

Reference: R21/0985

Site Address: LAND AT PADGE HALL FARM, WATLING STREET, BURBAGE

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

Recommendation

1. Planning application R21/0985 be approved subject to:
 - a. the conditions and informatives set out in the draft decision notice appended to this report; and
 - b. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chairman or Vice Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

1. Introduction

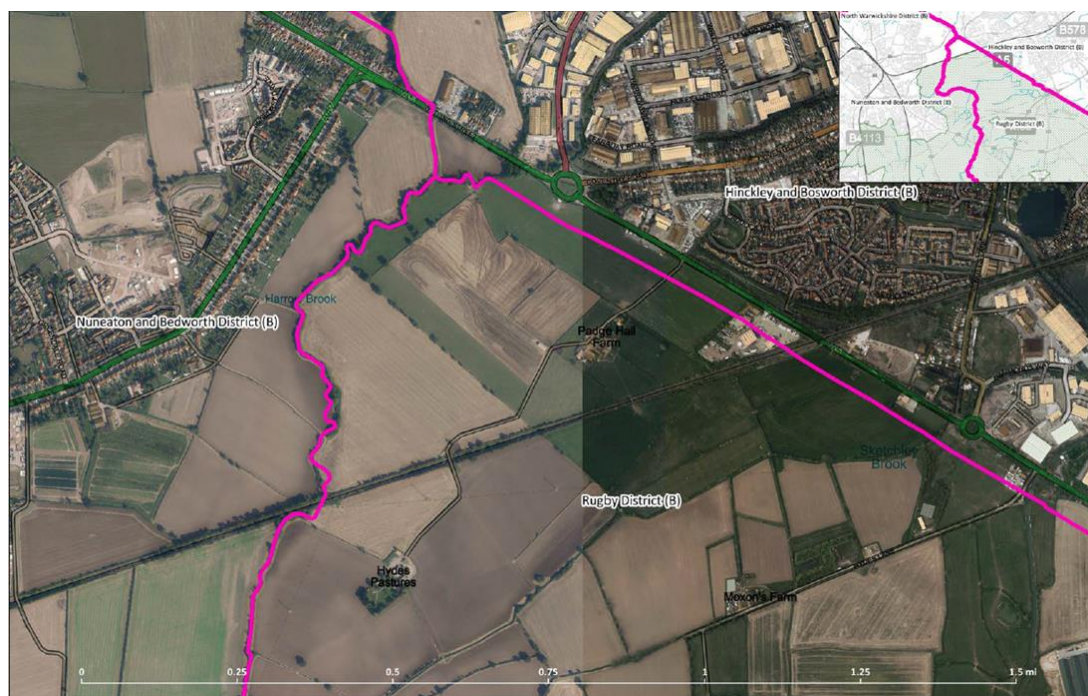
- 1.1. This application is being reported to Planning Committee in accordance with the Scheme of Delegation as the application constitutes major development and it is a departure from the development plan.
- 1.2. This application was reported to Planning Committee on 24 November 2022 and was subsequently deferred in order to resolve the highways issues. Since then, additional information has been submitted in relation to the previous two reasons for refusal. This information has been reviewed by National Highways, Leicestershire County Council and

Warwickshire County Council. There are now no highways objections to the application. This committee report supersedes the previous committee report as it is based on the most up to date assessment of the application.

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

2. Application Proposal

- 2.1. The application, which is submitted for consideration, is a hybrid proposal; this is where an applicant seeks outline planning permission for one part and full planning permission for another part of the same site. This is a cross boundary application with Hinckley and Bosworth Borough Council (HBBC) and Nuneaton and Bedworth Borough Council (NBBC).
- 2.2. HBBC and NBBC have not resolved to determine their elements of the application yet and although RBC cannot grant planning permission for the parts of the scheme in HBBC and NBBC, they are a material consideration.
- 2.3. The plan overleaf identifies the appropriate Borough boundaries for each Local Authority adjoining the application site. It is important to note that the Local Plan policies only apply to the area of the site within Rugby Borough Council's administrative area however the whole planning application is a material planning consideration.



Outline Planning Permission

- 2.4. The outline permission sought is for the demolition of existing structures and the erection of distribution and industrial buildings falling within Use Class B2 and B8 including ancillary offices and associated earthworks, infrastructure and landscaping. The main considerations in this application are the principle of development and access to be taken from the A5. With layout, landscaping, scale and appearance all being reserved matters to be considered in detail at a later stage.

Full Planning Permission

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

Unit 1 – Global Logistics Company

- 2.6. Unit 1 would be sited to the south of the application site and would be located at least 200 metres away from Watling Street (A5). The proposal would have a maximum height of 18 metres with a height of 16.5 metres to the top of the parapet and an internal floor space of 55,740 square metres. The proposal is required for a global logistics company, who specialise in the design and operation of supply chain solutions for automotive and technology customers.
- 2.7. The requirements of the logistics company has informed the size and proportions of the warehouse unit, office space, depth and general arrangement of operational service yard, the quantum and displacement of access doors along the two primary cross docked elevations and the provision of car, motorcycle and bicycle parking and other essential support functions.

3. Site and Surrounding Area

- 3.1. The application site is located on the south-western edge of Hinckley, adjoining and immediately to the south-west of the A5. The southern boundary of the site is defined by the Birmingham-Leicester Rail Line. To the west of the application site lies the urban area of Nuneaton and includes the A47 which connects through to the A5 to the north of the site. The site is surrounded by agricultural fields to the west and Harrow Brook extends through the site on the northern and western sides of the site. The vast majority of the application site is situated within the jurisdiction of Rugby Borough Council and a minor part is within the West Midlands Green Belt.
- 3.2. The land is gently sloping, with the vast majority of the site falling from south-east to north-west, with a very gentle fall in land from the farm towards the eastern corner of the site. The context of the site includes industrial and commercial development immediately beyond the A5 and the north-eastern boundary of the site.

4. Relevant Planning History

- 4.1. Whilst there is an extensive planning history on this site none of this directly relates to this application.

5. Responses to the application

Technical Responses

Objections were previously received from Warwickshire County Council (Highways) and Leicestershire County Council (Highways) but in light of the additional information received these consultees now have no objections subject to conditions and obligations.

No objections, some subject to conditions/obligations, have been received from:

- Warwickshire County Council (Flood Risk Management)
- Warwickshire County Council (Public Rights of Way) – reconfirmed in light of additional information received
- Warwickshire County Council (Infrastructure)
- Warwickshire County Council (Archaeology)
- Warwickshire County Council (Ecology)
- Rugby Borough Council (Environmental Services)
- Rugby Borough Council (Arboriculture Officer)
- Warwickshire Fire and Rescue
- The Ramblers Association
- Agricultural Consultant
- Environment Agency
- Warwickshire Police
- Seven Trent Water
- Historic England
- Natural England
- Network Rail
- Cadent Gas
- Health and Safety Executive (HSE)
- National highways – reconfirmed in light of additional information received
- Hinckley and Bosworth Borough Council

No comments have been received from:

- Rugby Borough Council (Work Services)
- Nuneaton and Bedworth Borough Council
- Warwickshire Wildlife Trust
- Planning Casework Unit
- CPRE

Third Party Responses

Neighbours notified and a site and press notice has been displayed with five letters of support being received raising the following:

1. The new building is required to facilitate the increasing demand from the automotive and technology sectors both in the UK and globally;
2. A two-year search has been carried out and there are no sites within Hinckley which meet the requirements with a shortage of logistics development sites across the midlands area;

3. They are aware of other sites within Northampton and Coventry but these would create significant disruption of the business;
4. Relocating to this location would see the existing workforce retained which is drawn from Warwickshire and Leicestershire communities;
5. The proposal would create approximately 2,500 direct and indirect jobs in addition to the existing facility and operation remaining open;
6. The application would provide new premises in a desirable location with a constrained supply of logistics floorspace being available locally;
7. Covering 136,350 square metres of employment space in an extremely strategic location this responds directly to changing needs and will create and safeguard 2,500 local jobs;
8. The plans retain an existing occupier based in Hinckley and without the development will risk losing the business to the local area as investment moves to alternative locations;
9. Employees to this site travel across the area and the development would support them to maintain and grow the workforce;
10. The new facility needs to be operational in 2023 with no emerging sites within the area capable of delivering these timing from a planning or infrastructure perspective;
11. The development will be a net zero carbon development; and
12. The lowering of the A5 carriageway will prevent well known issues with the Watling Street rail bridge making the route significantly safer.

Neighbours notified and a site and press notice has been displayed with two letters of objection from one address being received raising the following:

1. This is an unsuitable location for the development as the A5 down to Dodwells roundabout is already highly congested and this will increase the traffic problems; and
2. An additional set of traffic lights and two Tuscan crossings in close proximity will not improve the situation as increased traffic flow will cause longer tailbacks.

One email has also been received detailing a number of observations in relation to the proposed development: These observations are as follows:

Visual Impact

1. The elevational details of the warehouse units need to be sympathetic to the surrounding area;
2. The buildings should not include colour banding or corporate colours on the cladding, no logos, signage of any sort or external lighting to the rear elevations facing the properties;
3. As an outline proposal the maximum build heights need to be known;
4. The tree line of Harrow Brook which is visible from the Long Shoot has large gaps within resulting in the development having a visual impact including external lighting pollution at night;
5. New tree planting and landscaping should be appropriate for the area and provide continuous screening all year round.
6. No development should take place, with the exception from tree planting and habitats, on the Long Shoot side of Harrow Brook.

Site Drainage and Surface Water run-off (Flooding)

1. Whilst located within Flood Zone 1 and the lowest category of flood-risk the fields do experience water run off during particular times of the year which is having an impact on the gardens within the Long Shoot;
2. The focus appears to be on the flooding towards the A5 and the Railway Bridge, however, residents are concerned as to any impacts flooding, on land directly behind properties, that impacts then on our garden; and
3. Highways should be dealing with the road flooding issues.

Traffic and Transport

1. The proposal focuses on the improvement to the A5 with the works to increase the height under the bridge which is a positive aspect of the proposals, but should not take a development to have to pay and undertake these works;
2. What impacts will there be on more local traffic flow; particularly HGV movements, along Eastboro Way and The Long Shoot, with additional vehicles servicing the application site. Lower vehicle emissions are mentioned but this will not be the case for increased movements on local roads. An idea of numbers / figures are needed here rather than just saying it will be looked at in the modelling;
3. Warwickshire County Council are proposing a cycle way along The Long Shoot, which would reduce speed limits from 40 MPH to 30 MPH and reduce carriageway width to allow for cyclists. Has this been considered as part of the proposal;
4. Will the junction off Dodwells Island ever be used to access the site, the latest plan shows it greyed out, what does this mean for the future.

Ecology

1. The development would lose a significant amount of countryside and Green Belt the development should go above and beyond minimum stands to reduce the environmental impact;
2. The Community Green Space should play a major part in this but not be the only part of the solution;
3. The right tree species, vegetation and habitats should be included as part of additional planting and be in keeping with what is already in the area.
4. What will happen to local wildlife species encountered on the land to be developed?

External Lighting

1. Night time pollution from external lighting should not expose residents to direct glare or darkness pollution from the external lighting scheme with no lighting to the rear of the units seen from the Long Shoot. We have upstairs bedrooms that face outwards towards the proposed development – we would not wish the external lighting to cause problems with this in terms of light pollution.
2. A detailed external lighting design and illumination scheme should be submitted for each plot.
3. The layout of the buildings on the Masterplan helps to reduce impacts by having lorry yards facing inwards and away from residential dwellings this should be maintained and improved.

Noise and Air

1. There should be no impact from noise issues and air quality issues on local residents from the proposed development.
2. Concerns over the use of reversing beepers during the operation of the site and whether they would be restricted in the evening and during night-time hours.
3. What are the current noise levels of Syncreon to mark as a benchmark for the proposed location.

Sustainability

1. The development should look at achieving high sustainability and environmental credentials on the basis that it is destroying large areas of natural countryside in our green belt.
2. BREEAM 'Very Good' accreditation is mentioned within the application but should be aiming for BREEAM 'Excellent' as a minimum.
3. Net zero carbon buildings should be considered in terms of embodied carbon during the build and materials selection stages and also the operational energy of the buildings.
4. Provision of solar panels and details of location extent and electricity generated should be known.
5. Other sustainability measures should be considered as part of the development.
6. Electric vehicle charging provisions should be provided for both Tenants and Public to use.
7. Community Green Space should be something special and not a token gesture that gets left to rack and ruin it should be special allowing for ecology and nature to re-establish.

