserved matters under reference R16/1255 was approved in October 2016. A non-material amendment to the outline planning permission was submitted to Rugby Borough Council in July 2018 that sought to amend the wording of all of the pre-commencement conditions to enable development of initial drainage works on the site without breaching these conditions. This non-material amendment was subsequently approved and Rugby Borough Council have confirmed that they consider this constitutes a material operation that commenced the development having regard to Section 56 of the Town and Country Planning Act 1990. This began implementing planning permission.
- 4.4 No further works have since taken place on the site but, subject to discharge of the outstanding pre-commencement conditions attached to planning permission R11/0239 and fulfilment of planning obligations, this approved development can continue to be built out and occupied. The existence of this extant planning permission is a significant material consideration and establishes the principle of a development on the wider site.

## 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 and 25 objection have been received raising the following matters:
- 1) The principal of the development
  - 2) Failure to undertake an appropriate Sequential Site Assessment
  - 3) Absence of a Retail Impact Assessment
  - 4) Impact upon highway safety
  - 5) Would have an adverse impact upon ecology
  - 6) There is no provision for Electric charging points
  - 7) Already a Petrol Filling Station
  - 8) Noise already an issue and this would create noise and pollution caused by a facility used by transient traffic.
  - 9) HGVs often leave engines running due to having chiller units running.
  - 10) Light pollution on the adjacent residential properties from the services/restaurant and the vehicle headlights. Lighting should be at low level to limit pollution into the neighbouring residential properties.
  - 11) Assurance is needed that height of buildings will be maintained at current levels.
  - 12) Lorries often hit the bridge along the A5, which this could add
  - 13) No need for another fast food restaurant
  - 14) Infrastructure is already at capacity
  - 15) Co2 emissions
  - 16) Development could result in increase litter to the detriment of wildlife and ecology
  - 17) Fast food outlet would contribute to the unhealthy eating.

- 18) Retaining wall planned to the north side could be changed to a sound barrier to mitigate the headlight issue. It should be 8 feet tall. Restaurant should not be permitted to operate 24 hours a day.

5.2. Three letters has been received two neither objecting or supporting, and one in support to the proposal and provides the following comments.

- 1) The latest proposed access station is an advance on the original via Wolvey Road. Reducing the impact.
- 2) Would like assurance that there would be no access or exit into the Old Wolvey Road during construction.
- 3) Would make good use of a waste land site
- 4) Would put Hinckley on the map

## 6. **Consultation**

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

- HBBC Environmental Services (Pollution)
- HBBC Waste Services
- Severn Trent Water
- HBBC Drainage
- LCC Ecology
- LCC Archaeology
- Rugby Borough Council
- Highways England
- LCC (Highways)
- LCC as Lead Local Flood Authority

6.2. Burbage Parish Council have objected on the following grounds:

- 1) Access would be too close to the M69, and could be potentially dangerous.
- 2) Development could exacerbate tailbacks along this stretch of the A5.
- 3) Concerns that the development would hinder the widening of the A5.
- 4) Would have an adverse impact upon neighbouring amenity in terms of noise, light and air pollution.
- 5) Intrusion into the cross boundary Green Wedge.

6.3. Councillor Walker has raised the following comments on the application:-

- The proposed addition of a new garage at Stretton Point, with HGV turning right controlled by traffic lights plus the addition of a pedestrian crossing will add to mayhem on this stretch of road.

## 7. **Policy**

7.1. Burbage Neighbourhood Plan

- Policy 3: Business and Retail

7.2. Core Strategy (2009)

- Policy 4: Development in Burbage

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design

- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM20: Provision of Employment Sites
- Policy DM21: Locating Sustainable Town Centre uses

#### 7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

#### 7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Employment Land and Premises Review (2013)
- Housing and Economic Development Needs Assessment (2018)
- Landscape Character Assessment and Landscape Sensitivity Assessment (2017)

### 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
- Noise and Pollution
- Ecology
- Impact upon trees
- Archaeology
- Planning Obligations
- Planning Balance

Assessment against strategic planning policies

#### 8.2 This application proposal is in two parts

- i) Outline permission for a mixed-use development providing Class E (Offices only), B2 and B8 employment. The illustrative masterplan for the outline element shows a B2/B8 unit 1858.1m<sup>2</sup>, a three storey office Class E (Offices only) unit (3302.07m<sup>2</sup>) and three two storey office pavilions Class E (Offices) (2369m<sup>2</sup>) with 196 car parking spaces.
- ii) Full permission for a roadside services facility, comprising of a petrol filling station with retail convenience comprising of 484.8m<sup>2</sup> (in the same building to purchase food and drink and associated vehicle maintenance products) – (Sui Generis), with forecourt, canopy and HGV facilities, a Starbucks Drive Through coffee shop facility (Class E - 171.3m<sup>2</sup>), car parking (54 spaces), 1 coach parking space, 6 HGV parking spaces and landscaping.

#### 8.3 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) 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.

- 8.4 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.
- 8.5 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 Neighbourhood Plan (2020). However Policies in the Core Strategy and the SADMP are accepted to be out of date as are focussed on the delivery of a lower housing requirement than as determined using the Standard Methodology set by MHCLG. 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 applications.
- 8.7 The Borough Council is actively promoting the preparation of Neighbourhood Development Plans and is keen to see communities strongly involved in the planning and future growth of villages. Following a referendum on the 6 May 2021, the Burbage Neighbourhood Plan is now 'Made' as per Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended). Therefore the plan can be given full weight in the decision making process.
- 8.8 This site lies outside of the settlement boundary of Burbage and is identified as countryside on the Borough Wide Policies Map, and the Burbage Neighbourhood Plan, and therefore policy DM4 should be applied. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.
- 8.9 Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- It is for outdoor sport of recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
  - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
  - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
  - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
  - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:
- It does 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;

8.10 The application has been accompanied with an Economic Assessment which identifies that the proposed development would equate to an average of 285.7 FTE, or 333 full and part time jobs, equating to £14.7m in GVA. Policy DM4 does not define what would be considered as a significant contribution, however this development although it would contribute to the economy it would fall short of being considered significant when having regard to other more strategic developments within the Borough. As such the site would not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.

8.11 Outline planning permission on the wider site exists for a mixed-use commercial development comprising A3, B1, C1 and D2 uses (Rugby Borough Council reference number: R11/0239), granted by the Secretary of State, with reserved matters approved in 2016 (Rugby Borough Council reference number: R16/1255). Following this a non-material amendment was approved in August 2018 which allowed surface water drainage works which have been confirmed as a commencement on site by Rugby Borough Council. Therefore the development of the wider application site which resides in Rugby Borough Council has been established. However the proposed development is materially different, in that the approved and established development granted permission for 3,716m<sup>2</sup> of B1 use, 3,252m<sup>2</sup> of Class D2 and a hotel of 2,787m<sup>2</sup>. The table below identifies the differences between the approved and proposed scheme:-

Description	Approved Scheme	Proposed Scheme	Difference
Size in Hectares	3.05	5.25	+2.2
Total Floorspace	9,215 m <sup>2</sup>	8,186 m <sup>2</sup>	-1,029m <sup>2</sup>
Site Access	Wolvey Road	A5 (Watling Street)	
Biodiversity Impact	13.82 unit loss	11.19 unit loss	Net gain of 2.62 units
Jobs	255 full and p/t jobs	333 full and p/t jobs	+78 jobs
Sustainability	No standard	BREEAM very good	Increased sustainability measures
B1 use (office)	Up to 2,787m <sup>2</sup>	Up to 5,670m <sup>2</sup>	+2883m <sup>2</sup>
B2/B8 (industrial & Warehouse)	0m <sup>2</sup>	1858m <sup>2</sup>	+1858m <sup>2</sup>
Roadside Services (Sui Generis)	0m <sup>2</sup>	656m <sup>2</sup>	+656m <sup>2</sup>
D2 (leisure)	3252m <sup>2</sup>	0m <sup>2</sup>	-3252m <sup>2</sup>
C1 (hotel)	2787m <sup>2</sup>	0m <sup>2</sup>	-2887m <sup>2</sup>

#### Town Centres and Economic Development

8.12 Paragraph 80 of the NPPF states that the planning decisions should help create the conditions in which businesses can invest, expand and adapt, and significant weight is placed on the need to support economic growth, building a strong, responsive and competitive economy. Paragraph 86 of the NPPF identifies that main town centre uses, should be located in town centres, then in the edge of the centre locations. Paragraph 87 of the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

8.13 A sequential test is a national policy requirement for planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date Local Plan regardless of scale, as set out at paragraph 86 of the NPPF. This is also supported by Policy DM21 of the SADMP which seeks to ensure that

town centre uses are directed to the most sustainable location in a sequential approach, aiming to protect the viability and vitality of Town and District Centres. Whilst paragraph 11 of the Planning Practice Guidance (PPG) (ID: 2b-011-20190722) states that failure to undertake a sequential assessment could in itself be a reason for refusal, the application of the test 'will need to be proportionate and appropriate for the given proposal'. It is not considered unreasonable to view the drive through element as being part of the roadside services facility, which has specific locational requirements, in line with PPG paragraph 12 (ID: 2b-012-20190722). It states that 'the use of the sequential test should recognise that certain town centre uses have particular market and locational requirements which means that they can only be accommodated in certain locations.

