

**Planning Committee 22 April 2025  
Report of the Head of Planning**

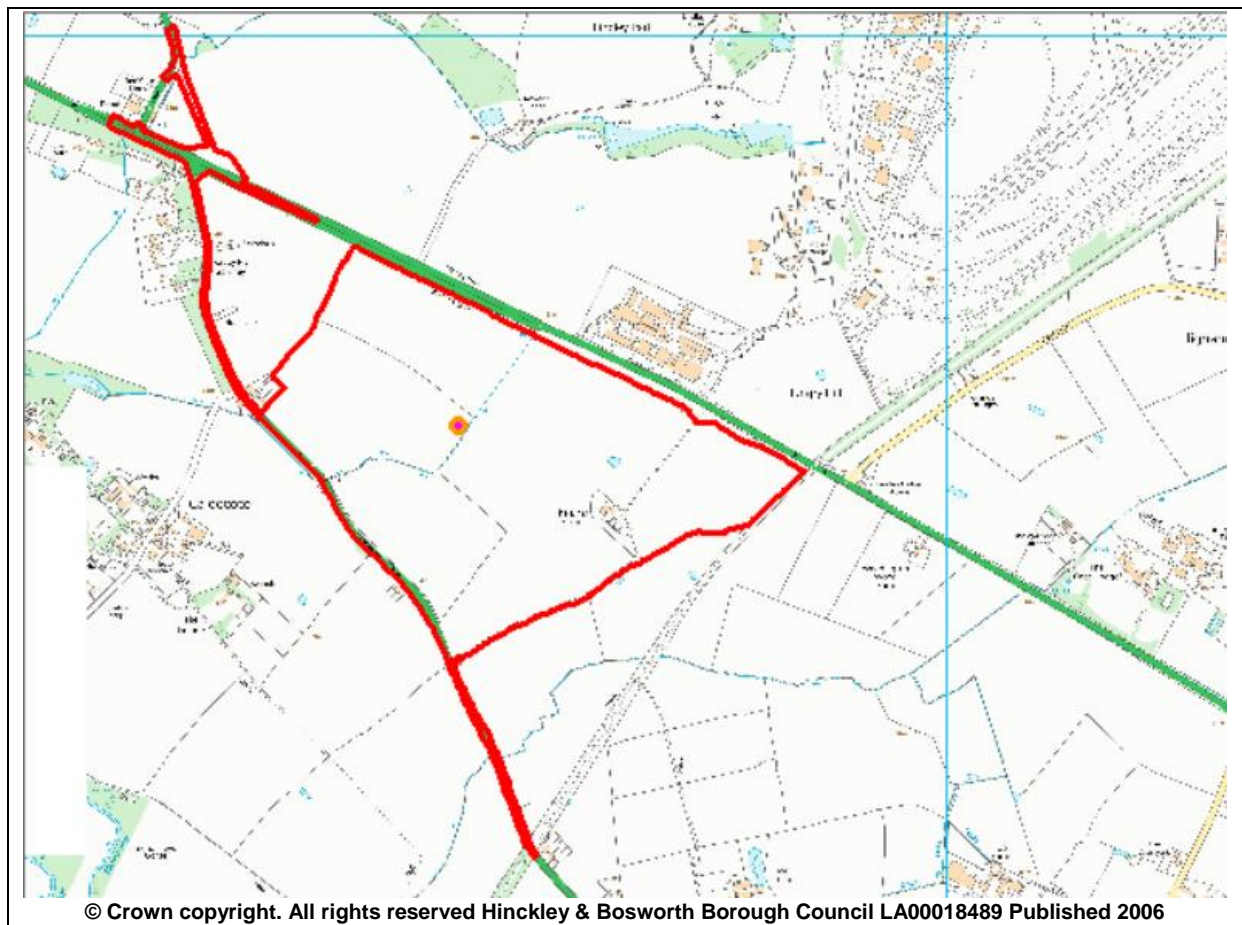
**Planning Ref: 22/00882/OUT  
Applicant: ERI MTP Limited  
Ward: Ambien**



**Hinckley & Bosworth  
Borough Council**

**Site: Land adj Mira Technology Park, Caldecote, Warwickshire, CV10 0TS**

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



**1. Recommendations**

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

- Planning conditions detailed at the end of the report
- A S106 to secure off site highways improvements including bus service improvements and with regards to employment and skills training
- The Head of Planning being given powers to determine the final detail of planning conditions

**2. Planning Application Description**

- 2.1. The application seeks outline planning permission for an extension to Mira Technology Park for employment uses split between B2 use (manufacturing), Class E g use for associated office use and B8 use for storage and distribution. A total of 213,500 m<sup>2</sup> of development is proposed, all of which will be located in North Warwickshire Borough. All matters of layout, appearance, scale, design, landscaping and access for the development would be reserved for later approval.
- 2.2. The application site red line includes land within Hinckley and Bosworth Borough with regards to highways access and highways works only. All buildings proposed are located within North Warwickshire, and with the red line also including land within Nuneaton & Bedworth Borough.
- 2.3. The extension to the Technology Park includes the following elements:
- Four development zones illustrating how the proposed floor area could be distributed through the site together with a limitation on building heights of 18 metres to the ridge of any roof.
  - 39.3ha of net developable area
  - A spine road (to be the redirected A444) to pass through the site from the A444 to the existing roundabout on the A5 at the MIRA entrance. The Plan illustrates an arrangement to show how the A444 might be diverted with an off-set roundabout involving the re-alignment of the A444. Weddington Lane will be downgraded and stopped off at Caldecote.
  - A new cycle route through the site connecting the A444 with the existing cycle route at either end of the Weddington Way where it passes underneath the A5 and where it joins the A444.
  - Strategic areas of new landscaping together with drainage attenuation ponds in the south-west of the site. • The possible route of the diverted footpath at the far western end of the site and
  - The possible location of bus stops along the spine road.
  - Off site highway works, including the removal and redesign of Redgate junction at the A5/A444 to a traditional four arm roundabout and mitigation works to the A5 junctions with Woodford Lane and Drayton Lane
- 2.4. Proposed access to the site would be from the existing roundabout that serves the existing Mira Technology Park on the A5, with a new arm to the south west to the site.
- 2.5. The proposal is formed of two phases for development, phase one would comprise the highway works to the A5 and the new Redgate roundabout together with development of the northern part of the site (7.4ha of development (zone 1 and zone 10, 13.9ha of development (zone 30)), with then phase two including the works to the A444 to Weddington Lane and the southern section of the site (18ha of development – zone 20).
- 2.6. Given the date of submission of the application a Biodiversity Net Gain of 10% is not required. Nonetheless, the calculation shows that 10% BNG can be achieved as part of the development proposals.
- 2.7. The application is accompanied by the following reports and documents:
- Planning Statement
  - Design & Access Statement
  - Transport Assessment and Addendum
  - Landscape and Visual Impact Assessment
  - Loss of agricultural land assessment

