

Delegated Report

Planning Ref: 24/00251/CONDIT
Applicant: Horiba MIRA Ltd
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Horiba Mira Ltd Mira Drive Lindley

Proposal: Removal of condition 6 (management of surface water) and 7 (long term maintenance drainage) for planning permission 23/00303/FUL

1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application seeks to remove conditions 6 and 7 attached to planning permission ref: 23/00303/FUL to extend an existing workshop within the MIRA crash test facility. The extension will be used for the performance testing of vehicles and enable two moving objects to collide under test conditions, compared to the existing capability to perform single moving object collisions, ensuring the laboratory meets new legislation for vehicle testing.
- 2.2. The existing building will be extended to the west and north, creating two single-storey extensions creating 1,008sqm of additional floorspace. The western extension will be approximately 75m long by 22m wide and form an acceleration lane, whilst the northern extension will be approximately 7m wide and 10m long and will provide amenity area, additional run off space and area for new plant equipment. Building heights will be 7m high to the ridge line with varying eaves heights with the differing widths of the extension. Roof lights will be installed to allow light.
- 2.3. An application to discharge Conditions 5, 6 and 7 (ref. 23/01024/DISCON) was submitted on 24th October 2023. A decision on the application was issued on 19th February 2024; the decision confirmed that the submission in relation to Condition 5 was acceptable, and therefore discharged, however Conditions 6 and 7 were unable technically to be discharged due to development having already been commenced (notwithstanding whether that detail was acceptable).
- 2.4. This S73 application seeks to remove Conditions 6 and 7 attached to planning permission ref. 23/00303/FUL. Conditions 6 and 7 relate to management of surface water during construction and required details to be submitted and approved by the Council prior to commencement of development. However, the development has commenced prior to formal discharge from the Council.
- 2.5. The works have been undertaken in accordance with the details submitted in support of application ref. 23/01024/DISCON and in accordance with MIRA's strategy and principles for drainage across the Technology Park. No issues have arisen in relation to the drainage during the construction period and the construction has been managed successfully to ensure no pollution of the downstream watercourse. As such, it is considered that Condition 6 and 7 can be removed.
- 2.6. Condition 6 states:
- 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. 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 adopted Site Allocations and Development Management Policies Development Plan Document.*

2.7. Condition 7 states:

No occupation 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 adopted Site Allocations and Development Management Policies Development Plan Document.*

3. Description of the Site and Surrounding Area

- 3.1. Horiba Mira and its associated grounds are located on Watling Street (A5), between the villages of Higham on the Hill and Fenny Drayton, with the A5 to the south. The Horiba Mira site covers almost 3 square kilometres.
- 3.2. The application site would involve the construction of two buildings, additional traffic lights, mock building facades and asphalt pavements on the City Centre test track which is located within the centre of the existing test track. The main access road serving the wider Horiba Mira site is located to the south-west of the application site. Being sited within an existing test track and close to two other test tracks, there are no buildings within the immediate area. However, the character of the area comprises of developed land with large amounts of hardstanding forming part of this automotive engineering research and development facility.

4. Relevant Planning History

11/00360/OUT	Business Technology campus comprising replacement MIRA headquarters, office, research and manufacturing Facilities, hotel and local facilities including retail/cafe/restaurant Indoor and outdoor leisure, ancillary energy generation plant	Outline Planning Consent	09.03.2012
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Equipment, internal access roads,
car parking, landscaping,
Drainage and associated works and
creation of new improvement
Access points, widening of A5,
associated earth works and
landscaping
(outline: access only) (cross
boundary application with north
Warwickshire Borough Council)
(Departure from the Development
Plan) (EIA Development)

16/00277/FUL	Erection of laboratory / workshop and office building (Use Class B1b)	Permission	30.09.2016
16/00467/FUL	Erection of storage building with 1 modular cabin on side elevation and a concrete apron to the front	Permission	23.08.2016
16/00947/FUL	New laboratory workshop, with associated service yard, car parking and landscaping	Permission	22.12.2016
16/01076/FUL	New research and development workshop	Permission	23.01.2017
17/00242/FUL	Erection of two workshop and office buildings (Use Class B1 (b)) including car parking and landscape	Permission	20.10.2017
17/00317/FUL	New research and development building	Permission	20/06/2017
23/00303/FUL	Extension to existing workshop	Permission	08/09/2023

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site. No representations have been received.

6. Consultation

- 6.1. No objections have been received from:
- HBBC Environmental Services (Drainage)
 - Environment Agency

- No comment received from LCC Drainage.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM7: Preventing Pollution and Flooding

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.3. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- HBBC's Employment Land and Premises Review 2020

8. Appraisal

8.1. This application should be read in conjunction with the previously approved application 23/00303/FUL. As the principle of the development, design, impact upon highways and other such details have been accepted by the earlier scheme, the main issue for consideration is:

- Impact on drainage and flood risk

Impact on drainage and flood risk

8.2. 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.

8.3. In regard to Condition 5 of 23/00303/FUL, details have been submitted to support discharge which have been assessed by the LLFA and the Councils Drainage Officer. The details are found to be satisfactory as the details demonstrate how they proposed to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document.

