

Delegated Report

Planning Ref: 23/01023/HYB

Applicant: Welcome Break Group Limited

Ward: Burbage Sketchley and Stretton



Hinckley & Bosworth
Borough Council

**Site: Land East of Stretton Croft, Wolvey Road, Burbage,
Leicestershire**

Proposal: Construction of motorway service area comprising vehicular and pedestrian access from the A5, petrol filling station for domestic vehicles, HGV filling station, Main PFS / 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 (Cross boundary application with Rugby Borough Council)

1. Recommendations and Background

- 1.1. Grant planning permission** subject to:
 - Planning conditions detailed at the end of the report
- 1.2. Following the decision of the Committee in February to approve the application subject to a legal agreement regarding bus passes and travel packs the County Highways Authority has withdrawn its request for a contribution towards bus passes and travel packs given that all the floorspace associated with the motorway services building lies within Warwickshire rather than within Leicestershire.**
- 1.3. Rugby Borough Council have now approved the application and issued their decision notice. Given the change to the recommendation on our own application though the application needs to come back to Committee for decision.**
- 1.4. The February report is updated to reflect the current position with changes provided below at paragraphs 8.97 and 8.99 and all revised or new text highlighted in bold. The recommendation remains for approval.**
- 1.5. Having discussed the changes with the Chair of the Planning Committee and the Leader of the Council it was considered that the application having been considered by Committee in February and having been recommended for approval the decision notice could now be issued in line with the Council's constitution and the scheme of delegation without a further decision being made by the Committee.**

2. Planning Application Description

- 2.1. The application seeks full planning permission for a motorway service area (MSA) and follows the granting of a roadside services facility and office development on the same site in 2022 under application reference 20/00531/HYB. It is important to point out that this is a cross boundary application and that the far greater majority of the southern part of site lies within the boundary of Rugby Borough Council. Access to the site is taken from the A5 Watling Street which does lie within Hinckley and Bosworth Borough.**

2.2. The MSA includes the following elements:

- 272 car parking spaces including 37 EV spaces, 17 DDA spaces and 18 dedicated staff spaces
- 44 HGV parking spaces
- 7 coach parking spaces
- 10 caravan parking spaces
- 11 motorcycle spaces
- A fuel filling area for cars
- A fuel filling area for HGVs
- A drive through coffee shop
- A main Motorway Services Building of 1791sq.m gross external area comprising a KFC Drive-Through, a Starbucks, a Burger King, a Pret-Manger, a gaming area, a convenience store, a shared seating area, toilets and showers

The total food and beverage and retail floorspace is 882.6sq.m.

2.3. In terms of how the various elements are located across the site the car fuel filling area is in the north east corner closest to the roundabout. The main Motorway Services Building lies to the south west, directly south of the existing electricity pylon, the drive through coffee shop lies further to the south-west with the refrigerated HGV parking bays beyond in the south-west corner of the site, the HGV bays are on the western boundary and the HGV fuel filling station on the northern boundary south of the dwellings on Stretton Croft with 2.2 metre acoustic fencing on this part of the northern boundary of the site.

2.4. The closest dwelling is on Stretton Croft and the garden is a minimum of 12.5 metres from the site at its closest point. The acoustic fence lies on the site boundary and so would also be the same 12.5 metres from the closest point of the nearest garden. The closest dwelling is 27.5 metres from the acoustic fence and site boundary at its closest point and is over 60 metres from the HGV fuel filling station.

2.5. The area between the site boundary and neighbouring gardens is currently planted with a mature, dense, woodland with a mix of species that provides screening between the dwellings and the site. This planting is to be supplemented with additional planting part of the proposed development. The new site access is at least 53 metres from the closest of the gardens on Stretton Croft.

2.6. The new access is from the A5 to the north of the site in the form of a new traffic light controlled junction. As well as the new traffic light controlled junction there are a number of other highway improvements on the A5 that are proposed as follows:

- As vehicles come off the A5/M69 roundabout they are currently funnelled down to one lane, instead, two lanes on the A5 heading west are provided and the funnelling down to one lane now occurs further to the west after the traffic light controlled junction but before getting to Wolvey Road
- As well as the two lanes of traffic heading west on the A5 there will be a left turn lane into the MSA site
- For traffic exiting the MSA there is one lane turning left and one lane turning right
- For traffic heading east towards the M69 the highway is widened so that two lanes are provided prior to the traffic light controlled junction with a separate additional right turn lane into the MSA site. The two lanes heading east towards the roundabout will continue past the traffic light controlled junction and will widen to three lanes at the roundabout as they do now

- For traffic heading west on the A5 the central white hatching is extended and widened so that right turn areas are provided for the existing Esso fuel filling station and the Miller and Carter restaurant on the north side of the A5
- The southern junction of Wolvey Road and the A5 is realigned further west so that it forms a crossroads rather than being staggered as at present and the central white lining is widened so that right turn lanes both north and south are provided. On the south side a pedestrian refuge is provided in Wolvey Road to improve pedestrian movements
- The 40mph speed zone is moved further east to the roundabout exit east of the traffic light controlled junction
- The existing footways are widened to 2 metres
- The lay-by on the south side of the A5 opposite the existing Esso fuel filling station is removed
- A new pedestrian refuge on the A5 west of the new Wolvey Road crossroad is provided to improve pedestrian movements across the A5 as there is no footway on the north side of the A5 in front of the Hinckley Knight public house

- 2.7. The proposal includes the loss of some significant tree planting in order to provide access to the site. The submitted Arboricultural Report describes 18 individual trees and 23 tree groups within or bordering the site. Of these, nine individual trees and ten of the tree groups are within Category A – the highest category, with four individual trees and nine tree groups within Category B and five individual trees and four tree groups within Category C – the lowest category apart from those trees that are dead, dying or dangerous. Trees on the site that lie within Hinckley and Bosworth are protected by a Tree Preservation Order (TPO).
- 2.8. In order to construct the access and visibility splays a total of 33 trees require removal. The three individual trees identified within the TPO are retained. One Scots pine tree on Wolvey Road is unaffected by the development and two oak trees will stand to the east of the site entrance in highly prominent locations. Of the three groups of trees identified within the TPO, groups one and three, which contain 39 and 116 trees respectively, lie outside of the red line boundary and are unaffected by the proposed works. Group two though lies along the road frontage and contains 97 trees – the 33 trees that are to be removed lie within this group.
- 2.9. Given the date of submission of the application a Biodiversity Net Gain of 10% is not required.
- 2.10. The proposed buildings are typical of those found on new MSAs. The main facilities building has a flat roof to a height of 7.4 metres and is faced with black cladding, full height glazing with a deep timber bris soleil that wraps around all four elevations. The drive through coffee outlet has a flat roof and is predominantly faced in timber cladding with some rendered elements. The fuel filling stations have canopies that are a maximum of 6.5 metres above ground level.
- 2.11. In terms of boundary treatment there is 2m high palisade fencing to the rear of the HGV parking bays. The fencing is set in a minimum of 13 metres from the western boundary of the site and 4 metres to the west of the parking bays. On the southern boundary with the M69 the existing timber post and rail fencing is retained and then extended alongside the roundabout, along the A5 boundary at the north of the site and alongside the access some 70 metres into the site. As described above the 2.2m acoustic fencing lies on the boundary of the site south of the Stretton Croft

dwellings and then this joins the existing timber post and rail fencing on the remainder of the western boundary south of the A5.