No comments have been received from:

- Stretton Baskerville Parish Council

Highways re-consultation

Since the deferment of the application a full 21 day re-consultation was carried out in relation to the additional highways information submitted. 6 additional letters of objection were received in relation to:

- Increased volume of traffic
- Pollution and noise
- Detrimental impact to the countryside
- Wildlife conservation
- Loss of visual amenity
- Highway safety
- Flood risk
- 24 hour disturbance
- Coalescence of Hinckley and Nuneaton
- Additional pressure onto the A5
- Loss of farmland
- Health impacts on children and adults in relation to air pollution
- Transport infrastructure cannot support existing traffic volume
- Buffer to Nuneaton should be maintained not built upon

6. Relevant Planning Policies and Guidance

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Local Plan 2011-2031. The relevant policies are outlined below.

Local Plan Policies – 2011 – 2031

Policy GP1: Securing Sustainable Development
Policy GP2: Settlement Hierarchy
Policy DS1: Overall Development Needs
Policy ED3: Employment Development outside Rugby Urban Area
Policy HS2: Health Impact Assessments
Policy HS5: Traffic Generation, Air Quality, Noise and Vibration
Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets
Policy NE3: Landscape Protection and Enhancement
Policy SDC1: Sustainable Design
Policy SDC2: Landscaping
Policy SDC3: Protecting and Enhancing the Historic Environment
Policy SDC4: Sustainable Buildings
Policy SDC5: Flood Risk Management
Policy SDC6: Sustainable Drainage
Policy SDC7: Protection of the Water Environment and Water Supply
Policy SDC9: Broadband and Mobile Internet
Policy D1: Transport
Policy D2: Parking Facilities
Policy D3: Infrastructure and Implementation
Policy D4: Planning Obligations

National Planning Policy Framework – 2021

Section 2: Achieving Sustainable Development
Section 6: Building a Strong, Competitive Economy
Section 8: Promoting a Healthy and Safe Communities
Section 9: Promoting Sustainable Transport
Section 11: Making Effective Use of Land
Section 12: Achieving Well Designed Places
Section 15: Conserving and Enhancing the Natural Environment
Section 16: Conserving and Enhancing the Historic Environment

Supplementary Planning Documents and other

Planning Obligations SPD – 2012
Sustainable Design and Construction SPD – 2012
Air Quality SPD – 2021
Employment Land Study – 2015
Housing and Economic Needs and Distribution Assessment – 2022

7. Assessment of proposals

The main considerations in respect of this application are as follows:

- Principle of Development;
- Green Belt
- Land Designation and Use
- Character and Design
- Landscape and Visual Impact
- Impact on Residential Amenity
- Pollution
- Impact upon the Highway
- Flooding;
- Trees and Hedgerows
- Ecology
- Archaeology
- Heritage
- Other Matters
- Planning Obligations

8. Principle of Development

- 8.1. Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.2. Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved unless other material considerations indicate otherwise.
- 8.3. Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy whereas Policy GP1 of the Local Plan states that the Council will take a positive approach that reflects the presumption in favour of sustainable development.
- 8.4. The application site is located within the countryside as defined in Policy GP2 of the Local Plan. As such new development will be resisted and only where national policy on countryside locations allows will development be permitted.
Proposed Location
- 8.5. In this case the application site is located within the countryside, which sets out a clear sequential approach to the selection of sustainable development, specifically related to Rugby Town. As such the site is considered to be an unsustainable location which would result in a heavy reliance on the private car for residents of Rugby to access the employment opportunities, services and facilities from the neighbouring settlements.

- 8.6. It is acknowledged that the site is situated adjacent to the settlement boundaries of both Hinckley and Nuneaton which are considered to be highly sustainable locations in their administrative areas as Market Towns. Paragraph 3.16 of the Local Plan states that ‘The administrative boundary of Rugby Borough sits very close to urban area such as Bedworth, Nuneaton, Hinckley [...] development within the Borough that is related to these urban area or sites remains contrary to the spatial strategy set out in the Plan to focus development at Rugby and the /main Rural Settlements.’ However, this paragraph then also goes on to state that ‘any such proposal would be judged on its own merits in consultation with the relevant neighbouring Local Planning Authority, taking account of other policies of this plan and national planning policy.’
- 8.7. Paragraph 3.14 of the Local Plan also states that “Countryside locations are those which are not defined by a settlement boundary and are therefore generally unsuitable for development... only where national policy on countryside locations allows will development be permitted.”
- 8.8. A small element of the site is within the Green Belt however this will be assessed in a separate section of this report.
- 8.9. Policy ED3 of the Local Plan states that with the exception of sites allocated for employment, employment development will not be permitted outside of the Rugby urban area except for in the following circumstances:
- Conversion of a building for employment purposes, subject to its location and character, including historic or architectural merit, being suitable for the proposed use and it having been in existence for at least ten years; or
 - Redevelopment, at a similar scale, of an existing building or vacant part of an existing employment site for employment purposes, where this would result in a more effective use of the site; or
 - Sustainable expansion of an existing group of buildings for business uses where the site is readily and regularly accessible by means of transport than the private car; or
 - A building or structure related to agriculture, horticulture or forestry where it is genuinely required as an ancillary use for an existing rural employment development.
- 8.10. The Proposed development is not within the Rugby urban area and does not meet any of the above bullet points and therefore the proposal is contrary to Policy ED3.
- 8.11. It is considered that the proposed development does not align with the spatial strategy of the Borough as set out within the Local Plan. The proposal therefore conflicts with Policies GP2 and ED3 of the Local Plan.
- 8.12. Rugby Borough Council (Development Strategy) have objected to the application on the grounds that the development is contrary to Policy GP2 due to its location within an unsustainable location. The proposal is also contrary to Policy DS1 due to the proposal exceeding the amount of employment floor space required within the Borough. Along with Policy DS4 and ED3 with the application site not being located within an allocated employment area and does not meet the requirements for employment within the countryside.

- 8.13. Paragraph 82 of the NPPF seeks to positively and proactively encourage sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development.
- 8.14. Although the site is not within a defined settlement boundary and is contrary to the local plan policies in relation to the spatial strategy it is within close proximity to highly sustainable settlements and therefore it not classed to be in an unsustainable location in relation to proximity to services. It is considered therefore that the development should not be refused in relation to being in an unsustainable location.
- 8.15. Therefore, the proposals would need to demonstrate that the overall social, environmental and economic benefits outweigh the disadvantages of the location in relation to the spatial strategy of the Borough.

Employment Need

- 8.16. Paragraph 81 of the NPPF places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.17. The provision of distribution and industrial buildings is considered to be a type of use that contributes to the overall employment development needs of the Borough as detailed in Policy DS1. This confirms that 208 hectares, including 98 hectares to contribute towards Coventry's unmet need, will be provided within the Borough of Rugby to address this unmet need. Policy ED2 of the Local Plan seeks to provide provision for employment in the most sustainable locations of the Borough by permitting new employment development within the Rugby Urban area, and Policy ED3 resists employment development outside the Rugby urban area except in specific circumstances.
- 8.18. The Local Plan requirement for employment land over the 2011 – 2031 period equates to approximately 10 hectares per year. The latest Authority Monitoring Report (October 2021) identifies that permission has been granted for 152.3 hectares, which equates to 15.2 hectares per year. As such, the Local Planning Authority is permitting an amount of employment floor space, which is at a rate that is faster than that set out within the Local Plan. The sites identified within the Local Plan to meet the Borough's strategic economic needs consist of a variety of sites and sizes and have been found sound by an Inspector, having been tested at examination.
- 8.19. The Local Plan does provide flexibility over and above the land required purely based on the quantitative need, to allow for further growth in not only Rugby's economy but also that of Coventry and Warwickshire. The amount of land required equates to 55.7 hectares of land to be permitted over the remaining 10 years of the Local Plan period (up to 2031). The application site seeks approval for 63.8 hectares (of which approximately 53ha is within RBC), as such the granting of planning permission, would nearly exceed the requirements of Policy DS1 with 10 years of the plan still remaining.
- 8.20. The balance of employment and housing needs has been assessed as a sustainable strategy for the Borough of Rugby through the Local Plan process. A development of this

size in addition to what is allocated, could potentially tilt the balance between employment and housing needs, which may then increase the housing needs of the Borough, resulting in unsustainable development. It does not appear, therefore, that there is a 'need' for the authority to permit this application to meet the requirements of DS1.

8.21. Since the adoption of the Local Plan Coventry and Warwickshire Housing Market Area have undertaken a Housing and Economic Needs Assessment (HEDNA) (2022) (reported to cabinet on 5th December as an appendix in association with the Local Plan Review).

8.22. The HEDNA concludes the following employment land need for Rugby (2021-2041):

Office	General Industrial (B2)	Subtotal	Total Strategic B8 for Coventry and Warwickshire
5.2 ha	150.5	155.7 ha	606 ha

8.23. Chapter 11 within the HEDNA report provides guidance on identifying suitable locations for Strategic B8 development, and key corridors within which Icenl (report authors) consider development is likely to be focussed. The considerations are road accessibility, power supply, proximity to rail terminals, labour availability and neighbouring activities. The A5 corridor is noted as a potential location for this sort of development however it is noted that there are potential issues of capacity and the prospect of funding to dual the road. Existing concentrations of development indicates that the A5 is an attractive location for strategic B8 development and relates well to the logistics golden triangle. However, there is the potential that over concentration of development in this area to the north of the sub-region could create pressures particularly in terms of the highways network and labour market.

8.24. There is therefore a need for B2 and B8 development above the Local Plan requirement which needs to be considered moving forward however this evidence still needs to be tested through the Local Plan process. It is considered that sites will be selected through the Local Plan Review process to meet this need as this need exceeds the current Local Plan period by 10 years.

Consideration of Alternative Sites

8.25. There is no formal requirement for a sequential assessment. However, as the proposals are EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Schedule 4, Part 5 does require an alternative study for inclusion in the Environmental Statement.

8.26. The applicant's submission outlines that the consideration of alternative sites is not always as straight forward as it appears, as it is difficult to appraise or fully consider sites which are outside of the applicant's control or being promoted by others. It has been stated that as the applicant does not control land locally outside of the proposed application site it means there are no other reasonable alternatives which could be

brought forward by the applicant or form a detailed assessment within the remit of the EIA.

- 8.27. The proposal has been driven by an existing Hinckley based occupier who wish to continue to invest and expand in close proximity to Hinckley. The occupier had undertaken an extensive search for alternative sites or premises, and confirmed through the submitted Market Report, that there is a severe shortage of existing, allocated employment land in the area. It is stated within the consideration for alternative sites that the occupier's workforce is primarily drawn from the local area, and is a high priority to retain, as well as expand, the local workforce.
- 8.28. The need of the occupier therefore significantly reduced the relevant area for a potential new site without creating additional economic and operational impacts, as well as potential environmental effects by changing transport patterns and journeys to work. The application site is close to the occupier's existing facility, and adjacent to the urban edge of Hinckley and as such it represents a sustainable location with regard to accessibility and minimising wider effects, more so than remote locations further from the town.
- 8.29. Additional considerations were made by the applicant including the awareness of the West Midlands Green Belt which extends around the southern part of Hinckley, extending southwards along the A5 corridor, and westwards around Nuneaton. The majority of the application site itself is outside the Green Belt and located within the countryside which then informed decisions around the extent and scale of the site based on features on the ground and local context.
- 1.19 As a logistics led employment proposal, any alternative site needs good access to the Strategic Road Network (SRN), which results in limiting factors on sites further to the west or north around Hinckley, and greatly limits any realistic alternatives. The application site is accessed from the A5, and with access to the M69 motorway to the east, maximising accessibility, and minimising the traffic effects on other parts of the local highway network when compared to any alternatives further from the SRN.

Conclusion

- 8.30. Whilst the application site may be considered a sustainable location when the proximity is read in conjunction with Hinckley and Nuneaton, the site does fall within the countryside within Rugby Borough and therefore constitutes an unsustainable location in relation to the spatial strategy. The proposals are therefore contrary to Policies GP2 and ED3 of the Local Plan.
- 8.31. The site is not an allocated site and the employment need identified within Policy DS1 of the Local Plan is on track to be met. In relation to the HEDNA (2022) it is considered that should an excess of employment development be granted prematurely the balance of employment and housing need will tilt the balance between the employment and housing needs resulting in unsustainable development.
- 8.32. Therefore, the proposals would need to demonstrate that the overall social, environmental and economic benefits outweigh the identified harm in relation to the need and location.

