

Delegated Report

Planning Reference 25/00741/CONDIT
Applicant(s) Welcome Break Group Limited
Ward Burbage, Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Application Site Land east of Stretton Croft, Wolvey Road, Burbage

Proposal Application to vary condition 9 (A5 improvements) and condition 16 (CEMP) of planning permission 23/01023/HYB

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

- 1.1. **Grant planning permission for the variation of 23/01023/HYB** subject to planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications for planning permission to be sought for the development of land without complying with conditions that were imposed on a previous planning permission.
- 2.2. In this case, planning permission for application 23/01023/HYB granted full planning permission for the construction of a motorway services at land east of Stretton Croft, Wolvey Road, Burbage.
- 2.3. The scheme included vehicular and pedestrian access from the A5, 882.6sqm of retail floorspace via a Motorway Services Building and a drive thru coffee shop, as well fuel filling areas for cars and HGVs, parking spaces for cars (including EV charging spaces), HGVs, coaches, motorcycles, and caravans, electric substations, landscaping including picnic and dog walking areas, and retaining walls at the south and western boundary of the site fronting the M69.
- 2.4. This was a cross-boundary application with, and approximately 75% of the application site lies within the boundary of, Rugby Borough Council (application reference R23/1047).
- 2.5. This Section 73 Application seeks planning permission for the variation of Condition 09 (A5 Improvements) and the discharge of Condition 16 (Construction Environmental Management Plan ('CEMP')) of that planning permission to enable the developer to complete the access improvements to the A5 prior to the occupation of the development.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is within the jurisdiction of two borough councils, Hinckley and Bosworth Borough Council and Rugby Borough Council, within two counties, Leicestershire and Warwickshire, and within two regions of the country, the East Midlands and the West Midlands. The application site is approximately 4.2 hectares in size and is located to the south of, and beyond the identified settlement boundaries of, Burbage in the designated countryside.
- 3.2. The site is located immediately to the northwest of Junction 1 of the M69 where it joins the A5. The site is bound by the A5 Watling Street to the north, by the A5/M69 roundabout to the east, and by the M69 and its associated exit slip road to the south. To the west of the site is open farmland within Borough of Rugby. The M69 is in an elevated position in relation to the site.
- 3.3. To the northwest of the site are five dwellings at Stretton Croft. The garden of the closest dwelling is a minimum of 12.5 metres from the site at its closest point and the closest dwelling is 27.5 metres from the site boundary at its closest point and over 60 metres from the proposed HGV fuelling station. There are also scattered dwellings on the northern side of the A5 Watling Street, which are set back from the highway, alongside a number of commercial properties including an Esso fuel filling station, a restaurant and a pub, which are all on the A5 to the north and west of the site.
- 3.4. The site is predominantly grassland and is enclosed to the north, south, and west by hedges and tree planting. Many of the trees on the northern boundary within the Borough of Hinckley and Bosworth are protected by Tree Preservation Order 88/00005/TPORD. The site is not currently used for any purpose and has previously been utilised as a site compound during the construction of the M69. A large electricity pylon, which has powerlines that run northeast to southwest, is located within the site close to the north and eastern boundaries within the Borough of Hinckley and Bosworth. The gated access to the site is from the A5 Watling Street close to the electricity pylon. To the south of, and within, the site is the Soar Brook water course, which has the appearance of a small drainage channel in this location.
- 3.5. Warwickshire County Council identify the site as a Local Wildlife Site, but neither Hinckley and Bosworth Borough Council nor Rugby Borough Council afford the site with this designation. The closest Public Footpath runs to the east of Wolvey Road.

4. Relevant Planning History

4.1 23/01023/HYB

- 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)

- Permitted
- 09.06.2025

The following planning conditions ('C') attached to planning permission 23/01023/HYB have been discharged by Hinckley and Bosworth Borough Council:

- C4 (Construction Surface Water Management) (25/01031/DISCON)
- C5 (Surface Water Long Term Maintenance) (25/01032/DISCON)
- C6 (Infiltration Testing) (25/00863/DISCON)
- C8 (LEMP) (25/00772/DISCON)
- C11 (Noise) (25/01014/DISCON)
- C13 (Contamination) (25/00864/DISCON)
- C22 (Tree Protection) (25/00779/DISCON)
- C23 (Cycle Parking) (25/00911/DISCON)
- C24 (Biodiversity Net Gain) (25/00780/DISCON)

Planning Condition 18 (Written Scheme of Investigation) has been partially discharged via 25/00827/DISCON to enable works to commence in accordance with the approved Written Scheme of Investigation. A further application is required for the full discharge of the planning condition upon the completion of the initial trial trenching investigations.