- 2.12. The supporting Planning Statement sets out that the applicant, the Welcome Break Group, purchased the site following the grant of planning application 20/00531/HYB for a roadside services facility and office development. The applicant states therefore that the application is not speculative and would be delivered expediently should permission be granted. The applicant currently operates 44 similar service areas within the UK and is one of the largest operators of MSAs in the country.
- 2.13. The application has been revised since it was first submitted. The amendments include the following:
- Acoustic fencing increased in height to 2.2m
 - Security fencing added to the western boundary
 - An 8m stand-off around the pylon added
 - Main building moved 0.8m to the south/south-east
 - Additional woodland planting provided in the blue edged area – i.e. land owned by the applicant but not within the red line
- 2.14. The application is accompanied by the following reports and documents:
- Planning Statement
 - Socio-economic Statement
 - Transport Statement
 - Travel Plan
 - Flood Risk Assessment
 - Air Quality Assessment
 - Noise Impact Assessment
 - Sustainable Drainage Statement
 - External Lighting Impact Statement
 - Arboricultural Impact Assessment
 - Ecological Appraisal and Reptile Study
 - Landscape Management Plan

3. Description of the Site and Surrounding Area

- 3.1. As well as being split between two borough councils the site also lies with two counties, Leicestershire and Warwickshire and also within two regions of the country, the East Midlands and the West Midlands.
- 3.2. The application site covers an area of approximately 4.2 hectares and is located to the south of Burbage beyond the settlement boundary which ends on the north side of the A5 Watling Street. The site therefore lies within the countryside. The site is located immediately to the north-west of junction 1 of the M69 where it joins the A5 and is bordered by the A5 Watling Street to the north, by the A5/M69 roundabout to the east and by the M69 and the exit slip road to the south. To the west of the site is open farmland within Rugby borough. The M69 is in an elevated position in relation to the site.
- 3.3. The site is predominantly grassland and is enclosed to the north, south and west by hedges and tree planting. As set out above many of the trees on the northern boundary within Hinckley and Bosworth borough are protected by Tree Preservation Order.

- 3.4. A large electricity pylon is located within the site close to the north and eastern boundaries within Hinckley and Bosworth borough with the powerlines running on a north-east/south-west line across the site. To the south of the site is the Soar Brook water course which has the appearance of a small drainage channel in this location.
- 3.5. As indicated above there are five dwellings to the north-west of the site on Stretton Croft. The garden of the closest is a minimum of 12.5 metres of the site at its closest point. The closest dwelling is 27.5 metres from the site boundary at its closest point and is over 60 metres from the HGV fuel filling station. There are also scattered dwellings on the north side of the A5 Watling Street which are set back from the highway. There are also a number of commercial properties within the vicinity of the site including an Esso fuel filling station, a restaurant and a pub, all on the A5 to the north and west of the site.
- 3.6. The site is not currently used for any purpose and was in the past used as a site compound during the construction of the M69. The current gated access to the site is from the A5 Watling Street close to the electricity pylon. The nearest bus stop is at Wolvey Road close to Three Pots Road, approximately 500 metres, or a six minute walk from the site.
- 3.7. The application site is located within flood zone 1, which is at the lowest risk of flooding, and very small parts of the site are at low risk of surface water flooding (between 0.1% and 1% chance each year), with the carriageway on the roundabout at high risk (a more than 3.3% chance each year). There are no public footpaths within the borough that cross or run adjacent to the site. Warwickshire County Council identify the site as a Local Wildlife Site but neither borough council affords the site this designation. The closest footpath runs to the east of Wolvey Road.

4. Relevant Planning History

- 4.1. 20/00531/HYB – Full application for erection of a roadside services facility comprising a petrol filling station, drive through restaurant (class A1/A3/A5) with new vehicular access (via A5 Watling Street), together with internal roads, car/cycle parking, drainage works, earthworks, landscaping and other associated infrastructure. Outline application for erection of class B1 and flexible class B1/B2/B8 units with access via the A5 (Watling Street) together with the construction of internal roads, vehicle and cycle parking, drainage works, earthworks, landscaping and other associated infrastructure (Cross Boundary application with Rugby Borough Council) – Approved by Committee 29 June 2021 and decision issued 18 August 2022. An accompanying S106 Agreement between the County Council and the developer only (i.e. not including the Borough Council) dealt with contributions relating to bus passes, travel packs, a travel plan and associated coordinating and monitoring.
- 4.2. Given the date of the decision notice this permission remains extant. Condition 11 of the permission sets out that the development shall consist of no more than 5,670 square metres (61,031 square feet) of office floorspace plus a further 1,858 square metres (20,000 square feet) of flexible office/industrial/storage floorspace as well as 171 square metres (1,840 square feet) of restaurant/takeaway floorspace and 485 square metres (5220 square feet) of sui generis petrol filling station floorspace. The application also included 250 car parking spaces, 6 HGV spaces and one coach space.

- 4.3. Rugby application R20/0422 was the associated cross boundary application and was also approved in August 2022. An accompanying S106 Agreement dealt with contributions regarding biodiversity.
- 4.4. Rugby application R16/1255 – Mixed use development incorporating C1 hotel with ancillary A3 restaurant, B1 offices and D2 leisure unit. Approval of reserved matters in relation to outline planning permission R11/0239 (Outline application 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. Approved October 2016.
- 4.5. This was the reserved matters application that followed on from the outline permission granted at appeal and described below. The application included a three storey 68 bedroom hotel, three office blocks of two and three storeys comprising 3,716 square metres of floorspace, a leisure building comprising 3,252 square metres of floorspace, a restaurant and 341 parking spaces. Access to the site was taken from Wolvey Road. The Planning Statement submitted with the current application confirms that this has now lapsed.
- 4.6. Rugby R11/0239 – Outline application 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.
- 4.7. This application site was located entirely within Rugby Borough Council and did not include any land within Hinckley and Bosworth borough. The application was called in by the Secretary of State due to possible conflicts with national policies. A public inquiry was subsequently held, and the Inspector recommended that planning permission be given. Key conclusions set out in the Inspector's decision include the following points:
- The need for the development was established
 - The closest residential property was 24m and the curtilage was at least 10m from the site boundary
 - Objections on the grounds of basis of impact on the countryside were entirely without merit
 - The site was incapable of beneficial use for agriculture or horses
 - There were no distant views of the site
- The Secretary of State agreed with the Inspectors recommendations and planning permission was granted for the development in August 2013. The Planning Statement submitted with the current application confirms that this has now lapsed.

