

Plans Committee Date:	14 th December 2023
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Item No.

Application Reference Number : P/23/0668/2

Application Type: Outline **Date Valid:** 14.4.2023
Applicant: Wanlip Holdings Limited
Proposal: Outline Planning Application for construction of up to 61,000 m2 of E(g)(iii), B2 and B8 Use Class units, including site access and infrastructure and biodiversity enhancement area (All matters reserved except for means of access) (Amended Description including removal of proposal to partially infill lake)
Location: Land at Watermead Business Park
Thurmaston
Leicestershire
Parish: N/A **Ward:** Syston
Case Officer: Jim Worley **Tel No:** 07591 947043

1. Background

- 1.1 This application was deferred at the meeting of Plans Committee on the 28th September 2023 in order to invite the applicant to consider amendments to the plans. This was recorded within the agreed minutes as “the application be deferred in order that the applicant be invited to consider amendments to the scheme including the re-consideration of the in-filling of part of the lake in ‘Zone B’ as specified by the application”.
- 1.2 This report is to provide Plans Committee with an update following the submission of amended plans and further consultation with all consultees and interested parties.
- 1.3 All other matters are contained in the main report (item 5c of the meeting of 28th September, attached as **Appendix A**, and associated ‘extras’ report (**Appendix B**).

2. Amended Plans

- 2.1 Amended Plans were submitted on 30th October 2023 making the following changes:
 - Revised Parameter Plan to remove built development from the Green Wedge and the lake.
 - Consequential reduction in the extent of developable area of the Zone B parameter and the upper threshold of deliverable floorspace for the development as a whole:

Original application	Amended application
‘Zone B’ <ul style="list-style-type: none"> • Developable Area 4.24 ha (maximum floorspace 19,500m²) • Proposed Use B8 Use Class 	‘Zone B’ <ul style="list-style-type: none"> • Developable Area 1.75 ha (maximum floorspace 6,000m²) • Proposed Use B8 Use Class

Original application	Amended application
<ul style="list-style-type: none"> Proposed Maximum Finished Unit Height 16m overall height to ridge (12.5m haunch) 	<ul style="list-style-type: none"> Proposed Maximum Finished Unit Height 16m overall height to ridge (12.5m haunch)

- Removal of the 'northern' lake area and repurposing of this area as biodiversity enhancement area;
- A revised Illustrative Masterplan has also been submitted that shows how the development can be delivered based upon the revised parameters plan;
- Both the Flood Risk Assessment and Drainage Strategy have been updated to reflect the amended site layout; and
- Consequential revisions to the economic benefits report, biodiversity impact assessment and Design and Access Statement.

(n.b. the amended plans included proposals for a solar farm on the land north of the A46 but this was subsequently deleted)

Revised Parameters Plan and extract showing revised 'Zone B':





3. Further comments following re-consultation with all consultees and interested parties

Consultee	Response
Canals and Rivers Trust	Resubmission of comments previously provided (see Appendix A)
Lead Local Flood Authority	<p>The Lead Local Flood Authority note the amendments and that to land to the north of the A46 proposes no drainage scheme.</p> <p>The revised plans satisfy the LLFA and previously recommended conditions continue to be relevant.</p> <p>Recommend conditions:</p> <ul style="list-style-type: none"> • Agreement of surface water drainage scheme; • details in relation to the management of surface water on site during construction • Agreement of long-term maintenance of the surface water drainage system.
Leicestershire County Council, Local Highways Authority	<p>Recognise that the commercial elements of the proposal are reduced in scale and have no objection.</p> <p>Seek further information regarding access, traffic flow and vehicle type to construct and operate the Solar Farm (n.b. solar farm now deleted)</p>

Consultee	Response
National Highways	Request additional period to consider the application in order to assess the implications of the solar farm (now deleted)