There are currently 12 applications pending consideration for the discharge of the following conditions ('C') from planning permission 23/01023/HYB:

- C3 (Surface Water Drainage) (25/01030/DISCON)
- C7 (Biodiversity: CEMP) (25/00778/DISCON)
- C12 (External Lighting) (25/00773/DISCON)
- C21 (Landscaping) (25/00912/DISCON)
- C25 (Signage Strategy) (26/00039/DISCON)
- C26 (Geotechnical Details) (25/00961/DISCON)
- C27 (Boundary Treatments) (25/01050/DISCON)

4.2 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)

- Permitted
- 18.08.2022

R20/0422 was the associated cross-boundary planning application determined by Rugby Borough Council in August 2022, which was accompanied by a Section 106 Agreement that dealt with contributions regarding biodiversity.

- 4.3 Two planning applications, R11/0239 and R16/1255, were also determined by Rugby Borough Council, which did not include any land within the borough of Hinckley and Bosworth.
- 4.4 The 2011 application was the outline planning application, and the 2016 application was the associated reserved matters application that approved a mixed-use development comprising Use Class B1 (Business), C1 (Hotel Development), incorporating Class A3 (Restaurant), and Class D2 (Assembly and Leisure) with associated car parking and landscaping. The outline 2011 application was called in by the Secretary of State due to possible conflicts with national policies. The Secretary of State granted outline planning permission for the development in August 2013.

5. Publicity

- 5.1. In accordance with Planning Practice Guidance ('PPG'), provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider the scale or nature of the change warrants consultation. Therefore, the Local Planning Authority can choose how to inform interest parties.
- 5.2. In this instance, the application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site, and a notice was displayed in the local press.
- 5.3. In total, five responses were received from four separate addresses in objection to the application. A summary of the objections to the scheme is detailed below:

Condition 09 Revisions

- Condition 09 is required in the interests of road safety
- Condition 09 minimises the development's disruption to the public highway and the Strategic Road Network
- The current A5/Wolvey Road Junction is not fit for purpose to accommodate the proposed development nor its construction
- Damage to Wolvey Road
- No remediation works proposed to the access route
- Pedestrian safety concerns
- Security and access concerns to Wolvey Road
- Significant harm to neighbouring residential amenity

Condition 16 Revisions

- A Construction Environmental Management Plan ('CEMP') has not been submitted as part of this variation
- Loss of on-street parking along Wolvey Road
- The revisions to Condition 16 are linked to the amendments to Condition 09
- Significant harm to neighbouring residential amenity
- The submitted Construction Traffic Management Plan ('CTMP') has insufficient detail to be acceptable
- The CTMP makes inaccurate states regarding visibility, suitability, and current arrangement of the A5/Wolvey Road Junction
- Wolvey Road is unsuitable for construction vehicles

5.4. No further responses have been received.

6. Consultation

6.1 In accordance with Planning Practice Guidance ('PPG'), provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider the scale or nature of the change warrants consultation. Therefore, the Local Planning Authority can choose how to inform interest parties.

6.2 In this instance, Hinckley and Bosworth Borough Council consulted Burbage Parish Council, the Environment Agency, the Council's Environmental Health Department, Leicestershire County Council's Ecology Department and the County Council as the Local Highway Authority, National Highways, and Rugby Borough Council.

6.3 Burbage Parish Council, the Council's Environmental Health Department, Leicestershire County Council's Ecology Department, Leicestershire County Council as the Local Highway Authority, and National Highways did not object to the proposals.

6.4 Rugby Borough Council made no planning comments in relation to this application, subject to no objections being received from relevant technical consultees.