5. Publicity

- 5.1. The application has been publicised by sending out letters to the occupiers of 41 neighbouring properties. A site notice has been also posted within the vicinity of the site, and a notice has been published in the local press.
- 5.2. Representations have been received from or on behalf of the occupiers of ten neighbouring properties. Of these, three neither support nor object the proposal and the remaining seven, including from the owners of the Esso Petrol Filling Station near to the site, object to the application. The following objections, concerns and points have been made:
- This will increase congestion at the A5/M69 roundabout. There are already major hold-ups, and this will only make matters worse. The A5 cannot

currently cope with the amount of traffic using it. Soon local roads will be gridlocked by people avoiding the A5. The service area needs its own access road on and off the motorway along with another road direct from Burbage to take traffic away from Rugby Road

- It is already difficult to get out of Wolvey Road. There should be a roundabout provided not a traffic light controlled junction
- The site lies within the countryside and so should not be supported
- The previously approved scheme was supported largely due to the economic benefits that would be delivered through the employment floorspace – all this is lost and so the scheme should not be supported
- The retail elements will result in the site being a retail destination in its own right and may draw customers away from retail centres in Hinckley and therefore a retail impact assessment is required

Officer comment: Policy DM21 of the Site Allocations and Development Management Policies Development Plan Document sets out that an impact statement is only required where the proposal includes 2,500sq.m of retail floorspace. The current proposal falls far short of that figure proposing approximately 890sq.m

- The site is not served by public transport, and the nearest bus stop is over 500 metres away. It will mean people travelling to the site by car contrary to Policy DM17 and to section 9 of the NPPF as it does not promote sustainable transport
- There is no evidence of the need for another service area. There are two existing motorway service areas within a 14 mile radius. There are fuel filling stations with access for HGVs opposite the site and approximately 6 miles away. There are plenty of restaurants, fast food outlets and drive through retailers within 5 miles of the site
- This will not be of any benefit to Burbage or to Hinckley
- The site has Local Wildlife Status and there will be significant habitat and wildlife loss that is not mitigated by the proposals

Officer comment: The information subsequently submitted regarding biodiversity sets out how habitat loss can be mitigated and a net gain in biodiversity achieved

- The development results in the loss of trees protected by TPO and this is not acknowledged in the application submissions – the loss of trees is another reason for refusal

Officer comment: The Arboricultural Report has subsequently been submitted which acknowledges the tree loss

- There will be an increase in noise and air pollution
- This will lead to an increase in litter, anti-social behaviour and crime
- Local residents of Stretton Croft have concerns regarding security and the ability of people using this facility to access neighbouring properties
- This will lead to increased use of Wolvey Road which will have a negative effect on local residents
- There will be increased light pollution
- The site could be used for affordable homes
- This is a fair idea, services are needed on the M69
- There is a better site at Lychgate Lane

Officer Comment: That site is not before the Committee for consideration, neither has an application or a pre-application enquiry been submitted

- Have the risks of earth faults and EPR from the tower line to the EV chargers and petrol station been considered?

Officer Comment: This point has been brought to the attention of the applicant

6. Consultation

- 6.1. **Burbage Parish Council** – First Consultation Response - Objects to the proposal for the following reasons, notwithstanding that permission for development exists:
- Access would be too close to the M69 and could be potentially dangerous
 - Traffic using the development could exacerbate tailbacks along that stretch of the A5
 - The development could hinder the widening of the A5
 - There would be adverse environmental impacts in terms of noise, light and air pollution
 - The development would intrude into the cross-boundary Green Wedge

Second Consultation Response to revised plans – No objections but wishes to highlight concern that the traffic data submitted in support of the application is significantly out of date and does not take account of recently approved residential developments in the area which could be adversely affected by the proposed scheme.

Third Consultation Response to further revisions – Objects to the application but objects to the application for the same reasons as originally set out in the first response.

- 6.2. **National Highways** – The site has an existing unimplemented planning approval for a roadside (trunk road) services and employment site using the same access point as is proposed in this application. Several previous responses to this application have been made. These have set out the position of National Highways on the need for a Motorway Service Area (MSA) at this location and the minimum requirements that an approved MSA must meet. As outlined in previous responses National Highways is satisfied that the minimum requirements for an MSA can be met by this site. In addition, National Highways are content that trip generation during the peak hours will be lower than the trip generation for the previously consented hybrid planning applications. Further to this a network capacity assessment has demonstrated that the highway network can accommodate these vehicle trips.

With regard to the need for the MSA, it is considered that this has not been demonstrated. Notwithstanding this though, it is recognised that on certain parts of the Strategic Road Network, a shortage of parking facilities for HGVs can make it difficult for drivers to find a safe place to stop and adhere to requirements for mandatory breaks and rests. As such, in areas where there is an identified need for HGV parking (informed by the Department for Transport's National Lorry Parking Survey), the maximum distance between facilities providing HGV parking should be no more than 14 miles.

The Applicant has demonstrated that the proposed development is in excess of 14 miles from the nearest MSA but has given no indication of the distance to all types of motorway HGV parking facilities (being service areas, rest areas or truckstops). Whilst the DfT's Lorry Parking Survey does indicate that the East Midlands is in critical need of more HGV parking, the Applicant should identify the distances to the nearest HGV parking based on all types of HGV parking facilities. The Applicant has not done this. Without further evidence to support the Applicant's case, the need for an MSA at this location is therefore not established.

Notwithstanding the above, National Highways will not object to proposals where a need has not been established as there is no minimum distance between these facilities.

Finally, it is confirmed that National Highways has no objections to the proposed development subject to conditions regarding highway improvements, a Construction Traffic Management Plan, signage, geotechnical details, drainage, lighting, boundary treatments, a staff travel plan, meeting the minimum requirements for a Motorway Service Area and that there is no route through the site.

- 6.3. **LCC Highway Authority** – The Local Highway Advice (LHA) advice is that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the National Planning Policy Framework (2024) subject to conditions.

Conditions are required regarding the implementation of offsite works, the travel plan and parking and turning facilities.

The LHA consider National Highways the most appropriate authority to comment on the site access arrangements but road re-alignment and marking improvements are also proposed at the A5 Watling Street/Wolvey Road junction that include the provision of right turn and left turn pockets into Wolvey Road. The LHA are satisfied that there is unlikely to be a material change in the level of vehicle trips using Wolvey Road and considers the proposals to be acceptable.

Given that the proposals are unlikely to result in additional traffic on the county network compared to the permitted development, the LHA accept that the proposals are unlikely to exacerbate any existing highway concerns on the county network.

The LHA remains satisfied that the proposals are unlikely to result in vehicles parking indiscriminately on the county highway network.

The Travel Plan submitted with the application is acceptable.

- 6.4. **LCC Lead Local Flood Authority (LLFA)** – The proposals have been discussed with Warwickshire LLFA. A development of similar scale was previously granted in June 2020 (20/00531/HYB). The 4.2 hectare site is located within Flood Zone 1, indicating a low risk of fluvial flooding. The Soar Brook is at the south of the site and fluvial risk is limited. There is a low risk of surface water flooding. The proposals seek to discharge surface water to the brook via three outfalls all of which are designed to discharge at 3.7 litres per second via permeable paving, geo-cellular storage and bypass or full retention separators. Small rain gardens are also included. The proposals are considered acceptable subject to conditions regarding surface water drainage and infiltration testing.