Ward Councillor and Parish Council Response	
Syston Town Council	<p>Would prefer to see solar panels on the roofs of the buildings rather than the land north of the A46.</p> <p>(n.b solar farm now deleted)</p>
Wanlip Parish Meeting	<p>Overall, the meeting is opposed to the application on the grounds of the impact on the environment, destruction of green areas bordering Watermead, increase in traffic, plus noise and vehicle pollution.</p> <p>Specifically:</p> <ul style="list-style-type: none"> • The application does nothing to address the amount of pollution that is going to be produced by HGVs going in and out of the distribution hub. • The area of land to be built upon has been reduced with less impact on the canal zone but the disruption from the vehicles will preclude that land from being of value to wildlife. If serious about promoting wildlife in the Marl Lake area it should be properly managed by the Wildlife Trust or another accredited body and appropriate funding should be provided for its management. • The Marl Lake has now been retained but its value to wildlife is negated by the surrounding buildings. We also note that the proposed northern lake has been replaced by a Solar farm, which though a feature for sustainable development, does nothing to benefit the environment for wildlife and flora. (n.b. solar farm now deleted) • In general the Economic Benefits Report looks rather fanciful given that most people employed are likely to come from the surrounding area and therefore be a loss to those areas. i.e. Charnwood gains as Leicester city loses

Responses to publicity

From	Comments
<p>Three further letters of objection from residents:</p>	<ul style="list-style-type: none"> • The new plans have reduced the buildings by very little, but they have added a field of solar panels. The field is earmarked for flood run off. • No provision for new road layouts, and the congestion the substantially increased traffic and pollution (mainly HGV's) would be detrimental to the wildlife and the residents in the area. • It will be operating 24/7 causing additional noise and light pollution. • It is not something that would fit in the area without causing damage and disruption. • A precious, established and deeply loved public amenity should be saved. • Wildlife is protected including protected species under the Wildlife and Countryside Act 1981 • The integrity of the canal structure, flood plains, mature hedges, plants and trees, varied grass and ground habitats must be maintained. • Climate change mitigations or traffic and pollution issues should not be contravened • The Core documents reflect significant opposition from expert agencies, inc CPRE, Canal & River Trust, Natural England, local MP, Councillors, the public, to name a few with knowledge of the breadth of issues involved. • Issues related to the solar farm component: <ul style="list-style-type: none"> - Works required for access - Access routes - Sensitivities and glare - Connectivity to the man site - Impacts of contamination including access when connecting the site to the main part of the site - Impact of floods - How flooding may transfer pollution to the Canal and other water bodies and watercourses - Impacts on the nearby residential moorings on the Canal • The taller buildings at the southern end of the development will result in increased visibility from Watermead Country Park. The haunch height for units will range from 8m to 18m (26 to 59 feet) - higher than four double decker buses. This an eyesore that is not sensitive to the local landscape and does not integrate it into the Country Park setting. This will be visible to the users of the park, canal and surrounding areas. • Information on the natural environment is not complete. The additional field earmarked for use as a biodiversity

Responses to publicity

	<p>offsetting compensation area north of the A46, was not included within the breeding bird surveys. Non-Technical Summary submitted 01/11/2023 demonstrates that there has been no survey work undertaken in relation to Badgers despite Badgers being located within the site.</p> <ul style="list-style-type: none">• The reports state no otters were recorded in the site. Information has been provided regarding their sightings in the Country Park at John Merricks Lake and in the River Soar (photos supplied).• There is clear guidance that should be followed in respect of the presence of otters:<ul style="list-style-type: none">- the LPA must ensure that protected species issues are fully considered.- LPA's must advise of the need for licences from DEFRA- Developers should offer alternatives that seek to avoid, mitigate, or compensate for any negative effects on Otters- The LPA should consider if the developer has taken appropriate measures to avoid, mitigate and, as a last resort, compensate for any negative effect- The safeguarding of any protected species is the owner's responsibility and failure to do so can be an offence• The Ground Conditions report identified many forms of contamination and pathways to the local water environment These pose a risk of water pollution and subsequent impact on species.• Very little has changed except the introduction of the solar farm. Previous concerns still apply: Green Wedge, traffic , adjacent to Country Park, vehicle emissions, air quality, works will last a year, the site will operate 24/7, noise pollution, impact on residents, impact on wildlife, pollution of the Canal, River Soar and the lakes.
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4. Consideration of the Planning Issues