- 8.14 The first sequentially preferable location for town centre uses is Hinckley Town Centre, this site is located outside of the town centre and is not located within a district or local centre, the site would be considered an out of centre location. However in this instance the proposed application is for both a business park and road side services. Although the mix is slightly different regard must be had to the previously approved and implemented business park, and due to the format and function of the proposed development as a roadside service facility, which is not only sought to serve the wider business park but also serve the strategic road network. The proposed development would result in 204sqm gross drive thru facility, as such the proposed retail floorspace fall below the threshold of 2,500sqm where an impact assessment is required.
- 8.15 Policy 1 of the Core Strategy, confirms that within Hinckley, support is given to the development of an additional 5.300sqm (net) up to 2021 of convenience floor space, primarily located on the bus station redevelopment site. This has been delivered by the construction of the Sainsbury's store, which delivered 9674 sq. m. of gross internal floor space, although this is not net floor space. The Town and District Centres Study (2017) which is later than the Core Strategy, identifies a borough wide need for convenience goods shopping of an additional 3,400 sq. for the period to 2026, demonstrating a positive requirement for additional convenience goods floor space.
- 8.16 The proposed scheme also seeks to increase the office use floor space, which when not considered ancillary to B2/B8 uses are considered a Town Centre. The extant permission accept office space within the site as part of the proposed development mix, and this scheme would seek to increase this by an additional 2883m<sup>2</sup>. The 2013 planning permission which is the 'fall back' position approved Class A3 restaurant, B1 business, Class C1 hotel development, and Class D2 assembly and leisure uses, which are all out of town centre uses. At the time of the appeal the Secretary of State concluded that the proposed business park development where there was found that the proposal met the relevant town centre policy test.
- 8.17 The application has been accompanied with a sequential assessment, in accordance with the NPPF. The sequential test demonstrates that there are no suitable or available sites or units in Hinckley or Burbage to support the proposed development. The sequential test identifies that there are no town centre or edge of centre to accommodate the development. Sites within the SADMP are also not available for development due to build out and landowner interests. Notwithstanding this the application proposal requires specific location requirements of a roadside, to which this site would be adjacent to a strategic road network, that being of the A5. The operator for the petrol station, (Eurogarages) has locational requirement of needing to be near a strategic road network, and the application site is situated both upon the A5 and is adjacent to the M69 to which town centre locations would not provide. The NPPF Footnote 42 states that "the primary function of roadside



services should be to support the safety and welfare of the road user” The purpose of the drive through is to provide amenity to motorists using the A5 trunk road. Encouraging passing traffic into Burbage or Hinckley simply to access a services facility could result in travellers driving further. In this context disaggregation is not considered to be of material concern. Furthermore when considering the application as a whole the proposed drive through coffee shop represents only 2% of the total cumulative floorspace on the application site, and relates to the petrol filling station to which it resides closest to. It is considered that the coffee shop would function as a collective with the petrol filling station, in providing roadside service facility.. However to ensure that the proposal would not detrimental impact upon the Town Centre, it would be necessary to restrict the use of offices which fall within use Class E, in order to restrict any permitted use change within Class E of the order. The proposed development is therefore considered to accord with Policy DM21 of the SADMP.

#### Employment need

- 8.18 In terms of Development in Burbage. Policy 4 of the Core Strategy seeks to allocate land for the development of 10 hectares of B8 employment land and 4 hectares of B2 employment land adjacent to the railway line as an extension to Logix Park. Policy 4 also goes on and states to ensure there is a range of employment opportunities within Burbage and in close proximity to Hinckley.
- 8.19 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.
- 8.20 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
- 8.21 The Employment Land and Premises Review (2020) 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 in that supply for strategic areas and a lack of local options. To allow this the study recommends that the Council consider further employment land allocation, primarily to meet the needs within the Borough.

- 8.22 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 over 2018 (not 2019) to 2036, which generates a need for 61,765sq of floorspace of 15.84 ha of land. 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. However, it does illustrate the economic impacts of the projected housing growth rate of 457 dwellings/ha.
- 8.23 The Call for Sites SHELAA exercises have put forward 30 potential sites/areas totalling 612.94 ha, for B-Class uses (often alongside other options). However 16 sites put forward considered by the study deemed unsuitable, with 14 sites deemed suitable, the application site was not included, however it should be noted that the greater portion of the application resides in Rugby Borough Council. The study recommends that consideration should be given to allocating land for local needs employment (development of less than 9,000 sqm would be seen as addressing local needs).
- 8.24 The most recent The study 2019 – 2020 provides a basis for monitoring the relevant Local Plan policies with regards to delivering sustainable economic development and employment land in the borough and sets out the net gains or losses of employment development across the borough at 1<sup>st</sup> April 2020. It shows that there has been a loss of 4.35 hectares of employment land within the key rural centres as the land is utilised for alternative uses, primarily housing. The study also identifies that there has been a net loss of floorspace on existing employment sites more urban areas such as Earl Shilton and Barwell, the mitigation of this loss is to be through gains guided through the Earl Shilton and Barwell AAP. The range of employment opportunities has increased generally due to primarily more strategic developments such as the DPD site coming forward, however there still remains negative gains in Hinckley, Barwell and Earl Shilton. Therefore the challenge remains in helping to ensure there is an increased provision of employment opportunities.
- 8.25 In addition to the above, the delivery of identified employment land is necessary to supporting economic growth and recovery in a post Covid economy.
- 8.26 As previously discussed, the ELPs (2020) provides an evidence base for Hinckley and Bosworth specific needs. The Housing and Economic Development Needs Assessment (HEDNA), produced on behalf of the Leicester and Leicestershire Authorities and the Leicester and Leicestershire Enterprise Partnership in January 2017, also assesses employment land requirements both local and strategic, for Hinckley and Bosworth Borough over the period to 2036. The HEDNA 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 83: Employment Land Needs (Ha)**

	2011-2031			2011-2036		
	B1a/b	B1c/B2	Small B8	B1a/b	B1c/B2	Small B8
Leicester	2-6	36	15	3-7	45	19
Blaby	37-45	15	10	47-48	19	12
Charnwood	14-37	21	11	17-40	26	13
Harborough	14-21	22	8	17-24	28	9
H&B	11-32	14	16	13-34	17	20
Melton	10-18	21	14	10-23	26	17
NWL	45-46	3	17	50-56	4	21
O&W	1	0	4	2	0	5
<b>FEMA</b>	<b>142-198</b>	<b>132</b>	<b>93</b>	<b>177-215</b>	<b>165</b>	<b>117</b>

Source: GL Hearn, 2016

- 8.27 The assessments 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 for small scale B8 development also (less than 9,000 sqm).
- 8.28 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.
- 8.29 Policy 3 of the Burbage Neighbourhood Plan, encourages proposals for suitable B1a-c business development within the Parish, providing the development is:-
- Is in keeping with the scale, form and character of its surroundings.
  - Does not significantly adversely affect the amenities of residents in the area.
  - Does not cause harm to highway safety.
  - Does not have a detrimental impact upon the local environment.
  - Has safe and suitable access to the site for all people.
- 8.30 It also goes on to state that proposals to develop B1a-c business, B2 (General Industrial) or B8 (storage and distribution) through new build, conversion or splitting up of existing employment space will be viewed favourably provided conditions a-e listed above are met.
- 8.31 The application site is outside the defined settlement boundary for Burbage, however the site does benefit from a mixed use development, including leisure with hotel complex and offices. This proposal seeks to reflect the current change in the market in seeking to provide a mixed use employment site. The application has been supported by a sequential test which considered both town centre and out of town centre sites. In terms of vacant commercial property in Hinckley Town Centre, 29 are currently being marketed to let or sale, with 3 currently under offer. The report also considered Burbage District centre, which offers no vacant sites of suitable size which can be considered capable of accommodating the proposal. A detail analysis of the remaining in Town Centre units have also been considered, which would not be capable of accommodating the proposal and meeting its needs.
- 8.32 The proposed development would make a contribution to economic growth and job creation within the Borough; in addition, the applicant has satisfactorily demonstrated that there are no suitable alternative employment sites to accommodate the demand within the market in the short term, the proposal although outside the settlement boundary, the wider application site does have an implemented scheme, but a mixed use leisure and business complex which is a

material planning consideration. Therefore whilst this extant development has not been completed, the development has been implemented, and therefore the site is not strictly a greenfield site. As such when having regard to the sequential approach of Policy DM20 of the SADMP, in the first instance Policy DM20 seeks new employment within settlement boundaries, to which through the submission has been demonstrated that there are no suitable site, and then secondary on previously developed land. Whilst the site is not previously developed land, a scheme has been implemented, development on the site has been accepted and cannot be considered as greenfield land.

- 8.33 Accordingly although there is a degree of conflict with Policy DM4 of the SADMP, this conflict should be weighed in the balance. Against this conflict the proposal benefits from extant permission for out of Town Centre Business Park, and the applicant has demonstrated through the submission of a sequential test and economic assessment that there are no alternative or suitable sites to meet this need identified, and the application site would not constitute a greenfield site given the implementation of the extant permission, and therefore would be sequentially preferable when having regard to Policy DM20 of the SADMP, to which the development would accord with.

Design and impact upon the character of the area

- 8.34 Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.35 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, any harm to the intrinsic value, beauty, open character and landscape character of the countryside would therefore be unjustified. Policy 3 of the Burbage Neighbourhood Plan seeks that any business type of development, would only be found acceptable where proposal do not have a detrimental impact upon the local environment
- 8.36 The application site 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.
- 8.37 The site is situated to the south of Watling Street and to the north of the M69 corridor, with Wolvey Road west of the application site, with a cluster of dwellings accessed from Wolvey Road along its western boundary known as Stretton Croft. The application site is made up primarily of grassland, with hedgerows enclosing

the site along its north, south and west along with an establish tree cover, which are protected by a Tree Preservation Order. An overhead powerline also traverses the site in an east-west direction with a Pylon situated at the sites eastern boundary. Although the application site, is situated outside any defined settlement boundary the wider site which falls within Rugby Borough Council benefits from planning permission for a mixed use development comprising of restaurants, offices, hotel and leisure unit, access from Wolvey Road (Ref:R11/0239).