- Flood risk assessment
- Heritage assessment
- Archaeology desk based assessment
- Air quality assessment
- Economic benefits statement
- Statement of community involvement
- Tree survey
- Ecological surveys – newts, bats, reptiles, birds, badgers
- Energy strategy
- Ground condition report
- Travel plan
- Geophysical Survey

### **3. Description of the Site and Surrounding Area**

- 3.1. As well as being split between three local planning authorities the site also lies with two counties, Leicestershire and Warwickshire and also within two regions of the country, the East Midlands and the West Midlands.
- 3.2. The site is 59 hectares of agricultural land, comprising four fields. The site is located around 3.5 km to the north-west of the centre of Nuneaton and bounded on two sides by the A5 to the north and the A444 to the south. There is agricultural land bounding the remaining sides. The existing Mira Technology Park is located opposite, across the A5 to the north east.
- 3.3. The application site is located within flood zone 1, which is at the lowest risk of flooding, and very small parts of the site are at low risk of surface water flooding (between 0.1% and 1% chance each year). The site slopes evenly down from the north with a gradient of around 1 in 40 leading to a height difference of around 14 metres AOD. A public footpath – the AE189 - runs from the A444 to the A5 diagonally crossing the eastern part of the site. This is joined by the N7 linking the Weddington Way at its southern end. A further path – the AE190 runs along the western site boundary.

### **4. Relevant Planning History**

- 4.1. None for this site, the proposed development is located in North Warwickshire Borough. The existing Mira Technology Park, located in Hinckley & Bosworth Borough has an extensive planning history and there is a strong history of collaborative working between Mira Technology Park and the Borough Council.
- 4.2. The site is partially allocated for employment use in the North Warwickshire Local Plan Policy LP35. This policy allocates 42ha of the site as an employment allocation, around 70% of this proposal of 59ha. North Warwickshire Local Plan Policy E4 states that the proposed uses for the site, use classes B2, E(g) and B8 are acceptable.
- 4.3. North Warwickshire Borough Council have considered the application at their Board on a number of occasions, including a resolution to grant permission in February 2025 (reference PAP/2022/0423).

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to the occupiers of 23 neighbouring properties. A site notice has been also posted within the vicinity of the site, and a notice has been published in the local press.
- 5.2. Representations have been received from or on behalf of the occupiers of 16 properties. These include 15 letters of objection and one neutral response. Of the objections received, 6 of these are from residents of nearby Fenny Drayton, with the remaining 9 from further afield, of which 8 are considered to be from users of the self storage business on Drayton Lane, Fenny Drayton. The following objections, concerns and points have been made:
- Object to the proposed left in left out arrangement for Drayton Lane, including for reasons of impact on existing self storage business, lack of evidence with regards to road safety implications, potential for increased rat running through Fenny Drayton;
  - Potential flooding and drainage impacts;
  - Impact on local infrastructure including to electricity cables and sewerage pipes;
  - Concerns over construction timetable and impact of highways construction works;
  - Concern over Woodford Lane junction works, including knock on impact to existing residents in Sheepy Magna, Pinwall, Ratcliffe Culey and Twycross;
  - Impact of closure of Weddington Lane and re-routing through the new site
- 5.3. The key concern raised throughout the majority of the objections received is with regards to the proposed works to the Drayton Lane/A5 junction to change this to a left in left out arrangement. The objections raise issues with regards to impact on the existing self storage business on Drayton Lane, including a potential loss of custom due to the increased distances needed to travel to either the Mancetter roundabout to the north or Redgate roundabout to the south. Highways impacts are discussed later on in this report.

## **6. Consultation**

- 6.1. **Witherley Parish Council** – Objects to the proposal for the following reasons:
- Impact on the Parish and A5 through increased traffic;
  - Redgate junction – impact of lorries being re-routed onto new road and not being able to turn at the pub;
  - Potential for increased fly tipping, antisocial behaviour and unauthorised traveller encampments;
  - Left in left out proposal for Drayton Lane supported
- 6.2. **Higham Parish Council** – objects to the proposal due to loss of countryside
- 6.3. **National Highways** – No objections. Recommend conditions.
- 6.4. **LCC Highway Authority** – The Local Highway Advice (LHA) advice is that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the National Planning Policy Framework (2024) subject to conditions.

The LHA initially raised observations in October 2022, however, has subsequently been dealing with the application via North Warwickshire BC together with

Warwickshire County Council and National Highways. This resulted in NWBC advising approval in November 2024. The LHA advises similar conditions to those advised to NWBC.

- 6.5. **LCC Lead Local Flood Authority (LLFA)** – No objections subject to conditions. Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 59.5 ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a very low to low risk of surface water flooding. The proposals seek to discharge at the greenfield rate of 4.32 l/s/ha via pervious paving swales, underground storage and attenuation basins to the watercourse running through the centre of the site. Surface water will discharge via two outfalls. One outfall will discharge surface water from the northern part of the site, the other will discharge surface water from the southern part of the site. Geological data suggests that infiltration would not be a feasible method of draining the site. Ground investigations would need to be conducted in order to confirm this. Subsequent to the previous LLFA response the discharge rate on which the surface water drainage proposals are based has been amended. The applicant's calculation of 6.2 l/s/ha is now altered to 4.32 l/s/ha.
- 6.6. **LCC Archaeology** – The Leicestershire and Rutland Historic Environment Record (HER) notes that the new link road lies immediately north of the Roman Road Watling Street (HER Ref.: MLE1388). Roman remains nearby include finds recovered during metal detecting c.740m to the northwest (MLE3310) and features recorded during trial 2 trenching c.555m southeast of the proposed new link road (MLE18946). The proposed development area has not previously been subject to any archaeological investigation, but in view of the evidence from the surrounding area, it is considered to have potential for the presence of archaeological remains relating to Roman activity, including settlement and occupation. In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 194, the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application (NPPF paragraph 195). While the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme.
- 6.7. **LCC Ecology** – No comments to make, Warwickshire CC to lead on response given the site is predominantly in Warwickshire
- 6.8. **North Warwickshire Borough Council** – No objections
- 6.9. **Nuneaton & Bedworth Borough Council** – no objections
- 6.10. **Severn Trent Water** – No response to date.
- 6.11. **Environment Agency** – This application is cross LPA boundary and also cross boundary for our internal Environment Agency planning teams. As the East Midlands team we have no objections to the application submitted by Hinckley and Bosworth and will not be making any formal comment on the submission for the following reason: - The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

- 6.12. **HBBC Compliance and Monitoring** – No comments
- 6.13. **HBBC Environmental Health** – Investigation into potential noise impact on HBBC residents from the operation of the Technology Park will need to be undertaken. It is possible that this could be done in compliance with a suitably worded condition. See example below. a) Development shall not begin until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and approved by the Local Planning Authority b) All works which form part of the scheme shall be completed before the permitted development first comes into use. Investigation into potential light impact on HBBC residents from the operation of the Technology Park will need to be undertaken. It is possible that this could be done in compliance with a suitably worded condition, see example below. a) Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). b) The lighting shall be installed, maintained and operated in accordance with the 2 approved details. A Construction Environment Management Plan should be created for the site and should include the recommendations of the Air Quality Assessment submitted with this application.
- 6.14. **HBBC Waste** – No comments or objections.
- 6.15. **Sheepy Parish Council** – does not consider that sufficient assessment has been undertaken on traffic flow and impact to neighbouring villages of Sheepy Magna, Pinwall, Ratcliffe Culey and Twycross. The proposal for Woodford Lane to be left in left out will mean that vehicles heading north to the M42 may consider alternative rat running routes.
- 6.16. **Natural England** - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory designated sites and has no objection.