- 6.5. **LCC Archaeology** – The application site lies within an area of significant archaeological potential, adjacent to the line of the A5/Watling Street Roman Road. The site of a possible ring ditch of Neolithic or Bronze Age date is located towards the northern end of the site and the site of a possible pit alignment lies approximately 250m to the south of the proposed development. The site therefore has a significant potential to contain archaeological buried remains relating to Roman roadside occupation and prehistoric activity.

It is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary, by intrusive and non-intrusive investigation and recording. The applicant must obtain a suitable written scheme of investigation for both phases of archaeological investigation for submission and approval before the start of development.

- 6.6. **LCC Ecology** – We have not looked at that part of the site that lies within Warwickshire but with regard to the part of the site that lies within Leicestershire the submitted Ecology Report is acceptable. Conditions are required regarding a construction environmental management plan and a landscape environmental management plan.
- 6.7. **LCC Minerals and Waste** – Given that the site benefits from an extant planning permission allowing for its development (in part) for a roadside facility there are no comments to make.
- 6.8. **Severn Trent Water** – No response to date.
- 6.9. **Environment Agency** – No objections but provides advice regarding trade effluent.
- 6.10. **Leicestershire Police** – No objections but provides advice including automatic number plate recognition cameras to cover the entry and exit point, an area for the police to inspect HGVs, appropriate lighting, 1.8m security fencing, and CCTV coverage.
- 6.11. **Rugby Borough Council** – Confirmed that they would be undertaking a full assessment of the proposals under their own application R23/1047.
- 6.12. **HBBC Compliance and Monitoring** – No obligations are required.
- 6.13. **HBBC Drainage** – No objections subject to conditions regarding surface water drainage.
- 6.14. **HBBC Environmental Health** – Noise levels are predicted to fall within current guideline criteria. The proposals include acoustic fences, and it is recommended that a condition is applied to any permission for final details of the scheme of mitigation to be submitted. A condition regarding lighting is recommended. Conditions are also recommended regarding contamination, and a construction environmental plan is recommended given the scale of the development.
- 6.15. **HBBC Waste** – No comments or objections.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 4: Development in Burbage
- 7.2. Burbage Neighbourhood Plan (May 2021)
 - Policy 5: Footpaths and Cycleways
 - Policy 12: Important Trees
- 7.3. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development

- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM21: Locating Sustainable Town Centre Uses

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

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

8. Appraisal

8.1. As this is a full cross boundary planning application where the majority of the site, some 75% lies within the boundary of Rugby Borough Council. It is considered that the following represent the key issues:

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

Principle of Development

8.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.3. The current Development Plan consists of the Core Strategy, the site Allocations and Development Management Policies Development Plan Document and the Burbage Neighbourhood Plan. In accordance with Paragraph 232 of the

Framework, due weight should be given to policies according to their degree of consistency with the NPPF.

- 8.4. Importantly, and as set out above, the principle of development of the site is well established through the previous permissions that have been granted on site, particularly the most recent and extant planning permission for a mixed-use development including a roadside facility comprising a petrol filling station with retail floorspace, a drive through coffee shop facility, industrial and storage floorspace and four office buildings, one of which was three storeys in height. The extant permission includes 250 car parking spaces, six HGV parking spaces and one coach space.
- 8.5. In terms of national planning policy Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the SADMP set out a presumption in favour of sustainable development, and state at 11d) that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.6. Section 6 of the NPPF deals with building a strong, competitive economy and Paragraph 87 of the NPPF states that planning decisions should recognise and address the specific locational requirements of different sectors.
- 8.7. It is important to note that by their nature, motorway service areas must be located on or directly adjacent to the motorway network.
- 8.8. The NPPF makes clear, at paragraph 111 and footnote 46, that planning policies should provide for any large scale transport facilities, such as roadside services, that need to be located in the area and that the primary function of roadside services should be to support the safety and welfare of the road user.
- 8.9. Paragraph 116 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.10. Paragraph 124 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while also safeguarding and improving the environment.
- 8.11. Paragraph 125 of the Framework states that planning decisions should, amongst other things, support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 8.12. Paragraph 187 of the Framework states that decisions should contribute to and enhance the natural and local environment by protecting valued landscapes in a manner commensurate with their statutory status and by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile land, and of trees and woodland.
- 8.13. Department for Transport Circular 01/2022 sets out the policy of the Secretary of State for Transport in relation to the Strategic Road Network and Government policy

states that it should be read in conjunction with the NPPF, Planning Practice Guidance and all other material considerations. It confirms that National Highways is the highway authority for the strategic road network, which for the purposes of this application includes both the M69 and the A5.

- 8.14. As stated above and as set out at paragraph 71 of the Circular, the primary function of roadside facilities is to support the safety and welfare of road users. The Circular goes in to state that roadside facilities should be sympathetic to the character of the site and its surrounding area, and create a safe, inclusive and accessible environment.
- 8.15. Paragraph 73 of the Circular states that all roadside facilities that are accessed directly from a motorway or motorway junction must be signed for safety reasons. As such, new facilities must meet the requirements for signing that are set out within Annex A of the Circular. For the purposes of this application Annex A requires that a motorway service area:
 - must be available 24 hours a day throughout the year
 - that it has free parking for a minimum of two hours for all vehicles
 - that it has appropriate lighting and CCTV systems
 - that it has free toilets
 - that it has shower and washing facilities for HGV drivers including secure lockers
 - that it has electric vehicle charging points
 - that it provides fuel for petrol and diesel vehicles
 - that it has cooked hot food and hot drinks available for purchase during all opening hours for consumption on the premises
 - that it has wi-fi and power points available for device charging and a free-of-charge telephone for emergency use
- 8.16. Paragraph 74 of the Circular states that roadside facilities perform an important safety function by providing opportunities for the travelling public to stop and take a break during their journey and that Government advice is that motorists should stop and take a break every two hours.
- 8.17. Paragraphs 75 and 76 state that on the strategic road network there should be opportunities to stop every half hour and that there should be signed motorway services every 28 miles.
- 8.18. With regard to HGV drivers, paragraph 79 of the Circular points out that many are subject to a regime of statutory breaks and other working time restrictions and that roadside facilities are critical enablers of compliance with such requirements.
- 8.19. Paragraph 81 sets out that the maximum distance between motorway facilities providing HGV parking should be no more than 14 miles.
- 8.20. At paragraphs 84 to 88 the Circular points out that service areas between junctions are preferable to those that are located at junctions but that providing facilities at a junction is better than a continued absence of facilities.
- 8.21. Paragraph 93 of the Circular states that the scope and scale of retail activities at roadside facilities is a matter for consideration by the relevant local highway authority in line with planning policy and any other material planning consideration but that local planning authorities should have regard to the primary function of roadside facilities which is to support the safety and welfare of the road user.