- 8.38 The application is in two parts, one which provides full details of the proposed development of a petrol filling station and drive through, and the outline (all matters reserved except for access) element proposing buildings to provide class B1, and flexible B2/B8 development. It should be noted that the majority of the proposed development is situated within Rugby Borough Council with the following being limited to Hinckley and Bosworth Borough:-
- Vehicular access onto the A5 (Watling Street)
  - Drive through restaurant, with a large portion of the car parking and its ancillary areas.
  - Part of the car and HGV parking areas associated with the roadside services
  - Internal access from A5.
  - Hard and soft landscaping, drainage and ecology mitigation.
- 8.39 Although matters such as layout, siting, scale and appearance are reserved for the business use element of the development, the application does provide and confirm parameters which would provide the framework for any detailed layout and appearance of any subsequent reserved matters application, and proposes overall to provide the following amounts of use:-
- 1858.1m<sup>2</sup> Maximum floor space for Use Class B2 / B8.
  - 5620.6m<sup>2</sup> Maximum floor space for Use Class E (Offices)
- 8.40 Parameters have also been provided in terms of building heights which are proposed as follows:-
- Offices Development plot maximum ridge height of 9.5m
  - Mixed use development plot, maximum ridge height of 13.5m
- 8.41 Although situated outside the defined settlement boundary of Burbage, and therefore situated within the countryside, the application has not been supported by a LVIA, on the predicted likely effects of the proposed scheme upon landscape and visual effects. However the site already benefits from an implementable permission for a mixed use office and leisure facility upon the site, where the impact of such development was considered by the Secretary of state who found that development within the application site would not result in harm.
- 8.42 The site which in triangular is bound by the A5 to the north, Wolvey Road to the west and the M69 motorway corridor to the south. The previous appeal found that due to the size, and its constrained nature there would be no beneficial agricultural use or otherwise. The proposed development would provide in terms of scale a low level scale of development, which would be supported by structured landscaping and woodland management, securing and enhancing the existing features of the application site, and softening the impact of any proposed development.
- 8.43 When having regard to the wider landscape, the application site has been informed by surrounding urban form, with the presence of the A5, M69 and large signalised junction and associated signage, as well petrol filling station on the opposite side of the road, two public houses and dwellings. There is also a large pylon which traverses through the application site. Therefore when having regard to the receptors which would travel past the site from the road and footpath network any

views of the application site would be read in the context of its immediate urban form and therefore the extent of the change would be limited. This is further reduced when having regard to the extant permission which has been implemented on the application site for the development of offices and leisure complex.

- 8.44 The proposal would retain the existing hedgerows along boundaries and tree cover, as well as enhancing with new planting. Within the site, although some of the grassland and natural features of the site would be lost through the development of the site, there are opportunities to maximise green features through the development such as the inclusion of the green roofs to offices, and SuD features through the development, which would further enhance any development within the site.
- 8.45 As part of the application has been submitted in Outline form with matters of scale, layout and appearance reserved no assessment of the proposal in relation to the urban character is made. However, it is not considered that there is any reason that the proposal could not respond well to the features and characteristics of Burbage.
- 8.46 In terms of the Petrol filling station and the drive through coffee shop, these are matters which do benefit from detailed plans for consideration. Both the Petrol filling station and the drive through would be single storey in scale. The drive through coffee shop would be set 24 metres from the boundary to that with the A5, to provide parking along its frontage and designed to provide circulation for visiting cars accessing the drive through. The proposed building, would be designed with a flat roof, with a timber look finish, as well of full height glazing along principle elevations which provides a horizontal break within the elevations. The use of glazing will not only allow the building to benefit from natural solar gain but would also create an active edge along the A5 with views both into and out of the restaurant, thus adding a greater degree of natural surveillance over the outdoor areas and gives the building a higher quality appearance.
- 8.47 The proposed petrol station would also follow a similar appearance to that of the drive coffee shop, which would be finished with a flat mono pitched roof, and uses glazing to provide an interest within the principle elevation with a similar pallet of materials proposed. The petrol station would be positioned generally centrally within the site and adjacent to the drive through coffee shop. To the north of the proposed petrol filling station would be the 6 HGV/towing spaces, a coach space and staff parking and to the south of the petrol station would the petrol pumps with associated canopy, which are functional in design. These are features which are seen along the A5 which benefits from a number of filling stations, and therefore are features which are expected along this strategic road network.
- 8.48 The proposal would extend development beyond the defined settlement boundary of Burbage, however when having regard to the extant permission and the wider landscape it is considered that the proposal would result in limited harm to the immediate application site, and would therefore be in conflict with Policy DM4 and DM10 of the SADMP, and Policy 3 of the Burbage Neighbourhood Plan.

Impact upon neighbouring residential amenity

- 8.49 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.50 During the course of the application objections have been received in respect to impact upon neighbouring residential dwellings. The nearest residential dwellings to

the application site, are those situated to the west of the application site, within Stretton Croft, which is accessed off Wolvey Road. These dwellings back onto the application site, and are buffered by a tree belt. On the opposite side of the A5 facing towards the application site and the proposed access is Three pots farmhouse.

- 8.51 The access for the extant scheme for the application site is wholly in Rugby, and is taken from Wolvey Road off the A5. This scheme seeks to provide the access directly from the A5, removing the traffic passing past the residential properties of Stretton Croft, which is a benefit to the scheme.
- 8.52 Although part of the application is in outline form there has been submitted a parametres plan, which identifies that development situated closet to Stretton Croft, would be limited to office use, with a maximum ridge height of 9.5 metres, with building heights increasing to 13.5metre to the south edge of the site. The nearest plot would maintain approximately 23metres from the rear boundary to the site to the nearest developable area, with intervening landscaping and existing tree belt maintained, providing a buffer. The proposed development would introduce lighting across the site, which would be necessary to condition, to ensure that they do not result in light pollution, however subject to conditions this matter could be controlled to ensure they do not result in an adverse impact upon these properties. Furthermore having considered the proposed parametres plan which accompanies the application, subject to detailed design at the reserved matters stage of the application it is considered that subject to suitable layout and scale the proposal would not result in adverse harm upon the nearest residential properties, in terms of overbearing impact and loss of privacy.
- 8.53 The detailed element of the application, comprising of a petrol filling station, a drive through coffee shop and associated parking would be position to the east of the proposed access, situated away from the dwellings in Stretton Croft with an separation in excess of 60metres from the boundary to the HGV parking area, with the petrol station and coffee shop drive through beyond. Having regard to this distance combined with the existing and proposed landscaping it is not considered that the proposed development would result in any significant loss of light or outlook to the residents of Stretton Croft, or those on the opposite side of the road along Watling Street, arising from the proposed development. Therefore subject to the imposition of conditions it is not considered that the proposed development would have a detrimental impact neighbouring residential properties to accord with Policy DM10 of the SADMP.

#### Impact upon highway safety

- 8.54 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 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. Objections have been received during the course of the application in respect to matters relating to traffic and highway safety, which have been considered and addressed by the Local Highways Authority and Highways England as part of the consideration of this application.
- 8.55 The proposed scheme seeks to provide a vehicular, pedestrian and cycle access directly from a new signalised junction from the A5. As part of the application A Transport Assessment, Walking, Cycling and Horse Riding assessment and review have been submitted, which include detail junction design details, capacity assessments, and traffic modelling.

- 8.56 Highways England have considered the application and carried out an independent assessment based on their own calculation in terms of Traffic Impact Assessment. As such Highways England have identified that the revised trip proportions would reduce the level of development traffic passing through the M69 Junction 1, which would be below the level that would have been generated by the previously approved development of the site contained within RBC (ref R11/0239). Highways England also consider that this scheme would be a betterment in the operation of the proposed site access and would provide a reasonable improvement to the junction, and therefore have no objection.
- 8.57 The Local Highway Authority have also been consulted and considered the application and the implications off the strategic road network. The application would propose to realign the southern (Wolvey Road) arm of the A5 Watling Street/Wolvey Road junction in connection with the proposed development, in so far as it forms a crossroad rather than a staggered junction. It is considered that this would enable an improvement right turn lanes to be provided on the A5, and therefore the LHA would have no objection to this proposal, subject to S278 design and technical approval process.
- 8.58 In addition to vehicle improvements, there are also a number of improvements for pedestrians which would be brought forward as part of the site access proposals, which would include controlled crossing points of the A5, which are welcomed by the LHA.
- 8.59 The proposed development ensures that scheme would provide sufficient parking within the site to accord with Leicestershire County Councils Guidance and the service station would accord with the Department of Transport Circular 02/13 relating to trunk road service facilities, and will also be providing Electric vehicle charging points within the service station as well as the wider application site, which would be necessary to condition.
- 8.60 LCC and Highways England as the Local Highway Authority have no objection to the development , however they have suggested that development proposals could be acceptable in highway safety concerns subject to the imposition of a number of conditions and off site obligations prior the commencement of the development

#### Drainage

- 8.61 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.62 A Flood Risk Assessment has been submitted with the application in accordance with paragraph 163 of the NPPF.
- 8.63 The application site is greenfield in nature, totalling 6ha in size. The site is within Flood Zone 1 (low risk of fluvial flooding) with the Soar Brook ordinary watercourse to the south of the site and an unnamed ordinary watercourse forming the western boundary of the site. Minimal surface water is modelled to accumulate on site, limited largely to existing hardstanding areas and areas in close proximity to the existing watercourses. The surface water drainage strategy proposes to utilise multiple below ground attenuation structures and conveyance swales before discharging via 3 outfall structures to the Soar Brook at the QBAR rate of 11.1l/s.
- 8.64 During the course of the application further information has been provided to support the application, and includes the submission of MicroDrainage network model. It is proposed that the surface water treatment to mitigate against silt and pollutant build up within the drainage system is to be provided, however this is has not been adequately demonstrated in the surface water drainage strategy. Therefore the LLFA although has no objection to the proposed development, it is



considered necessary to impose a condition to seek full construction detail to be submitted and prior to commencement.

8.65 The geological map identifies that the application site is located on a Secondary A aquifer with unproductive strata in the east and a secondary (undifferentiated) aquifer in the south. The bedrock beneath the superficial deposits is a secondary B aquifer. Secondary A aquifers are permeable strata capable of supporting water supplies at a local rather than strategic scale in some cases form an important source of base flow to rivers. Secondary B aquifers are predominately lower permeability strata which may have the ability to store and yield limited amount of groundwater by virtue of localised features such as fissures, thin permeable horizons and weathering. Secondary (Undifferentiated) aquifers could have the properties of either a Secondary A aquifer or Secondary B aquifer. The River Soar is situated near the southern boundary of the application site. It is considered possible to manage the risk posed to controlled waters by the proposed development, and there has been no evidence of significant contamination. However given that the surface watercourse is situated close to the southern boundary and the site generally lies on a secondary A aquifer, if significant contamination were to be discovered it would be necessary to ensure that condition is imposed to ensure that any significant contamination arising from the development is dealt with accordingly.

8.66 Environmental Health (Drainage) have assessed the information submitted and raise no objections to the scheme subject to conditions to require the submission of further surface water drainage scheme details in accordance with the submitted Drainage Strategy for prior approval, infiltration testing, management of surface water during construction of the development and a long term maintenance plan for the sustainable surface water drainage system for prior approval. Accordingly subject to the satisfactory discharge of such conditions, the proposal would be in accordance with Policy DM7 of the adopted SADMP in respect of surface water drainage and water quality.