4.1 The key issues in considering the impact of the amendments are as follows:

- Principle of Development
- Ecology and Biodiversity
- Impact on Watermead Country Park and wider landscape
- Economic and Regeneration impacts

5. Key issues

5.1 The Principle of the Development

- 5.1.1 The principle of the development for the land south of the A46 ('Zones A, B and C) remains largely as set out in the main report at Appendix A. However, it is simplified to an extent in that the removal of the partial infilling of the lake removes entirely any conflict with emerging Local Plan Policy EV3 which designates it as a Green Wedge. This designation follows the surface area of the lake exactly and this will now be unaffected as a body of water in its current form, and in accordance with that policy.
- 5.1.2 The introduction of proposed Solar Panels into the land north of the A46 submitted with the amended application has now been withdrawn. It is now proposed to revert back to a biodiversity enhancement area but in the form of enhanced planting and habitats as opposed to a new water body. This prevents a potential of conflict with 'countryside' policies related to this area (CT/1 of the Local Plan 2004, CS11 of the Charnwood Core Strategy 2015, and C1 and EV1 of the emerging Charnwood Local Plan 2021-37) which strictly control development in the countryside and, as a result of the absence of built development in this area, these policies are all satisfied.
- 5.1.3 The conclusions of the former report, conveyed at paragraphs 9.1.7 and 9.1.8, that the relevant Development Plan Policies are satisfied in principle therefore remains, except that the amendments result in a stronger position as the sole conflict - with Policy EV3 of the emerging Local Plan (Green Wedge) – is now negated and as such no applicable policies relating to the principle of development are now contravened.

5.2 Impact on Ecology and Biodiversity

- 5.2.1 The consequence of the omission of partial infilling of the lake is to reduce the deficit that the development will make to biodiversity interests. The Biodiversity Impact Assessment has been updated to reflect this change. The 'value' of the site in terms of biodiversity units remains 304 habitat units but as a result of reduced loss by retaining all of the lake, the overall impact of the development would lead to a value of 201.5 (formerly 183) resulting in a net deficit of 102.5 (formerly 121).
- 5.2.2 Following the same methodology as the proposal before amendment by relating this to the extant permission for the site (see paras. 9.9.8 – 9.9.10 of the main report (Appendix A)) leads to a deficit of approximately 19.5 biodiversity units (formerly 33.5) and therefore a payment of around £760,000 required for offsite compensation (i.e. 19.5 units at £39k per unit).
- 5.2.3 The conclusions expressed in the main report at para. 9.9.11 can be maintained by this revised calculation.
- 5.2.4 Representations have been received regarding the ecological surveys particularly in respect of the presence of otters and the results of badger surveys. The point was made that inspection of records alone is insufficient to establish the presence of otters and that site survey work is required alongside.