- 8.22. Section 7 of the NPPF relates to ensuring the vitality of town centres and Paragraph 90 of the NPPF states that planning decisions should support the role that town centres play. Paragraph 91 states that a sequential approach should be applied to applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan and that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre sites be considered.
- 8.23. Policy DM21 of the SADMP supports the NPPF and states that all applications for the provision of new main town centre uses will be required to adhere to the same sequential approach.
- 8.24. Given the fact that motorway service areas are specifically supported via Circular 01/2022 and by Paragraph 111 and Footnote 46 of the NPPF and, by their nature include facilities such as shops and fast food outlets which support the welfare and safety of the road user, it is not considered that the proposal conflicts with national or local policies that support the vitality of any town centre, and in particular, Hinckley town centre.
- 8.25. Motorway service areas have a clear locational requirement to be adjacent to a motorway and it is considered the scale of the retail uses proposed by this application accords with the NPPF requirements that the primary function of roadside services should be to support the safety and welfare of the road user.
- 8.26. The application site is located adjacent to the settlement of Burbage but is outside of the settlement boundary on land which is designated as countryside but where an extant planning permission exists for roadside facilities and additional office development. As such Policy DM4 of the SADMP is of most relevance with regard to the principle of development.
- 8.27. The Burbage Neighbourhood Plan (BNP) was made in May 2021 but contains no strategic policies that impact upon the principle of development.
- 8.28. Policy DM17 of the SADMP requires that development proposals are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 8.29. Policy DM4 of the SADMP states “that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.
- 8.30. Development in the countryside will be considered sustainable where:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.

- 8.31. The Planning Statement submitted with the application sets out that the proposal “will result in significant economic benefits by way of the creation of circa 120 FTE (full time equivalent) jobs between the differing elements of the scheme.” The SADMP gives no guidance on what level of job creation constitutes a significant contribution but by any measure it is considered that such a level of job creation as is anticipated is objectively a significant contribution to job creation.
- 8.32. It is considered that the proposal is offered support in principle by Policy DM4 of the SADMP. By its very nature a motorway service area can only be located adjacent to a motorway and in many cases up and down the country MSAs will be located within, and be surrounded by, countryside. The circumstances here are different in that the site does not comprise agricultural farmland and the site is only bounded by countryside on one side, to the south. As set out above there is an extant permission on the site for a significantly smaller roadside facility but also for a significant amount of office floorspace as well as an element of light industrial and storage floorspace.
- 8.33. In order to determine whether the proposal is acceptable in principle though national government policy on motorway service areas must be assessed.

The Need for a Motorway Service Area

- 8.34. Government guidance on the provision of motorway service areas is set out in Circular 01/2022. This states that the principal purpose of the strategic road network is to enable safe, reliable, predictable, efficient, often long distance, journeys of both people and goods. As set out above at paragraph 8.14 the Circular states that roadside facilities perform an important safety function by providing opportunities for the travelling public to stop and take a break during their journey. The nearest existing service areas to the site are the Leicester Forest East services on the M1 which are 12 miles north-east of the site and Corley services on the M6 which are 14 miles south-west of the site.
- 8.35. Paragraph 79 of the Circular sets out that in determining applications for new sites, local planning authorities should not need to consider the merits of spacing between different facilities, for safety reasons, as informed by the maximum recommended distances. These distances are recommended maximum distances of general purpose facilities of 28 miles and, in areas where there is an identified need, 14 miles for motorway facilities providing HGV parking.
- 8.36. Paragraph 77 of the Circular confirms that the distance between services can be shorter, and paragraph 81 confirms that areas of identified need for freight facilities will be informed by regular updates to the Department for Transport’s National Lorry Parking Survey and demand assessments undertaken by National Highways.
- 8.37. National Highways has confirmed that it is for the promoters of new facilities to demonstrate to the determining authority that a need for a new facility at the proposed location exists. There are currently no motorway service areas serving the M69 motorway, but this does not automatically mean that there is a need for such a facility. The closest existing services to the site are the Leicester Forest East Services on the M1 that are 12 miles from the site to the north east and Corley services on the M6 that are 14 miles from the site to the south west.
- 8.38. As set out above at paragraph 6.2, National Highways does not consider that sufficient detailed information has been submitted to enable a conclusion to be made that there is a need for an MSA in this location to serve either the need for car

based road users or for drivers of HGVs. It is accepted though that the Department for Transport Lorry Parking Survey does indicate that the East Midlands is in critical need of more HGV parking.

- 8.39. National Highways has confirmed that it will not object to a proposal where a need has not been established as there is no minimum distance between these facilities. National Highways had no further comments to make on the need point.
- 8.40. While the applicant has not given National Highways sufficient information to enable a clear determination that a need for a new MSA exists it is objectively the case that there are no motorway services on the M69 and that the distance between the closest existing motorway service areas is 24 miles which is significantly in excess of the maximum distance between facilities providing HGV parking of no more than 14 miles.
- 8.41. On this basis it is considered reasonable to conclude that a need for a MSA that provides HGV parking and related services does exist and that furthermore, the provision of an MSA on the M69 would be of benefit given that the principal purpose of the strategic road network is to enable safe, reliable, predictable, efficient, often long distance, journeys of both people and goods and that roadside facilities perform an important safety function by providing opportunities for the travelling public to stop and take a break during their journey.

Highway Safety, Access and Parking Provision

- 8.42. Section DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.43. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.44. Paragraph 115 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 116 outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. Paragraph 117(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.45. The applicant has been in lengthy discussions with both the County Highway Authority and National Highways to overcome a number of initial concerns that were raised. It is noted that while the majority of the site does not lie within Leicestershire, the access is entirely within the County. The applicant has submitted additional technical information, road safety audits, and proposals for offsite highway improvements. These are detailed above and include improvements for drivers as well as cyclists and pedestrians.
- 8.46. Both National Highways and the Leicestershire County Highways consider that following the submission of this additional information and the improved offsite

highway works the proposals are acceptable subject to conditions that include those listed above at paragraphs 6.2 and 6.3.

- 8.47. Importantly, National Highways concluded that the amount of traffic generated at peak hours will be lower for the current proposals than they would have been for the extant previously consented scheme for smaller roadside services and office and industrial floorspace that is detailed above at paragraphs 4.1 and 4.2.
- 8.48. The proposed development ensures that sufficient parking is provided within the site to meet the requirements of Department for Transport Circular 01/2022. National Highways has confirmed that the level of parking meets the minimum requirements.
- 8.49. The County Highway Authority has also confirmed that, in its view, the impacts of the proposal on highway safety would not be unacceptable and that when considered cumulatively with other developments, the impacts on the road network would not be severe.
- 8.50. Paragraph 116 of the NPPF confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, which in this instance there is not, or if the impacts on the road network would be severe, which in this instance, particularly taking into account that there would be fewer vehicle movements resulting from this development than the extant roadside services and office development approved under application 20/00531/HYB, is not considered to be the case.
- 8.51. The proposal is therefore considered to be acceptable in terms of highway safety, access and parking provision and in terms of its effect on the surrounding road network. It will address an acknowledged need for HGV parking and facilities on the strategic road network and will provide motorists with the important highway safety function of providing an opportunity for the travelling public to stop and take a break during their journey. The proposal accords with the requirements of Circular 01/2022, the requirements of the NPPF and with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Design and Impact on the Character and Appearance of the Area

- 8.52. Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development. The site is located within the countryside, outside of the settlement boundary and is therefore considered against this policy.
- 8.53. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.54. The majority of the site lies within Rugby Borough as does the vast majority of the built development that is proposed by the application. That part of the site that does lie within the borough falls within the Burbage Common rolling Farmland Character

Area as detailed within the Council's Landscape Character Assessment document dated 2017. The document notes that the landscape around this area is influenced by large scale infrastructure such as the M69 which introduces noise and movement in a relatively rural landscape. This is particularly the case with the application site which is bordered by the M69 which is elevated in order to cross over the A5.