6.5 The Environment Agency did not make any formal comment on the application.

6.6 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 4: Development in Burbage

7.2 Site Allocations and Development Management Policies Development Plan Document ('SADMP') (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

7.3 Leicestershire Minerals and Waste Local Plan ('LMWLP') (2019)

- Policy M11: Safeguarding of Mineral Resources

7.4 National Planning Policies and Guidance:

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

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- HBBC's Landscape Character Assessment ('LCA') (2017)
- HBBC's Landscape Sensitivity Assessment ('LSA') (2017)
- Leicestershire Highway Design Guide ('LHDG') (2024)
- Leicestershire and Rutland Historic Environment Record ('HER')

8. Appraisal

8.1. In accordance with Planning Practice Guidance ('PPG'), there is no statutory limit on the degree of change permissible to conditions under Section 73 applications, but the change must only relate to conditions and not to the operative part of the permission. The operative part of the planning permission being the description of the development.

8.2. The principle of development has already been established through the earlier grant of the extant planning permission on the site. As this application only involves the alteration of the timing of the proposed A5 improvements required by Condition 09 and the discharge of the Construction Traffic Management Plan ('CTMP')

requirement from Condition 16, the key issues in respect of this application are the proposal's impact upon highway safety, other matters affected by the proposed variations, and the necessary conditions attached to the proposed amendments.

- 8.3. Paragraph 140 of the NPPF confirms that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme; for example, through changes to approved details such as the materials used.
- 8.4. Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Key Policy Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 8.5. Ultimately, 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 in accordance with Paragraph 116 of the NPPF.
- 8.6. Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.

Condition 09 (A5 Improvements)

- 8.5 Condition 09 of 23/01023/HYB stated:

"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."

- 8.6 The reason for Condition 09 was 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 SADMP, Section 9 of the NPPF and Department for Transport Circular 01/2022.

- 8.7 The current application would seek to vary the wording of this condition to require the proposed works to be undertaken prior to the occupation of the development. The Applicant has stated that they intend to enter the access from Wolvey Road as opposed to the proposed site access.
- 8.8 National Highways highlighted that the alternative access point route via Wolvey Road would form part of the local road network rather than the Strategic Road Network. As such, National Highways stated that this matter would rely on the discretion of Leicestershire County Council as the Local Highway Authority.
- 8.9 During the determination of 23/01023/HYB, Leicestershire County Council did not request that Condition 09 was a pre-commencement condition. The Local Highway Authority requested that the planning condition secured the offsite works prior to the occupation of the development. As such, the Local Highway Authority had no objection to the variation of the wording of this condition.
- 8.10 In light of the professional advice of National Highways and Leicestershire County Council, it is considered that the proposed variation of the wording of Condition 09 of 23/01023/HYB would not result in any unacceptable impacts on highway safety or any severe cumulative impacts on the road network. As such, the proposal would be considered to be acceptable in these site-specific circumstances in accordance with Paragraphs 115 and 116 of the NPPF and Policy DM17 of the SADMP.

Condition 16 (CEMP)

- 8.11 Condition 16 of 23/01023/HYB stated:

“Prior to commencement of development a Construction Environmental Management Plan incorporating a Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority in consultation with National Highways.

The Plan shall detail how, during the site preparation and construction phase of the development, the impact on existing residential premises and the environment shall be prevented or mitigated. The Plan shall detail how such controls will be monitored. The Plan shall include details on the following:

- (a) Construction site layout showing clearly designated areas for the parking of vehicles for site operatives and visitors; areas for the loading and unloading of plant and materials (i.e. deliveries/waste); storage of plant and materials used in constructing the development; areas for managing waste; and wheel washing facilities;*
- (b) Construction phasing;*

- (c) *An HGV routing plan to include likely origin/destination information, potential construction vehicle numbers, construction traffic arrival and departure times, and construction delivery times (to avoid peak hours;*
- (d) *Clear and detailed measures to prevent debris, mud and detritus being distributed onto the local highway and Strategic Highway Network;*
- (e) *Mitigation measures in respect of noise, odour, smoke, light contamination, land contamination and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;*
- (f) *A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;*
- (g) *Waste management;*
- (h) *Protection measures for hedgerows and grasslands; and*
- (i) *A procedure for the investigation of complaints and details of the responsible person (e.g. site manager/office) who can be contacted in the event of a complaint.*

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

- 8.12 The reason for Condition 16 was 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 SADMP, Section 9 of the NPPF, 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 SADMP, and Paragraph 135 of the NPPF.
- 8.13 To justify the removal of the pre-commencement of this condition, the Applicant submitted a revised version of the Construction Environmental Management Plan (V7).
- 8.14 The revised CEMP was reviewed by the Council's Environmental Health Department, the County Council's Ecology Department, the Local Highway Authority and National Highways, who all had no objection to the discharge of the planning condition.