- 5.2.5 This is not disputed and the Ecological report referred to at para. 9.9.11 of the main report brought together the findings from records *together with* the findings of site surveys. They include a detailed description of the dates carried out, the methodologies employed as well as the findings. Their conclusion that none were present on the site but that habitat was suitable led to recommendations that precautionary measures should be employed such as: a Construction Environmental Management Plan, a buffer between the site and the adjacent canal and good practice methodology to prevent pollution during construction. These were recommended to be incorporated into planning conditions in two ways: (i) that the recommendations of the ecological reports themselves must be followed (condition 17) and as specific requirements within recommended conditions 4 (iii), 7 and 8, for example. These are considered to remain necessary.
- 5.2.6 The representations received regarding otters refers to sightings of otters in the Country Park at King Lear's Lake and in The River Soar and as such are consistent with the findings of the submitted ecological reports, which found no evidence of their presence *within the site* but did register record of their presence in the surrounding area.
- 5.2.7 The representations point out the various duties upon the Local Planning Authority when Protected Species are encountered, and they are to request survey work and not to rely only on records, to consider whether they have been taken account of in the proposal and whether any mitigation (or as last resort compensation) is adequate, and to advise developers of their obligations towards protected species under the Wildlife and Countryside Acts. As stated above, survey work was carried out and the results reported in the ecological reports, leading to a range of mitigation measures. The adequacy of these was the subject of consultation with both Natural England (the body responsible for Protected Species and provision of the guidelines for when they are encountered) and the Council's Senior Ecologist, and neither had objection, Natural England stating the development will not have significant adverse impacts on statutorily protected wildlife and conservation. Of note, those making representation have also not identified shortcomings in the proposed mitigations.
- 5.2.8 The developers have employed qualified Ecologists familiar with the legislative requirements associated with Protected Species and further advice can be provided alongside any permission granted regarding these obligations. Therefore, it is considered that the guidance has been followed and the requirements met.
- 5.2.9 With regard to badgers specifically, the allegation that no survey work has been carried out would appear to derive from the redaction of documents reporting the results of such surveys, However, it is confirmed that survey work has taken place in 2023 (on both the 'main' site and land north of the A46), and the results collated which includes locations of setts, secondary setts and latrines alongside recommendations for mitigation of impacts. These recommendations were proposed to be incorporated as requirements in planning conditions (recommended condition 17 in Appendix A refers).

5.3 Impact on Watermead Country Park, Grand Union Canal and wider landscape

5.3.1 Whilst the amended plans reduce the quantum of floorspace proposed for 'Zone B', they do not reduce their prospective height. However, the amendments reduce the developable area on the west side of Zone B (adjacent to the Canal and Country Park) such that only a small portion of this boundary will be developable and as a result a break in the built form will arise, effectively separating the built form of Zones A from B and C, as depicted below.



5.3.2 This will substantially reduce the visual impact on the Canal and Country Park and represents an improvement from the results anticipated as described at paras. 9.10.6 - 9.10.10 of the main report (Appendix A) which, themselves were considered acceptable.

5.3.3 In terms of the wider landscape, the reduction is unlikely to make significant difference to the findings, as set out in para.9.10.7 of the main report (Appendix A). This is because though less in quantity and 'density' on the site, and a break emerging between the north section Zone A and south sections Zones B and C, longer distance impacts are influenced predominantly by maximum anticipated heights and the buildings on the perimeter of the site. Neither of these factors has changed.

5.3.4 It is therefore concluded that the amendments are of benefit to the impacts in 'closer quarter' contexts of the Canal and Country Park and as such weigh towards the acceptability of the proposal (in comparison the original proposal).

5.4 Economy and Regeneration

5.4.1 The anticipated Regeneration properties of the proposal were reported in Para. 9.2.1 of the main report (Appendix A). The nature of these will not alter as a result of the reduced scale of the development, but obviously the scale of their contribution will diminish on a basis commensurate to their scale.

5.4.2 However, it should be noted that the reduced floorspace would be entirely from the 'Class B8' warehousing use contained within the proposal, as opposed to the B2 and Class E 'office/light industrial' contained in Zone A – these would remain unchanged. This has a bearing as the employment 'density' (i.e. jobs per m²) in Class B8 is lower than the other use classes and as such the reduction in employment potential is not directly proportionate to the reduction in overall floorspace. A similar pattern applies to the nature and 'quality' of jobs (skill levels) as the potential capacity of this those demanding higher skill levels is not reduced.