- 8.55. The site lies on the south side of the A5 and as well as being dominated by the elevated motorway the large electricity pylon is prominent in views from all adjacent highways given its proximity to the A5 frontage.
- 8.56. At the public inquiry held in 2013 into the appeal regarding application described above at paragraphs 4.6 and 4.7, that only included land within Rugby Borough, officers sought to make the case that the site made a positive contribution to the green setting of Burbage. Paragraph 8.35 of the Inspector's decision letter is worth quoting. The Inspector stated that *"HBBC and BPC (Burbage Parish Council) have raised objection on the basis of the impact on the countryside of the proposals. These objections are entirely without merit. It is clear from evidence that it is agreed that the site is incapable of any beneficial use, whether as agriculture or otherwise."*
- 8.57. The Inspector goes to state at paragraph 8.38 of his decision that *"it is clear that no distant views of the site have been identified. All of the views upon which the HBBC has relied are immediately from the site boundary and are limited in their extent... not only were the locations of the views not remotely sensitive since they are views from highway users or those immediately adjacent to substantial highway infrastructure, but also that the extent of the views, bearing in mind the urban influences that are already present in and around the site, the extent of change would be extremely limited"*.
- 8.58. The Inspector concluded his considerations regarding the effect of the proposed development on the site by stating at paragraph 8.40 that *"in the light of the condition of the land and the visual containment which it enjoys together with the urban influences that are around it, it is plain both that the site, whilst technically countryside in that it is beyond a settlement boundary, does not share (beyond the landscape resources that will be preserved) anything of value with the countryside, nor would there be any material visual effect arising from the development proposed."*
- 8.59. While the site has become more verdant, and more overgrown, since that appeal decision so too have the trees on the motorway embankment that provide a significant degree of enclosure to the site. The site benefits from an extant planning permission for a significant development that included a three-storey office building. With the exception of trees lost in order to provide access to the site the existing hedgerows and boundary trees would be retained, and significant additional planting would take place.
- 8.60. The amount of built development is comparatively limited given the proposed use as a motorway service area and proposed buildings are all contemporary in appearance with flat roofs and elevations comprised in main of timber cladding and glazing. Care has been taken to ensure that the buildings share a similar design and palette of materials.
- 8.61. In addition to the points made above in this section of the report it is material to note that the area is not a 'valued landscape' for NPPF purposes. Indeed there are no

landscape or environmental designations or sensitivities of note for the site and its immediate surroundings.

- 8.62. Whilst the application results in a major change to the site it is considered that the proposed development does not result in a significant detrimental effect on the character and appearance of the site and surrounding area. These proposals are considered to accord with the requirements of Policies DM4 and DM10 of the SADMP and the requirements of the NPPF.
- 8.63. It is considered that the proposals are acceptable with regard to their effect on the character and appearance of the area.

Residential Amenity

- 8.64. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, including from noise, light and land contamination.
- 8.65. Paragraph 135 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.66. Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.67. The application has been revised during the processing of the application, as a result of officer concerns, to take greater account of residential amenity. As set out above the application has been amended by increasing the height of the acoustic fencing, by providing additional security fencing and by increasing the amount of woodland planting between the site and the dwellings on Stretton Croft, which are those closest to the site.
- 8.68. As set out above the closest dwelling is on Stretton Croft and the garden to that dwelling is a minimum of 12.5 metres of the site at its closest point. The acoustic fence lies on the site boundary and so would also be the same 12.5 metres from the closest point of the nearest garden. The closest dwelling is 27.5 metres from the acoustic fence and site boundary at its closest point and is over 60 metres from the HGV fuel filling station, the closest structure on the site to dwellings on Stretton Croft. In addition, the area between the site boundary and neighbouring gardens is currently planted with a mature, dense, woodland with a mix of species that provides screening between the dwellings and the site, and which will be supplemented by additional planting. The new site access is at least 53 metres from the closest of the gardens on Stretton Croft.
- 8.69. The Council's Environmental Health Officer has no objections to the proposal subject to conditions relating to noise and lighting.

- 8.70. The proposal would result in a significant change to the site but these changes are to a substantial degree screened from any neighbouring property by a combination of factors that includes the lower levels of the site in comparison to the closest dwellings, the 2.2m acoustic screen fence, the intervening woodland planting, which is itself to be supplemented by additional planting, the relatively few structures and their general single storey nature and the distance of the dwellings from the site and the proposed built development.
- 8.71. The applicant has sought to mitigate the impacts of the proposed development and while the concerns raised by the neighbours to the scheme are noted, it is considered that the use of conditions would ensure that the proposed development would not have a significant detrimental effect on the amenity of any neighbours.
- 8.72. It is considered that the proposed development would be acceptable in terms of its impact on neighbouring residential amenity and would be in compliance with Policy DM7 and Policy DM10 a) and b) of the SADMP and the requirements of the NPPF.

Impact on Trees

- 8.73. Policy DM4 of the SADMP requires that development within the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.74. Policy DM6 of the SADMP relates to the enhancement of biodiversity and geological interest and states that development proposals must demonstrate how the conserve and enhance features of nature conservation and that on site features should be retained, buffered and managed favourably to maintain their ecological value. Paragraph 13.29, which follows the policy, states that all proposals should seek to protect features such as trees, hedgerows, ponds and woodland.
- 8.75. Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments and that planning decisions should ensure that trees are retained wherever possible.
- 8.76. The application is accompanied by an arboricultural assessment that considers the impact that the proposed development has on existing trees on and surrounding the site and sets out proposed mitigation measures.
- 8.77. In this instance the location of the proposed access is the same as that which has already been approved under application 20/00531/HYB. That permission, which remains extant and implementable, resulted in the loss of 39 trees of which four were the highest category A trees.
- 8.78. The arboricultural assessment states that a total of 33 trees are required to be removed in order to provide access to the site and visibility splays from the site as required by National Highways. Given the TPO on the site, these are all protected trees. The access though is determined by precise highway specifications, and it is understood that it is not possible to safely locate the access any closer to the roundabout, thereby affecting fewer trees, due to insufficient visibility for traffic entering the A5 from the roundabout. The loss of the trees is therefore a result, in large part, of highway safety considerations.
- 8.79. Concerns have understandably been expressed with regard to the loss of the trees, which includes mature trees that are categorised as being of the highest quality.

The appeal scheme that was approved on land within Rugby borough only, had its access from Wolvey Road, which resulted in significantly greater detrimental impacts on neighbours. Mindful of the significant tree loss that results from the development, the arboricultural report states that there will be a three to one tree replacement landscaping scheme and recommends that the finest trees lost should be replaced by semi-mature trees.