9. Green Belt

- 9.1. The majority of the application site lies adjacent to the West Midlands Green Belt. However, it is acknowledged that a minor part of the red line lies within this area of the Green Belt. The development within this part of the red line would consist of improvements to the existing drainage network in relation to the A5.
- 9.2. In respect of development in the Green Belt, Policy GP2 states that new development will be resisted; only where national policy on Green Belt allows will development be permitted.
- 9.3. Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 of the NPPF sets out the five purposes of the Green Belt.
- 9.4. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9.5. Paragraph 150 of the NPPF sets out certain forms of development which would not be classed as inappropriate within the Green Belt. The proposed drainage improvements would fall within criteria b which relates to engineering operations. The proposal would conserve the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt as set out within paragraph 138.
- 9.6. Therefore, it is considered that the element of the proposal within the Green Belt would not constitute inappropriate development and would not significantly impact the openness of the Green Belt. The proposal therefore complies with paragraphs 137, 138, 147 and 150 of the NPPF and Policy GP2 of the Local Plan.

10. Land Designation and Use

- 10.1. The application site is currently utilised as agricultural land. Paragraph 174 (b) of the NPPF and Reference ID: 8-001-20190721 of the National Planning Practice Guidance are therefore relevant and outline the need to consider the economic and other benefits of the best and most versatile agricultural land. Paragraph 174 (b) putting an emphasis on protection of sites of geological value and soils with the NPPG highlighting the importance of soil as an essential natural capital asset that provides important ecosystem services such a growing medium for food, timber and other crops.
- 10.2. This higher quality land represents that which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals. In this respect agricultural land is graded on a scale of 1 to 5 where the grades are: 1 (excellent); 2 (very good); 3a (good); 3b (moderate); 4 (poor); and 5 (very poor). The best and most versatile land are classified as being grades 1 (excellent), 2 (very good) and 3a (good).

Approach to Agricultural Land

- 10.3. The above policy implies that a sequential approach should be considered where poorer graded land is potentially considered in advance of higher quality land. Although no sequential assessment has been undertaken by the applicant with regard to agricultural land, the NPPF indicates that it is for Local Planning Authorities to judge the economic and other benefits of the best and most versatile agricultural land. This is consistent with the technical note produced by Natural England entitled 'Agricultural Land Classification: Protecting the Best and Most Versatile Agricultural Land' (2012). This note emphasises the importance of such land as a natural resource which is vital to sustainable development. However, it does note that decisions rest with planning authorities and that the agricultural land classification is not the sole consideration.

Agricultural Land Classification with Warwickshire and Rugby

- 10.4. According to Natural England's statistics, approximately 12% of land (23,692 hectares) in Warwickshire falls in grades 1 (excellent) and 2 (very good). In Rugby Borough there is no grade 1 (excellent) land but there are 4,186 hectares of grade 2 (very good) land which equates to 11.8% of land within the Borough. The figures for grade 3 (good/moderate) land provided by Natural England do not split grades 3a (good) and 3b (moderate) but indicate that approximately 75.5% of land within the Borough (26,686 hectares) is grade 3 (good/moderate) land.

Land Designation and Use Conclusions

- 10.5. The application site comprises of 63.6 hectares of land at Padge Hall Farm. Following consultation with the Local Authority's Agricultural Consultant it has been confirmed that the land which is proposed to be developed is classified as Grade 3, with the vast majority being Sub Grade (3b) with some Sub Grade (3a) on the higher ground in the centre and East of the site.
- 10.6. Land classified as Grade 3, Sub Grade (b) is midway between Grade 1 and Grade 5, and is suitable for growing good crops of cereals, pulses, oilseeds and grassland for grazing and/or conservation as hay/silage. The land in Sub-Grade 3 (b) is more limited than that within Sub-Grade 3 (a) which is more suited to autumn sown crops and grassland. The land which comprises the site is currently cropped with either pasture, which is used by cattle, or in arable cropping.
- 10.7. The suitability of this type of land for cropping is improved and enhanced if it has been under drained which will extend the period of time when the land can be worked or grazed.
- 10.8. The proposed development would result in the loss of 63.6 hectares of average quality agricultural land together with the farmhouse and buildings at Padge Hall Farm resulting in a significant loss to agriculture. In terms of the loss of Best and Most Versatile Land (Grade 3a in this case) this would be limited however there is still a loss. This will be weighed within the planning balance.

11. Character and Design

- 11.1. Local Plan Policy SDC1 seeks to ensure that development is of a high quality and will only be allowed where proposals are of a scale, density and design that responds to the character and amenity of the areas in which they are situated.
- 11.2. Section 12 of the NPPF states that the creation of high-quality buildings and place is fundamental to what the planning and development process should achieve. Likewise, paragraph 130 (a) states that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Outline Planning Permission

- 11.3. Whilst the main consideration under this application is the principle of development and access only, the initial indicative layout submitted with the proposal is considered to be acceptable in this instance and is capable of accommodating the employment units with associated development.
- 11.4. Whilst it is acknowledged that layout is not a matter for consideration given the levels differences within the application site it is considered important that any finalised layout takes the levels into consideration in order to limit any impact on the character and appearance of the surrounding area. This will mostly be assessed at reserved matters stage however a parameters plan (which would be conditioned) has been submitted which sets out the following parameters for the outline section of the application:
- Finished floor level to 91.00m AOD +/- 300mm
 - Maximum height of buildings (from FFL to highest ridge point) – 18 metres
 - Up to 136,350 square metres of floorspace (including unit 1 – detailed)

- 11.5. The character of the development along the A5 is both industrial and commercial. The site is adjacent to both Nuneaton and Hinckley. The development in Nuneaton is largely residential in this area. The development in Hinckley is mixed. Directly to the north-east of the site (off Dodwell's roundabout) is Dodwells Bridge Industrial Estate and Harrowbrook Industrial Estate. Further along the A5 to the south-east is a residential estate, Nutts Lane Industrial Estate and Logix Distribution Park (where Syncreon are currently located).
- 11.6. There is therefore a range of development in the area of varying scales, including warehousing development. The proposed indicative layout and scale of development is similar to other industrial estates within the area. The parameters are considered to be acceptable in relation to this development and provide assurance in the absence of detail.
- 11.7. Therefore, it is considered that the character and design of this element of the scheme will be acceptable subject to conditions and reserved matters applications.

Full Planning Permission

- 11.8. Whilst the appearance of the outline element of the scheme will be determined at Reserved Matters Stage. Unit 1 has been submitted for full planning consideration as such, this will lead the way in any forthcoming reserved matters applications, in relation

to the design and treatment of the proposals, ensuring continuity throughout the development.

- 11.9. Unit 1 has been designed around the requirements of the specific end user for the site and the needs of a global logistics company. This unit is the largest building proposed on site and would benefit from a total internal floor space of 55,740 square metres. The proposal would have a maximum height of 18 metres, with a height of 16.5 metres to the top of the parapet. There would be a width of approximately 312 metres and a depth of 212.1 metres.
- 11.10. The north-east elevation includes the three-storey office element and the hub office single storey element. This elevation will face onto the A5 and therefore elements of an active frontage have been introduced. The service yards are proposed to both the south east and north west. Windows are proposed above the service areas and hub offices are also proposed in the centre of these elevations to provide relief.
- 11.11. The materials pallet, of which the details are still to be agreed, will ascend in three bands each shade being lighter, to assist with blending into the skyline with other architectural tools to reduce the perceived mass of the building. It is proposed that detailing will be seen throughout the main warehouse building, office areas and ancillary structures, whilst ensuring that the proposal would not date too quickly.
- 11.12. Important features such as roof mounted PV solar provision will be incorporated into the scheme providing up to 1.05M KWP, a battery storage system supporting onsite power generation, green roofs are proposed where appropriate to enhance onsite biodiversity, with roof lights and panoramic glazing to maintain and enhance natural light reducing the demand for artificial lighting and minimise passive heat gain.
- 11.13. The proposal has been well designed incorporating sustainability measures which has been harmoniously linked into the environment through the meeting of the built form seen in Nuneaton and Hinckley whilst keeping key links to the Countryside and Green Belt within Rugby to provide a balanced form of development.
- 11.14. This application is therefore considered to be in accordance with Policy SDC1 of the Local Plan and Section 12 of the NPPF.

12. Landscape and Visual Impact

- 12.1. As previously identified Local Plan Policy SDC2 states that the landscape aspects of a development proposal will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required. With Policy NE3 stating that new development which positively contributes to landscape character will be permitted.
- 12.2. A Landscape and Visual Impact Assessment was submitted as part of the application as part of the Environmental Statement.

- 12.3. The site lies within National Character Area (NCA) 72: Mease/Sence Lowlands. This is a gently rolling landscape with rounded clay ridges and shallow valleys. It is a well ordered agricultural landscape of open views. Woodland cover is limited to scattered hedgerow trees, coverts and spinneys. Larger modern urban development is present on the fringes of the NCA in Nuneaton, Hinckley and Burton-upon-Trent.
- 12.4. The site lies to the edge of the Mease lowlands: Estate Farmlands Landscape Character Type (LCT) within Warwickshire which is defined similarly to the NCA. Enhancement to the continuity and wooded character of the river and streams and the tree cover through small woodland planting is sought in this character area.
- 12.5. The topography of the site is generally rolling and relatively lower lying. The higher ground lies 2-3km beyond the site in an arc that stretches from the north-west around to the south-east. Although the topography is gently rolling it has the appearance of being relatively flat. There is a levels change of 7-9 metres from east to west across the site.
- 12.6. The Local Authority's Arboricultural Officer initially objected to the application on the grounds that there is a lack of mitigation landscaping and green infrastructure to the south whilst other areas within the application site notably to the north, east and west benefited from large areas of landscaping. The illustrative landscape plan does include a landscaping strip (and mounding) to the south which is approximately 20 metres in width. However, this is significantly narrower than the landscaping buffers which have been provided to the north, east and west.
- 12.7. The Landscape and Visual Impact Assessment (LVIA) states that "the existing wider landscape is generally and relatively more sensitive to the south and south-west and relatively less sensitive to the north, north-west and east and south-east". The LVIA also states that the other wider effects and influences will be largely contained to the south. Whilst the proposed built form is located just outside of the West Midlands Green Belt, agricultural land beyond the Leicester/Birmingham railway to the south and south-east enjoys almost complete screening and separation from the adjoining towns of Nuneaton and Hinckley which are located in relative close proximity. Indeed, the rolling nature of the landscape comprises established field hedgerows and trees and is interconnected by a network of public footpaths and bridleways which appear highly used by the local community.
- 12.8. The nature of the direct change to the landscape character of the site and its immediate context will be notable, however it will reflect the mixed development already present and visible within the context of the site. The magnitude of landscape change arising from the urbanisation of the site through development will be high. In combination with the medium sensitivity of this landscape this will result in a moderate/major adverse landscape effect. This level of harm will be weighed within the planning balance. This impact is considered to be localised. Upon completion the harm would be at its highest magnitude however following the maturing of the landscaping planted and other mitigation measures in place it is considered that the overall harm to the landscape character of the local area would lessen.

- 12.9. The bridlepath which continues to the west of Hynes Lane enjoys a number of uninterrupted rural views along a raised ridge and as viewed looking north towards the application site. Given the scale of the application there would be high degree of landscape and visual effects. As viewed on site, the scale of the development is considerable and will still be visible post 15 years after the construction and establishment of the landscaping planting. It was therefore considered that given the sensitivity to the south of the site, that extra landscaping was needed to strengthen and widen of the southern landscaping buffer and green infrastructure.
- 12.10. Following concerns raised by the Local Authority's Arboricultural Officer further information was received from the applicants which confirms that the development has been carefully and comprehensively appraised in terms of its landscape and visual effects which has included the sites relationship with the southern boundary and the Green Belt with appropriate landscape and visual receptors to the south. This includes the widening of the site edge with mitigation mounding introduced and additional woodland and trees added.
- 12.11. It is considered that this forms an appropriate landscape mitigation approach and reflects what has been adopted elsewhere around other sides of the built development area. Whilst it is raised that the landscape boundary is approximately 20 metres it is in fact 35 metres wide. The supporting information submitted confirms that the proposed woodland, trees and other planting could be varied to improve the mitigation (in either the short or longer term), and would be willing to consider the selection and mix of species; sizes of planting stock and the density of planting.
- 12.12. Rugby Borough Council's Arboricultural Officer confirmed that there is no objection to the proposal following a review of the additional information submitted in terms of landscape and visual impact subject to the inclusion of appropriate conditions.
- 12.13. The proposal would result in an urbanisation of the site which would result in harm to the landscape and therefore there is some conflict with Policy NE3. However, whilst there is conflict it is deemed that the mitigated proposed and to be secured via condition is satisfactory. This application is therefore considered to comply with Local Plan Policy SDC2 and Section 12 and 15 of the NPPF.