5.4.3 The regeneration potential of the proposal has been recalculated in the light of the amendments and revised projections are as follows:

Category	Original proposal	Revised Proposal
Direct and indirect construction-related employment	447 jobs over the expected two-year build programme and an additional £53.8million of gross value added (GVA)	187 construction jobs and 513 temporary over the two-year build timeframe. Additional £63.1million of GVA
Employment (on completion)	918 jobs	807 jobs
GVA generated by the Proposed Development over a ten-year period.	In the region of £0.4billion	In the region of £0.2billion
Skills and employment opportunities across the entire skills spectrum.	No change: sector employment profile is: <ul style="list-style-type: none"> • 44.9% of workers have a degree level of qualification or higher (or are currently studying for a degree) • Around 22% have A levels only • 20.8% have GCSEs. • 6.3% of workers have other qualifications • 5.9% have no qualifications. 	
Wages	up to £28.9million per annum once the development is complete and operational.	£24.0million per annum once the development is complete and operational.
Business Rates	(in the region of) £1.1million per annum	(in the region of) £1.1million per annum

5.4.4 This continues to be less than that of the former consent (P/12/0003/2) but it still represents a significant key regeneration investment and neither Core Strategy Policy CS21 or emerging Local Plan Policy DS4 impose any thresholds or targets

in this regard. The application has arisen because the nature of employment land supply is dynamic and has been changed by factors for example 'remote working' arrangements which has suppressed demand for office space and ancillary uses, and notably the configuration approved under P/12/0003/2 has not progressed since the granting of the permission.

5.4.5 This is the basis upon which Policy CS21 is proposed to be replaced with a more flexible and adaptable approach under emerging Policy DS4 and as such, despite the effect of the amendments, these policies (insofar as they relate to the application site, in relation to CS21) are satisfied.

5.5 Other Considerations

5.5.1 with reference to the main report (Appendix A) and 'extras' ('Appendix B'), there are a series of other considerations of relevance to the application. However, they are not rehearsed here because it is not considered that they are affected by the amendments to the application.

5.5.2 For clarity, it bears repeating that the introduction of a solar farm within the north area of the site would have given rise to the assessment of a series of new Development Plan and other material considerations, including representations received which addressed it, but this element has now been withdrawn.

6 Conclusion

6.1 As described above, the amendments to the application are (since the removal of the solar farm component) in full accordance with the request made by the Plans Committee during its meeting on 28th September 2023. They do not give rise Policy or material considerations that were not formerly present and were not addressed within the main report and 'extras' (Appendices A and B). However, they do affect the position in respect of such factors and, in turn, adjust the weight they can be afforded. The main differences to the application and the effect they have on the 'planning balance' are summarised below:

Amendment	Impact	Assessment ('Weight', in comparison to original application)
Removal of proposal to part infill lake	Full compliance with emerging Local Plan Policy EV3 (Green Wedge designation)	Positive : Significant
	Potential impact on water pollution reduced	Positive: Moderate
	Impact on wildlife	Positive: Limited
Reduction in deliverable B8 buildings and floorspace (13,000m ²)	Reduced traffic generation, particularly HGV movements	Positive: Limited
	Impact on Canal and Country Park (visual and potential for noise)	Positive: Moderate
	Reduction in regeneration contribution	Negative: Moderate

6.2 Taken together, it is considered that the amendments are a net improvement from the original application, achieving greater Policy compliance and reducing various impacts, and clearly outweighing the reduced economic benefits. Therefore, the application of the presumption in favour of sustainable development through application of the tilted balance in NPPF paragraph 11dii), referred to at para 10.11 of the main report (Appendix A), is considered to produce a more clear cut conclusion in favour of the application because the extent to which the benefits outweigh the harm is considered to have increased. It is therefore considered that permission should be granted.

7 RECOMMENDATION

7.1 The recommendation represents an updated version of that conveyed in the main report (Appendix A) with the differences emphasised in **bold**:

RECOMMENDATION A

That authority is given to the Head of Planning and Growth and the Head of Strategic Support to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out below:

Biodiversity	<ul style="list-style-type: none"> • To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application. • To submit an updated Biodiversity Impact Assessment with the reserved matters and Biodiversity Mitigation and Enhancement Scheme • To pay to the Council a sum of up to £756,000 for off-site biodiversity mitigation to compensate for any shortfall arising from on and off site measures (calculated at reserved matters stage including the 'on site' compensation at that stage).
Sustainable Transport	<ul style="list-style-type: none"> • £510 per Centrebus bus pass to be made available for all employees • Monitoring Fee required for this site will be the sum of £11,337.50 for monitoring the effectiveness of the Travel Plan over the five year duration of its life