#### Noise and Pollution

8.67 Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light. Policy DM10 of the SADMP seeks to ensure that the amenity of the occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.

8.68 The application has been accompanied with a Soils and Agricultural Quality Study, Phase 1 Ground conditions report, Air Quality Report and Noise Impact Assessment.

8.69 The submitted noise impact assessment has regard to the proposed mixed use development, details the existing noise climate and the suitability of the site for the proposed use. The report identifies and provides an assessment of the likely impact of HGV movements associated with the commercial uses on noise sensitive receptors and has regard to any necessary mitigation measures. Environmental Health (Pollution) have considered the submitted Noise Impact assessment and has no objection to the proposed development which predicts that noise levels would be within current guideline levels.

8.70 The application has been supported with a screening test for potential significant air quality impact from proposed development, which has been informed by the peak AM and PM trips contained within the Transport Assessment. Environmental Health have considered the information and are satisfied that the proposed development would not have a significant impact upon air quality, or would be impacted on by the

baseline air quality, however it would be considered necessary to conditions to measures within the report as part of any Construction Environmental Management Plan condition.

- 8.71 As part of the application a Phase II investigation has been carried out, which identified that asbestos containing materials have been found on site. However the landscaped areas are to contain a clean cover layer is to be carried out within landscaped areas. It is considered that this should be at a minimum depth of 300mm and is necessary to ensure this matter is conditioned if development is permitted. Environmental Health (Pollution) have therefore no objections subject to the imposition of conditions relating to further to the details of the clean cover required to mitigate the contamination.
- 8.72 Given the scale of development, which would be in proximity to the adjoining settlement boundary, Environmental Health (Pollution) have also requested a further condition for the submission of a Construction Environment Management Plan, to detail the site preparation and construction and how the impact of this would be mitigated and prevented. It is considered when having regard to the surrounding residential dwellings that this is reasonable and necessary and should be imposed should permission be granted.
- 8.73 The development is therefore in accordance with Policy DM7 of the SADMP.
- Ecology
- 8.74 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.
- 8.75 Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.76 The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions. Objections to the application have been received during the course of the application in respect to the impact upon wildlife and ecology.
- 8.77 An Ecology Appraisal was submitted in support of the application and has been considered by Leicestershire County Council (Ecology).
- 8.78 The site was designated as a Local Wildlife Site (LWS) in 2011, and during the course of the application objections have been received in respect to loss of ecology. However the loss of the LWS has been accepted in principle following the Secretary of States decision of ref: R11/0239, which has been implemented, and would lead to the loss of a biodiversity notwithstanding this current scheme. Nevertheless the implemented scheme does require compensatory measures for biodiversity, in the form of a biodiversity payment off setting payment. The current scheme seeks to increase the biodiversity benefits compared to the extant scheme.
- 8.79 The proposal is a cross boundary application, with the majority of the application site falling within Warwickshire rather than Leicestershire County Council. Accordingly the large proportion of the Ecological Impact contained within the neighbouring authority. As such LCC (Ecology) who have been consulted as part of

the application defer to the Warwickshire Ecologist on how the net loss is addressed.

- 8.80 Within the HBBC administrative area, the habitats are mainly woodland, which would be largely untouched by the proposed development. There would be a small loss of grassland and other habitats also within the HBBC administration however LCC (Ecology) consider this minor and have no objection to this small loss within the administration of HBBC. The woodland which is situated within the north west of the application site and are described as semi-natural broadleaved, but the species mix is consistent with a mixed plantation, as it includes scots pine and cypress along with a range of other native and non-native broadleaves. Within the mitigation strategy there is reference to the enhancement of this woodland, however there are no detail as to how this would be carried out, and therefore it is necessary to seek a condition should permission be granted to secure a long term woodland enhancement.
- 8.81 There is a pylon situated within the eastern portion of the application site which has marsh habitat surrounding it, and is identified to be retained and enhanced in line with the submitted Ecological Mitigation Strategy Plan. The area of land immediately beneath the pylon would extend the existing marsh land, creating additional wet/damp area. The Soar brook, which travels along the southern boundary of the site, is to be cleaned out, with planting enhancements proposed, there will also be swales incorporated through the proposed development with water edge and marginal wildflower grass seed mixes.
- 8.82 During the course of the application amended plans have been received which identified environmental protection areas on revised parameters plan for phase 2 (the outline section of this development). This ensures that within the identified environment protection parameters there would be no development. The Ecological Mitigation Plan, although is indicative, demonstrates that the development could achieve 2,295m<sup>2</sup> of green roofs, 6,519m<sup>2</sup> of existing woodland, 1,704m<sup>2</sup> of existing vegetation to be retained and enhanced, 539m<sup>2</sup> of swales and 2,369m<sup>2</sup> of wildflower grassed areas. Of the 14,354m<sup>2</sup> of green infrastructure within the site, 6,883m<sup>2</sup> is proposed to be made up of a wildflower grass mix, which replicates the elements of the Local Wildlife Site which are the most valuable in biodiversity terms. Some of the wildflower elements would be as green roofs at height, which would benefit invertebrates, some incorporated into grasscrete areas (with a wildflower mix) of car parking along the west and north of the site, and some within other landscaped areas. LCC (Ecology) have no objection to the proposed development subject to the consultation and comments from Warwickshire County Council, due to the larger portion of the site, being contained within the neighbouring county. The Ecologist for Warwickshire, has had consideration of the proposed mitigation and strategy and offers no objection to the proposed development subject to the imposition of conditions to control via LEMP and a S106.
- 8.83 Overall, the impact of the proposed development on protected species is accordance with Policy DM6 of the SADMP DPD and the general principles of the NPPF.
- Impact on trees
- 8.84 The application has been accompanied by an Arboricultural report considering the impact that the development proposal may have upon the surrounding trees and providing any mitigating measures.
- 8.85 The proposed layout has been designed to accommodate key trees along the boundaries of the site. There are existing Tree Preservation Orders on the site, both within HBBC and RBC, relating to Stretton Croft. The Order (HBBC Ref:

88/00005/TPORD) comprises of three group orders and three individual protected trees. The group which would be effected by this development is identified as G2 which is a belt of trees along the A5, and G3 which is the woodland planting to the west of the site, and T2 and T3 which are individual trees more centrally within the site. RBC also have a group TPO which runs along Soar Brook along the south and west of the application site.

- 8.86 The submitted Arboricultural assessment identifies that within the application site there are 9 individual and 10 groups of A category trees, 4 individual and 9 tree groups are category B trees, with 5 individual and 4 groups classified as Category C trees. The proposed development would require the loss of 39 trees to facilitate the construction of the access road and to gain adequate visibility splay. Of the 39 trees which are to be lost through this development 4 are A category trees. The access is determined by the precise highway specifications which is required by Highways England, and it would not be possible to locate the access further south due to insufficient visibility splay being achieved.
- 8.87 Concerns have been raised relating to the loss of the trees, and the alternative would be to use the existing access scheme from Wolvey Road into the application site. However this would result in greater amenity impacts to residents of Stretton Croft and would limit the proposed development. Having regard to the loss of trees the proposed development seeks to replace the higher category trees at a ratio of 3:1, in close proximity to Watling Street, to continue the characteristic tree cover. As T9 – T12 are all large Oaks, it is also sought that these replacements are semi mature Oaks with a height of 5-9metres to aid mitigation of the loss and provide immediate upon impact the developed landscape.
- 8.88 The development would provide an opportunity for the inclusion of a well designed landscaping scheme on site, and the loss of 39 trees would be more than compensated through the provision of new planting, which would have a greater potential for greater longevity within the landscape, given the provision of a woodland management plan also. The landscaping scheme would also provide opportunities species diversity for the site. It is therefore considered that the loss of trees would not provide a reason not to support the proposal given the on-site mitigation that could be provided and the economic benefits of this development. Given the loss of trees any subsequent application should seek to mitigate the loss through the incorporation of a high quality and sympathetically designed landscaping proposal. It is therefore considered that the loss of trees would not provide a reason not to support the proposal given the on-site mitigation that could be provided and the economic benefits of this development.
- 8.89 Therefore it is considered that subject to the submission adequate mitigation for the loss of the trees and management of the existing tree stock, it is considered that the application would accord with Policy DM6 of the SADMP
- Archaeology
- 8.90 Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.91 The Leicestershire and Rutland Historic Environment Record (HER) notes that the proposed development is situated within an area of significant archaeological potential, adjacent to the line of the A5/Watling Street Roman Road (HER Ref MLE1388). The site of a possible ring ditch of Neolithic or Bronze Age date (MLE24870) is located towards the northern end of the site and the site of a possible pit alignment lies (MWA2766) approximately 250m to the south of the

proposed development. The application has been accompanied with an archaeological desk-based assessment for the site which confirms that the site has significant potential for the presence of archaeological remains relating to prehistoric and Roman activity. The report makes recommendations for evaluation by geophysical survey and archaeological trial trenching to clarify the archaeological potential of the site, which will assist in defining an archaeological mitigation strategy.

- 8.92 The development would proposal includes works, such as foundations, services and landscaping, likely to impact upon any archaeological remains present. Accordingly it is considered reasonable and necessary to require the developer to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance, to accord with Section 16 of the NPPF. LCC (Archaeology) have considered the application site and had regard to the submitted assessment and has no objections to the proposed development subject to the imposition of conditions for an appropriate programme of archaeology mitigation, including intrusive and non intrusive investigation and recording. A Written Scheme of Investigation should be sought for both phases of archaeological investigation. Therefore subject to the imposition of conditions the proposed development would accord with Policy DM13 of the SADMP and Section 16 of the NPPF, paragraph 189-190.

#### Planning Obligations

- 8.93 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.
- 8.94 The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained with the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer contributions are requires they need to be necessary to make the whole development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

#### Highways

- 8.95 LCC (Highways) request a number of contributions to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel. These include:
- Travel Packs £52.85 per pack
  - 6 month bus passes
  - Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after its been brought into use. The Travel Plan Co-ordinator shall be responsible for the implementation of measures, as well as monitoring and implementation of remedial measures.
  - A Framework Travel Plan monitoring fee of £11,337.50 for LCC Travel Plan Monitoring System.
- 8.96 The above infrastructure contribution is considered to be necessary to make the development acceptable in planning terms and is fairly and reasonably related in scale and kind to the proposal and is therefore CIL compliant.