## **7. Policy**

- 7.1. Core Strategy (2009)
- Policy 14: Rural areas - Transport
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM3: Infrastructure and Delivery
  - Policy DM4: Safeguarding the Countryside and Settlement Separation
  - Policy DM6: Enhancement of Biodiversity and Geological Interest
  - Policy DM7: Preventing Pollution and Flooding
  - Policy DM10: Development and Design
  - Policy 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 DM19: Existing Employment Sites
  - Policy DM20: Provision of employment sites
- 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Department for Transport Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development (the Circular) (Dec 2022)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide
- Landscape Character Assessment (2017)
- Landscape Sensitivity Study (2017)
- Leicestershire Minerals and Waste Local Plan (2019)
- Leicestershire and Rutland Historic Environment Record

## 8. Appraisal

8.1. As this is a full cross boundary planning application where the majority of the site, some 95% lies within the boundary of North Warwickshire Borough Council. It is considered that the following represent the key issues:

- Principle of Development
- Highway Safety, Access and Parking Provision
- Design and Impact on the Character and Appearance of the Area
- Residential Amenity
- Flood Risk and Drainage
- Ecology and Biodiversity
- Archaeology
- Planning Obligations
- Conclusions and Planning Balance

### Principle of Development

- 8.2. 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.
- 8.3. The current Development Plan consists of the Core Strategy, and the Site Allocations and Development Management Policies Development Plan Document. In accordance with Paragraph 232 of the Framework, due weight should be given to policies according to their degree of consistency with the NPPF.
- 8.4. Importantly, and as set out above, the principle of development of the site has been established through the resolution granted on site by North Warwickshire Borough Council, with a resolution to grant planning permission in February 2025. The site is also allocated for employment development in the North Warwickshire Local Plan.
- 8.5. For Hinckley & Bosworth Borough, the proposed development is highway works based only, with works to highway junctions at the Redgate roundabout on the A5/A444 and at Drayton Lane/A5 the most relevant.
- 8.6. In terms of national planning policy, Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the SADMP set out a presumption in favour of sustainable development, and state at 11d) that where there are no relevant development plan policies, or the policies which are most important for determining

the application are out-of-date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 8.7. Section 6 of the NPPF deals with building a strong, competitive economy and Paragraph 87 of the NPPF states that planning decisions should recognise and address the specific locational requirements of different sectors.
- 8.8. It is important to note that this proposal is considered to be an extension to the existing Mira Technology Park facility, with the extension to be cross boundary between Local Planning Authorities, between Local Highway Authorities and between regions.
- 8.9. Paragraph 116 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.10. Paragraph 124 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while also safeguarding and improving the environment.
- 8.11. Paragraph 125 of the Framework states that planning decisions should, amongst other things, support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 8.12. Paragraph 187 of the Framework states that decisions should contribute to and enhance the natural and local environment by protecting valued landscapes in a manner commensurate with their statutory status and by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile land, and of trees and woodland.
- 8.13. Department for Transport Circular 01/2022 sets out the policy of the Secretary of State for Transport in relation to the Strategic Road Network and Government policy states that it should be read in conjunction with the NPPF, Planning Practice Guidance and all other material considerations. It confirms that National Highways is the highway authority for the strategic road network, which for the purposes of this application includes the A5.
- 8.14. Policy DM17 of the SADMP requires that development proposals are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 8.15. Policy DM4 of the SADMP states “that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.
- 8.16. Development in the countryside will be considered sustainable where:
  - a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or



- b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
- e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.

8.17. Policies DM19 and DM20 of the SADMP set out that existing employment sites of high quality (including the existing Mira Technology Park) should be retained for employment use, with any non-employment use only be allowed in exceptional circumstances. For new employment sites outside of settlements, Policy DM20 states that proposals which stand outside the settlement boundary and on greenfield sites (as per this application) will only be found acceptable where it is demonstrated that there are no suitable alternative sites identified sequentially in the following locations:

- a) Within settlement boundaries;
- b) On previously developed land;
- c) Adjacent to existing employment areas;
- d) Adjacent to settlement boundaries

In this case, the scale of the site proposed (59ha) rules out any compliance with a) and b) as above, with no suitable sites of this scale available either within settlement boundaries or on previously developed land. Whilst separated by the A5, the proposal is considered to be adjacent to an existing employment area of the existing Mira Technology Park. Furthermore, the site is proposed as an expansion to the existing Technology Park.

8.18. The MIRA Technology Park is a leading Enterprise Zones of national importance and the headquarters for Horiba MIRA the global automotive engineering company and its testing and development operations. The site is home to over 40 major international automotive engineering companies e.g. Bosch, Toyota, Haldex and Polestar, as set out in the Planning Statement it comprises Europe's largest and fastest growing automotive Research and Development cluster. The Technology Park contains major test facilities and over 110 kilometres of test tracks, making it a world class facility and a global attraction for automotive companies to the UK. It also supports the growing technologies in alternative fuels, electrification and autonomous technologies through recent major investments. This includes current expansion of the existing Technology Park to the south.

8.19. The Planning Statement submitted with the application sets out that the proposal will generate a significant number of new job opportunities on-site, including:

- up to 774 temporary opportunities bought about by the construction phase of development, and up to 2,500 opportunities offered via the completed development.
- Further job opportunities will also be generated off-site, including up to 751 opportunities during the construction phase of the development, and up to 3,250 opportunities once complete.
- The construction phase of development will have a significant and positive effect upon the local economy, contributing up to £468.40m in Gross Value Added (GVA) over the 5-7 year construction period.

- Furthermore, once completed scheme will add £353.80m GVA to the local economy each year.

The SADMP gives no guidance on what level of job creation constitutes a significant contribution but by any measure it is considered that such a level of job creation as is anticipated is objectively a significant contribution to job creation.

- 8.20. It is considered that the proposal is offered support in principle by Policy DM4 and by Policy DM20 of the SADMP. Further, the site is allocated for employment development in the North Warwickshire Local Plan and has a resolution to grant planning permission from North Warwickshire Borough Council.