- 8.15 By virtue of these factors, it is considered that the submitted Construction Environmental Plan would be acceptable and would not result in any unacceptable impacts on highway safety or any severe cumulative impacts on the road network, nor the residential amenity of neighbouring occupants. As such, the proposal would be considered to be acceptable in these site-specific circumstances in accordance with Paragraphs 115 and 116 of the NPPF and Policies DM10 and DM17 of the SADMP, Condition 16 attached to planning permission 23/01023/HYB could be discharged.

Other Issues

- 8.16 The proposed amendments to the timing of the commencement of the offsite works and the Construction Environment Management Plan would not be considered to result in any further material impacts to the character of the surrounding area or result in any other matters. Therefore, the application and the development remain compliant with Policies DM4, DM6, DM10, DM17 and DM18 of the SADMP.

Conditions

- 8.17 Permission granted under Section 73 takes effect as a new independent permission to carry out the same development as previously permitted, subject to new or amended conditions. A new permission sits alongside the original permission, which remains intact and unamended. It is open to the Applicant to decide whether to implement a new permission or the one originally granted.
- 8.18 Therefore, in accordance with PPG, a Section 73 Decision Notice should set out all the conditions imposed on the new permission, and, for the purpose of clarity, restate the conditions imposed on earlier permissions that continue to have effect.
- 8.19 Planning permission 23/01023/HYB was subject to 28 conditions.
- 8.20 Time cannot be extended or altered for Section 73 applications and the development has not commenced on site. As such, Condition 1 (Time) would need to refer to the original 3-year time scale for implementation of the development.
- 8.21 Conditions 04 (Construction Surface Water Management), 05 Surface Water Long Term Maintenance), 06 (Infiltration Testing), 08 (LEMP), 11 (Noise), 13 (Contamination), 22 (Tree Protection), 23 (Cycle Parking) and C24 (Biodiversity Net Gain) have all been discharged. Therefore, these planning conditions would need to be amended to ensure that the development complies with the approved details. The wording of Condition 18 (Written Scheme of Investigation) would also need to be amended in light of its partial discharge via 25/00827/DISCON.
- 8.22 This application only proposes amendments to Conditions 09 (A5 Improvements) and 16 (CEMP). Condition 09 will need to be amended to remove the current pre-commencement implementation requirements of the condition and replace this with a requirement to implement the proposed improvements prior to the first use of the development.

- 8.23 Condition 16 will need to be amended to refer to the approved details within Version 7 of the Construction Environmental Management Plan.
- 8.24 No other conditions would be affected by the amendments within this application, and it is therefore considered that other existing planning conditions remain reasonable and necessary in these site-specific circumstance
- 8.25 In summary, all the conditions would remain reasonable and necessary to ensure satisfactory development of the site and no additional conditions are considered to be necessary in these site-specific circumstances.

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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission is granted, subject to amended conditions. No additional conditions are considered necessary.

11. Recommendation

11.1 **Grant planning permission for the variation of 25/01023/HYB** subject to planning conditions detailed at the end of this report.

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission 23/01023/HYB on 09 June 2025.

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:

- Amenity Building Elevations – Drg No. 1415-29 (submitted: 19.10.2023)
- Amenity Building Plans – Drg No. 1415-32 (submitted: 23.10.2023)
- Drive Through Coffee Shop Plans & Elevations – Drg No. 1415-27 (submitted: 19.10.2023)
- HGV Kiosk Plans & Elevations – Drg No. 1415-30 (submitted: 23.10.2023)
- Landscaping Layout Rev H (submitted: 26.02.2025)
- Location Plan - 1415 24 Rev A (submitted: 20.08.2024)
- Proposed Site Layout 1415 26 Rev R (submitted: 06.02.2025)
- Petrol and HGV Canopy Details – Drg No. 1415-28a (submitted: 19.10.2023)
- Revised Site Location Plan (submitted: 20.08.2024)
- Site Elevations – Drg No. 1415-31 (submitted: 23.10.2023)
- Substation Details – Drg No. 1415-33 (submitted: 23.10.2023)

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 through 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.

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

4. The development hereby permitted shall be constructed in accordance with the details within the Construction Traffic Management Plan (submitted: 24.10.2025), the Temporary Surface Water Management details (submitted: 11.11.2025), and the Temporary Drainage Plan (submitted: 17.12.2025) approved by the Local Planning Authority via application 25/01031/DISCON.