RECOMMENDATION B

That subject to the completion of the S106 agreement in recommendation A above, grant outline planning permission conditionally subject to the imposition of the following draft conditions and reasons and that the Head of Planning and Growth, be given delegated authority to determine the final detail of the planning conditions, in consultation with the Chair of the Plans Committee:

TIMETABLE FOR SUBMISSION OF RESERVED MATTERS

1. Application for approval of reserved matters shall be made within 10 years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

PLAN SPECIFICATION

2. The following plans are hereby approved:
 - a) 22-005-SGP-ZZ-XX-DR-A-101001-Location Plan-P03
 - b) ADC2945-DR-002-P1 (Proposed Site Access Layout)
 - c) **22-005-SGP-ZZ-XX-DR-A-101002-Parameters Plan-P11 submitted to the Local Planning Authority on 24.11.2023**
 - d) **22-005-SGP-ZZ-XX-DR-A-001004-Illustrative Masterplan-B submitted to the Local Planning Authority on 24.11.2023**
 - e) **FPCR Environment and Design Ltd Watermead – BNG Non-Technical Summary 24.10.23 submitted to the Local Planning Authority on 30.10.2023**
 - f) ADC2945-RP-F-v4 (Framework Travel Plan)
 - g) **WMPS-BSP-XX-XX-D-C-0102_P02_ZONE_A_PROPOSED_SW_AREAS submitted to the Local Planning Authority on 30.10.2023**
 - h) **WMPS-BSP-XX-XX-D-C-0105_P02_ZONE_B_PROPOSED_SW_AREAS submitted to the Local Planning Authority on 30.10.2023**
 - i) **WMPS-BSP-XX-XX-D-C-0100_P04_ZONE_A_DRAINAGE_STRATEGY submitted to the Local Planning Authority on 30.10.2023**
 - j) **WMPS-BSP-XX-XX-D-C-0103_P03_ZONE_B_DRAINAGE_STRATEGY submitted to the Local Planning Authority on 30.10.2023**
 - k) **WMPS-BSP-XX-XX-D-C-0106_P03_ZONE_C_DRAINAGE_STRATEGY submitted to the Local Planning Authority on 30.10.2023**
 - l) **WMPS-BSP-XX-XX-D-C-0101_P02_ZONE_A_PRELIMINARY_LEVELS_PLAN submitted to the Local Planning Authority on 30.10.2023**
 - m) **WMPS-BSP-XX-XX-D-C-0107_P02_ZONE_C_PRELIMINARY_LEVELS_PLAN submitted to the Local Planning Authority on 30.10.2023**
 - n) **WMPS-BSP-XX-XX-D-C-0104_P02_ZONE_B_PRELIMINARY_LEVELS_PLAN submitted to the Local Planning Authority on 30.10.2023**
 - o) **WMPS-BSP-ZZ-XX-RP-C-0001-P02_Flood_Risk_Assessment submitted to the Local Planning Authority on 30.10.2023**

- p) **WMPS-BSP-ZZ-XX-RP-C-0002-P02_Drainage_Strategy_Report Drainage Strategy Plan submitted to the Local Planning Authority on 30.10.2023**
- q) Watermead Business Park - Paragon Phase 2 Ground Investigation
- r) Report FINAL
- s) 6525r1 - Air Quality Assessment - Watermead Park Leicester.
- t) 22-005 - Watermead Design and Access Statement-A—2
- u) FPCR Badger Report – Confidential - April 2023
- v) FPCR Herpetofauna Report - April 2023
- w) FPCR Bat Survey Report - April 2023
- x) FPCR Bird Survey Report - April 2023
- y) FPCR Ecological Appraisal - April 2023

REASON: To define the scope of this permission.