#### Ecology

- 8.97 In order to mitigate the Ecological impact upon the development, Warwickshire County Council (Ecology) seek Environmental Mitigation Zones which are to be Protected from any future development, and is necessary to run with the land, to protect ecological import areas. As well as a Landscape and Ecological

Management Plan. The LEMP would seek to maintain the landscaping areas as per the Landscape and Ecological Management Plan to be appended to the S106. This would maintain 58% of site area as green infrastructure in area as per the parameters plan, maintain 48% of that green infrastructure as wildflower mix be it green roofs, grasscrete type cover in parking areas or landscaping, which are considered necessary in offsetting the Ecological impact of the development and make the development acceptable in planning terms.

#### Planning Balance

- 8.98 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.
- 8.99 The application site is situated outside any defined settlement boundary and therefore in the countryside. The proposed development is not considered to result in a significant contribution to the economic growth and job creation, and would result in limited harm to the countryside and therefore in conflict with Policy DM4 of the SADMP, which weighs against the development. However the principle of development within the site, has already been established as a result of a previous approval by the Secretary of State, which is a significant material consideration of this application, as it approved and accepted the principle of what is considered town centre uses in this location.
- 8.100 In terms of economic benefits of the scheme, the proposal would bring an additional 78 more jobs to that of the extant permission. Also weighing in favour of the scheme is the economic investment of developing the site. The construction of the proposed development is estimated to cost approximately £14.5m, which would support the equivalent of 30 permanent jobs within the construction sector. The economic benefits of the proposed development could by virtue of the jobs created, also encourage new residents and employees to the Borough who would in turn support the local services and facilities which would also benefit the existing local economy. The proposed development is also located in close proximity to a strategic road network (A5 and the M69 Corridor) which offers accessibility to the regional and national supply chain and consumer markets.
- 8.101 The proposed development, although is situated within the countryside, is not situated within the designated landscape and as such the harm identified is limited to a local level of harm, and viewed within its immediate surrounding context. The proposed development would however be situated within a Local Wildlife Site, and would result in the loss of protected trees. However this loss would be mitigated with the replacement of trees at a ratio of 3:1. Although situated upon a LWS this scheme would result in less of an impact to that of the extant scheme as this proposal would have a greater dispersal of floorspace across the site, with 58% of the application site proposed for Green Infrastructure and managed in accordance with a LEMP. The scheme would also bring forward electrical charging points across the site, in an area which is poorly served, which would provide an environmental benefit. As this scheme would have less of an impact upon ecology matter to that of the extant scheme, it is considered that this would weigh favourably for this proposal in terms of environmental benefits of the scheme.
- 8.102 In respect of social benefits which would arise from the application site, the proposed development would reduce impact upon neighbouring amenity to those residents of Stretton croft, by removing vehicular traffic along Wolvey Road, and providing a direct access from the A5.

8.103 Whilst there is conflict with the strategic policies of the Development Plan only limited and localised landscape harm has been identified, it is considered on balance that the harm does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.

## 9. **Equality implications**

9.1 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.

9.2 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.

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

9.4 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).

## 10. **Conclusion**

10.1. 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.

10.2. The majority of the site falls within the boundary of Rugby Borough Council, and has extant planning permission for a mixed use leisure and business complex, granted by the Secretary of State. The proposal differs in so far as the proposal now seeks to provide more an employment site, with the removal of the leisure uses and the introduction of B uses on site. The proposal also seeks a mix of office and business space, and Policy DM20 identifies that non ancillary B1(a) office development is considered a Main Town Centre use. The application has demonstrated through a sequential approach that there are no suitable or available sequentially preferable sites or units in Hinckley or Burbage for the proposed Business park in accordance with Policy DM21 of the SADMP. Furthermore weight is also had to the extant permission which allows for Town Centre uses on this site, which is considered the fall back position.

10.3. Policy DM20 requires the location of new employment outside of existing employment sites to be located in a sequentially preferable manner. In this instance, although the application site is located outside the defined settlement boundary of Burbage, it is adjacent to it. It is also not considered a greenfield site,

when having regard to the fall back position of a retail complex having been granted and implemented. The application has also demonstrated that there are no suitable or alternative sites within the settlement boundary. It is therefore considered that the proposed development within the countryside is in accordance with Policy DM20 of the SADMP.

- 10.4. 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 contribute to job creation and economic growth in accordance with criteria c) of Policy SADMP. However, some conflict with Policy DM4 i) and Policy 3 of the Burbage Neighbourhood Plan is identified.
- 10.5. The economic, environmental and social benefits of this proposal are identified as greater to that of the fall back position, and would create additional job creation, and environmental and social benefits to the site and wider area. The scheme has also been found to accord with Policy 4 of the Core Strategy. Policies DM1, DM3, DM6, DM7, DM9, DM10, DM13, DM17, DM18, DM19, DM20 and DM21 of the Site Allocations and Development Management Policies DPD, Policy 3 of the Burbage Neighbourhood Plan as well as the overarching principles of the NPPF.
- 10.6. Therefore in the absence of harm when considered against other policies of the development plan, these benefits are considered to outweigh the harm when considered against other policies of the development plan, these benefits are considered to outweigh the harm identified to the open countryside, and therefore weigh in favour of the development.
- 10.7. Therefore in this instance, material considerations indicate that the benefits of the scheme outweigh any identified harm and should therefore be approved.

## 11. **Recommendation**

### 11.1 **Grant planning permission** subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
  - Ecological Mitigation
  - £11,337.50 Travel Plan Monitoring system
  - Appointment of a Travel Plan Coordinator
  - 6 month bus passes per employee
  - Travel Pack
  - Planning conditions outlined at the end of this report

11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

### 11.4 **Conditions and Reasons**

#### **Conditions relating to FULL application**

1. The development to which the FULL planning permission relates (Phase 1) 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 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.



2. The development to which FULL planning permission relates (Phase 1) shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:-

<b>Document Description:</b>	<b>Reference:</b>	<b>Date Received:</b>
Site Location Plan – Full Application	14140-SGP-XX-XX-DR-A-131100	3 June 2020
Site Location Plan	14140-SGP-XX-XX-131100 Rev A	3 June 2020
Site Plan – Application Boundaries	14140 –SGP-XX-XX-DR-A-131101 Rev A	3 June 2020
Full Planning Application Forms	Standard Forms	3 June 2020
Scheme Layout	1415 Dwg 4a	3 June 2020
Scheme Layout	1415 Dwg 4b	3 June 2020
Petrol Filling Station Plans and Elevations, Typical Building Information	1415 Dwg 6	3 June 2020
Drive Through Coffee Shop Plans and Elevations	1415 Dwg 7a	3 June 2020
Petrol & HGV Canopies – typical Building Information	1415 Dwg 8a	3 June 2020
Proposed Side Elevations	1415 Dwg 9	3 June 2020
Indicative Masterplan	14140-SGP-XX-XX-DR-A-131102 Rev B	3 June 2020
Ecological Mitigation Strategy Plan	E.C.H. 20-25-01 Revision K	9 December 2020
Planting Plan Sheet 1/3	20-25-02 Rev C	9 December 2020
Planting Plan Sheet 2/3	20-25-03 Rev E	9 December 2020
Planting Plan Sheet 3/3	20-25-04 Rev D	9 December 2020
Parameters Plan	14140 –SGP-XX-XX-DR-A-131103 Rev C	9 December 2020
Indicative Green Infrastructure Schedule	Revision H	9 December 2020
Proposed Site Layout	1415 Dwg 5	18 December 2020
Highway Vehicle Tracking	STP-BWB-HGT-XX-DR-D-0110 – Status S1 Revision P3	10 February 2021
Highway General Arrangement	STP-BWB-HGT-XX-DR-D-0100 – Status S1 – Revision P3	10 February 2021

Supporting Statements/Strategies:

<b>Document Description:</b>	<b>Reference/Author:</b>	<b>Date Received:</b>
Air Quality Assessment	NTH2414	3 June 2020
Archaeology Assessment	Uni Leicester	3 June 2020
Arboricultural Impact Assessment	BWB	3 June 2020
Design and Access Statement	Stephen George & Ptners	3 June 2020
Flood Risk Assessment	BWB	3 June 2020
Sustainable Drainage Statement	BWB	3 June 2020
Drainage Strategy Part 2	STP-BWB-DGT-XX-DR-D-500 Status S1 Revision P2	3 June 2020
Landscape Management Plan	2025/EH/LMP001	3 June 2020
Noise Impact Assessment	NTH2414	3 June 2020
Planning Supporting Statement	Brackley Devts	3 June 2020
Site Levels Strategy	STP-BWB-DGT-XX-DR-D-0600 Status S1 Revision P3	3 June 2020
Proposed Earthworks Strategy	STP-BWB-DGT-XX-DR-D-0630 Status S1 Revision P6	3 June 2020
Economic Assessment	WYG	3 June 2020

Remediation Strategy	BWB	3 June 2020
Town Centre Planning Statement	Brackley & WYG	3 June 2020
Framework Travel Plan	Dynamic Transport Planning 3705019	3 June 2020
Strategic Outline Business Case	Dynamic Transport Planning 3705019	3 June 2020
Transport Assessment	Dynamic Transport Planning 3705019	3 June 2020
Walking, Cycling & Horse-Riding Assessment Report	Dynamic Transport Planning 3705019	3 June 2020
RSA Stage 1 – Final Report	TBL 19/142	3 June 2020
Road Safety Audit – Designers Response Form	3705019/RSA	3 June 2020
DEFRA BNG	BWB	19 June 2020
Reptile Report	BWB	19 June 2020
Preliminary Ecological Appraisal	BWB	19 June 2020
Biodiversity Net Gain and Ecological Mitigation	BWB	19 June 2020
Assessment of Potential Impacts on Stretton Croft Local Wildlife Site	NTH2414_LWS	4 January 2021

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. Prior to occupation of the Full (Phase 1) development, the cycle parking as shown on drawing reference: 1415 Dwg 5 as submitted on 18 December 2020 shall be provided in accordance with the approved details prior to occupation of the development and retained thereafter.