#### Highway Safety and Access

- 8.21. Section DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.22. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.23. Paragraph 115 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 116 outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. Paragraph 117(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.24. The application is submitted in outline with all matters reserved, including for access. A parameters plan has been submitted and will be conditioned with this demonstrating a spine road located through the site from the A5 and A444. The primary site access will be from the existing roundabout on the A5 that serves the existing Technology Park through a new fourth arm.
- 8.25. For the A444, a new three arm roundabout will be constructed to replace the existing Redgate 'longabout' junction arrangement. With this second access, the A444 Weddington Lane, south of the A5, will be diverted from its existing alignment, with existing properties at Caldecote then served with a new separate access road. North of the A5, the new Redgate junction roundabout will then cut across the existing field to the north, rejoining the existing A444 north of the Redgate pub. The existing pub and storage business currently at the southern end of the A444 will then be served with a new one way road from the new A444 alignment and with a left hand turn back onto the A5.
- 8.26. Elsewhere, further off site highway network improvements are proposed to the Woodford Lane/A5 junction (to Hartshill) and to the Drayton Lane/A5 junction, to Fenny Drayton. These include making these junctions signalled (for Woodford Lane) and to be 'left in, left out' junction (Drayton Lane), therefore removing the current vehicular crossing of the A5 in both locations when turning right onto or off the A5.

These proposed off site highway works are highway safety based, removing an existing issue of vehicular crossing of the A5.

- 8.27. Access to public transport will be improved through collaboration with the bus operator, Arriva Midlands, and the Warwickshire County Council Passenger Transport Operation team to instigate the diversion of Service 65 via the new spine road within the development as part of its route between Tamworth and Nuneaton via Atherstone and MIRA Technology Park. The intention is to restore a 30-min frequency on Service 65 on weekdays on the core element of the route between Atherstone and Nuneaton. The phased introduction of the revised Service 65 bus service will be linked with the phased build programme within the MIRA Technology Park South Site development.
- 8.28. Within the MIRA Technology Park South Site development additional bus stop infrastructure will be provided with the phased construction of the new spine road linking the A5 to the A444. The bus stop infrastructure will incorporate wide footways at bus stops, passenger waiting facilities, flag, timetable and mapping, provision of infrastructure to enable real-time information, low-floor kerbs and bus cage markings. The real-time information will also be incorporated into accessible locations within each of the building units.
- 8.29. In addition, the proposals include new cycle and pedestrian link enhancements, including a new footway along Weddington Lane and cycle links into the Weddington Walk and back to Nuneaton. The Framework Travel Plan accompanying the planning application sets targets that seeks to reduce the amount of single use vehicle trips to less than 67% in 3 years and double the amount of cycle and public transport trips.
- 8.30. The application has been considered extensively by Leicestershire County Council and Warwickshire County Council as the relevant Local Highway Authorities together with National Highways with regards to impact on the A5 (Strategic Road Network) and the surrounding local highway network. This assessment has been over a number of months in consideration of the application through North Warwickshire Borough Council. Neither of the three consultees object to the proposal, subject to suitable planning conditions.
- 8.31. With regards to the offsite highway works proposed, the proposed amendment to the Drayton Lane/A5 junction to be left in left out has raised objections, with a number of objections to both North Warwickshire Borough Council and to this application from the owners and customers of a self storage business located on Drayton Lane. The objections are based on a potential loss of custom through customers not being able to access Drayton Lane from the A5 from all directions, instead with minor diversions needed to the nearby Redgate and Mancetter roundabouts to access Drayton Lane under the proposed new junction.
- 8.32. The three highway authorities support the proposed junction improvements, confirming that these are as a result of increased traffic on the A5 from the proposed development, therefore increasing a highway safety risk of these two junctions. The proposed development is considered to increase morning and evening peak time traffic on this part of the A5 by 20% and 14% respectively, however with the proposed junction improvements in place to be left in and left out, this would decrease the use of these junctions for the morning and evening peaks by 19% and 2% respectively for Woodford Lane, and by 37% and 19% for Drayton Lane. The proposed improvement works are considered to be required as a package, for instance the proposed signalisation of Woodford Lane cannot be considered in isolation as given the proximity of the junctions, gaps in traffic to turn right out of or in to Drayton Lane

will be difficult to judge. National Highways are of the view that without the proposed improvements to Drayton Lane/A5 junction to be left in left out, there would be an unacceptable impact on highway safety and thus the application should be refused.

- 8.33. For Fenny Drayton, the proposed amendments to the Drayton Lane junction has the potential to increase traffic movements through the village for those accessing Drayton Lane, including customers of the existing self storage business and for agricultural vehicles. However, the proposed junction improvements will also remove existing rat running through the village for traffic coming from the A444/Fenn Lanes direction and currently seeking to avoid the Redgate junction. Removing the right hand turn from Drayton Lane will therefore force these traffic movements to the new Redgate junction and not rat running through the village. On balance, Leicestershire County Council consider that the proposed Drayton Lane works will decrease traffic flow through Fenny Drayton.
- 8.34. The objectors to the proposed Drayton Lane/A5 junction works have provided a series of five alternative proposals for consideration of:
- Including Woodford Lane junction signalisation, but to leave Drayton Lane as currently;
  - Include signalisation to both junctions;
  - Reverse proposals to include signalisation of Drayton Lane and left in left out at Woodford Lane;
  - Provide a 'longabout' as per the existing Redgate junction, to provide for both Woodford Lane and Drayton Lane; and
  - Provide a conventional roundabout at Drayton Lane and a left in left out arrangement at Woodford Lane
- 8.35. The above alternative proposals have been considered by the statutory consultees and are covered extensively by North Warwickshire Borough Council in their assessment of the application and resolution to grant permission. The above alternatives were not supported by the consultees for reasons including that a package of mitigation measures is needed for both junctions, not just a single junction, that there could be an increasing in queuing vehicles on the A5, that the road safety of the Woodford Lane junction would not be improved and that the alternative proposals would not remove the existing rat running through Fenny Drayton. The above alternatives have been considered and do have merit; however, they are not proposed by the applicant. The proposals from the applicant, of signalisation to Woodford Lane and a left in left out arrangement at Drayton Lane have been considered and are supported by all three highway authorities.
- 8.36. Objections have been raised by existing business owners and customers in light of the proposed changes to the Drayton Lane/A5 junction with regards to a potential impact on the existing business, potentially through a loss of custom through the changes proposed to the junction removing a right turn into Drayton Lane when travelling north on the A5 and a right turn out of Drayton Lane.
- 8.37. Paragraph 200 of the NPPF sets out:
- 'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed'* (my emphasis)

The objections set out that the proposed works to Drayton Lane may result in an increase in travel costs, time delays and a potential impact on the viability of existing businesses due to this proposed change to the junction.