13. Impact on Residential Amenity

- 13.1. Policy SDC1 states that development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.
- 13.2. Likewise Section 12 of the NPPF states that development will provide a high standard of amenity for existing and future users.

Outline Planning Permission

- 13.3. Whilst design, scale and massing of the buildings are to be dealt with at reserved matters stage it is considered that the illustrative masterplan and parameters plan indicate the level of development proposed. The parameters plan shows a maximum ridge height of 18 metres within the outline area and the illustrative masterplan shows the location of units 2-5 set significantly away from the nearest residential dwellings on The Long Shoot with a landscape buffer proposed between the proposed buildings and the dwellings. The service yards are also shown to be internal to the site so any noise and light spillage would be reduced.
- 13.4. The detailed designs will be assessed at reserved matters stage however a condition would be imposed to ensure that the reserved matters layout is in general accordance with the illustrative masterplan and conforms with the parameters set out on the parameters plan. Subject to these conditions it is considered that the outline element of the application is acceptable and that a detailed design which safeguards neighbouring residential amenity can be achieved.

Full Planning Permission

- 13.5. The nearest residential dwellings are located along the Long Shoot within the Borough of Nuneaton and Bedworth and are situated to the west of the application site. These properties are sited approximately 400 metres away off the common boundary onto the rear elevation of Unit 1. Whilst the landscape character will be altered from what is currently experienced, taking into consideration the separation distance from the proposal, along with the enhanced landscaping mitigation measures proposed. It is considered that there will be no materially adverse impacts in terms of overbearing impact, loss of light or loss of privacy on the occupiers of these properties.
- 13.6. To the north of the application site are a number of residential dwellings and businesses are situated on the opposite side of the A5. These businesses and dwellings are located approximately 170 metres away from the A5 which has seen significant landscape enhancements embedded into the scheme. It is considered that there will be no materially adverse impacts in terms of overbearing impact, loss of light or loss of privacy on the occupiers of these properties.
- 13.7. This application is therefore considered to be in accordance with Policy SDC1 of the Local Plan and Section 12 of the NPPF.

14. Pollution

- 14.1. Paragraph 174 of the NPPF states that proposals should be prevented from contributing to, being out at risk from, or be adversely affected by, unacceptable levels of soil, air, water or noise pollution.
- 14.2. Environmental Health have assessed the application and have no objections subject to conditions/informatives.

Noise

- 14.3. A Noise Assessment has been submitted as part of the application. The recommendations in paragraph 9.3.45 of chapter 9 shall be implemented. In terms of the 4 units subject to outline approval (if granted) the full and detailed impact of the proposed development would not be comprehensively known until the reserved matters stage, given the outline nature of the proposed development. It is therefore considered necessary that prior to each reserved matters application a new noise assessment is required to be undertaken to update the baseline. This would be secured via condition. It would also be conditioned that only electric fork lift trucks shall be used in the stockyard area and that any reversing alarms shall be broadband alarms. A demolition and construction management plan condition will also be imposed to regulate noise in the construction period. This will include the control of construction hours. Overall, it is considered that subject to conditions and reserved matters approval the proposal would comply with the NPPF.

Lighting

- 14.4. The proposed development will be lit after dark as a 24/7 operation is proposed. Presently there are sources of light in the local environment from other commercial estates as well as residential areas. The Environmental Statement which assesses lighting sets out recommendations. These recommendations are considered to be acceptable and shall be conditioned as per paragraph 7.5.5 of chapter 7 of the ES.

Air Quality

- 14.5. Policy HS5 requires that development of more than 1000 sqm of floorspace or 10 or more dwellings must achieve or exceed air quality neutral standards. If air quality neutral standards are not met, points 2, 3 and 4 of the policy detail how developments should address the impacts of poor air quality, including mitigation measures.
- 14.6. The Local Plan defines Air Quality Neutral as “emissions from the development proposal being no worse, if not better, than those associated with the previous use.” It is recognised that the current proposal triggers the threshold of a Major development and as such policy HS5 is relevant.
- 14.7. Within the context of point 1 of the policy, the development is not considered to be air quality neutral and in addition requires an Air Quality Assessment. This has been submitted as an Environmental Statement chapter and concludes that any increase in pollutant levels is predicted to be not significant. Environmental Health agree with the conclusions of the assessment. As a result, only on-site mitigation measures as detailed in points 2 to 4 of the policy are required. The following on-site mitigation measures are proposed:
- Electric Charging points
 - Cycle parking spaces
 - Solar panels
- 14.8. Taken as a whole, it is considered that the above package of mitigation measures meet the requirements of points 2-4 of the policy and as such complies with Policy HS5. Details would be secured via condition.

Contaminated Land

- 14.9. Paragraph 183 of the NPPF states that a site should be suitable for its proposed use by taking account of ground conditions and any risks arising from land instability and contamination.
- 14.10. The application has been accompanied by a Phase I and II Geo-Environmental Assessment. The evidence shows that the majority of the site has been historically farmland and that there is a low risk of contamination as no elevated levels of contamination have been found to date. Subject to appropriate conditions this element of the application is considered acceptable.

Asbestos

- 14.11. Informative notes shall be included due to the demolition of the farmhouse and buildings. If asbestos is found the HSE and Environment Agency must be notified as this falls within their remit.
- 14.12. Overall, it is considered that the development will have no adverse impacts in terms of pollution and therefore complies with the policies specified above.

15. Impact upon the Highway

- 15.1. Local Plan Policy D1 states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. Whereas Appendix 5 expands on this and further sets out the need for transport assessments to be submitted with planning applications to assess the impact and acceptability of development proposals.
- 15.2. Local Plan Policy D2 also states that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the Planning Obligations SPD and Appendix 5 of the Local Plan.
- 15.3. Paragraph 110 of the Framework states that it should be ensured that safe and suitable access to a site can be achieved for all users.
- 15.4. Policy 111 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 15.5. A Transport Assessment (TA) and Framework Travel Plan were originally submitted with the application within the Environmental Statement (ES). Various addendums and technical notes have been submitted throughout the course of the application. Since the application was deferred ongoing conversations have been underway with all three highways authorities and the applicant. This resulted in additional information being submitted
- 15.6. Objections have been received in relation to the development being located in an unsuitable location as the A5 to Dodwells roundabout is already highly congested and this development will increase traffic problems. In addition, it has been raised that the

proposed mitigation will not improve the situation as increased traffic flow will cause longer tailbacks.

- 15.7. Due to the location of the site National Highways (NH), Warwickshire County Council (WCC) and Leicestershire County Council (LCC) have all assessed the scheme. The access to the site is off the A5 which is within Hinckley and Bosworth Borough Council and is within the jurisdiction of National Highways as a strategic highway. National Highways have assessed the impact of the scheme on the strategic road network (SRN). The Local Highway authorities have assessed the impact on the Leicestershire and Warwickshire local road networks (LRN). All authorities have assessed the sustainable access to the site in terms of walking and cycling.
- 15.8. Highways are discussed as a whole in this report for context and to provide the full picture for consideration however Rugby Borough Council would only be determining the application in its own administrative area.
- 15.9. Following the deferment of the application and additional information being submitted for consideration, LCC, WCC and NH all have no objections to the scheme.

National Highways Assessment

- 15.10. The site access, trip generation and distribution and traffic modelling has been assessed by NH. The site is situated on land to the south of the A5 adjacent to the Dodwells Roundabout. It should be noted that this is along the corridor of the A5 Hinckley to Tamworth Road Investment Strategy 3 (RIS3) Pipelines scheme as identified in the Road Investment Strategy 2 (RIS2). The current commitment for National Highways is up to option development. Progress into further stages, including construction, will be determined through the RIS3 process. However, as the site is situated adjacent to the A5, notwithstanding work currently being undertaken by NH, it is considered that the development has the potential to prejudice the options which may be available for the RIS3 Pipeline scheme. The submitted parameters plan has identified an 'A5 Future Road Corridor (Indicative Safeguard Area)'. It is uncertain at this stage whether this area will contribute positively to future options being considered as part of NH RIS3 Pipeline scheme. However, the applicant has committed to safeguard this land for NH, such that it would be available for future consideration. This would be secured through a Section 106 agreement.

Transport Modelling and Network Impact

- 15.11. NH have reviewed the TA information, together with subsequent clarifications including the TA Addendum dated April 2022. NH are satisfied that the proposed development would not have a severe impact on the SRN.

Mitigation measures

- 15.12. The application proposes a new site access junction with the A5, as well as, changes to the A5 Dodwells roundabout and the lowering of the A5 carriageway under the Nutts Lane railway bridge. A Walking, Cycling and Horse-riding Assessment and Review was also submitted to support the proposals. Following review, discussion and revision of the submitted drawings and associated documents the principle of these improvements has

been accepted. Stage 1 Road Safety Audits have been undertaken of the proposed schemes with the findings and action approved by National Highways.

- 15.13. NH have reviewed the additional information submitted in relation to sustainable transport modes and support the A5 footpath linkages and south-western linkage to The Longshoot as it will support modal shift away from car travel.
- 15.14. In summary, having reviewed the submitted information, NH considers that the proposed development would not have a severe impact on the SRN. In addition, the proposed improvements would provide substantial betterment to the operation of the A5. NH therefore are of the opinion that there the application complies with local and national policy subject to conditions and obligations.

Local Highway Authorities Assessment

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

Detailed Development Impact Assessment

A5 Bridge

- 15.16. A principal benefit of the development scheme proposed is the inclusion of a potential scheme to lower the A5 carriageway under the rail bridge over the A5. A bridge previously termed "the most bashed bridge in Britain" in the media. The LHA's support this in principle. Previously the LHA's raised concerns in relation to the mitigation proposed if the carriageway under the bridge were to be lowered. Within this LCC LHA also previously raised the issue of increased flood risk associated with the road – this is considered by Lead Local Flood Authority for the A5 which is LCC and the Environment Agency. As this part of the A5 is not in Warwickshire this is to be considered and reported by Hinckley and Bosworth Borough Council.
- 15.17. Previously there were concerns surrounding the additional HGV movements on the A5 that could filter through onto the Local Highway networks due to the lowering of the carriageway under the railway bridge. Additional information was submitted in light of this. A revised assessment has been undertaken by the applicant team to understand the potential impact of doubling the 10% HGV fleet to 20% which is the national average. This was then remodelled and the revised assessment did not present a material deterioration of the junction performance.
- 15.18. The A5 carriageway lowering works is also now to be conditioned to be completed prior to occupation of the units therefore the effects of the improvements will be felt before the occupation of the development.

Site Access and A5 Dodwells Roundabout

- 15.19. The LHA's understand that the principle of access onto the SRN has been agreed with National Highways and comprises a new signalised junction onto the A5 and a

complimentary access scheme at the adjacent Dodwells roundabout junction to facilitate U-turning traffic wishing to travel east on the A5. A short stretch of additional widening on the westbound A5 approach to Dodwells roundabout creates an additional right turn lane whilst preserving the existing two-lane approach. An additional U-turning lane is added on the Dodwells circulatory to facilitate this movement over the existing single lane which serves right turning traffic to the A47, B4666 or the very infrequent U-turn movement that may currently, occasionally occur.

