

**Delegated Report
Discharge of Conditions**

Planning Ref: 24/00962/DISCON
Applicant: MTP Dev Limited
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Horiba Mira Ltd Mira Drive Lindley

Zone 3 Plot 44 (24/00672/REM) - Application to discharge C6 (Travel Plan) C7 (BREEAM) C8 (Noise Protection) C9 (External Lighting) C10 (External Lighting during Construction) C11 (Land Contamination Assessment incl. Landfill Gas), C15 (Management of Land Contamination during Construction) C16 (Construction Environmental Management Plan) C17 (Waste and Recycling) C26 (Update Badger Survey) C27 (GCN) C29 (Surface Water and Foul Drainage) C32 (WSI) attached to planning permission 11/00360/OUT revised through 14/00661/CONDIT

Conditions and supporting details submitted to apply for the conditions to be discharged:

Condition 6

Notwithstanding the details submitted, no development shall commence on site until such time as a Green Travel Plan to promote sustainable transport modes of travel to the site from the surrounding area, including Hinckley & Bosworth, North Warwickshire and Nuneaton and Bedworth has been submitted to and approved in writing by the Local Planning Authority. Before the first use of each phase of the development, the Plan shall be implemented in accordance with the relevant approved details.

C6 Travel Plan 24050 (25.02.25) – Received 26 February 2025

Condition 7

No development within each phase shall commence until such time as a BREEAM Design Stage Assessment, carried out by a qualified assessor, demonstrating that the development within that phase can be constructed to a minimum of a BREEAM 'Very Good' Standard has been submitted to and approved in writing by the Local Planning Authority. In addition, prior to the first use of that phase of the development, a final certificate demonstrating that the development has been constructed to BREEAM 'Very Good' Standard shall be provided to the Local Planning Authority.

C7, BREEAM - New Construction Pre-Assessment Report – Received 16 October 2024

Condition 8

No development within each phase shall commence until such time as a scheme for protecting residential dwellings from noise from the completed development of that phase has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented as approved for each applicable phase of development hereby approved and maintained as approved thereafter.

C8, Acoustic Design Review - Received 16 October 2024

Condition 9

No development within each phase shall commence until such time as a scheme for the external lighting of that phase including details of permanent external lighting including layout plan, lighting types, luminaire type, intensity, mounting height, aiming angles and luminaire profiles, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented as approved for each applicable phase of the development hereby approved and be maintained as approved thereafter.

Received 16 October 2024

**C9 & C10 Proposed External Lighting, Drg No. 240236-CPW-XX-XX-DR-E-307001 S3 Rev P01
C9 & C10 External Lighting Report**

Condition 10

No development shall commence until such time as a scheme for the external lighting of each phase of the site during the preparation and construction phase, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented as approved for each applicable phase of the development hereby approved and be maintained as approved thereafter.

Received 16 October 2024

**C9 & C10 Proposed External Lighting, Drg No. 240236-CPW-XX-XX-DR-E-307001 S3 Rev P01
C9 & C10 External Lighting Report**

Condition 11

No development shall commence until such time as a Risk Based Land Contamination Assessment (including landfill gas) has been submitted to and agreed in writing by the Local Planning Authority. The assessment shall be fully implemented as approved for each applicable phase of the development hereby approved.

Received 16 October 2024

C11 & C15, Phase I and II Ground Investigation Report Part 1 & Part 2

Condition 15

No development approved by this permission shall commence until a scheme for the management of land contamination during the site preparation and construction works on the site has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

Received 16 October 2024

C11 & C15, Phase I and II Ground Investigation Report Part 1 & Part 2

Condition 16

Notwithstanding the detail submitted, no development shall commence until a Construction Environmental Management Plan has been submitted to and agreed in writing by the local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on local residents and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored and provide a procedure for the investigation of complaints. The plan shall be implemented throughout the duration of the construction works.

C16 Construction Management Plan – Received 16 October 2024

Condition 17

No development shall commence until such time as a waste management plan has been submitted to and agreed in writing by the local planning authority. The plan shall then be implemented as approved through each phase of the development and be maintained as approved thereafter in the completed development.

C17 Waste Management Policy – Received 16 October 2024

Condition 26

In accordance with the requirements of the submitted Environmental Assessment, no development shall commence until such time as a further survey for badgers within the application site and a

scheme of any necessary arising mitigation and or compensation has been submitted to an agreed in writing by the Local Planning Authority. The approved details and any mitigation shall be fully implemented before the commencement of any relevant development phase.

Received 16 October 2024

C26, C27, Ecology Technical Note and Outline Mitigation Strategy

Condition 27

In accordance with the requirements of the submitted Environmental Assessment, no development shall commence until such time as method statement detailing measures to prevent harm to Great Crested Newts, provision of new habitat and reinstatement of previous habitat has been submitted to an agreed in writing by the Local Planning Authority. The method statement and any mitigation shall be fully implemented before the commencement of any relevant development phase.