8.4. Conditions 6 & 7 were duplicated in error, and therefore the response is the same. Condition 6 relates to a scheme of management of surface water, whereas Condition 7 should have related to long-term maintenance of the surface water drainage system within the development. Initially on submission of the application a letter was provided in support of conditions 6 & 7 that advised there was no need for any measures to be put in place as the construction would not introduce any non-permeable surfaces during construction stage until the building is clad, which at this point will be connected to the storm water system.

8.5. The LLFA and the Councils Drainage Officer requested further information where a Method Statement and Surface Water Management plan were provided. Both consultees still required further information on how they proposed to prevent pollution. A supporting statement, the original FRA SuDS strategy was provided which stated that silt barriers will be used during construction followed by various photographs of construction works were provided, along with survey and foundations and fencing arrangements. The details provided showed that the development was commenced and is actually completed and therefore as conditions 6 & 7 were pre-commencement conditions the Local Planning Authority

is unable to discharge conditions retrospectively as the details were to prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document.

- 8.6. HBBC Drainage have been consulted and have no objections to the removal of condition 6 and 7, however LCC Drainage have not responded to the consultation request. On the basis that the development has been completed and the submitted FRA and SuDS Strategy addresses issues relating to the management of surface water and long-term maintenance of surface water, the development is considered to lead to no risk of flooding and drainage issues in accordance with Policy DM7 of the SADMP.

9. Equality Implications

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

(1) 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, and the matters specified in Section 149 of the Equality Act 2010 in the determination 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. Conclusion

- 10.1. The proposed removal of Conditions 6 and 7 of approval 23/00303/FUL would not have any adverse impacts in flood risk and drainage. As such, the proposal would continue to be in accordance with Policy DM7 of the SADMP and is therefore recommended for approval.

- 10.2. Condition 5 of 23/00303/FUL has been discharged and this condition has been amended (now condition 4) to ensure the development is carried out in accordance with the approved Flood Risk and SuDS Strategy document. All other conditions remain applicable.

- 10.3. Condition 1 of 23/00303/FUL related to the commencement of development, as the development has commenced it is no longer necessary.

- 10.4. Condition 4 (WSI) of 23/00303/FUL has been partly discharged. The WSI has been assessed by LCC archaeology who have confirmed that the document is satisfactory as will ensure that a satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policies DM11, DM12 and DM13 of the Site Allocations and Development Management Policies Development Plan Document which will enable the condition to be partially discharged to enable the works detailed within to be implemented. The condition will be required to be fully discharged once works have been completed and final report submitted for approval. The condition has been varied accordingly.

11. Recommendation

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Proposed Site Location Plan - Project No. 2023-001-FE - Dwg. No. 2023-001-FE-SK-02 (Received 08/09/23)
- Proposed Site Plan - Project No. 2023-001-FE - Dwg. No. 2023-001-FE-SK-01
- Proposed Elevations - Project No. 2023-001-FE, Dwg. No. 1228475/SK/02
- Proposed ground floor plan - Project No. 2023-001-FE, Dwg. No. 1228475/SK/01

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

2. The materials to be used on the external elevations of the proposed building shall accord with the approved elevations drawing (Dwg. No. 1228475/SK/02) and details on the application particulars.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

3. The demolition/development shall be carried out in accordance with the programme of archaeological work approved under application 23/01004/DISCON. On completion of the archaeological work a post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material shall be submitted to and approved in writing by the Local Planning Authority. 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 Policies DM11, DM12 and DM13 of the Site Allocations and Development Management Policies Development Plan Document.

4. The development must be carried out in accordance with these approved details in relation to flood risk and drainage (Flood Risk and SuDS Strategy, JMS Group – project reference: CO23/0129/02) and completed prior to first occupation.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document.

5. The development hereby permitted shall be carried out in strict accordance with the recommendations outlined in the submitted Ecological Walkover Survey (Middlemarch, received 28th March 2023). The mitigation and enhancement measures shall be thereafter maintained in perpetuity.

Reason: To ensure the protection of species and their habitats in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Informatives

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
3. In accordance with best practice guidance relating to lighting and biodiversity (Miles et al, 20183 ; Gunnell et al, 20124), any new or temporary lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bat species. Examples of good practice include:
 - Avoiding the installation of new lighting in proximity to key ecological features, such as hedgerows.
 - Using modern LED fittings rather than metal halide or sodium fittings, as modern LEDs emit negligible UV radiation.
 - The use of directional lighting to reduce light spill, e.g. by installing bespoke fittings or using hoods or shields. For example, downlighting can be used to illuminate features such as footpaths whilst reducing the horizontal and vertical spill of light.
 - Where the use of bollard lighting is proposed, columns should be designed to reduce horizontal light spill.
 - Implementing controls to ensure lighting is only active when needed, e.g. the use of timers or motion sensors.
 - Use of floor surface materials with low reflective quality. This will ensure that bats using the site and surrounding area are not affected by reflected illumination.
4. The scheme shall include the utilisation of holding sustainable

drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for event durations up to the 24 hour (or longer where required) for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods with results ideally showing critical details only for each return period.

5. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
6. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system. For commercial properties (where relevant), this should also include procedures that must be implemented in the event of pollution incidents.