- 15.20. As identified above, the A5 westbound approach currently provides 80m of two-lane approach back from the stop line at Dodwells roundabout. The proposed scheme is presented as providing a 3 lane approach for 60 metres and 2 lanes for 100 metres. This is mainly achieved by provision of land along the development site's frontage with the A5 and which affords the additional third lane approach and enlarged Dodwells roundabout to facilitate the U-turn movements necessitated by the signalised site access being left out only. The LHA notes that the additional 20m of two-lane approach equates to approximately 3 cars or 1 HGV in length.
- 15.21. The LHA's previously raised concerns that the strategic modelling assessment of the development was undertaken prior to an agreed access strategy being finalised. The Saturn network coding information for the Dodwells junction tested in the Pan Regional Transport Model (PRTM) has been provided by the applicant along with a difference plot showing flow change between the latest Dodwells scheme and the one used in the strategic modelling that underpinned the submitted Transport Assessment. Review of this additional information would appear to show that the revised Dodwells mitigation scheme would not have a significant impact on the capacity or routing of trips through the A5 Dodwells junction when considered in the context of the strategic highway model/ The PRTM run is therefore considered reasonable and the outputs can be broadly relied on.
- 15.22. In relation to the Leicestershire network select link analysis was also provided to demonstrate the residual impact on Nutts Lane where the flow difference plots previously presented identified traffic routing away from the A5. The analysis identified the origins and destinations of trips routing via Nutts Lane to understand the wider routing of these trips and demonstrated that a proportion of the trips are development trips routing to site rather than displaced background traffic which lessens the concerns raised over this specific impact. Further analysis of the queuing and delay on Coventry Road and the A47 approach to Dodwells roundabout has also been provided. These routes were considered in different modelling scenarios (LinSig model). The Coventry Road results showed no material change in performance, with small fluctuations in degree of saturation, queuing and average delay. The A47 Dodwells Road results also showed no material change in performance, with no severe increases in degree of saturation, queuing or average delay when comparing the different scenarios run. The LHA is therefore satisfied in relation to Leicestershire that there would be no material deterioration on the highway network due to this development. It is also noted that NH considered that impacts on the A5 strategic road network are considered to be acceptable to NH.
- 15.23. In relation to Warwickshire the additional modelling submitted demonstrated, to the satisfaction of NH and LCC, that the impacts of the additional traffic, on the A5 and at The Long shoot/Dodwells junctions in conjunction with the proposed mitigation schemes at Dodwells junction and the height restricted railway bridge to the east of the site, would

not lead to a severe impact on the network over and above that would occur without the development.

- 15.24. In summary, the applicant has demonstrated that any significant impacts of the cumulative impact of development can be mitigated, complying with the National Planning Policy Framework.

Access by sustainable modes

- 15.25. The LHA's previously raised concerns with the sustainable connectivity proposed to the application site, namely inadequate crossing facilities, lack of provision east along the A5 to connect with the existing provision that terminates under the railway bridge, further details of provision to the residential area to the east (Applebees Meadow) and to the west of the site along the A5 and linkages to Nuneaton.
- 15.26. Previously, the sustainable connectivity to the site is predominantly proposed via a link from Applebees Meadow and crossings at the proposed Dodwells roundabout and signalised access junctions. The routes via Dodwells roundabout rely upon a number of Toucan and uncontrolled crossings. Additional footpaths are now proposed from opposite the site access on the A5 to the A5 railway bridge and from the west of the site to The Longshoot. In addition, the applicant has also provided detailed access proposals for walking and cycling from the emergency access onto the Dodwells roundabout on the A5. These pedestrian/cycle routes will either be conditioned or secured as a section 106 obligation.
- 15.27. Finally, a way finding strategy inclusive of additional directional signage to clarify safe crossing routes for pedestrians and cyclists crossing the A5 to access the site when approaching the site from the west or east along the recently proposed footway/cycleway.
- 15.28. It was previously considered that a route is required for pedestrians and cyclists from Nuneaton. Given the nature and scale of the proposed development the LHA's would anticipate and welcome significant demand for travel by sustainable modes to the development site from existing residential areas, including from the east such as those adjacent to the existing Syncreon site.
- 15.29. Access by modes other than the private car are to be encouraged, and therefore a contribution is requested in order to extend hours of operation for existing bus services that operate between Nuneaton, Hinckley and Leicester. Travel Plans will also be required via condition.
- 15.30. The additional information relating to footpath/cycleway provisions which are now proposed are considered to provide a safe and suitable access for all users in conjunction with the Travel Plan which will be conditioned and the Bus Service contribution (discussed further in the Planning Obligation section of this report).

A5 Strategy/Improvements

- 15.31. The development proposals are speculative in nature with no Local Plan Allocation. As such, it is of significant concern to the LHA's that they may be prejudicial to the strategic improvements under development for the A5 corridor in this area with the potential to prejudice the options which may be available for the Road Improvement Strategy 3 (RIS3) Pipeline scheme. NH also raised a potential concern with this however consider

the development acceptable subject to the identified 'safeguarded area' within the development. The LHA's note that the A5 Long Shoot to Dodwells dualling scheme, recently removed from the RIS 2 programme, formed part of various evidence bases in the allocation of existing planned growth in the area. The omission of this scheme heightens the importance of avoiding the situation where unallocated, speculative growth prejudices the delivery of the future strategic improvements for the RIS3 Pipeline scheme.

- 15.32. This issue was a previous reason for refusal however was not taken forward within the November committee report reasons. Although National Highways had potential concerns surrounding the future improvements to the A5 in this area they set out clearly the current status of the work surrounding these potential improvements. The improvements do not have an associated scheme or funding and the area of land which could be safeguarded is also not outlined.
- 15.33. The Local Planning Authority consider that given the current status of the Road Improvement Strategy for this stretch of road and the fact that the land is not safeguarded within a local plan there would not be a justifiable reason for refusal in relation to this element of the concerns raised. The Local highway Authorities have withdrawn this reason for refusal due to this.

Local Highway Authority Assessment Conclusion

- 15.34. The proposed employment site located to the south of the A5 is anticipated to lead to significant pedestrian demand. The Local Highway Authorities consider that a deliverable access strategy which enables safe and suitable access for all users has been demonstrated.
- 15.35. The strategic modelling assessment of the development impact in conjunction with the additional information submitted demonstrates that the residual cumulative impacts of development can be mitigated and would not present a severe highway impact subject to conditions and obligations requested by all three highway authorities.

Proposed Parking

- 15.36. The parking proposed for the scheme as also been assessed in accordance with Local Plan Policy D2.
- 15.37. The tables below provides a breakdown of the use classes proposed within the application site, along with the total requirements for parking provision for the use classes, as set out within the Planning Obligations SPD and Appendix 5 of the Local Plan, based on a maximum floorspace of 136,350 sqm the site should accommodate a 2154 parking spaces along with a minimum of 391 cycle spaces for Units 1 to 5.
- 15.38. It is important to note that the actual parking provision for the buildings, being applied for in outline, would be determined at the reserved matters stage. A key factor in this is that parking provision is calculated based on the floor space of the buildings and this is to be formally determined should permission be granted at the detailed design stage. As a maximum amount of floor space is applied for as part of the outline application, 80,608 sqm the upper limited to the parking provision is detailed below. The application is for a

mix of B2 and B8 uses use (up to 33.3% B2 and at least 66.7% B8 of the entire site – full and outline) a range of the upper limit of the parking provision for the outline application specifically is provided for these scenarios.

15.39. For the B2 and B8 split, this scenario takes into consideration the fact that Unit 1, which is applied for in detail, is 100% B8 and the 33.3% B2 is for the entire site not just the outline scheme.

<u>Land Use</u>	<u>Proportion of Unit 2 – 5</u>	<u>GIA (sqm)</u>	<u>Car Parking</u>	<u>Disabled Parking</u>	<u>Cycle Parking (minimum)</u>
B2	33.3%	45,450	1,010	13	221
B8	66.7%	35,158	586	9	105
Total	100%	80,608	1,596	22	326

<u>Land Use</u>	<u>Proportion of Unit 2 - 5</u>	<u>GIA (sqm)</u>	<u>Car Parking</u>	<u>Disabled Parking</u>	<u>Cycle Parking (minimum)</u>
B8	100%	80,608	1,343	16	242

15.40. The range of the parking provision provided for the outline scheme is therefore 1,596 of car parking spaces, 22 disabled spaces and 326 cycle parking spaces (minimum) for the B2 & B8 split scenario and 1,343 of car parking spaces, 16 disabled spaces and 242 cycle parking spaces (minimum) for the 100% B8 scenario.

15.41. The Local Plan details a requirement for electric vehicle charging provision, at a rate of 1 charging point per 10 spaces, including 1 charging point for every 10 disabled parking spaces. In line with this requirement an updated site plan, for Unit 1 (18-144 PP-04 Rev L), has been submitted which shows 550 car parking spaces including 54 electrical car parking spaces with 4 provided with the disabled parking provision and 184 cycle parking spaces.

15.42. The parking for unit 1 therefore complies with Local Plan policy. Units 2-5 will be assessed in detail at reserved matters stage but there should be no conflict with the parking for these units either based on the submitted information.

Existing Public Rights of Way

15.43. Public footpath R282 runs through the site from the A5 to the north, connecting with footpaths R1, R1a and R2 to the south of the site.

15.44. The existing Public Right of Way R282 crosses the development site from the railway bridge in the southeast corner, to the existing site access junction on to the A5 Watling Street. This Public Right of Way would need to be diverted so that it follows the railway line and then joins the site access road and would connect pedestrians to the A5 Watling Street.

- 15.45. The Ramblers Association support the proposal as it will provide a safe crossing of Watling Street to join with public footpath U61 in Leicestershire and provide a link between the end of public footpath R282 at the Warwickshire boundary and up to and across Watling Street to link up with public footpath U61 in Leicestershire.
- 15.46. Warwickshire County Council (Public Rights of Way) have confirmed that they have no objection to the proposal subject to appropriate conditions and informatives. The proposed alterations would also be subject to the submission of a Diversion Order, being submitted to the Local Planning Authority, with the final approval being the subject of confirmation from colleagues within Public Rights of Way.

Highways Conclusion

- 15.47. There are no objections from National Highways, Warwickshire County Council or Leicestershire County Council subject to conditions and obligations.
- 15.48. In relation to proposed parking the scheme is acceptable and therefore complies with Policy D2 of the Local Plan.
- 15.49. Based on the assessment undertaken above it is considered that the applicant has overcome the previous reasons for refusal put forward in the November committee report. Therefore, it is considered that a safe and suitable access for all users would be provided and that any significant impacts on the transport network from the development can be mitigated. It is therefore considered that there would not be a severe impact upon the highway network in accordance with paragraph 111 of the NPPF. The development is also considered to comply with Policy D1 of the Local Plan and Paragraph 110 of the NPPF.

16. Flooding

- 16.1. Chapter 10 of the NPPF sets out government requirements on how the planning system should take into account the risks caused by flooding. The Planning Practice Guidance under the chapter entitled 'flood risk and climate change' gives detailed advice on how planning can take account of the risks associated with flooding in the application process.
- 16.2. Policy SDC5 of the Local Plan sets out the sequential approach taken in relation to flooding based on the flood zone.
- 16.3. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and

- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- 16.4. Whilst the application site is located within Flood Zone 1 which has a low probability of flooding as the application constitutes major development the Warwickshire County Council (Flood Risk Management) team and the Environment Agency have been consulted on the application.
- 16.5. The surface water drainage strategy proposed will discharge water at the existing greenfield mean annual rate and provide attenuation up to the 1 in 100 year plus climate change event.
- 16.6. The Environment Agency initially objected to the application on the grounds that insufficient information had been submitted with this application. A request was made to the agent for the additional information to be submitted with the application. This information was received, and a re-consultation was carried out accordingly. It has been confirmed from the Environment Agency that they have no objections subject to conditions.
- 16.7. Warwickshire County Council (Flood Risk Management) initially objected to the application on the grounds that insufficient information had been submitted with the application. The outstanding information was required to demonstrate that the works to be undertaken to lower the base level of an existing pond located in the southern area of the site can be constructed safely without an increase in potential short term surface water flood risk. A request was made to the agent for the additional information to be submitted with the application. This information was received a re-consultation was carried out accordingly. It has been confirmed from Warwickshire County Council (Flood Risk Management) that they have no objections subject to conditions. This application is therefore considered to comply with Policy SDC5 of the Local Plan and Chapter 10 of the NPPF.
17. Trees and Hedgerows
- 17.1. Local Plan Policy SDC2 states that the landscape aspects of a development proposal will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required.
- 17.2. Section 15 of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including trees and woodland.
- 17.3. The Local Authority's Arboricultural Officer has confirmed that there are no protected trees located within the application site neither is the application site located within a conservation area. The proposal confirms that perimeter trees and hedgerows are to be retained and incorporated into the development. It is therefore considered that should

planning permission be granted a robust Arboricultural Method Statement would be required to ensure all retained trees and hedgerows are not damaged during the construction phase of the development.