- 8.80. The proposed landscaping scheme details the planting of 35 trees, 23 extra heavy standard sized trees that are at least 4 metres tall and 12 semi-mature oak trees that are at least 5 metres in height. A further 107 standard sized trees, which have a height of at least 2.5 metres are to be planted. In addition to this the proposed planting scheme sets out that 2,407 feathered whip trees that are a minimum of 1.75 metres in height will be planted within the site and in the area of land between the gardens of the houses on Stretton Croft and the site.
- 8.81. The proposed development provides an opportunity for the implementation of a well-designed landscaping scheme on the site. The loss of 33 trees, all of which are protected by TPO, in order to provide safe access to the site, is considered to be appropriately mitigated by the proposed landscaping proposals detailed above.
- 8.82. It is considered that the loss of trees is, while regrettable, acceptable in these particular site specific circumstances given the mitigation proposed, highway safety considerations and the wider benefits of the development. In accordance with the NPPF it is not considered possible to avoid the loss of trees given that they stand in the way of the provision of safe access to and egress from the site. The implementation of the landscaping scheme is secured by condition. On this basis it is considered that the application is acceptable with regard to its impact on trees in accordance with Policy DM6 of the SADMP and the requirements of the National Planning Policy Framework.

Flood Risk and Drainage

- 8.83. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.84. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 states that applications that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the scale and nature of the development and provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity.
- 8.85. The site lies within Flood Zone 1 on the Environment Agency Flood Maps for Planning. A small part of the easternmost part of the site and the immediate area alongside the Soar brook that runs along the southern boundary of the site are subject to surface water flooding. The site layout ensures that no buildings lie within the area indicated to be at high risk of surface water flooding.
- 8.86. A Flood Risk Assessment and a Sustainable Drainage Statement have been submitted with the application which set out that the finished floor levels of all buildings are raised 150mm above surrounding ground levels to mitigate against risk from surface water and groundwater flooding. In addition, permeable paving,

rain gardens, and surface water attenuation and storage in underground tanks on site are to be provided.

- 8.87. The HBBC Drainage Officer advises that the proposals are acceptable subject to conditions to secure a surface water drainage scheme, management and maintenance of surface water and infiltration testing. No objections have been received from the Lead Local Flood Authority or from the Environment Agency. Subject to the suggested conditions, it is considered that the proposed development would satisfy Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document and the requirements of the National Planning Policy Framework.

Ecology and Biodiversity

- 8.88. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.89. The ecology information submitted with the application indicates that the site comprises poor semi-improved grassland with mature boundary treatments. The proposed development results in a loss of habitat biodiversity value and an increase in hedgerow habitat value. The loss will need to be compensated for via a biodiversity offsetting scheme funded either via the applicant directly or via a financial contribution of £399,792. The necessary increase in biodiversity is therefore achieved through a combination of offsetting and good quality habitat protection, enhancement and habitat creation on site. In this instance the applicant's ecologist states that in accordance with the S106 Agreement accompanying the Rugby Borough application R20/0422 described above at paragraph 4.3, a greater sum of money has already been contributed and that therefore no additional offsetting contribution is now required.
- 8.90. The County Ecologist has assessed the information submitted and has stated that subject to conditions the proposal is acceptable. As was the case with the previous application the planning obligation regarding biodiversity is handled by Rugby Borough Council and Warwickshire County.
- 8.91. It is considered that the provision of a biodiversity net gain and appropriate protection of existing habitats and wildlife could be secured via condition and a S106 Agreement. Subject to these requirements this application is considered acceptable with respect to ecology and biodiversity matters and complies with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document and the requirements of the National Planning Policy Framework.

Archaeology

- 8.92. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. Paragraph 207 of the NPPF also reiterates this advice.
- 8.93. In line with the NPPF Section 16, the Local Planning Authority is required to consider the impact of the development upon any heritage assets, taking into

account their particular archaeological and historic significance. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.

- 8.94. Paragraph 218 of the NPPF states that a developer should be required to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and impact and to make this evidence publicly accessible.
- 8.95. The County Archaeologist has confirmed that the site has a significant potential to contain archaeological buried remains relating to Roman roadside occupation and prehistoric activity and that in that context the current application can be approved subject to a condition regarding an appropriate programme of archaeological mitigation including an initial phase of exploratory trial trenching, followed, as necessary, by intrusive and non-intrusive investigation and recording.
- 8.96. It is therefore considered that, subject to an appropriate condition, the proposal accords with the requirements of Policy DM13 of the Site Allocations and Development Management Policies Development Plan Document and of the National Planning Policy Framework.

Planning Obligations

- 8.97. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. **In this instance the Local Highway Authority is no longer seeking contributions towards the implementation and monitoring of an employee travel plan, employee travel packs or employee bus passes given that the floorspace associated with the development lies almost entirely within Warwickshire rather than within Leicestershire.**
- 8.98. The request for any planning obligations must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 58 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 8.99. **It is agreed that in the circumstances, although the applicant had agreed to the contributions being sought, they can no longer be required.**

Conclusions and Planning Balance

- 8.100. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.101. Paragraph 11 of the NPPF requires that as the Burbage Neighbourhood Plan contains no policies that are relevant to this application for a new motorway service area and the policies of the Site Allocations and Development Management Policies

Development Plan Document are out of date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to sustainable locations, making effective use of land, and securing well-designed places.

- 8.102. The site currently has no use and so making use of the land for the provision of a motorway service area which would be a benefit to drivers, particularly HGV drivers, would clearly be an effective use of land. The location, on the motorway junction, is clearly a sustainable one given that a motorway service area, by definition, meets the needs of users of the motorway network. The buildings that comprise the service area are considered to be well designed.
- 8.103. The site has a long planning history and benefits from an extant and implementable planning permission for roadside facilities, not dissimilar to what is now proposed along with a considerable amount of office floorspace. Previously to that an application entirely within the boundaries of Rugby Borough that comprised considerably and parking spaces, was called in by the Secretary of State and was the subject of a public inquiry. There have been successive approvals of large scale development on the site, and it is the view of National Highways that the proposed development would generate fewer traffic movements than the extant and implementable scheme for roadside services and office development that was approved under application 20/00531/HYB by Committee in June 2021 and issued, following the signing of the legal agreement in August 2022.
- 8.104. The application relates to the provision of new motorway services, which must, by their nature, be located on or adjacent to the motorway network and therefore on occasions, within the countryside. Providing facilities for people driving on the strategic road network is part of the requirement to support the safety and welfare of road users. In addition, there is an identified need for HGV parking in the East Midlands. National Highways, the body responsible for the Strategic Road Network considers the proposals acceptable.
- 8.105. It is considered that the proposal is offered support by Policy DM4 of the SADMP given that it is considered to significantly contribute to job creation. Given the extant permission on the site it is therefore considered that the application accords with development plan policy and is acceptable in principle. These policies are considered to be broadly consistent with the overall aims of the NPPF and that significant weight should be attached to the fact that the proposal accords with the development plan.
- 8.106. The proposed development results in a significant loss of trees but this is the same as the loss that would have resulted from the previously approved and extant permission on the site. It is considered that given the site specific circumstances the tree loss is adequately mitigated by the extensive tree planting that is proposed as part of the proposed development.
- 8.107. The effects of this proposed development in relation to access are considered to have less effect on traffic on neighbouring roads given that the motorway service area will by its very nature, attract traffic from the motorway that will then rejoin the motorway as opposed to previously consented scheme which included a significant amount of office floorspace, which would have attracted significantly more traffic to access the site via the A5 and the local highway network.