- 8.38. For the existing businesses on Drayton Lane, the junction changes proposed to be a left in left out junction will mean that customers accessing Drayton Lane from the south will have to either leave the A5 at the Redgate roundabout and travel through Fenny Drayton to reach Drayton Lane, a journey of negligible change in distance compared to the existing scenario of a right turn from the A5, but potentially with a small time difference due to slower vehicular speeds. The other option would be to travel past Drayton Lane to the Mancetter roundabout and travel back to Drayton Lane, an additional distance of approx. 3.30km. When leaving Drayton Lane to travel north, the removal of the existing right turn onto the A5 will mean an additional journey to the proposed new Redgate roundabout to then turn back to head north, an additional distance of approx. 3.70km.
- 8.39. It is noted that this is an additional distance to travel to existing businesses. The existing business provide storage for both household and business purposes, including small local businesses and are claimed to support up to 340FTE jobs through provision of storage. The existing businesses have been permitted to expand, and with the existing businesses (although not that permitted to expand) with unlimited 24hr access to the site. The self storage business has suggested that up to 90% of customers live within a 10-mile radius from the business. The additional time and distance impacts, as set out in para 8.38 above, will apply to most customers, with the majority of the customer base accessing the site from the A5, although the vast majority will only be impacted when travelling in one direction to or from the site, rarely both.
- 8.40. Key to considering this impact is the NPPF test of unreasonable in terms of any restriction on the existing business. In this case, the potential impact on access to the businesses, and therefore marketability of the site, is noted. However, whether this is an unreasonable restriction lies with the decision maker using planning judgement.
- 8.41. Use of the site is not on a frequent basis, and with a negligible impact on peak time traffic movements to and from the self storage and agricultural businesses. Some customers may access the site on a daily basis, or even more than once daily, however other customers may visit the site far less frequently, potentially less than monthly due to the long term storage provided. This infrequent level of vehicular trips to the site and low levels of daily trips has previously been presented to the Council in assessing an application to expand the site. Further, due to the minor differences in travel time compared to the existing scenario, together with the clear demand for self storage units and with future customers not knowing any difference from a new junction scenario as proposed, a long term impact on the business is considered to be unlikely to meet the test to be considered to be significant. Moreover, the reasons for the change in junction layouts proposed to Woodford Lane and Drayton Lane is solely for reasons of highway safety, preventing vehicles crossing the strategic road network in a location with a history of safety incidents.
- 8.42. Whilst a potential short term impact on existing businesses is noted, as customers adapt to the change in junction layout, the minor differences in travel time and distance are, on balance, not considered to result in an unreasonable restriction on existing businesses. In this respect the proposal is not considered to fail the test as set out in para. 200 of the NPPF.

- 8.43. The County Highway Authority has also confirmed that, in its view, the impacts of the proposal on highway safety would not be unacceptable and that when considered cumulatively with other developments, the impacts on the road network would not be severe.
- 8.44. Paragraph 116 of the NPPF confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, which in this instance there is not, or if the impacts on the road network would be severe, which in this instance is not considered to be the case, with no objections received from three separate highway authorities that have reviewed the application over a number of months.
- 8.45. The proposal is therefore considered to be acceptable in terms of highway safety, access and parking provision and in terms of its effect on the surrounding road network. The proposal accords with the requirements of the requirements of the NPPF and with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016).

#### Design and Impact on the Character and Appearance of the Area

- 8.46. Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where 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. The site is located within the countryside, outside of the settlement boundary and is therefore considered against this policy.
- 8.47. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.48. The large majority of the site lies within North Warwickshire Borough as does all of the built development that is proposed by the application. Only highway works are proposed within Hinckley & Bosworth Borough. The application is supported by a Landscape and Visual Impact Assessment, providing a detailed assessment of the site using 13 viewpoints within a theoretical zone of intervisibility. The LVIA highlighted the following key points:
- Inter-visibility from Caldecote should be carefully considered to ensure potential effects on the heritage assets are mitigated. •
  - Long distance views from sensitive receptors in Hartshill Country Park should be considered and mitigation should be included where possible.
  - Existing drainage ditches and hedges should be retained and protected where possible.
  - Any development should consider the impact on the users of the A5 and the effects of the traffic noise on the potential users of the site.
  - Weddington Country Walk is a well-used and therefore highly sensitive landscape and visual receptor. Careful steps should be taken to avoid any potential negative effects on the users.
  - Any development should consider a large landscape buffer to the south of the Site which could include ponds for ecological benefit, utilising the lowest part of the site.

- Where possible, any development on the Site should work with the existing landform and any spoil from excavation is utilised on the site in the form of bunds.
- 8.49. The site is agricultural in character, with long distance views across the site from the A5 together with some viewpoints within Hinckley & Bosworth Borough including from the A444. However, this part of the landscape is also dominated by the A5 together with the existing Technology Park. The Assessment concludes that the proposed development would have an overall major adverse landscape impact if no mitigation measures are included.
- 8.50. In respect of visual impacts, it concludes that there would be major adverse impacts when viewed from around the whole of the site with moderate impacts from more distant views from the south. The Assessment concludes that structural landscaping will have a positive impact but suggests that this will take some time to become established, thus concluding that there would be adverse landscape and visual impacts in the short term (up to ten years) and also in the longer term (after ten years). Whilst impacts would reduce over time, the development would remain prominent particularly from the A5 and from the A444.
- 8.51. In addition to the points made above in this section of the report it is material to note that the area is not a 'valued landscape' for NPPF purposes. Indeed, there are no landscape or environmental designations or sensitivities of note for the site and its immediate surroundings. Further, the site context will change in the short term through the existing ongoing permitted expansion of the current Technology Park to the north side of the A5.
- 8.52. Whilst the application results in a major change to the site it is considered that, through further consideration of landscaping at reserved matters stage together with suitable planning conditions, the proposed development does not result in a significant detrimental effect on the character and appearance of the site and surrounding area. These proposals are considered to accord with the requirements of Policies DM4 and DM10 of the SADMP and the requirements of the NPPF.
- 8.53. It is considered that the proposals are acceptable with regard to their effect on the character and appearance of the area.

#### Residential Amenity

- 8.54. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers 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, including from noise, light and land contamination.
- 8.55. Paragraph 135 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.56. Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects

(including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

- 8.57. A Noise Impact Assessment has been submitted and the assessment finds that the background ambient noise levels are dominated by the road traffic using the A5 and the A444. The assessment concludes that the construction phase could have potential adverse impacts on the amenity of the surrounding area, but that mitigation measures such as controlled working hours and acoustic barriers would reduce impacts. In the operational phase, the report concludes that there will be adverse impacts due to the reduced effectiveness of the structural landscaping in the initial years.
- 8.58. The closest dwelling to the proposed development located within Hinckley & Bosworth is at Rowden Lodge, to the north of the site and across the A5 at a distance of c.500m at its closest point. The nearest settlement is at Fenny Drayton, c. 1200m away at its closest point, albeit that Caldecote is of a much shorter distance away but located within North Warwickshire and has been assessed by North Warwickshire BC as such in terms of any amenity impact.
- 8.59. The Council's Environmental Health Officer has no objections to the proposal subject to conditions relating to noise and lighting, with further detailed schemes to be submitted and approved.
- 8.60. The proposal would result in a significant change to the site but these changes are to a substantial degree screened from any neighbouring property by a combination of factors that includes existing features of the A5 and existing Technology Park, together with landscape screening and any noise mitigation as required, to be determined through reserved matters and planning conditions.
- 8.61. It is considered that the proposed development would be acceptable in terms of its impact on neighbouring residential amenity and would be in compliance with Policy DM7 and Policy DM10 a) and b) of the SADMP and the requirements of the NPPF.