- 17.4. A number of established internal field boundary hedgerows and trees located within them are proposed for removal in order to facilitate the development and associated changes in ground level. Many of these hedgerows are in decline with a number of gaps, outgrown and are of a low species density. As such, they are considered to be of low quality. In addition, no notable trees were noted with the majority of the trees to be felled in physiological and mechanical decline or of limited value within the wider landscape.
- 17.5. The proposed planting would represent a significant net gain in terms of visual amenity, biodiversity and screening with greater emphasis made to the strengthening/widening of the southern landscape buffer and incorporating larger growing deciduous and coniferous species.
- 17.6. This application is therefore considered to be in accordance with Local Plan Policy SDC2 and Section 15 of the NPPF.

18. Ecology

- 18.1. Policy NE1 of the Local Plan seeks to ensure that development proposals do not have an adverse impact upon protected habitats and species. It also sets out that development should retain and protect natural habitats and provide mitigation and compensation measures where this would be lost. In addition, Policy NE2 of the Local Plan requires proposals to protect, restore and enhance green infrastructure assets within the defined Strategic Green Infrastructure Network.
- 18.2. These policies are consistent with one of the core planning principles outlined within the NPPF which sets out the need for planning to 'contribute to conserving and enhancing the natural environment'. The NPPF further outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible it particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.
- 18.3. Paragraph 174 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 18.4. Warwickshire County Council (Ecology) have reviewed the Environmental Statement and initially objected to the application on the grounds that insufficient information has been submitted to allow a formal response to be provided. A request was made to the agent for the additional information which was received and a re-consultation has been carried out accordingly.

Habitats

- 18.5. The site is dominated by arable land and improved grassland used for pasture, with field boundaries formed by native hedgerows, some with associated ditches and mature

trees. A farm complex is present in the east of the site which comprises agricultural buildings, a residential farmhouse and bungalow and hardstanding. The Harrow brook extends through the site and forms part of the western site boundary and is buffered from the arable fields by a narrow corridor of poor semi-improved grassland and tall ruderal vegetation within the southern half of the site, and by the improved grassland fields in the north. Additional habitats recorded include tall ruderal vegetation, dense and scattered scrub, bare ground, and mature tree belts.

Species

- 18.6. The Preliminary Ecological Appraisal draws on data records and surveys which indicate that the development has the potential to impact on birds, bats, badger, reptiles and great crested newts. In addition to these other notable mammals located within close proximity to the development site include otters, water vole and hedgehogs. A variety of measures are proposed to offset such potential impacts. Warwickshire County Council (Ecology) have assessed these and are satisfied that the potential impact to these species could be mitigated against through planning conditions.

Biodiversity Impact Assessment

- 18.7. A Biodiversity Impact Assessment (BIA) has been submitted which quantifies the value of existing habitats and establishes what impact there would be from the loss of those habitats as a result of the proposed development. This was then compared with the post-development habitat values which were derived from the proposed retention of existing habitats in addition to proposed habitat creation and enhancement on-site (land within the blue line). The assessment concluded that there would be a net biodiversity gain arising from the proposed development of 37.75 area units and 12.45 hedgerow units. The habitat creation and enhancement is considered realistic and achievable with the long term management and monitoring being secured through a Landscape and Ecological Management Plan (LEMP). A condition will also be imposed to secure the management of the site through a 30-year management plan.

Ecology Conclusions

- 18.8. It has been found that the findings of the Preliminary Ecological Appraisal are acceptable and form a robust basis for considering the ecological impacts arising from the proposed development. In the first instance it has been established that the proposed development would not give rise to detrimental and adverse impacts at statutory and non-statutory ecological sites. The proposal would result in a net gain of biodiversity which would be secured through a condition. The potential impact on species would be mitigated against through the use of planning conditions. It is consequently considered that the proposed development would not have an adverse impact upon habitats and species whilst ensuring a net biodiversity gain.
- 18.9. This application is therefore considered to be in accordance with Local Plan Policies NE1 and NE2 of the Local Plan and paragraph 170 of the NPPF.

19. Archaeology

- 19.1. Section 16 of the NPPF states that Local Planning Authorities should consider the impacts which cause any harm to; or loss of; the significance of a designated heritage asset. Furthermore, Local Plan Policy SDC3 states that applications with the potential to affect the significance of a heritage asset will be required to provide sufficient information and assessment on the impacts the proposal has on the heritage asset.
- 19.2. The proposed development lies in an area of significant archaeological potential. Recent archaeological work undertaken approximately 800m to the northwest of the proposed development at Callendar Farm has identified extensive Iron Age and Roman period settlement evidence including round houses, industrial activity and a pit alignment. Following pre-application consultations with colleagues within Archaeology a geophysical survey followed by a programme of evaluative trial trenching was undertaken across the main central area of the proposed development site.
- 19.3. Areas along the western and eastern boundaries of the site were excluded from the initial phase of trial trenching due to access issues. The results of both of these phases of work have been submitted as appendices to the Environmental Statement submitted with this application. Other than traces of former ridge and furrow ploughing the geophysical survey did not identify any magnetic anomalies that were interpreted as representing probable archaeological features. Other than four large clay pits, former field boundary ditches and two undated features identified within a trench on the southern edge of the evaluation area no significant archaeological deposits were recovered from the area that was trial trenched.
- 19.4. Whilst colleagues within Archaeology have no objection to the development, it is considered that some further archaeological work should be required if consent is forthcoming. It is envisaged that this would be through a phased approach, the first phase of which would comprise an archaeological evaluation by trial trenching across those areas within the proposed development site which have yet to be fully evaluated. In addition, a programme of historic building recording being required should planning permission be granted for this scheme.
- 19.5. It is therefore considered that this application is in accordance with Section 16 of the NPPF and Local Plan Policy SDC3.

20. Heritage

- 20.1. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 20.2. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 197 states that in determining planning applications, local planning authorities should take account of:
 - a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 20.3. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 20.4. Paragraph 203 states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
- 20.5. Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 20.6. Policy SDC3 states that development will be supported that sustains and enhances the significance of the Borough’s heritage assets including listed buildings, conservation areas, historic parks and gardens, archaeology, historic landscapes and townscapes. Development affecting the significance of a designated or non-designated heritage assets and its setting will be expected to preserve or enhance its significance.

Heritage Assets

- 20.7. The subject site does not contain any designated Heritage Assets but does contain a non-designated Heritage Asset in the form of Padge Hall Farm and is located within close proximity to a Grade II Listed Farmhouse.

Padge Hall Farm

- 20.8. Padge Hall Farm is first noted on the Henry Dawkins Map of 1912 alongside further development located a short distance to the west. It is considered that the buildings in question date from the nineteenth century. The farm has since expanded in the twentieth century with the demolition of several parts of the farmstead present in nineteenth century mapping which historically enclosed a courtyard. The farmhouse has also seen a high level of alterations including UPVC windows and doors and twentieth century extensions to the existing property.
- 20.9. Whilst located within close proximity to Padge Hall Farm, it is considered that the heritage asset contains a low heritage interest with the buildings not being deemed to merit non-designated heritage asset status due to the number of alterations carried out over the years. Notwithstanding this the group value of the remaining buildings in the former nineteenth century farmstead provides almost all of the low level of local heritage interest that this asset possesses. In relation to setting, the surrounding agricultural

landscape which surrounds the farmstead makes a contribution to the overall heritage interest of the asset which includes the application site.

Hill Farmhouse

- 20.10. Hill Farmhouse is a Grade II Listed Farmhouse which was constructed in the early nineteenth century with mid-twentieth century additions to the rear. The Farmhouse consists of three storeys made from red brick with an old plain tile roof and gable end chimney stacks. The 'L' shape dwelling includes a later addition and has a three-window range of two and three light casements with architectural details including a brick string course and a dentil cornice with rendering to the front.
- 20.11. The building contains evidential value as an early nineteenth century farmhouse with remnant farmstead buildings situated around a courtyard, upon which, the southern, principal elevation, of the farmhouse forms the northern flank of the courtyard. Whilst the earlier farmstead is only partially retained with the bulk of the farm buildings now post-war development, the farmhouse shares group value with the red brick single storey original farm buildings which do remain.
- 20.12. Whilst the farm is visible from the southernmost element of the site on more elevated ground, at the distance it is located, the heritage asset is not easily distinguishable, with the more prominent buildings comprising of later twentieth century farm buildings associated with the farmhouse on the landscape. Due to the landscape setting and existing mature trees, the proposed development is not clearly visible when viewed from the farmhouse, aided by the fact that the site forms a small part of an extensive agricultural setting.
- 20.13. Hill Farmhouse is a heritage asset of high sensitivity as a Grade II Listed status with its designation deriving from its architectural and historic special interest as an example of a vernacular early nineteenth century farmhouse. It contains some group value from the remaining original farmstead which it faces onto. Whilst setting is an important factor, this is considered to be secondary in nature, with the wider agricultural landscape helping to inform the role of the farmhouse and provide its historic and existing context. Within this context the site makes a very small contribution to the very extensive wider setting and a very small contribution to the overall special interest of Hill Farmhouse.

Heritage Conclusion

- 20.14. The Heritage Impact Assessment submitted with the application dated September 2021 indicates the following:
- The proposal would preserve the setting and significance of the designated heritage assets; and
 - The proposal would not harm the significance of any designated heritage assets.
- 20.15. This view was further supported by comments received from Historic England who confirmed that they had no objections to the proposal. The proposal therefore complies with National Planning Policy.

21. Other Matters

- 21.1. As acknowledged within section 3 of the appraisal that a minor part of the application site is within the Green Belt. The Town and Country Planning (Consultation)(England) Direction 2021 sets out that the Secretary of State shall be consulted on any application received by the Local Planning Authority (LHA) on or after 21 April 2021 to which the direction applies and the LHA does not propose to refuse.
- 21.2. The direction relates to Green Belt development and for the purpose of the direction defines it as development which consists of or includes inappropriate development on land allocated as Green Belt in the development plan and which consists of or includes;
- a) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
 - b) Any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.
- 21.3. The development within the Green Belt within this application is not considered to fall within this definition and therefore the Secretary of State does not need to be consulted on this application once the planning committee have resolved to determine the application.
- 21.4. Although the highways impact has been assessed as a whole within this report the conditions requested by the Highway Authorities will not all be imposed on this permission as the A5 does not fall within the Warwickshire administrative area. RBC has been working alongside HBBC to ensure that all highways and rights of way conditions will be imposed upon the relevant decision notice.

22. Infrastructure and Planning Obligations

- 22.1. Paragraphs 54, 56 and 57 of the Framework, policies D3 and D4 of the Local Plan and the Planning Obligations SPD set out the need to consider whether financial contributions and planning obligations could be sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable.
- 22.2. Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and the Planning Obligations PPG makes it clear that these obligations should only be sought where they are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. If a requested planning obligation does not comply with all of these tests then it is not possible for the Council to require this. It is within this context that the Council has made and received a number of requests for planning obligations as detailed below. It is considered that all of these requests meet the necessary tests and are therefore CIL compliant.
- 22.3. **Ecology:** A net gain in biodiversity can only be achieved by providing improvements on land adjacent to the site. This land is within the blue line but not within the ownership of the applicant at present therefore this biodiversity offsetting scheme is required to be

secured through a section 106 agreement. This obligation is considered to be CIL compliant.

22.4. **Highways:** Warwickshire County Council and National Highways have made obligation requests in relation to the development.

National Highways:

- Contribution to enable the implementation of a pedestrian and cycle link to the development site from the west connecting to The Longshoot.
- Safeguarding of land adjacent to the A5 (Drg No. ADC1839-DR-022 Rev P3) for a period of 20 years (echoed by WCC and LCC).

Warwickshire County Council:

- The Highway Authority seeks a financial contribution prior to commencement of development, with the amount to be determined and to be advised in due course, to allow the Highway Authority to construct a shared use footway/cycleway link with lighting within the corridor indicated on drawing number ADC1839-SK-016 Revision S3 between the site and the public highway A47 Long Shoot.
- A contribution of £406,500 (£81,300 per annum) to extend the hours of operation for existing bus services operating between Nuneaton, Hinckley and Leicester passing the site. First payment to be made prior to occupation and annually from then on for a period of 5 years.