Received 16 October 2024

C26, C27, Ecology Technical Note and Outline Mitigation Strategy

Condition 29

No development shall commence within each phase until such time as drainage plans for the disposal of surface water and foul sewage in accordance with the agreed drainage strategy have been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented in accordance with the approved details before the development is first brought into use.

Received 16 October 2024

C29, Drainage Layout, Drg No. 10394-0500 Rev P01

C29, Drainage Calculations, Rev No.10394-BCL-XX-XX-T-C-0001

C29 10394 - MIRA Plot 44 - BCAL Response to C29 – Received 28 November 2024

Received 6 January 2025

C29 10394-BCL-XX-XX-DR-C-0560 P01 Sections Through SuDS Drainage

Condition 31

No development shall commence until such time as a scheme detailing the improvements as generally described in Section 10.13 - 10.18 and Figure 10.1 - off-sites cycle infrastructure improvements within the Supplementary Transport Assessment Report, August 2011, including a proposed programme of implementation, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. No more than 35,524m² B1b, 4,290m² B1a and 2,100m² hotel/service uses shall be occupied until the approved A5 corridor cycle works have been implemented in accordance with the approved implementation programme between Redgate junction and Wood Lane. No more than 71,048m² B1b, 8,580 m² B1a and 4,200 hotel/service uses shall be occupied until the approved A5 corridor cycle works have been implemented in accordance with the approved implementation programme between Wood Lane and the Higham Roundabout.

No details were submitted that related to Condition 31

Condition 32

With the exception of the A5 highways improvements, no demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme(s) of Investigation relating to that phase of development has been submitted to and approved in writing by the local planning authority. The scheme(s) shall include an assessment of significance and research questions; and:

The programme and methodology of site investigation and recording

The programme for post investigation assessment
Provision to be made for analysis of the site investigation and recording
Provision to be made for publication and dissemination of the analysis and records of the site investigation
Provision to be made for archive deposition of the analysis and records of the site investigation
Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme(s) of Investigation.

Received 7 March 2025

C32 21-092-01-A002-L-Indicative Masterplan

C32 2109201-SGP-ZZ-ZZ-DR-A-A016---Zone Plan with MP

C32 P24-397-MIRA24 WB WSI CA 28-02-2025 v3.1 (Plot 44) – Received 3 March 2025

Received 16 October 2024

C32 WSI

C32 Archaeological Strip, Map & Sample

C32 WSI - Archaeological Evaluation

Consultees / Assessed by:

LLFA (Local Lead Flood Authority) – Leicestershire County Council

LCC Ecology

HBBC Drainage

LCC Archaeology

LCC Highways

Environmental Services Officer

Conclusion / Summary:

Condition 6

A Travel Plan provided to support the discharge of Condition 6 has been assessed by the Local Highway Authority. The Travel Plan replicates those travel plans submitted previously for other phases of the development. The Highway Authority have accepted that as the condition is historic the details provided satisfy the condition at the time and ensure that adequate measure are in place to encourage sustainable travel options to new employees and how it will be managed and monitored over time. The LPA are of the opinion that the details are satisfactory to discharge the condition.

Condition 7

A BREEAM pre- assessment has been undertaken for a new construction specifically relating to Plot 44. The results of performance by environmental category is provided and confirms a proposed target score of 77.01% which results in an overall assessment of “Excellent” which shows that they should achieve as a minimum a “very good” rating as required by the condition, and therefore the condition is eligible to be partially discharged. Once the development has been completed a final certificate is to be obtained which should be submitted for approval and should confirm if the development has been constructed to the proposed standards and the results are above the score of 55 to reach a “very good” rating or above to enable the condition to be fully discharged.

Condition 8

An acoustic design review has been undertaken and results provided. The Council's Environmental Services Officer has advised that they are satisfied that the report indicates that the levels of noise are satisfactory to enable the condition to be partially discharged, as until the proposed plant is known that is required by the end user the condition is not eligible for full discharge. A partial discharge will allow the development to commence with a view of when plant is known the developer applies to fully discharge condition 6 so that any additional noise coming from the proposed plant relating to Plot 44 can be assessed accordingly.

Condition 9 & Condition 10

A proposed lighting plan which details the proposed lighting for Zone 3 Plot 44 and an External Lighting Report has been provided for the proposed lighting during the construction stages which have been reviewed by LCC Ecology and the Council's Environmental Services Officer. Both lighting proposed for Plot 44 and that proposed during the construction stage are at levels which are acceptable to protect the environment from an ecological perspective and also acceptable to any residential properties nearby and therefore the Council is of the opinion that both conditions are eligible to discharge for Plot 44.

Condition 11 & Condition 15

The Council's Environmental Services Officer has reviewed the Phase I & II Ground Investigations Report and advised that the conditions are eligible for discharge as the results from the investigations on site found that no significant land contamination or gas measures were found and therefore no mitigation has been advised.