#### Flood Risk and Drainage

- 8.62. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.63. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 states that applications that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the scale and nature of the development and provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity.
- 8.64. The site lies within Flood Zone 1 on the Environment Agency Flood Maps for Planning. The indicative site layout ensures that no buildings lie within any area indicated to be at high risk of surface water flooding.
- 8.65. A Flood Risk Assessment and an Outline Drainage Strategy have been submitted with the application which set out that the site is at a low risk of flooding from tidal,



pluvial, fluvial, groundwater and artificial sources. Whilst the report notes that the Site is bisected by a watercourse, calculations show that the watercourse has sufficient capacity to manage a rare 1 in 100-year event, and that it remains resilient even when an allowance for climate change is included. The report concludes that the site is at a low risk of flooding and that this risk will not be increased as a result of the proposed drainage strategy.

- 8.66. The proposals seek to discharge at the greenfield rate of 4.32 l/s/ha via pervious paving swales, underground storage and attenuation basins to the watercourse running through the centre of the site. Surface water will discharge via two outfalls. One outfall will discharge surface water from the northern part of the site, the other will discharge surface water from the southern part of the site. Geological data suggests that infiltration would not be a feasible method of draining the site.
- 8.67. The Lead Local Flood Authority advises that the proposals are acceptable subject to conditions. No objections have been received from the Environment Agency. Subject to the suggested conditions, it is considered that the proposed development would satisfy Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document and the requirements of the National Planning Policy Framework.

#### Ecology and Biodiversity

- 8.68. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.69. The planning application is accompanied by a Preliminary Ecological Appraisal and various species-specific Survey Reports. A Biodiversity Net Gain assessment has also been prepared to support the development proposals. The reports submitted set out the following:
- Evidence of Great Crested Newts was observed on the Site. Various recommendations have been made, including the need to obtain the appropriate licenses prior to commencing any site clearance or construction work, and to provide mitigation through the provision of a number of additional ponds and semi-natural habitat on the Site, which has been incorporated into the design proposals.
  - Badger – No evidence of Badgers was observed on the Site. As such, no further survey work or mitigation measures are required.
  - Bats – Two types of survey have been carried out – Bat Roosting and Bat Activity Surveys. The reports found evidence of both bat roosting and activity on the Site. Various recommendations are made, including the need to gain the appropriate licences prior to any demolition work, retain the existing trees and hedgerows where possible, enhance roosting potential through the provision of new bat boxes, and to minimise the impact of any lighting proposed.
  - Breeding Birds – The survey work has observed a large number of birds and potentially breeding birds using the Site. Various recommendations have been made to reduce any risk or impact, including the installation of new nest boxes, improvements to the landscaping of the area (including the planting of native species) and the implementation of a maintenance schedule which should take place outside of the bird nesting seasons.

- Reptiles – No evidence of Reptiles was observed on Site. As such, no further survey work or mitigation measures are required.
- 8.70. The County Ecologist has assessed the information submitted and has stated that subject to conditions the proposal is acceptable, with Warwickshire County Council to lead on this as the proposed built development is all in North Warwickshire.
- 8.71. It is considered that the provision of a biodiversity net gain and appropriate protection of existing habitats and wildlife could be secured via condition and a S106 Agreement. Subject to these requirements this application is considered acceptable with respect to ecology and biodiversity matters and complies with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document and the requirements of the National Planning Policy Framework.
- 8.72. An Agricultural Land Assessment has been submitted in support of this application. This assessment finds that the area is predominantly heavy clay Grade 3 under Agricultural Land Classification (and felt to be at the lower 3B end of the quality spectrum by those who farm it) and thus avoids best and most versatile agricultural land.

#### Archaeology and Heritage Impact

- 8.73. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. Paragraph 207 of the NPPF also reiterates this advice.
- 8.74. In line with the NPPF Section 16, the Local Planning Authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.
- 8.75. Paragraph 218 of the NPPF states that a developer should be required to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and impact and to make this evidence publicly accessible.
- 8.76. The County Archaeologist has confirmed that the site has a significant potential to contain archaeological buried remains relating to Roman roadside occupation and prehistoric activity and that in that context the current application can be approved subject to a condition regarding an appropriate programme of archaeological mitigation including an initial phase of exploratory trial trenching, followed, as necessary, by intrusive and non-intrusive investigation and recording.
- 8.77. For built heritage the proposal is not considered to impact upon the setting of any heritage assets located within Hinckley & Bosworth Borough due to the distance to the nearest listed buildings and due to the intervening landscape dominated by the A5 and existing Technology Park. However, there are nearby heritage assets in North Warwickshire Borough, including a number of built heritage assets in Caldecote, including the Church of St Theobald and St Chad and Caldecote Hall and Garden. North Warwickshire Borough Council consider that the site does not contribute to how the assets are experienced as part of a Victorian Country Estate and church with instead the site simply forming part of the wider agricultural landscape. Further design

details, including materials and landscaping, will be considered at reserved matters stage.

- 8.78. It is therefore considered that, subject to an appropriate condition, the proposal accords with the requirements of Policy DM13 of the Site Allocations and Development Management Policies Development Plan Document and of the National Planning Policy Framework.

#### Planning Obligations

- 8.79. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.80. In this instance contributions are being sought towards improvements to local bus services (£1.35m), spread over five years from the date of first occupation. In addition, an agreement is sought with regards to training and apprentice opportunities linked to nearby schools and colleges, with existing practices in place for this at the current Technology Park. Further contributions include a contribution to relevant traffic regulation orders. These will be led by North Warwickshire Borough Council as the lead authority for the application.
- 8.81. The request for any planning obligations must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 58 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.
- 8.82. All of the above contributions are considered to meet the tests for planning obligations and should therefore form part of the unilateral undertaking that has been submitted by the applicant.

#### Conclusions and Planning Balance

- 8.83. 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.
- 8.84. The benefits of the proposal can be split as below:

##### Economic benefits:

- The scheme will generate a significant number of new job opportunities on-site, including up to 774 temporary opportunities bought about by the construction phase of development, and up to 2,500 opportunities offered via the completed development.
- Further job opportunities will also be generated off-site, including up to 751 opportunities during the construction phase of the development, and up to 3,250 opportunities once complete.
- The construction phase of development will have a significant and positive effect upon the local economy, contributing up to £468.40m in Gross Value Added (GVA) over the 5-7 year construction period.

- Furthermore, once completed scheme will add £353.80m GVA to the local economy each year.

Social benefits:

- The scheme will deliver opportunities for training/apprenticeships associated with the initiatives across the MIRA Technology Park and the MIRA Training Institute.
- The completed scheme will include the provision of new facilities such as the new recreation area and improved local infrastructure and roads.

Environmental benefits:

- The scheme will deliver extensive green infrastructure through the site, retaining many existing landscape features and helping to create new and sustainable habitats.
- A large area of publicly accessible open space will be provided, which helps to provide links to the green network of the wider area.
- Sustainable building techniques will be utilised, with a potential for 10% on site renewable energy generation through solar photovoltaics
- Sustainable modes of transport will be encouraged, with links between the existing and proposed parts of the MIRA Technology Park linked by new footpaths, cycle links and shuttle services, and links to the wider settlement hierarchy provided through improved public transport links, with a financial sum proposed for improved public transport provision

8.85. The physical alterations to the site will clearly be noticed both by road users, pedestrians and local residents but this is not in itself considered to result in harm. It is not considered that the effects of the development on the amenity of neighbouring residents would be significant. The benefits of the proposal also include the provision of off site highway works, considered to be of a benefit so as to improve highway safety at two key junctions on the A5. This is supported by three highway authorities in assessing the application.