**Reason:** In the interest of visual amenity and to promote more sustainable transport, to accord with Policies DM10 and DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2018).

4. No occupation of the FULL (Phase 1) development shall take place until the electric vehicle charging points as shown on drawing reference: 1415 Dwg 5 as submitted on 18 December 2020 has been provided and made available in accordance for use in accordance with the approved details. The electric vehicle charging points shall be permanently retained and made available for the charging of vehicles unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the proper development of the site, to reduce air pollution, to lower carbon emissions and in the interests of visual amenity, to accord with Policies DM10 and DM17 of the Site Allocations and Development Management Policies DPD (2016).

5. No above ground works (other than site clearance operations) shall commence unless and until full details of a Stage 2 Road Safety Audit of the internal layout of the development within the FULL (Phase 1) part of the site has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details unless non-material variations are otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of Highway Safety to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

**Conditions which relate to both FULL and Outline matters**

6. Prior to the first occupation of the development, full details of the A5 site access as generally illustrated on the Potential Site Access Arrangement – 04 Swept Path

analysis 16.5m Articulated Vehicle (as shown in Drawing DTP/3702718/SK004/C (or as amended by a Road Safety Audit or Detailed Design) including provision for a hardwired communications link into the existing signals at M69 J1, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England, and implemented in full and open to traffic. The scheme shall comply with the design requirements and procedures of the Design Manual for Roads and Bridges (DMRB) as required by Highways England, including those relating to the Road Safety Audit (RSA) and the Walking, Cycling and Horse-Riding Assessment and Review (WCHAR).

**Reason:** To ensure that the A5 Trunk Road and M69 Motorway continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the SRN resulting from traffic entering and emerging from the application site and in the interests of road safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

7. Prior to the first occupation of the development, the replacement HGV parking bays as shown on the Site Location Plan – Full Application (drawing no:14140-SGP-XX-XX-DR-A-131102 Rev B) shall be completed and available for use. An access strategy and management plan detailing the operation of the HGV parking bays within the site, ensuring that a least 2 HGV bays will provide unlimited and free parking to replicate the existing A5 provision, should be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England prior to the implementation of the HGV parking spaces.

**Reason:** To ensure that the A5 Trunk Road and M69 Motorway continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the SRN resulting from traffic entering and emerging from the application site and in the interests of road safety, to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

8. No development or engineering operations shall commence unless and until a sign review and strategy for all new, modified or re-located signs on the A5 Trunk Road is submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The signage related to the development is to be installed in accordance with the approved strategy.

**Reason:** To ensure that the A5 Trunk Road and M69 Motorway continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the SRN resulting from traffic entering and emerging from the application site in the interests of road safety, to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

9. No development or engineering operations shall commence unless and until geotechnical details for the land adjacent to the A5 Trunk Road and M69 Motorway inside the red line boundary of the application, as shown in the Site Location Plan – Full Application (Drawing 14140-SGP-XX-XX-DR-A-131102 Rev B) are submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The applicant shall undertake a certification process for the management of geotechnical risks in line with requirements and procedures of the Design Manual for Roads and Bridges (DMRB) CD 622.

**Reason:** To ensure that the A5 Trunk Road and M69 Motorway continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the SRN

resulting from traffic entering and emerging from the application site and in the interests of road safety, to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

10. No development or engineering operations shall commence unless and until full details of the boundary treatment adjacent to the A5 Trunk Road and M69 Motorway boundaries are submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. This shall include but not be limited to:

- A Road Restraints Risk Assessment Process (RRRAP) to determine whether any safety fencing is required on the A5 verges and linking the safety fence on the M69 J1.
- Should a safety fence be required, evidence shall be provided to demonstrate that this can be installed on site, in accordance with the requirements of the Design Manual for Roads and Bridges (DMRB) CD 377
- If trees are proposed to be removed purely as risk mitigation measures because of RRRAP, then Highways England's VRS asset manager should be consulted beforehand to agree a risk-based approach. In addition, the Tree Officer at the Local Planning Authority should be consulted.
- Requirements for road restraint systems. If trees are proposed to be removed purely as risk mitigation measures because of RRRAP, then Highways England's VRS asset manager should be consulted beforehand to agree a risk-based approach.
- Details of anti-dazzle fencing or planting to be provided in areas where traffic movements might cause dazzle
- Details of suitable boundary treatment (fencing or planting) to be provided to restrict movement of pets and/or children from accessing the Trunk Road.

The details shall have regard to the Landscape and Ecological Mitigation Plan and include elevations, plans, position, materials and height. No building shall be occupied until the approved boundary treatments have first been provided in accordance with the approved details and they shall be constructed in accordance with the approved plans and maintained in perpetuity thereafter.

**Reason:** To ensure that the A5 Trunk Road and M69 Motorway continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the SRN resulting from traffic entering and emerging from the application site and in the interests of road safety, to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

11. The development, which includes both Phase 1 (FULL) and Phase 2 (OUTLINE/RESERVED MATTERS) shall consist of no more than 5,670m<sup>2</sup> of Office floorspace, 1858m<sup>2</sup> of Offices B2/B8 floorspace, 171m<sup>2</sup> of restaurant and takeaway use, 485m<sup>2</sup> of Sui Generis Petrol Filling Station (including any mezzanine floorspace). Individual units with the development shall not be used for any uses other than those described, and for no other uses within The Town and Country Planning (Use Classes) Order 1987 (as amended) or The Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020, including any other uses within Class E or any order subsequently revoking or re-enacting those Orders, nor shall the floorspace thresholds be exceeded.

**Reason:** To prevent over-development of the site, to maintain landscaping/green infrastructure and to prevent biodiversity loss, and to ensure the use is compatible both strategically and to protect the Town Centre to accord with Policies DM1, DM4, DM6 and DM21 of the Site Allocations and Development Management Policies DPD (2016).

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting those orders, no development, other than that permitted by Reserved Matters submissions pursuant to this permission, shall be carried out which comes within Schedule 2 Part 7, Classes A, F, G, H, I, J and K without the prior written permission of the Local Planning Authority.

**Reason:** In the interest of amenity, and to ensure that the green infrastructure on site remains within the proportions of the agreed Landscape and Ecological Management Plan to enable the Local Wildlife Site to remain functional to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016).

13. No above ground development shall commence on site unless and until full details of the colour, finish and texture of all new materials to be used on all external surfaces, internal roads, paved areas, parking areas, boundary walls/fencing together with samples of the facing materials, roof treatment of buildings within either the FULL (Phase 1) development or the OUTLINE/RESERVED MATTERS (Phase 2) development has been submitted to and approved in writing by the Local Planning Authority. The development within each phase shall not be carried out other than in accordance with the approved details.

**Reason:** To ensure a satisfactory external appearance and in the interests of the visual amenities of the locality to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016).

14. Unless non-material variations are otherwise agreed in writing, no above ground development within either phase (the FULL (Phase 1) development or the OUTLINE/RESERVED MATTERS (Phase 2) development) shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority (with advice from WCC Ecological Services) for that phase of development. The content of the LEMP shall set out detailed scaled plans and shall include the following and be in force for no less than 30 years:

- 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 a timetable for implementation of all the planting, works and ecological and landscape enhancement/creation measures and an annual work plan capable of being rolled forward over a five-year period.
- g) a scheme for dark corridors for biodiversity protection to work in combination with an approved lighting strategy as part of condition 17;
- h) a scheme securing future maintenance, ongoing monitoring, management, remediation measures and retention
- i) an amphibian/reptile-friendly kerbs/drainage scheme and measures to protect hedgehogs
- j) 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.
- k) 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 LEMP shall be implemented within that phase in accordance with the approved details no later than the first planting season following first occupation of that phase of development. If within a period of 30 years from the date of planting, any planting/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another shrub/hedgerow/planting of the same species and size originally planted shall be planted at the same place.

**Reason:** To maintain and enhance important features of nature conservation interest, protected species, the functionality of the Local Wildlife Site and deliver a biodiversity net gain to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016).

15. Prior to the commencement of development within either phase (the FULL (Phase 1) development and the OUTLINE/RESERVED Matters (Phase 2) development), a Tree and Hedgerow Protection Plan and Method Statement for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved plan(s) and method statement(s). No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, and/or in line with the Landscape and Ecological Management Plan (LEMP) and/or the LEMP's future maintenance and management scheme without the prior written approval of the Local Planning Authority.

**Reason:** In the interest of visual amenity and to protect trees and hedgerows worthy of retention in the scheme to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016).

16. No development within a phase (either the FULL (Phase 1) development or the OUTLINE/RESERVED MATTERS (Phase 2) development) shall occur until a specification of all proposed tree planting has been approved in writing by the Local Planning Authority. This specification will 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. 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 to accord with Policies DM4 and DM6 of the Site Allocations and Development Management Policies DPD (2016).

17. Other than temporary lighting for construction, no occupation of development within each phase (either the FULL (Phase 1) development or the OUTLINE/RESERVED Matters (Phase 2) development) shall occur until full details of all external lighting within that phase, have been submitted to and approved in writing by the Local Planning Authority. The details shall include the specification of the type, design,

location, angle, fall, spread and intensity of the lighting together with a lighting assessment which sets out a strategy and measures to minimise the impact of lighting, particularly on residents to the north of the site and wildlife, informed by the Landscape and Ecological Management Plan, to minimise the impact of lighting to sensitive receptors and measures to prevent light spillage. The scheme shall be implemented and maintained in perpetuity in that phase in accordance with the approved details.

**Reason:** To ensure a satisfactory external appearance, in the interests of the visual amenities of the locality, and to protect biodiversity of the defined landscaping areas to accord with accord with Policies DM4 and DM6 of the Site Allocations and Development Management Policies DPD (2016).