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. The development hereby permitted shall be implemented in accordance with the Drainage Maintenance Plan (submitted: 24.10.2025) approved by the Local Planning Authority via application 25/01032/DISCON. 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 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).

7. The development hereby permitted shall be implemented in strict accordance with the details within the Landscape Environmental Management Plan (LEMP) (submitted: 14.08.2025) as approved by the Local Planning Authority within application 25/00772/DISCON.

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).

8. The development hereby permitted shall not be brought into use 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.

9. 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 R. 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).

10. The development hereby permitted shall not be occupied until such time as the scheme for protecting nearby dwellings from noise from the proposed development as detailed within the Proposed Boundary Treatment Plan (90101 Rev P01) and the Proposed Boundary Treatment Plan (90103 P01), which were submitted on 20 October 2025 and approved by the Local Planning Authority via application 25/01014/DISCON have been completed in full. These approved works shall then be retained in perpetuity.

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).

11. 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).

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

12. The development hereby permitted shall not be occupied until such time as the scheme for the investigation of any potential land contamination on the site has been undertaken in strict accordance with the details within the Remediation Strategy (submitted: 13.11.2025) approved by the Local Planning Authority via application 25/00864/DISCON.

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).

13. 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).

14. 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).

15. The development hereby permitted shall be constructed in strict accordance with the details within the Construction Traffic Management Plan (P08) (submitted: 01.12.2025).

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).

16. 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).

17. The development hereby permitted shall be implemented in accordance with the Geophysical Survey and Archaeological Evaluation Written Scheme of Investigation (V4) (submitted: 12.12.2025) as approved by the Local Planning Authority via application 25/00827/DISCON.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy DM13 of the Site Allocations and Development Management Policies Development Plan Document (2016).

18. 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.

19. The development hereby approved shall not be brought into use until the acoustic fence shown on Proposed Site Layout drawing 1415-26 Rev R 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)

20. 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).

21. The development hereby permitted shall be implemented in accordance with the details within the Arboricultural Method Statement (submitted: 16.09.2025) including its Tree Protection Plan, as approved by the Local Planning Authority via application 25/00779/DISCON.

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).

22. The development hereby permitted shall be implemented in accordance with the details within the Proposed Cycle Parking Plan (90104 Rev P01) (submitted: 24.09.2025) as approved by the Local Planning Authority via application 25/00911/DISCON. 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).

23. The development hereby permitted shall be implemented in accordance with the Landscape and Ecology Management Plan and Ecology Appraisal and Reptile Survey (submitted 15.08.2025) as approved by the Local Planning Authority via application 25/00780/DISCON. 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).

24. 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.

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

25. 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.

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

26. 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.

27. 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.

a. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.

2. In relation to Conditions 13 and 14, advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
3. The Applicant's attention is drawn to the consultation response from Leicestershire County Council's Historic and Natural Environment Department received by the Local Planning Authority on 27 November 2023.
4. The Applicant's attention is drawn to the consultation response from the Environment Agency received by the Local Planning Authority on 30 November 2023.
5. The Applicant's attention is drawn to the consultation response from Leicestershire Police received by the Local Planning Authority on 7 December 2023.
6. The Applicant's attention is drawn to the consultation response from Leicestershire County Council as the Lead Local Flood Authority received by the Local Planning Authority on 11 December 2023.
7. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended). Therefore, all removal of vegetation should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
8. Slow-worm, common lizard, adder and grass snake are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it an offence to deliberately kill, injure or take slow-worm, common lizard, adder or grass snake. As such, care should be taken to avoid impacting reptiles during the development and a displacement strategy should be followed.
9. The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. National Highways therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the National Highways Section 278 Service Delivery Manager using the contact email address david.steventon@nationalhighways.co.uk.
10. The Applicant should be made aware that any works undertaken to National Highways network are carried out under the Network Occupancy Management policy, in accordance with National Highways procedures, which currently require notification/booking three months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The contact email for these matters is Area7networkoccupancy@nationalhighways.co.uk.

11. The operation of the Motorway Service Area will be the subject of a legal agreement between National Highways and the operator of these facilities. The contact email for these matters is roadsidefacilities@nationalhighways.co.uk.
12. The Applicant's attention is drawn to the advice given in the National Highways consultation response dated 5 December 2024.