

Our Ref: PD14503

Head of Planning  
Planning Services  
Hinckley & Bosworth Borough Council  
Development Services  
Hinckley Hub  
Rugby Road  
Hinckley  
Leicestershire  
LE10 0FR

24 June 2025

Dear Sir or Madam,

**THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
VARIATION OF CONDITION 9 AND DISCHARGE OF CONDITION 16 ATTACHED TO REF: 23/01023/HYB  
LAND TO EAST OF WOLVEY ROAD, STRETTON BASKERVILLE**

On behalf of Welcome Break Group Limited (the 'Applicant'), we apply under Section 73 of the Town and Country Planning Act (as amended), for a variation to Condition 9 and the discharge of Condition 16 attached to LPA Ref: 23/01023/HYB, dated 19 October 2023.

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015, the documents which comprise the application include the following:

- Application Cover Letter dated 24 June 2025 (this letter);
- Application Forms and Certificates signed and dated 24 June 2025;
- Planning Permission Ref: 23/01023/HYB;
- Condition 16 - Construction Traffic Management Plan, prepared by Dice;
- Section 73 - Google Earth Satellite Image from circa 2016.

The application has been submitted electronically via the Planning Portal website (Reference: PP-14203242). The application fee of £2,085.00 has been paid using the online portal.

**Relevant Planning History**

In August 2013, Outline planning permission (LPA Ref: 11/0239) (the '2013 Permission') was granted by Rugby Borough Council at the Site, following a call in by the Secretary of State ('SoS'), for a "*mixed use development comprising Class B1 (Business), Class C1 (Hotel Development) incorporating Class A3 (Restaurant), Class D2 (Assembly and Leisure) with associated car parking and landscaping*". Reserved Matters were later approved in October 2016 under LPA Ref: R16/1255.

A subsequent Non-Material Amendment to the Outline Permission was approved in August 2018. It allowed for an amendment to the wording of all pre-commencement Conditions to enable initial drainage works on the Site.

Rugby Borough Council has previously confirmed that the initial drainage works that were undertaken constituted a material operation that commenced the development having regard to Section 56 of the Town and Country Planning Act 1990. The 2013 Permission has therefore been implemented and remains extant.

On 9 June 2025, planning permission (Ref: 23/01023/HYB) (the '2025 Permission') was granted by Hinckley & Bosworth Borough at the Site for:

*"The construction of a Motorway Service Area comprising vehicular and pedestrian access from the A5, petrol filling station for domestic vehicles, HGV filling station, Main Petrol Filling Station/Services building, drive thru unit, EV charging spaces, customer parking spaces including HGV, coach and caravan provision, landscaping including picnic and dog walking areas, electric substations and retaining walls at south/western boundary fronting the M69."*

The 2025 Permission was granted subject to 28 no. of Conditions. Condition 9 states:

*"No part of the development hereby permitted shall commence until the proposed A5 access and improvements to the A5/Wolvey Road junction shown on DTP drawing number DTP/3711622/SK004 Revision D have been implemented and open to traffic. The required works shall include provision for a hardwired communications link into the existing signals at the M69 Junction 1 and shall comply with the requirements of the Design Manual for Roads and Bridges (DMRB), including those relating to Road safety Audit (RSA) and Walking, Cycling, Horse-Riding Assessment and review (WCHAR). All remaining off-site highway works shown on drawing DTP/3711622/SK004 Revision D shall be implemented in full prior to the development being brought into use."*

*REASON: To ensure that the A5 trunk road and M69 motorway continue to serve their purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the Strategic Road Network resulting from traffic entering and emerging from the application site and in the interests of road safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016), Section 9 of the National Planning Policy Framework (2024) and Department for Transport Circular 01/2022."*

Condition 16 states:

*Prior to commencement of development a Construction Environmental Management Plan incorporating a Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority in consultation with National Highways. The Plan shall detail how, during the site preparation and construction phase of the development, the impact on existing residential premises and the environment shall be prevented or mitigated. The Plan shall detail how such controls will be monitored. The Plan shall include details on the following:*

- a) Construction site layout showing clearly designated areas for the parking of vehicles for site operatives and visitors; areas for the loading and unloading of plant and materials (i.e. deliveries/waste); storage of plant and materials used in constructing the development; areas for managing waste; and wheel washing facilities;*
- b) Construction phasing;*
- c) An HGV routing plan to include likely origin/destination information, potential construction vehicle numbers, construction traffic arrival and departure times, and construction delivery times (to avoid peak hours);*
- d) Clear and detailed measures to prevent debris, mud and detritus being distributed onto the local highway and Strategic Highway Network;*

*e) Mitigation measures in respect of noise, odour, smoke, light contamination, land contamination and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;*