Condition 16

A Construction Management Plan has been provided and assessed by the Local Highway Authority and the Council's Environmental Services Officer. It is noted that the MIRA Technology site is only accessible from the A5 which is a National Highway and therefore National Highways or the Local Highway Authority have any issues as the road is a National Trunk road with an existing appropriate access and within the site it has the capability to ensure that all construction employees have access to parking and welfare facilities well located within the site. There are measures in place to manage and monitor dust and noise, however there are no properties within the vicinity of the proposed development for it to be disruptive. The condition is eligible for discharge for Zone 3 Plot 44.

Condition 17

A Companywide Waste Management Policy is provided that which confirms that all waste and recycling, including any hazardous materials will be removed by a suitably licenced independent waste company across the technology park. Therefore, no waste and recycling will be collected by the Council's Waste Management Team and will not be left on the highway as it will be collected from within the site boundaries. The Technology Park Waste and Recycling Strategy demonstrates that they have a waste policy in place that effectively deals with waste and recycling for the whole site and therefore the condition can be discharged for Zone 3 Plot 44 as this will also come under the policy.

Condition 26

An Ecology Technical Note has been submitted to support Condition 26 and assessed by LCC Ecology. The technical note provides a comprehensive update from Middlemarch in particular relation to Zone 3 Plot 44 of the development. The report identifies precautionary recommendations to the development and LCC Ecology are satisfied that these are acceptable to discharge the condition for this phase. A 'Note to Applicant' has been recommended: "It is the developer's responsibility to ensure wildlife legislation is followed prior to and throughout construction. For example, it is understood that a GCN licence is in place, so it is the applicant's responsibility to follow the conditions of the licence to ensure compliance. In addition, whilst no signs of badgers were recorded on site during the updated walkover, a pre-works walkover has

been recommended, and it is important that the applicant remains vigilant throughout construction.”

Condition 27

An Ecology Technical Note has been submitted to support Condition 27 and assessed by LCC Ecology. The technical note provides a comprehensive update from Middlemarch in particular relation to Zone 3 Plot 44 of the development. The report identifies precautionary recommendations to the development and LCC Ecology are satisfied that these are acceptable to discharge the condition for this phase. A ‘Note to Applicant’ has been recommended “It is the developer’s responsibility to ensure wildlife legislation is followed prior to and throughout construction. For example, it is understood that a GCN licence is in place, so it is the applicant’s responsibility to follow the conditions of the licence to ensure compliance. In addition, whilst no signs of badgers were recorded on site during the updated walkover, a pre-works walkover has been recommended, and it is important that the applicant remains vigilant throughout construction.”

Condition 29

Proposed drainage for Zone 3 Plot 44 has been provided together with supporting calculations. The details have been assessed by the Councils Drainage Officer and the LLFA. The Councils Drainage Officer was satisfied with the proposals and the LLFA requested a cross-section plan of the SuDS features which was provided and found to be acceptable to enable the condition to be discharged. No comments were received from Severn Trent Water, however any foul water drainage requires a connection approval under a Section 104 Agreement which is required to be entered into with Severn Trent Water directly. The LLFA did advise that any deviation away from the specified hydro-brake product reference CTL-SHE-0072-3500-2470-3500 will make the calculations invalid and therefore a re-consultation will be required if the contractor seeks to use an alternative manufacturer or product. A ‘Note to Applicant’ will be provided. The LPA are satisfied that the condition is eligible for discharge.

Condition 31

The covering letter to the application implied that the application was applying for Condition 31 Off-Site highway Works when the application actually relates to Condition 32 which is archaeology, so Condition 31 was removed and replaced with Condition 32.

Condition 32

Original Archaeological written scheme of investigations together with updated written scheme of investigation provided in support of Condition 32 together with a masterplan and zone plan which identifies where Zone 3 Plot 44 is located to clarify its location and the areas to be investigated. LCC Archaeology have been involved with the archaeological investigations throughout each phase of development and following review of the documents provided are satisfied that the condition is eligible to be partially discharged to allow for the investigation works detailed in the document received 3 March 2025 to be undertaken in accordance with Condition 32.

To fully discharge condition 32 once investigations have been completed to provide provision for the archive deposition of the analysis and records of the site investigation results and to apply for the discharge of Condition 33.

Officer Recommendations relating to Zone 3 Plot 44 only:

Condition 6 Travel Plan - Discharge

Condition 7 BREEM – **Partial** Discharge

Condition 8 Noise Protection – **Partial** Discharge

Condition 9 External Lighting – Discharge

Condition 10 Lighting during Construction – Discharge

Condition 11 Landfill Gas - Discharge

Condition 15 Land Contamination – Discharge
Condition 16 CEMP - Discharge
Condition 17 Waste & Recycling - Discharge
Condition 26 Badger Survey - Discharge
Condition 27 GCN – Discharge
Condition 29 Surface Water & Foul Drainage – Discharge (Note to applicant STW & Product)
Condition 31 Removed and replaced with Condition 32
Condition 32 Archaeology – **Partial** Discharge

Notes to Applicant

Ecology – It is the developers responsibility to ensure wildlife legislation is followed prior to and throughout construction

Drainage – Disposal of foul drainage is subject to a Section 104 Agreement with Severn Trent Water and that if contractors are to use any other manufacturer or product then the developer will need to apply to re-discharge the condition