8.86. The site is allocated for employment development in the North Warwickshire Local Plan for the employment uses proposed and the site will be an extension to the existing Technology Park located within Hinckley & Bosworth Borough. The proposal also benefits from a resolution to grant planning permission from North Warwickshire Borough Council in February 2025.

8.87. Taking all material planning considerations into account it is considered that the limited adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole. The proposal is therefore considered to represent sustainable development, and it is recommended that permission be granted.

## **9. Equality implications**

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

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.
- 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. Recommendation

11. That planning permission be **granted** subject to the signing of a S106 agreement and subject to the conditions set out below:

1. Details of the appearance, landscaping, layout and scale (hereinafter called the “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved. Page 23 of 269 5b/15

**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The first application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. All applications for approval of reserved matters shall be made to the Local Planning Authority not later than eight years from the date of this permission. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

**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.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
  - Plans & Documents List dated 13 February 2025

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

4. If the development hereby permitted is to be constructed in more than one phase, details of the proposed phases of construction shall be submitted to the

Local Planning Authority for approval prior to, or at the same time as the first application for approval of the reserved matters. The Phasing Plan shall include details of the separate and severable phases or sub phases of development. Development shall be carried out in accordance with the approved phasing details, or such other phasing details as shall subsequently be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004, and to prevent an accumulation of unimplemented planning permissions.

5. The development hereby permitted shall provide for no more than a maximum figure of 213,500 square metres of floorspace (GIA) for uses within Use Classes B2, B8 and E (g) (ii) of the Town and Country Planning (Use Classes) Order 2020 (as amended).

**Reason:** In order to define the scope and extent of the planning permission.

6. Any storage and distribution uses, within Use Class B8 of the Town and Country Planning (Use Classes) Order 2020 as amended, shall be uses that are ancillary or clearly secondary to the primary uses of the development hereby approved as defined under Condition 5 above.

**Reason:** In order to define the scope and extent of the planning permission

7. The reserved matters shall be designed in general accordance with the parameters plan approved under condition 3. In particular, the layout for Zones 20 and 30 as defined by that Plan and any unloading areas being located along the southern edge of each of these two Zones shall demonstrate that noise can be mitigated to 5dba below existing recorded background levels.

**Reason:** In order to define the implementation of the permission so as to reduce the risk of adverse noise impacts.

8. Any reserved matters application shall include a Noise Impact Assessment detailing the proposed measures to mitigate emissions of noise arising from the use and activity associated with any building and its curtilage within the application site. This Assessment shall particularly have regard to the potential noise impacts for neighbouring residential property as well for the village of Caldecote. This Assessment shall be carried out in accordance with BS4142:2014 plus A1:2019.

**Reason:** In order to define the implementation of the permission so as to reduce the risk of adverse noise impacts.

9. All access arrangements into, through and out of the site together with all off-site highway alterations shall be carried out in accordance with the plans approved under Condition 3.

**Reason:** In order to define the scope and extent of the planning permission.

10. No built development shall take place until a Construction Environmental Management Plan (CEMP) has first been submitted to and approved in writing by the Local Planning Authority, in consultation with Leicestershire County

Council, Warwickshire County Council and National Highways, for each phase of the development. The Plan shall provide for:

- a) A Construction Travel Management Plan (CTMP) including construction phasing,
- b) The parking of vehicles for site operatives and visitors.
- c) The routing for vehicles accessing the site associated with the construction of the development and signage to identify the route.
- d) The manoeuvring of vehicles within the site.
- e) Loading and unloading of plant and materials used in the construction of the development, including top-soil.
- f) The location of the site compounds.
- g) Storage of plant and materials.
- h) The erection and maintenance of security hoarding fencing.
- i) Wheel washing facilities.
- j) Measures to control the emission of dust and dirt during construction.
- k) Measures to control and mitigate disturbance from noise.
- l) A scheme for the recycling/disposal of waste resulting from the construction works.
- m) Any on-site lighting as required during construction.
- n) Measures to protect existing trees and hedgerows proposed for retention.
- o) Delivery, demolition and construction working hours.
- p) The means by which the terms will be monitored, details of a contact person and the procedure for reporting and resolving complaints. The approved CEMP shall be adhered to throughout the construction period of each phase.

**Reason:** In the interests of highway safety and the residential amenity of the local community in accordance with Policy DM10 of the SADMP (2016).

11. No development within any phase shall take place until full details of the finished floor levels, above ordnance datum, of the ground floor(s) of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

**Reason:** In the interests of reducing potential landscape and visual harm in accordance with Policy DM4 and DM10 of the SADMP (2016)

12. No development within any phase shall take place until details of all external lighting relevant to that phase has been submitted to and approved in writing by the Local Planning Authority. The details shall be accompanied by an Impact Assessment in order to show that there are no adverse impacts arising from any proposed light source or from the glow of light arising from each phase. The Assessment shall also include an analysis of the cumulative impact of lighting arising from the whole site. In particular external lighting being installed on the southern-most elevations of the buildings to be erected in Zones 20 and 30 as defined by the Parameters Plan approved under Condition 2(b) above, shall be required to be justified for the purposes of health and safety and/or security only. The lighting shall be installed, operated and maintained at all times in accordance with the approved details.

**Reason:** In the interests of reducing the risk of adverse harm to the residential amenity of the local community in accordance with Policy DM10 of the SADMP (2016)

13. No development within any phase of the development hereby approved shall take place until a Landscape and Ecological Management Plan ("LEMP") for that phase has first been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be in general accordance with the approved Parameters Plan approved under condition 5. The LEMP shall include:
- a) a description and evaluation of the features to be managed;
  - b) ecological trends and constraints on site that might influence management,
  - c) the aims, objectives and targets for the management,
  - d) descriptions of the management operations for achieving the aims and objectives,
  - e) prescriptions for management actions,
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period),
  - g) Details of the monitoring needed to measure the effectiveness of management,
  - h) Details of each element of the monitoring programme,
  - i) Details of the persons or organisations(s) responsible for implementation and monitoring,
  - j) Mechanisms of adaptive management to account for necessary changes in the work schedule to achieve the required aims, objectives and targets,
  - k) Reporting procedures for each year 1, 2, 5, 10, 20 and 30 with bio-diversity net gain reconciliation calculated at each stage,
  - l) Where necessary, the legal and funding mechanisms by which the long-term implementation of the LEMP will be secured by the developer, and the management body(ies) responsible for its delivery,
  - m) How contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (k) above shows that the conservation aims and objectives set out in (c) above are not being met so that the development still delivers the full functioning bio-diversity objectives of the originally approved scheme.
- The details in that Plan shall then be implemented on site and be adhered to at all times during the lifetime of the development.