*f) A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;*

*g) Waste management;*

*h) Protection measures for hedgerows and grasslands; and*

*i) A procedure for the investigation of complaints and details of the responsible person (e.g. site manager/office) who can be contacted in the event of a complaint.*

*Thereafter, all construction activity in respect of the development shall be undertaken in full accordance with such approved details.*

**Reason:** *To ensure that the A5 trunk Road and M69 motorway continue to serve their purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the Strategic Route Network resulting from traffic entering and emerging from the application site and in the interests of road safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016), Section 9 of the National Planning Policy Framework (2024), and Department for Transport Circular 01/2022, and in the interests of the amenity of neighbouring residents in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 135 of the National Planning Policy Framework (2024).*

*A pre-commencement condition is required to minimise disruption on the Strategic Road Network, in the interests of highway safety and to minimise loss of amenity for neighbouring residents.*

### **Proposed Variation of Condition 9 (Access Improvement Works)**

The application seeks a variation Condition 9 of the 2025 Permission. It requires the approved access improvement works to the A5 / Wolvey Road junction to be completed prior to the commencement of the approved development.

The reason Condition 9 was imposed was in the interests of road safety and to ensure that the A5 Trunk Road and M69 Motorway could continue to serve their purpose as part of a national system of routes for through traffic and minimise disruption on the Strategic Road Network ('SRN') resulting from traffic entering and emerging from the Site.

The proposed variation of Condition 9 is sought to change the requirements for the completion of the access improvement works to the A5 / Wolvey Road junction from 'prior to commencement' to a 'prior to occupation'. This change would allow for the approved development to be implemented and for construction to commence on Site without delay.

The reasoning for the proposed amendment to the Condition is intrinsically linked to the proposed access strategy via the Construction phase of the project as set out below in respect of the separate application to discharge Condition 16 of the 2025 permission. Accordingly, both the S73 and discharge of Condition 16 application are submitted as a singular package.

The proposed revision to the Condition comprises:

*No part of the development hereby permitted shall ~~commence~~ be occupied until the proposed A5 access and improvements to the A5/Wolvey Road junction shown on DTP drawing number DTP/3711622/SK004 Revision D have been implemented and open to traffic. The required works shall include provision for a hardwired communications link into the existing signals at the M69 Junction 1 and shall comply with the requirements of the Design Manual for Roads and Bridges (DMRB), including those relating to Road safety Audit (RSA) and Walking, Cycling, Horse-Riding Assessment and review (WCHAR). All remaining off-site highway works shown on drawing DTP/3711622/SK004 Revision D shall be implemented in full prior to the development being brought into use.*

#### **Proposed Discharge of Condition 16 (Construction Environmental Management Plan)**

Condition 16 of the 2025 Permission requires the submission and approval in writing by the Local Planning Authority in consultation with National Highways of a Construction Environmental Management Plan (CEMP), incorporating a Construction Traffic Management Plan (CTMP), prior to the commencement of development.

In accordance with the requirements of Condition 16, this application includes a Construction Traffic Management Plan ('CTMP'), prepared by Dice. The CTMP demonstrates that the impact of the traffic generation by the development proposals during the construction period will be reasonably mitigated.

Construction vehicle access to the Site is to be taken via Wolvey Road as opposed to via the A5. Given this, there will be no disruption to the A5 during the construction phase of the project and therefore enabling the variation to Condition 9 of the 2025 permission as set out above.

The proposed use of the construction access from Wolvey Road is already established at the Site and was previously agreed as acceptable by the Council in relation to the development approved and implemented under the 2013 Permission (LPA Ref: 11/0239).

Evidence from the submitted Google Earth Satellite image of the Site, which date back to approximately 2016, indicates that the Wolvey Road access was previously and successfully used by construction vehicles during the implementation of the 2013 Permission (LPA Ref: 11/0239). The image distinctly shows vehicle tracks originating from this access point to the west, which demonstrates that these vehicles entered the site via Wolvey Road, as opposed to the site access from the A5 (Watling Street).

It is therefore considered that the use of Wolvey Road for construction vehicle access is already established at the Site. Crucially, its proposed use would allow for the approved development to be implemented without delay, whilst at the same time resulting in no disruption to the continued use of the A5 (Watling Street) during the construction process of the approved development.

It follows that the submitted CTMP fully meets the requirements of Condition 16 and as such it is respectfully requested that the Condition is discharged expediently to allow for the approval of the S73 proposals to amend Condition 9.

We trust the information provided above and enclosed is sufficient for the Council to determine this application positively.

In the meantime, should you require any further details please do not hesitate to contact Ross Fraser on [REDACTED]  
[REDACTED] or Matthew Gray on [REDACTED]

Yours faithfully

[REDACTED]

**MONTAGU EVANS LLP**

*Enc.*