18. Prior to the commencement of any phase of development, a Construction Environmental Management Plan (CEMP: Biodiversity) incorporating a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England for that phase of development. The CEMP: Biodiversity shall include details relating to:
- (1) Risk assessment of potentially damaging construction activities in biodiversity terms;
  - (2) Identification of “biodiversity protection zones”, management prescriptions and timings of habitat protection
  - (3) Practical measures (both physical measures, sensitive/appropriate working practices and safeguards for wildlife) to avoid or reduce impacts for biodiversity during construction to be employed whilst works are taking place on site (may be provided as a set of method statements)
  - (4) The location and timing of sensitive works to avoid harm to biodiversity features
  - (5) The times during construction when specialist ecologists need to be present on site to oversee works including pre-commencement checks for protected species including reptiles, nesting birds, badger and hedgehogs;
  - (6) A point of contact for site management and their contact details (including out of hours), list of responsible persons and lines of communication
  - (7) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
  - (8) Measures to protect hedgehogs.
  - (9) Use of protective fences, exclusion barriers and warning signs
  - (10) Days and hours of construction and deliveries, details of points of access from the public highway
  - (11) The control of noise and vibration from construction activities including groundworks, plant/generators and the formation of infrastructure as well as arrangements to monitor noise emissions from the development site during the construction phase;
  - (12) The control of dust including arrangements to monitor dust emissions from the development site during the construction phase;
  - (13) Any temporary site compound, including buildings/structures, lighting, fencing and storage provision;
  - (14) The parking of vehicles of site operatives, layout of compound, contractors and visitors during the construction phase,
  - (15) Measures (including type, method of operation and control of use) to prevent deleterious material being carried onto the highway network including mud deposition, debris and obstacles offsite and on the highway from vehicles leaving the site during the construction phase and wheel washing facilities;

- (16) Timing of heavy goods vehicle movements during the construction phase, temporary signage and its location, a routing plan, swept path analysis for HGV turning within the site;
- (17) Construction Site Access Control;
- (18) Storage of Plant and materials used in constructing the development;
- (19) A construction phasing plan

The approved CEMP shall be adhered to and implemented throughout the construction period of both phases strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority in consultation with Highways England.

**Reason:** In the interests of health and safety, the amenities of the area and to protect, maintain and enhance important features of nature conservation interest, protected species and the functionality of the Local Wildlife Site and to ensure that the A5 Trunk Road and M69 Motorway continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the SRN resulting from traffic entering and emerging from the application site and in the interests of road safety. In accordance with Policies DM4, DM6, DM7 and DM17 of the Site Allocations and Development Management Policies DPD (2016).

19. No above ground works (other than site clearance) within a phase (either the FULL (Phase 1) development or the OUTLINE/RESERVED MATTERS (Phase 2) development) shall commence unless and until full details of the finished floor levels of all buildings and ground levels with that phase of all access roads, parking areas and footways have been submitted to and approved in writing by the Local Planning Authority. Development within that phase shall not be carried out other than in accordance with the approved details.

**Reason:** To ensure the proper development of the site and in the interests of visual amenity to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016).

20. Unless non-material variations are otherwise agreed in writing with the Local Planning Authority no built development or permanent engineering operations shall commence unless and until full details of a detailed surface water drainage scheme/strategy (including demonstration of the suitability of using permeable paving for any paved areas of the site and ensuring there is no direct or indirect connection to the A5 Trunk Road drainage system) based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Lead Flood Authority and with Highways England. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and maintained in perpetuity. The scheme to be submitted shall include the following information:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 11.1 l/s for the entire development.
- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.



- Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for the critical storm duration for at least the 1 in 1 year, 1 in 30 year, 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly
- Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network (if applicable).

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality, to improve habitat & amenity and to ensure that the A5 Trunk Road and M69 Motorway continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the SRN resulting from traffic entering and emerging from the application site and in the interests of road safety to accord with Policies DM7 and DM17 of the Site Allocations and Development Management Policies DPD (2016).

21. No occupation and subsequent use of the development shall take place until a detailed maintenance plan, in accordance with CIRIA C753, giving details of how surface water drainage systems shall be maintained and managed for the lifetime of the development, which includes the name of the party responsible for surface water maintenance, shall be submitted to and approved by the Local Planning Authority. The scheme hereby permitted shall be implemented and maintained in perpetuity in accordance with the approved details unless non-material variations are otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the future maintenance of the sustainable drainage structure in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016).

22. No built development or other obstruction shall be placed within 5m of the Soar Brook (as measured from the top of the riverbank perpendicular to the direction of flow) which shall be kept free in perpetuity of any development or obstructions unless non-material variations are otherwise agreed in writing by the Local Planning Authority.

**Reason:** To prevent the increased risk of flooding and to ensure future access for maintenance purposes structure in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016).

23. No development shall take place unless and until:
- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work 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 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 by the Local 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 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 Mitigation Strategy document, 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 Site Allocations and Development Management Policies (2016).

24. Notwithstanding the noise assessment as submitted (BWB Environmental Noise Impact Assessment NTH2414 May 2020 rev 1.1, dated 27/05/2020) prior to commencement of development within either phase (either the FULL (Phase 1) element or the OUTLINE/RESERVED MATTERS (Phase 2) development), a supplementary noise assessment for that phase shall be undertaken by a suitably qualified person to include modelling of the predicted effects of LAFmax dB sound pressure levels to identify the potential auditory impact on noise sensitive receptors from short duration activities such as the impulsive impact of vehicle doors, horns etc. during the day and night. The supplementary assessment should utilise modelling to determine whether noise effects are different to first and second floor receptors. Any recommended works shall be completed in accordance with the approved details prior to the first occupation of the development within that phase unless non-material variations are otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interest of amenity of nearby residential occupiers with regards to noise in accordance with Policy DM7 and DM of the Site Allocations Development Management Policies Development Plan Document (2016).

25. The remediation measures identified in section 4 for the construction phase of the BWB Environment Remediation Strategy dated February 2020, reference STP-BWB-ZZ-XX-RP-YE-0002\_RS Revision P1 status 'Final' shall be implemented.

The remedial measures of relocating site topsoil, supplemented where necessary by imported topsoil, for landscaped areas to mitigate against any remedial risks to the end users from loose asbestos fibres identified within made ground shall be implemented. Testing of stockpiles shall be undertaken prior to their reuse on site, or their removal from site. The remediation measures relating to relocating topsoil shall be completed prior to occupation.

The Local Planning Authority shall be given two weeks written notice of commencement of the remediation of site works. 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 and subject to approval in writing by the Local Planning Authority. The verification report shall provide details as identified in section 6 of the BWB Environmental Remediation Strategy February 2020, STP-BWB-ZZ-XX-RP-YE-0002\_RS Revision P1 status 'Final'.

In the event that contamination is found at any time when carrying out the approved development hereby permitted, it shall be reported in writing immediately to the Local Planning Authority. Each of the following subsections (a) to (c) shall be subject to submission and 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 and submitted to the Local Planning Authority.

**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 accord with Policy DM7 and DM10 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

26. Unless non-material variations are otherwise agreed in writing with the Local Planning Authority, the proposed air quality mitigation measures outlined in the Air Quality Assessment dated May 2020, together with the installation of ultra-low emission boilers (below 40mgNO<sub>x</sub>/kWh) or all electric water/general heating systems in all buildings on site, as confirmed in the email from the agent dated 15 January 2021 shall be implemented in the FULL (Phase 1) development, and the OUTLINE/RESERVED MATTERS (Phase 2) development prior to occupation within that phase. The mitigation measures shall be implemented in accordance with those details and maintained in both phases in perpetuity.

**Reason:** In the interests of air quality to accord with Policy DM7 of the Site Allocations Development Management Policies Development Plan Document (2016).

27. A scheme for the provision of adequate water supplies and fire hydrants within each phase (either the FULL (Phase 1) development or the OUTLINE/RESERVED MATTERS (Phase 2) development) necessary for firefighting purposes at the site shall be submitted to and approved in writing by the Local Planning Authority. The development within that phase shall not be occupied until the approved scheme has been implemented and maintained in perpetuity in that phase unless non-material variations are agreed in writing by the Local Planning Authority.

**Reason:** In the interest of fire safety

28. Unless non-material variations are agreed in writing with the Local Planning Authority, no building shall be occupied within either phase of the development (i.e. the FULL (Phase 1) development or the OUTLINE/RESERVED MATTERS (Phase 2) development) until broadband infrastructure at a minimum standard of superfast speed has first been installed to all buildings within that phase and made available and made available in perpetuity for use by site operators.

**Reason:** To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the NPPF (2019).

29. Unless non-material variations are agreed in writing with the Local Planning Authority, no building shall be occupied in any phase of development (either the FULL (Phase 1) development or the OUTLINE/RESERVED MATTERS (Phase 2) development) until all buildings are constructed in that phase so that it is in full

compliance with BREEAM 'Very Good' standards and incorporates the energy and thermal efficiencies beyond building regulations standards (as of March 2021), including the installation of photo-voltaics, as stated within 'The Planning Supporting Statement' dated May 2020. The buildings shall be maintained to such standards thereafter.

**Reason:** To reduce carbon emissions to accord with Policy DM10 of the Site Allocations and Development Policies Development Plan Document (2016).

30. Unless non-material variations are otherwise agreed in writing with the Local Planning Authority, within 3 months of the occupation of the FULL (Phase 1) development and within 3 months from the occupation of the OUTLINE/RESERVED MATTERS (Phase 2) development a Travel Plan to promote sustainable transport choices shall be submitted to and approved by the Local Planning Authority. The measures so approved shall continue to be implemented in full at all times. The plan shall:

- a) Specify targets for the proportion of employees and visitors travelling to and from the site by foot, cycle, public transport, shared/electric vehicles and other modes of transport which reduce emissions and use non-renewable fuels, based on up to date surveys;
- b) Include measures to promote home working or shift patterns that promote sustainable transport modes or reducing the need to travel;
- c) Set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
- d) Explain and justify the targets set based on survey information;
- e) Identify a senior manager of the management company operating the site or of a business using the site with overall responsibility for the plan and a scheme for involving employees of the occupants of the development in its implementation, development and review
- f) Include a scheme of wayfinding between the site and public transport services, within walking distance of 1km using footpaths, footways and walking routes and sustainable travel promotion.
- g) The plan shall make provision for the review and amendment of the scheme as the patterns of public transport services and walking networks within the scope of the scheme change.

**Reason:** To ensure phase 2 is developed in a manner which maximises sustainable transport modes in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

**Conditions which relate to Outline only**

31. The development to which the OUTLINE element relates (Phase 2) must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**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. Application for approval of the reserved matters specified in Condition 33 below, associated with the OUTLINE element (Phase 2) accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of three 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.