22.5. The obligations above are considered to be CIL compliant in accordance with the tests test out in paragraph 22.2 of this report.

22.6. In summary the contributions required for this proposal have been highlighted as per the table below:

Obligations	Requirement	Trigger
Biodiversity Net Gain	Provide biodiversity net gain on site (with the inclusion of the land within the blue line)	To be confirmed
Biodiversity Management Plan	30-year biodiversity management plan	To be confirmed
Safeguarding of land for highways purposes	Safeguarding of identified land adjacent to the A5 for 20 years	To be confirmed
Footpath connections	Contribution to enable a pedestrian/cycle route to the West in accordance with Drawing No: ADC1839-SK-016 Rev: S3	To be confirmed

Extend bus service operation	Contribution of £406,500 over a period of 5 years (81,300 per annum)	To be confirmed
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- 22.7. In relation to any financial contributions or commuted sums sought through a s.106 agreement, the financial contributions or commuted sums set out in this report will be adjusted for inflation for the period from resolution to grant to completion of the s.106 agreement. In addition, any financial contributions or commuted sums sought through a s.106 agreement will be subject to indexation from the completion of the s.106 agreement until the date that financial contribution or commuted sum falls due. Interest will be payable on all overdue financial contributions and commuted sums.
- 22.8. Subject to the completion of a section 106 agreement the development would be in accordance with Policy D3 of the Local Plan.

23. Planning Balance and Conclusion

- 23.1. 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.
- 23.2. Whilst the application site may be considered a sustainable location when the proximity is read in conjunction with Hinckley and Nuneaton. The site does fall within the countryside of Rugby Borough Council and therefore constitutes an unsustainable location in relation to the spatial strategy. The proposals are therefore contrary to Policies GP2 and ED3 of the Local Plan.
- 23.3. Although the site is not within a defined settlement boundary and is contrary to the local plan policies in relation to the spatial strategy it is within close proximity to highly sustainable settlements and therefore it not classed to be in an unsustainable location in relation to proximity to services. It is considered therefore that the development should not be refused in relation to being in an unsustainable location.
- 23.4. The site is not an allocated site and the employment need identified within Policy DS1 of the Local Plan is on track to be met. In relation to the HEDNA (2022) it is considered that the identified need which extends beyond the current plan period (2031) by 10 years will be addressed through the Local Plan Review in order to ensure sustainable development.
- 23.5. The proposed development would result in the loss of 63.6 hectares of average quality agricultural land together with the farmhouse and buildings at Padge Hall Farm resulting in a significant loss to agriculture. In terms of the loss of Best and Most Versatile Land (Grade 3a in this case) this would be limited however there is still a loss.
- 23.6. The proposal would result in an urbanisation of the site which would result in moderate/major harm to the landscape and therefore there is conflict with Policy NE3. The landscape harm is given significant weight within the balance.

- 23.7. However, whilst there is conflict with NE3 it is deemed that the landscape mitigation proposed and to be secured via condition is satisfactory. This application is therefore considered to comply with Local Plan Policy SDC2 and Section 12 and 15 of the NPPF.
- 23.8. In relation to other matters set out in this report, subject to adequate mitigation or conditions, the development is considered to be acceptable and complies with the policies specified within this report.
- 23.9. Weighed against the identified harm and conflict is the significant weight placed on the need to support economic growth and productivity in accordance with paragraph 81 of the NPPF.
- 23.10. The NPPF sets out a presumption in favour of sustainable development and advises decision-takers to approve a development proposal that accords with the development plan without delay. The question of whether or not a particular proposal constitutes “sustainable development” is not simply a matter of location; it involves a wide variety of other considerations such as the three dimensions of sustainability. The NPPF at paragraph 7 identifies the three dimensions to sustainability, those being economic, social and environmental. Paragraph 8 goes on to advise that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 23.11. From an economic perspective the proposed development would result approximately 900 construction jobs over a 3 year demolition and construction programme, approximately 2,000 full time jobs on the site across the manufacturing, logistics, transport and distribution sectors. Furthermore the proposal would also result in a contribution to the viability of local retail uses and services, this is considered to be a minor benefit to the sub-regional economy. The business rates generated from the development (approximately £2 million pa) would contribute significantly to the Borough. Such matters would have a positive impact on the local economy and prosperity of the Borough which weighs in favour of the application. As such, the proposed development would satisfy the economic role of sustainable development. The economic benefits associated with the scheme hold significant weight.
- 23.12. From a social perspective the scheme will provide new jobs therefore creating opportunities for new employment within the Borough. Job security is important to the community and access to employment opportunities is a critical component of sustainable development. It also plays a key role in helping improve and safeguard mental health and wellbeing. As such, the proposed development would satisfy the social role of sustainable development. These benefits are given moderate weight within the planning balance.
- 23.13. From an environmental perspective additional planting is proposed through landscaping, additional pedestrian linkages are proposed and a biodiversity net gain would be secured through a legal agreement. Sustainable Urban Drainage Systems are also proposed. Where negative effects have been identified in terms of landscape harm,

mitigation measures are proposed to minimise any potential impact. The proposal provides mitigation against flood risk, in particular surface water run off. It is considered that the proposed mitigation provided will off set any harm that may be caused. The environmental benefits are given significant weight.

23.14. In addition to the benefits set out above the lowering of the carriageway under the bridge would also be a significant localised benefit. On balance, taking into account the identified harm and the proposed benefits it is considered that the proposed benefits outweigh the harm in relation to countryside location, loss of BMV land and urbanisation of the site. Therefore, it is considered that the development would result in sustainable development and is therefore recommended for approval in accordance with the recommendation below.

Recommendation:

1. Planning application R18/0186 be approved subject to:
 - a. the conditions and informatives set out in the draft decision notice appended to this report; and
 - b. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chairman or Vice Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

DRAFT DECISION

REFERENCE NO:
R21/0985

DATE APPLICATION VALID:
22-Sep-2021

APPLICANT:

Mr Steve Harley Oxalis Planning, Toll Bar House, Landmere Lane, Edwalton, Nottingham, Nottinghamshire, NG12 4DG

AGENT:

ADDRESS OF DEVELOPMENT:

LAND AT PADGE HALL FARM, WATLING STREET, BURBAGE

APPLICATION DESCRIPTION:

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

CONDITIONS, REASONS AND INFORMATIVES:

GENERAL/Site Wide Conditions

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

CONDITION: 1

Development hereby permitted shall be carried out in complete accordance with the details shown on the following submitted plans and documents received by the local planning authority:

- Site Location Plan 18-144 PP-01 Rev L
- Site Plan – as existing 18-144 PP-02 Rev L
- Site Plan – as proposed 18-144 PP-03 Rev K
- Unit 1 – Site Plan – as proposed 18-144 PP-04 Rev M
- Unit 1 – Overall Building Plan – as proposed 18-144 PP-05 Rev K
- Unit 1 – Elevations & Section – as proposed 18-144 PP-06 Rev K
- Unit 1 – Roof Plan – as proposed 18-144 PP-08 Rev L
- Boundary Treatment & Cycle Shelter Details – as proposed 18-144 PP-09 Rev K
- Gatehouse Details – as proposed 18-144 PP-10 Rev K
- Illustrative Masterplan (excluding Unit 1) 18-144 PP-03 Rev L
- Landscape Concept Proposal 01 Rev H
- Landscape Concept Proposal – Spine Road 02 Rev C
- Detailed Planting Plan Sheet 1 of 2 03 Rev E
- Detailed Planting Plan Sheet 2 of 2 04 Rev A
- Landscape Concept Sections 05 Rev A
- Detailed Planting Plan Spine Road 06 Rev A

Illustrative Landscape and Green Infrastructure Plan 8815-L-30 Rev M
Accessibility Plan ADC1839-DR-009 Rev P2
Development Parameters Plan 8815-L-08 Rev V
Accessibility Plan ADC1839-DR-009 Rev P2
Design and Access Statement Rev E
Flood Risk Assessment and Drainage Strategy (ref 19-7712-FRA Issue 9)

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority in accordance with policies GP1 and SDC1 of the Local Plan (2019)

CONDITION: 2

Prior to, or concurrently with, the submission of the first of the reserved matters application(s), a Site Wide Phasing Plan shall be submitted to the Local Planning Authority for approval. Any subsequent applications for approval of reserved matters which result in amendments to the phasing shall include an updated Site Wide Phasing Plan submitted for approval by the Local Planning Authority. The Site Wide Phasing Plan shall include the proposed sequence of providing the following elements:

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

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

REASON:

To ensure the comprehensive development of the site.

CONDITION: 3

No development above foundation level shall commence on any building until representative samples and full details of the types, finish, texture and colours of materials to be used on all external surfaces of buildings within that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved materials.

REASON:

To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy SDC1 of the Local Plan (2019).

CONDITION: 4

No development shall take place in each phase until:

- a) a Written Scheme of Investigation (WSI) for a programme of further archaeological evaluative work if relevant to that phase has been submitted to and approved in writing by the Local Planning Authority.
 - b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI for that phase has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
 - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development in that phase and should be informed by the results of the archaeological evaluation.
- The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

REASON:

In the interest of archaeology in accordance with Policy SDC3 of the Local Plan (2019).

CONDITION: 5

No compound or any other construction related activities are to be carried out within the 'no build zone'.

REASON:

In the interest of archaeology in accordance with Policy SDC3 of the Local Plan (2019).

CONDITION: 6

Prior to installation of fixed plant machinery and ventilation equipment in any phase, details which shall include maintenance and management, shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details before the premises within that phase are first brought into use and maintained in use thereafter.

REASON:

To ensure the development does not have an adverse impact on the amenities of surrounding properties to accord with Policy SDC1 of the Local Plan (2019).

CONDITION: 7

The units hereby approved shall not be first brought into use until measures demonstrating that the buildings achieve at least a BREEAM Very Good standard in terms of carbon reduction have 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 measures and details.

REASON:

To ensure energy efficiency is achieved through sustainable design and construction and to reduce carbon emissions in accordance with Policies SDC1 and SDC4 of the Local Plan (2019).

CONDITION: 8

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

REASON:

To promote employment opportunities for local residents.

CONDITION: 9

No building shall be first occupied in any phase unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes for that phase, has been submitted to and approved in writing by the Local Planning Authority.

The development shall not first brought into use until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON:

In the interest of Public safety from fire and the protection of Emergency Fire Fighters.

CONDITION: 10

If gas is used for any space or water heating then the boilers shall be ultra-low NOx emission devices.

REASON:

In the interests of air quality in accordance with Policy HS5 of the Local Plan (2019).

CONDITION: 11

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

- a) the control of noise and vibration emissions from demolition and construction activities including groundwork's and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the demolition and construction phase

b) the control of dust including arrangements to monitor dust emissions from the development site during the demolition and construction phase. This shall take account of the 'Environmental Statement September 2021' Chapter 8.6 Air Quality Mitigation.

c) measures to reduce mud deposition offsite from vehicles leaving the site.

d) details concerning pre-commencement ecology checks (including badgers, bats, breeding birds, otter and water vole) and appropriate working practices and safeguards for wildlife and habitats that are to be employed whilst works are taking place on site.

e) a method statement and confirmed tree protection details during the construction phase, with regard to the approved Tree Retention Plans (8815-T-10 – 8815-T-18) contained in the ES Chapter 11.

Development shall be carried out in compliance with the approved Demolition and Construction Environmental Management Plan.

REASON:

In the interests of residential amenity and protected species, to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts in accordance with Policies SDC1 and NE1 of the Local Plan (2019).

CONDITION: 12

Prior to installation of external lighting, fittings and light columns details for that phase must be submitted to and approved by the Local Planning Authority. Each phase shall not be first brought into use until lighting in accordance with the approved details is installed to ensure there is no glare or excessive light spill that may affect any properties off site as per 'Land South of Hinckley. Environmental Statement September 2021' Chapter 7 Lighting to retain the site as E2 lighting classification, per paragraph 7.5.5. In discharging this condition the Local Planning Authority expects (in accordance with the previously submitted ES mitigation measures) lighting to be restricted along the watercourses and railway embankment at the site boundary and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

REASON:

In accordance with National Planning Policy Framework (2021), ODPM Circular 2005/06, and to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts.