- 8.108. The physical alterations to the site will clearly be noticed both by road users, pedestrians and local residents but this is not in itself considered to result in harm. It is not considered that the effects of the development on the amenity of neighbouring residents would be significant.
- 8.109. Taking all material planning considerations into account it is considered that the limited adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole. The proposal is therefore considered to represent sustainable development, and it is recommended that permission be granted.

9. Equality implications

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

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.

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

- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Recommendation

- 10.1 That planning permission be **granted** subject to the conditions set out below:

1. 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 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
- Location Plan - 1415 24 Rev A – received by the Local Planning Authority on 20 August 2024
 - Site Plan as Existing - 1415-25 Rev B – received by the Local Planning Authority on 20 August 2024

- Proposed Site Layout – 1415-26 Rev P - received by the Local Planning Authority on 20 August 2024
- Drive Through Coffee Shop Plans & Elevations - 1415-27 - received by the Local Planning Authority on 17 October 2023
- Petrol and HGV Canopy Details - 1415-28a - received by the Local Planning Authority on 17 October 2023
- Amenity Building Elevations - 1415-29 - received by the Local Planning Authority on 17 October 2023
- HGV Kiosk Plans & Elevations - 1415-30 - received by the Local Planning Authority on 17 October 2023
- Site Elevations - 1415-31- received by the Local Planning Authority on 17 October 2023
- Amenity Building Plans - 1415-32 - received by the Local Planning Authority on 17 October 2023
- Substation Details - 1415-33 - received by the Local Planning Authority on 17 October 2023
- Landscaping Layout 5254.01 E – received by the Local Planning Authority on 6 June 2024

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

3. No development approved by this planning permission shall take place until such time as a surface water drainage scheme, in accordance with the Sustainable Drainage Statement dated August 2023, has been submitted to, and approved in writing by the Local Planning Authority in consultation with National Highways. The development must be carried out in accordance with these approved details and completed prior to first use.

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

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

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase in

accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016), 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 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.

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

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

6. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- a) Identification of potentially damaging construction activities
- b) identification of biodiversity protection zones
- c) practical measures and sensitive working practices to avoid or reduce impacts during construction
- d) timing of works to avoid harm to nesting birds
- e) responsible persons for overseeing sensitive works
- f) use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan

Document (2016) and paragraph 193 of the National Planning Policy Framework (2024).

8. No development approved by this planning permission shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following details:
 - a) description and evaluation of the features to be created/managed
 - b) aims and objectives of management
 - c) appropriate management options for achieving aims and objectives
 - d) prescriptions for management actions
 - e) work schedule
 - f) species/seed mixes to be planted/sown
 - g) ongoing monitoring and remedial measures

The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 186 of the National Planning Policy Framework (2024).

9. 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.

10. The development hereby permitted shall not be occupied until such time as off street car and HGV parking provision (with turning facilities) has been provided, hard surfaced (and demarcated) in accordance with ADS drawing number 26 Rev P. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street

parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

11. No development hereby approved by this planning permission shall begin until a detailed scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before the development hereby permitted is first brought into use.

Reason: 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).

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

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

Reason: To ensure that the A5 trunk road 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 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).

13. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7

of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. If during the construction phase, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

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

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

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

16. 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;

a) Construction phasing;

b) 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);

c) Clear and detailed measures to prevent debris, mud and detritus being distributed onto the local highway and Strategic Highway Network;

d) 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;

- e) 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;
- f) Waste management;
- g) Protection measures for hedgerows and grasslands; and
- h) 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).

17. Site preparation, construction and deliveries shall be limited to the following hours;
Monday to Friday 07:30 - 18:00
Saturday 09:00 - 17:00
There shall be no working on Sundays and Bank Holidays

Reason: 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).

18. No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and
- o The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
 - o The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy DM13 of the Site

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

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

20. The development hereby approved shall not be brought into use until the acoustic fence shown on Proposed Site Layout drawing 1415-26 Rev P has been implemented in full. The fence shall remain in place as long as the site is operational.

Reason: in the interests of the amenity of neighbouring residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016)

21. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraphs 136 and 180 of the National Planning Policy Framework (2024).

23. Development above slab level shall not take place until details of the provision of secure cycle parking has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into use until the cycle parking has been provided in accordance with the approved details and such parking shall thereafter be retained and kept available for that use.

Reason: To ensure that the development provides satisfactory cycle parking to encourage travel by cycle for members of staff in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016).

24. Prior to the commencement of development details of how a Biodiversity Net Gain on baseline conditions shall be achieved and maintained on the site shall be submitted to and agreed in writing by the Local Planning Authority. The site shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that the development provides biodiversity enhancement in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

25. No part of the development hereby approved shall commence until a signage strategy for all new, modified or re-located signs on the Strategic Road Network have been approved in writing by the Local Planning Authority in consultation with National Highways. The development shall thereafter be carried out and operate in accordance with the approved strategy.

Reason: To ensure that the A5 trunk road and M69 motorway continue to serve their purpose as part of 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.

26. No part of the development hereby approved shall commence until full geotechnical details for the land adjacent to the A5 Trunk Road and M69 Motorway included within the full extent of the application boundary are submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. These details shall include (but shall not be limited to) a certification process for the management of geotechnical risks in line with requirements of DMRB CD 622 Managing Geotechnical Risk, starting with the appointment of a new design Geotechnical Advisor and resubmission of a Statement of Intent.

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 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.

27. No part of the development hereby approved shall commence until full details of all boundary treatments adjacent to the A5 and M69 have been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. This shall include (but not be limited to):

- a) A Road Restraints Risk Assessment Process (RRRAP) to determine whether any safety fencing is required on the A5 verges and linking the safety fence on the M69 J1. Should a safety fence be required, evidence shall be provided to demonstrate that this can be installed on site, in accordance with the standards set out in DMRB CD 377 Requirements for Road Restraint Systems. If trees are proposed to be removed purely as risk mitigation measures National Highways should be consulted beforehand to agree a risk-based approach;
- b) Details of fencing or planting ensuring livestock cannot access highway land; and
- c) Details of anti-dazzle fencing or planting to be provided in areas where traffic movements might cause dazzle.

The approved boundary treatment shall be constructed in accordance with the approved plans prior to the first use of the development hereby permitted and thereafter maintained in perpetuity.

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.

A pre-commencement condition is required to minimise disruption on the Strategic Road Network and in the interests of road safety.

28. The development hereby approved shall, as a minimum, provide both the minimum requirements for a Motorway Service Area as set out in Table 1, Annex A, and the minimum parking requirements as defined in Table 2, Annex A of Department for Transport Circular 01/2022: Strategic Road Network and the Delivery of Sustainable Development. This provision shall be maintained at all times that the site is operational.

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.