33. Details of the following reserved matters associated with the OUTLINE (Phase 2) element shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:
- a) a - Layout
  - b) b - Appearance
  - c) c - Scale
  - d) d - Landscaping with reference to the Landscape and Ecological Management Plan

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

34. Unless non-material variations are agreed in writing with the Local Planning Authority, the reserved matters submitted under condition 32 (for Phase 2) shall be in general accordance with the following:

Document Description:	Reference:	Date Received:
Outline Planning Application Forms	Standard Forms	3 June 2020
Site Location Plan: Outline Application	14140-SGP-XX-XX-DR-A-131101	3 June 2020
Site Location Plan	14140-SGP-XX-Xx-DR-A-131100 Rev A	3 June 2020
Site Plan Application Boundaries	14140-SGP-XX-XX-DR-A-131101 Rev A	3 June 2020
Parameters Plan	14140-SGP-XX-XX-DR-A-131103c	9 December 2020
Supporting Statements/Strategies	As listed in condition 2	-

The Environmental Protection Zone described and detailed in the Parameters Plan reference: 14140-SGP-XX-XX-DR-A-131103c submitted to the Local Planning Authority on 9 December 2020 distinguishes between areas of landscape/biodiversity and developable areas, and shall not include development, access roads, footways, parking or any buildings within it and shall act as permanent landscaped/biodiversity zone and shall be maintained as such in perpetuity.

**Reason:** To ensure that the details of the development are acceptable to the Local Planning Authority and in the interests of landscape and biodiversity, to accord with Policies DM1, DM4, DM6 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

35. No development shall take place within Phase 2 (The OUTLINE/RESERVED Matters development) until a scheme showing how 14,354 square metres of green infrastructure is to be achieved across Phase 2 as indicated by the Ecological Mitigation Plan reference: 20-25-01 Rev J, the Green Infrastructure Schedule as submitted on 9 December 2020 and as contained within the final Landscape and Ecological Management Plan has been submitted to and approved by the Local Planning Authority. Of the total proportion of green infrastructure shown as part of Phase 2, not less than 6883 square metres (48%) must either be a wildflower species-rich grassland and/or wildflower species-rich marshy grassland, and/or wildflower sown green roofs, and/or wildflower sown grasscrete (or similar). The scheme shall be implemented in accordance with the approved details and maintained in perpetuity unless non-material variations are otherwise agreed in writing by the Local Planning Authority.

**Reason:** To maintain and enhance important features of nature conservation interest, protected species, the functionality of the Local Wildlife Site and deliver a biodiversity net gain to accord with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

36. No development shall be occupied within Phase 2 (the OUTLINE/RESERVED MATTERS development) until full details of the siting, design and materials of the proposed refuse storage and covered and secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The bin and covered cycle parking shall be provided in accordance with the approved details before the first occupation of the development of Phase 2 and retained as such thereafter unless non-material variations are otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interest of amenity and more sustainable forms of transport to accord with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

37. No above ground development within the car parking areas in Phase 2 (the OUTLINE/RESERVED MATTERS development) shall commence until details of the electric vehicle charging points, including the location, make and model, have been submitted to and approved in writing by the Local Planning Authority, with reference to Annex 5 of the Rugby Local Plan. The development shall not be carried out other than in accordance with the approved details. No building within Phase 2 shall be occupied until the associated electrical vehicle charging points have first been provided and made available for use in accordance with the approved details. The electric vehicle charging points shall thereafter be permanently maintained and made available for the charging of vehicles.

**Reason:** To ensure the proper development of the site, to reduce air pollution and to lower carbon emissions to accord with Policy DM17 of the Site Allocations and Development Management Plan Policies.

#### 11.5 **Notes to applicant**

1. This development is subject to a s106 legal agreement. Conditions 1 to 5 relate to the FULL (Phase 1) scheme only, conditions 6 to 30 relate to both the outline and the full application, conditions 31 to 37 relate only to the OUTLINE/Reserved matters element. Details for conditions 6 to 30 can be discharged separately for each phase to enable Phase 1 to proceed, but may also need a separate discharge process for Phase 2. This will be indicated in the discharge letter accordingly.
2. Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside the following hours: -  
Monday - Friday - 7.30 a.m. - 18.00 p.m.,  
Saturday - 8.30 a.m. - 13.00 p.m.  
No work on Sundays & Bank Holidays.
3. Warwickshire Fire and Rescue Authority draws your attention to the need for the development to comply with Approved Document B, Volume 2, Section B5 - Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc. Further information can be found at: [www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning](http://www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning)  
Where compliance cannot be met, please provide details of alternative measures to put in place directly to them. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18; Access for

Emergency Vehicles. Warwickshire Fire and Rescue Authority fully endorse and support the fitting of sprinkler installations, in accordance with the relevant clauses of BS EN 12845: 2004, associated Technical Bulletins, and/or to the relevant clauses of British Standard 9251:2014. Warwickshire Fire and Rescue Authority asks to ensure that access to the site, during construction and upon completion, is maintained free from obstructions such as parked vehicles, to allow emergency service vehicle access.

4. Any works within the channel of an Ordinary Watercourse, such as the construction of outfall headwalls, will likely require Land Drainage Consent prior to construction from Warwickshire County Council as Local Lead Flood Authority.
5. Suitable drainage provision and method of foul sewage disposal should be applied during the design and construction phase. The drainage and waste disposal system will need to comply with the Building Regulations 2010 Approved Document H (2015 Edition)-Drainage and Waste Disposal.
6. The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Highways England Section 278 Service Delivery Manager David Stevenson to discuss these matters on David.Steventon@highwaysengland.co.uk.

The applicant should be made aware that any works undertaken to Highways England network are carried out under the Network Occupancy Management policy, in accordance with Highways England procedures, which currently requires notification/booking 3 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The contact email for these matters is: Area7networkoccupancy@highwaysengland.co.uk

A traffic signs agreement will be required for installing Services signs on the trunk road.

We understand that the proposed Roadside Facilities are only intended to be signed from the A5. Should the applicant wish to sign the Roadside Facilities also from the motorway or motorway slip-roads, the proposal will need to comply with the minimum requirements to be eligible for signing from the motorway, as set out in DfT Circular 02/2013 – Annex B: Roadside Facilities for Road Users on Motorways and All-Purpose Trunk Roads in England.

Highways England should be consulted should the developer seek to rearrange internal routes within the site in the future.

The Highways England Road Safety Team would like to be invited to the Stage 2 RSA as this will involve reviewing the detailed design and how it interacts with the SRN. Condition 5 also relates to this requirement which also requires liaison with Warwickshire County Council Highway Authority.

7. Condition 36 needs to have regard to Appendix 5 of the Rugby Local Plan which relates to minimum cycle parking for commercial uses. The cycle parking should be covered and secure and the design needs to reflect this. Cycle parking should not be provided in landscaped areas which undermine condition 34 which relates to the overall green infrastructure provided across the site.
8. Condition 37 needs to have regard to policy HS5 and Appendix 5 of the Rugby Local Plan which relates to air quality and the provision of electric vehicle charging points.

9. Condition 14 will have implications on the Biodiversity Offsetting schedule(s) within the section 106 agreement and the ability to deliver a Biodiversity Net Gain in accordance with the Landscape and Ecological Management Plan to maintain the functionality of the Local Wildlife Site.

10. Notes on BWB Environment Remediation Strategy February 2020, STP-BWB-ZZ-XX-RP-YE-0002 RS Revision P1 status Final.

Table 3.1 notes that 'It is understood that the top layer of grasslands/roots/soils on site are to be translocated to protect the biodiversity that has established by self-seeding. It is likely that there will be residual topsoil on site for use in landscaped areas although it is possible that some importation may be needed if there is a deficit.'

Section 4 construction phase remediation measures to be implemented. Validation report to demonstrate remediation measures followed. This will have to include details of translocation of topsoil, any importation of clean topsoil to site and testing of stockpiles as noted within section 6.

Notes on BWB Environment Phase 2 Geo-Environmental Assessment February 2020 document number SPH-BWB-ZZ-00-RP-YE-0001-PH2 P2 BWB reference NTH2414 status Final report.

It is noted within Section 4.12 that the stockpiles in the north of the site were not excavated or investigated.

Remediation works are referred to in order to mitigate residual risk to end users of the site from the loose asbestos fibres identified during the assessment.

It is noted that loose asbestos fibres were identified within shallow made ground. Heavy metals were identified however deemed following assessment as a low risk.

There is a proposed remediation plan of importation of a clean soil cover system in landscaped areas above existing made ground. The report referenced in section 1.4 was not submitted to the Local Planning Authority.

It is noted within Section 4.12 that the stockpiles in the north of the site were not excavated or investigated. Should these be used on site then testing and analysis will be necessary, as noted within the report.

With regard to Section 7 regarding hazardous ground gas: only one month of monitoring comprising four visits was completed, however, in light of Fairhurst 2018 assessment and site works, report CS1 is accepted.

The following sections are copied from the report with regard to remedial and further works:

*Section 8 human health risk assessment*

*Asbestos risk mitigated by (executive summary) proposed remediation*

*Section 10 environmental risk assessment – table 10.1 preliminary site model notes that 'It is understood that the top layer of soils on site are to be removed from site to protect the biodiversity that has self-seeded. Therefore a clean soil will need to be import in areas of soft landscaping, this will break the pathway between the asbestos fibres and future site users.'*

*Section 13.5 'The environmental risk assessment has identified limited sources of contamination that represent a risk to human health. Loose Asbestos fibres have been recorded with the shallow Made Ground deposits encountered, however asbestos quantification analysis has not identified a risk to human health. The requirement to import a clean soil cover to replace the removed soils will likely mitigate against any residual risks to the end site users.'*



### *Recommendations*

- 13.14 *Construction staff should remain vigilant for the presence of asbestos materials when excavating the Made Ground materials across the site. An asbestos risk assessment and plan of work should be in place prior to the works commencing.*
- 13.15 *It is possible that the Made Ground could be excavated and used elsewhere on site as part of an earthworks scheme. If this is the case then the material will need to be tracked so the appropriate clean soil cover is provided, or it is placed beneath hard stand to mitigate the risk of asbestos fibre inhalation. A Material Management Plan and CL:AIRE DoW:CoP declaration represents best practice for such an operation. A Remediation Strategy will be required to detail mitigation requirements, material management expectations and contingency measures.*