CONDITION: 13

If unexpected contamination is found after the development hereby permitted has begun, having regard to the GIP Combined Phase 1 and Preliminary Ground Investigation Report for a Proposed Industrial / Commercial Development Upon Land Located off Watling Street, Hinckley, Leicestershire, Date 10th December 2019 ref SJR/28385, report status Final' rec'd 28/2/23', it

shall be reported in writing immediately to the local planning authority. Each of the following subsections a) to c) shall then be subject to approval in writing by the local planning authority.

- a) An investigation and risk assessment shall be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.
- b) Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared.
- c) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared.

REASON:

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

CONDITION: 14

Notwithstanding the agreed submitted details to date, no development excluding site clearance and preparation and any works associated with archaeological investigations shall take place for each phase, until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme to be submitted shall:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 4.4l/s/ha for the site in line with the approved surface water drainage strategy (ref: 19-7712- FRA, Issue 9, dated 08/03/22).
2. Further details regarding the Harrow Brook outfall
3. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme.
4. Provide detail drawings including cross sections, of proposed features such as swale, attenuation features, and outfall structures.
5. Provide detailed, network level calculations demonstrating the performance of the proposed system.
6. Provide external levels plans, supporting exceedance and overland flow routing plans.
7. Provide details of the disposal of surface water and foul water drainage directed away from the railway

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

REASON:

To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity in accordance with Policies SDC1 and SDC5 of the Local Plan (2019).

CONDITION: 15

Prior to the development within each phase being first brought into use a detailed, site specific SUDS maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should;

1. Provide the name of the party responsible, including contact name, address, email address and phone number
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance

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

REASON:

To ensure the future maintenance of the sustainable drainage structures in accordance with Policies SDC1 and SDC5 of the Local Plan (2019).

CONDITION: 16

A landscape and ecological management plan (LEMP) for each phase shall be submitted to, and be approved in writing by, the Local Authority prior to the development for that phase being first brought into use. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.
- h) Ongoing monitoring and remedial measures.

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

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

REASON:

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

CONDITION: 17

Construction shall be limited to the following hours (excluding highways works which will be subject to separate agreement):

- Monday - Friday: 0730hrs to 1800hrs
- Saturday: 0830hrs to 1300hrs
- No working on Sundays and/or bank holidays

REASON:

To ensure the development does not have an adverse impact on the amenities of surrounding properties to accord with Policy SDC1 of the Local Plan (2019).

CONDITION: 18

The following will be adhered to in relation to public footpath R282:

1. No site security fencing may be erected on or within 1m of public footpath R282.
2. No construction may commence on the existing alignment of public footpath R282 until it has been diverted (temporarily or permanently) by a legal order that has come fully into effect.
3. The applicant must make good any damage to the surface of public footpath R282 caused during works (site works relating to this permission and that within condition 19).

REASON:

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

CONDITION: 19

Prior to commencement of any works involving disturbance of the surface of public footpath R282 the developer must contact Warwickshire County Council's Rights of Way team as Highway Authority to obtain any necessary consents and make any necessary arrangements for the protection of the public footpath and its users. Prior to the commencement of any works to resurface public footpath R282 the specifications for the new surface must be submitted to the Local Planning Authority for approval (in consultation with the Highway Authority).

REASON:

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

CONDITION: 20

No more than 45,450 square metres of development shall be provided within Use Class B2 (General Industrial) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON:

To ensure the site is developed in accordance with the approved plans and consistent with the application as consented.

CONDITION: 21

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) there shall be no change of use permitted from the approved use classes to a different use class of The Town and Country Planning (Use Classes) Order 1987 (as amended)).

REASON:

In the interests of sustainable development, economic growth, protection of employment land, traffic movements and highway safety in accordance with Policies SDC1, SDC4, ED1, ED3 and D2 of the Local Plan (2019).

CONDITION: 22

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no plant, equipment or development/extension shall be installed/undertaken that would increase the overall height of the building hereby permitted.

REASON:

In the interests of visual amenity and landscape impact in accordance with Policies SDC2 and NE3 of the Local Plan (2019).

CONDITION: 23

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

REASON:

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

CONDITION: 24

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

REASON:

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

CONDITION: 25

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

REASON:

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

CONDITION: 26

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

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

REASON:

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

CONDITION: 27

Prior to the commencement of any construction work a Construction Traffic Management Plan (CTMP), including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with National Highways. The approved plan and timetable shall be adhered to throughout the construction period.

REASON:

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

CONDITION: 28

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

REASON:

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

CONDITION: 29

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

REASON:

To protect the adjacent railway from unauthorised access

CONDITION: 30

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

REASON:

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

CONDITION: 31

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

REASON:

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

CONDITION: 32

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

REASON:

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

Outline

CONDITION: 33

Application for approval of the reserved matters specified in Condition 35 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority:

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

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

REASON:

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

CONDITION: 34

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

REASON:

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

CONDITION: 35

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

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

REASON:

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

CONDITION: 36

The reserved matters submitted under Condition 35 shall be strictly in accordance with the principles and parameters described and illustrated in the Design and Access Statement and the Plans within Condition 1 hereby approved. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

REASON:

To ensure a satisfactory appearance and impact of the development to accord with Policy SDC1 of the Local Plan (2019).

CONDITION: 37

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

REASON:

In the interests of biodiversity and visual amenity in accordance with paragraph 174 of the National Planning Policy Framework (2021) and Policy SDC1 of the Local Plan (2019).

CONDITION: 38

The reserved matters submitted under condition 35 shall provide confirmation of the land-use classification(s) of that unit. The use of the buildings shall thereafter accord with the approved details.

REASON:

To ensure adequate access and parking arrangements are provided on site in the interests of highway safety in accordance with paragraph 111 of the National Planning Policy Framework (2021).

CONDITION: 39

The reserved matters submitted under condition 40, which relate to the west/south-west of the site, shall provide pedestrian and cycle links to land to the west/south-west of the site, should future development on the adjacent land be allocated or permitted prior to the determination of these reserved matters phases of development.

REASON:

To encourage sustainable access in accordance with the National Planning Policy Framework (2021).

CONDITION: 40

Full details of the siting, design and materials of the proposed cycle stores and (if required) bin stores for each phase shall be submitted to and approved in writing by the Local Planning Authority. The cycle stores and (if required) bin stores for each phase shall be provided, in accordance with the approved details before the any building being first brought into use within that phase.

REASON:

In the interest of visual amenity in accordance with Policy SDC1 of the Local Plan (2019).

CONDITION: 41

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

REASON:

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

CONDITION: 42

Prior to any building being first brought into use, a noise assessment shall be submitted and approved in writing by the Local Planning Authority to demonstrate compliance with the 'Vanguardia Padge Hall Farm 103178-WN-PN-0001 Baseline Conditions & Covid-19 Noise Survey 1st May 2020 rev R00 status For Information' and the 'ES Chapter 9 Environmental Statement September 2021' to comply with the construction noise levels and operational Phase noise levels. The noise assessment and predictions must relate to the design and use of each

building and shall include specific assessment of short duration noises using LAFmax dB including but not limited to reversing alarms for both daytime impact at noise sensitive receptors and at night-time with reference to 1999 World Health Organisation (WHO) Guidelines for Community Noise. The report shall include recommendations for any necessary acoustic mitigation measures to protect off-site residential receptors from any significant adverse impacts or loss of amenity and to ensure plant to be installed would achieve a BS 4142:2014:A1:2019 difference between the Rating Noise level and LA90,T background Noise Level dB(A) of not less than -5dB to reduce causing a creeping background noise. Any required noise mitigation measures shall be implemented prior to the building first being brought into use and maintained in perpetuity.

REASON:

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority in accordance with Policy SDC1 of the Local Plan (2019).

CONDITION: 43

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

REASON:

In the interests of visual amenity and sustainability of the site in accordance with Policies SDC1 and SDC4 of the Local Plan (2019).

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

CONDITION: 44

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

REASON:

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

CONDITION: 45

If audible reversing alarms are fitted to any vehicle operated on site, these shall only be of the broadband (white noise) alarm type. This shall include any delivery vehicles or plant operated on site.

REASON:

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority in accordance with Policy SDC1 of the Local Plan (2019).

CONDITION: 46

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

REASON:

To ensure the proper development of the site.

CONDITION: 47

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

REASON:

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

CONDITION: 48

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

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

REASON:

To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the existing storage of flood water within the red line boundary is maintained in accordance with Policy SDC5 of the Local Plan (2019).

CONDITION: 49

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

REASON:

To ensure the proper development of the site and in the interest of visual amenity in accordance with Policy SDC1 of the Local Plan (2019).

CONDITION: 50

Landscaping and planting details, including species mix, number and location of plants on the strategic earthworks bund to be created around the site perimeter as part of the site enabling and earthworks to create the development plateau must be submitted to the Local Planning Authority and implemented in accordance with the approved details in advance of the approved building on Plot 1 being first brought into use.

REASON:

In the interests of biodiversity and visual amenity in accordance with paragraph 174 of the National Planning Policy Framework (2021) and Policy SDC1 of the Local Plan (2019).

CONDITION: 51

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

REASON:

In the interests of biodiversity and visual amenity in accordance with paragraph 174 of the National Planning Policy Framework (2021) and Policy SDC1 of the Local Plan (2019).

INFORMATIVE 1:

The following information will need to be provided when Condition 14 is discharged (numbered to match the condition):

2. It is recognised that the Environment Agency has given an indication of acceptance regarding the outfall into the Harrow Brook. At the detailed design stage, the LLFA will expect further details regarding this outfall and confirmation, ideally in the form of a Flood Risk Activities Permit (or confirmed exemption), as to the final approval of such design elements.
3. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
 - a. For the 'Full' site: further consideration should be given.
 - i. The design to date assumes a 'Medium' pollution hazard index however a 'High' may be considered more appropriate given such description includes haulage yards, highly frequented lorry approaches to industrial estates amongst others – justification will be required of the current designation.
 - ii. Hazard Mitigation Indices have been provided regarding the proposed interceptors and justification of these will be required at the detailed design stage in line with manufacture recommendations. The management train could be revisited to pass water through as many features as possible.
 - iii. Pumps are required on the southern side of the Unit 1 building. Further details of these will be required and where feasible given levels, the LLFA suggest aboveground, shallow over the edge

drainage combined with overland flow routing is used to minimise the area draining to the pumps.

b. For the 'Outline' site, further details will be required demonstrating the use of above-ground SuDS, in line with the principles established as part of the 'full' application

4. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753. Of note to consider:

a. The location and design of sediment forebays.

b. The design of the proposed surface water pumping from the dock levellers

5. This should include:

a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. relevant scenarios such as a surcharged outfall or pump failure), and justification of such criteria where relevant.

b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events

c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.

d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.

6. Such overland flow routing should:

a. Support the drainage strategy to date showing retention of flood volumes in proximity of the drainage channels and across the wider site, demonstrate how runoff will be directed through the development

b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.

c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

INFORMATIVE 2:

In relation to all landscaping conditions, the **proposed tree planting** specification shall include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition, all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified.

INFORMATIVE 3:

This planning permission is subject to pre-commencement conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority

before ANY development may lawfully commence. Any development commenced in breach of these pre-commencement conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.

INFORMATIVE 4:

The applicant/developer is advised that the development will need to comply with Approved Document B, Volume 2, Section B5 - Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc regarding this can be found at:

www.warwickshire.gov.uk/fireguidancecommercialdomesticplanning

Where compliance cannot be met, the applicant/developer will need to provide details of alternative measures intended to be put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18, Access for Emergency Vehicles. In addition, 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, for residential premises.

INFORMATIVE 5:

Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

INFORMATIVE 6:

Public rights of way should remain open and available for public use at all times unless closed by legal order and should not be obstructed by parked vehicles or by materials during any works. Any damage to the surface of any public right of way caused during the works should be made good. If it is proposed to temporarily close any public right of way during the works then an application for a Traffic Regulation Order must be made to Warwickshire County Council's (WCC) Rights of Way Team well in advance. Any disturbance or alteration to the surface of any public right of way requires the prior authorisation of WCC Right's of Way Team, as does the installation of any new gate or other structure on the public right of way.

INFORMATIVE 7:

This development is subject to a s106 legal agreement.

STATEMENT OF POSITIVE ENGAGEMENT:

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the NPPF.