**Reason:** In the interests of enhancing and protecting bio-diversity in accordance with Policy DM6 of the SADMP (2016)

14. No development approved by this planning permission shall take place until such time as a surface water drainage scheme, in accordance with the Sustainable Drainage Statement, has been submitted to, and approved in writing by the Local Planning Authority in consultation with National Highways. The development must be carried out in accordance with these approved details and completed prior to first use. The scheme shall include:
- a) Evidence to show that the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm is limited to the Qbar greenfield run off rate of 4.32 l/s/ha for the site in line with the documents approved as above.
  - b) A detailed assessment demonstrating the on-site water courses suitability as a receptor for surface water run-off from the development. This assessment shall include:
    - A condition survey of the watercourse and evidence of any remedial measures identified as necessary;



- A review of flood risk impacts from the watercourse demonstrating consideration for downstream receptors off site in the context of the proposals,
  - Evidence demonstrating that all development and surface water infrastructure is outside the anticipated fluvial flood extent.
- c) Drawings/plans illustrating the proposed sustainable surface water drainage scheme. The documents approved under condition 2(d) above may be treated as a minimum and further source control SUDS should be considered during the detailed design stages as part of a “SUDS management train” approach to provide additional benefits and resilience within the design.
- d) Detailed drawings including cross sections, of proposed features such as infiltration structures, attenuation features and outfall structures. These should be feature-specific demonstrating that such surface water drainage systems are designed in accordance with the SUDS Manual CIRIA Report C753 and cross sections should demonstrate that all SUDS features will be accessible for maintenance whilst also providing an adequate easement from the on-site watercourse.
- e) Provision of detailed network level calculations demonstrating the performance of the proposed system to include:
- suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of a surcharged outfall) with justification of such criteria,
  - simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events,
  - together with results demonstrating the performance of the drainage scheme including attenuation storage, potential flood volumes and network status for each return period,
  - and evidence to allow suitable cross- checking of calculations and the proposals.
- f) The provision of plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. This overland flow routing should:
- demonstrate how run-off will be directed through the development without exposing properties to flood risk;
  - consider property finished floor levels and thresholds in relating to exceedance flows, and
  - recognition that exceedance can occur due to a number of factors such that exceedance management should not rely on calculations demonstrating no flooding. Only the scheme that has been approved in writing shall then be implemented on site

**Reason:** To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016)

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

**Reason:** To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016)

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

**Reason:** To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

17. No development shall take place on site including any site clearance or preparation prior to construction, until a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work for each phase of the development, excluding that part of the site included in the evaluation approved under condition 3 above, has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production and archive deposition detailed within the approved WSI shall be undertaken as required in accordance with a programme specified in the WSI. A written report detailing the results of this fieldwork shall also be submitted to the Local Planning Authority in accordance with the approved programme. The findings from the archaeological evaluative work shall inform each reserved matters submission.

**Reason:** To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy DM13 of the Site Allocations and Development Management Policies Development Plan (2016).

18. Where necessary, and as informed by the findings of the archaeological evaluative work undertaken in the WSI, no development within any phase of the development shall take place until an Archaeological Mitigation Scheme (AMS) if appropriate, has been submitted to and approved in writing by the Local Planning Authority. The AMS should detail the strategy to mitigate the archaeological impact of the proposed development either through further fieldwork (for which a further WSI may be required) and/or through the preservation on site of any archaeological deposits. The AMS shall inform each reserved matters submission.

**Reason:** To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy DM13 of the Site Allocations and Development Management Policies Development Plan (2016).

19. No development within any phase shall take place until the fieldwork relevant to that phase detailed in the WSI and AMS has been completed in accordance with the programme(s) specified therein. Any post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved WSI and AMS.

**Reason:** To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy DM13 of the Site Allocations and Development Management Policies Development Plan (2016).

20. No phase of the development hereby permitted shall commence until a scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes relevant to each phase, has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented within the relevant phase.

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

21. No part of the development hereby permitted shall be commenced until a final Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways and Leicestershire County Highway Authority. The site shall operate in full accordance with the approved Travel Plan thereafter.

**Reason:** To ensure that the A5 trunk Road and M69 motorway continue to serve their purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the Strategic Road Network 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 Development Plan Document (2016), Section 9 of the National Planning Policy Framework (2024) and Department for Transport Circular 01/2022.

22. No phase of the development hereby permitted shall be occupied for business purposes until the roads serving that phase, including footways, private drives, means of accessing plots, car parking and manoeuvring areas have been laid out and substantially constructed in accordance with details first submitted to and approved in writing by the Local Planning Authority. Areas for the parking and manoeuvring of vehicles shall be retained for these purposes at all times thereafter.

**Reason:** In the interests of highway safety and the residential amenity of the local community in accordance with Policy DM10 of the SADMP (2016).

23. Prior to the occupation of any built development hereby permitted, the scheme of works to improve highways access as shown in general accordance with drawing ref:
- 17059/GA/02 Rev E (Proposed A5 - A444 Link Road and Off-Site Mitigation)
  - 17059/GA/08 Rev K (Proposed A5 - A444 Link Road and Off-Site Mitigation)
  - 17059/GA/10 Rev C (A5 Watling Street / Higham Lane and Nuneaton Lane Mitigation)

- 17059/GA/13 Rev B (A5 Watling Street / Woodford Lane / Drayton Lane Safety Enhancement Scheme)  
(or revisions of these drawings as agreed with the planning authority) should be completed and open to traffic, unless otherwise agreed via a phasing plan (pursuant to Condition 4).

**Reason:** In the interests of highway safety and the residential amenity of the local community in accordance with Policy DM10 of the SADMP (2016).

24. No works involving the disturbance of any surfacing of any public footpath or proposals to resurface any public footpath shall commence until details of such works are first submitted to and approved in writing by the Local Planning Authority. Only the approved works shall then be implemented on site.

**Reason:** In the interests of maintaining unobstructed public access.

25. Any contamination that is found during the course of construction within any phase of the development hereby approved, that was not previously identified shall be reported immediately to the Local Planning Authority. Development within that phase shall be suspended where directly affected by the contamination and a risk assessment carried out and submitted to the Local Planning Authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to the Local Planning Authority. Work shall then only resume or continue on the development in that phase, in accordance with the schemes that have been approved in writing by the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

26. Upon completion of any remediation works a verification report shall be submitted to and approved by the Local Planning Authority. The verification report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

27. No development approved by this planning permission shall commence until full details of all permanent and temporary external lighting of the site has been submitted to, and approved in writing by, the Local Planning Authority in consultation with National Highways. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The

permanent lighting shall be installed in full, maintained and operated in accordance with the approved details at all times that the development is operational.

Upon completion of the development, a statement of a suitably qualified contractor shall be submitted stating that any lighting installation to which condition 12 above applies is fully compliant with the Institution of Lighting Professionals Guidance Note 1: "The Reduction of Obtrusive Light" within zone E2.

**Reason:** To ensure that the A5 trunk road continues to serve their purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the Strategic Route Network and in the interests of road safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016), Section 9 of the National Planning Policy Framework (2024), and Department for Transport Circular 01/2022, and in the interests of the amenity of neighbouring residents in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 135 of the National Planning Policy Framework (2024).