RESERVED MATTERS

3. Details of the layout, scale, appearance, and landscaping (hereafter referred to as 'the reserved matters') of any component of the development shall be submitted to and approved in writing by the Local Planning Authority before any development of that component takes place, and the development shall be carried out as approved.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

SITE WIDE CONDITIONS

4. Prior to the submission of any applications for 'reserved matters' the following plans shall be submitted to and approved by the Local Planning Authority:
 - (i) a phasing plan covering the entire application indicating the sequence for the delivery of each zone and the works to the land north of the A46;
 - (ii) a design brief establishing clear design principles of the buildings to be accommodated within the site, with reference to:
 - Coherent and consistent use of a limited palette of materials
 - Common design features
 - Lighting strategy
 - Fencing and other boundary treatment
 - Surfacing materials for car parking and servicing areas
 - The use of trees and hedges to delineate individual plots
 - Sustainable construction principles
 - (iii) a scheme that includes the following components to deal with the risks associated with contamination of the site:
 - A site investigation scheme, based on the provided preliminary risk assessment The Phase 2 Ground Investigation Report by Paragon

Building consultancy Ltd (Ref. 22.0089/AM/LC) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- The results of the site investigation and detailed risk assessment referred to in (iii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

(iv) a scheme for the treatment of the Public Rights of Way has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping in line with Cycle Infrastructure Design LTN 1/20, together with a timetable for implementation.

(v) a Public Transport Strategy for the site including the provision of service(s) and associated infrastructure which will be operational from first occupation and which shall operate for a minimum of five years.

(vi) A Construction Environment Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highways Authority and National Highways, and shall include:

- a Construction Traffic Management Plan (CTMP) including construction phasing
 - HGV routing plans
 - construction traffic arrival and departure times
 - delivery times to avoid peak traffic hours
 - parking and delivery arrangements
- clear and detailed measures to prevent debris, mud and detritus being distributed onto the Strategic Road Network (the A46).
- assurance that all construction vehicles exit the site in a forward gear
- details of visual assessments, dust monitoring and dust suppression techniques to be employed during the development

vii) details of the timetable for the creation of the new lake and other biodiversity features within the land referred to as 'Land north of the A46'

viii) an amended Framework Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets

Thereafter each reserved matters application shall be submitted in accordance with the terms of the approved plans as listed above and the development shall subsequently be developed in accordance with the approved plans and approved 'reserved matters'.

REASON: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework 2023.

CONDITIONS FOR EACH ZONE

5. Prior to the commencement of development hereby approved within any zone identified within Plan Ref **22-005-SGP-ZZ-XX-DR-A-101002-Parameters Plan-P11 submitted to the Local Planning Authority on 24.11.2023** a phasing plan covering all components of the development within that zone shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan for the zone and each reserved matters application shall be submitted in accordance with the terms of the approved phasing plan or the zone concerned.

REASON: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework 2023.

6. The reserved matters required under condition 3 above shall include, for each zone identified within plan Ref. **22-005-SGP-ZZ-XX-DR-A-101002-Parameters Plan-P11 submitted to the Local Planning Authority on 24.11.2023**:
- Design in accordance with the design principles set out in the Design and Access Statement submitted with the application (**SGP22-005 - Watermead Design and Access Statement Rev.B submitted to the Local Planning Authority on 30.10.2023**)
 - Landscaping proposals to show the full extent of tree and hedge removal and details of new planting
 - Details in accordance with plan ref. **22-005-SGP-ZZ-XX-DR-A-101002-Parameters Plan-P11 submitted to the Local Planning Authority on 24.11.2023 including** the quantum (floorspace), the Use Class of development as annotated, the identified developable areas and landscaping illustrated on the Plan.
 - Details in accordance with the **FPCR Environment and Design Ltd Watermead – BNG Non-Technical Summary 24.10.23 submitted to the Local Planning Authority on 30.10.2023**

REASON: To ensure that the development is constructed in a satisfactory manner. and in accordance with Policy CS21 of the adopted Core Strategy 2015 and Policy DS4 of the emerging Charnwood Local Plan 2021 -37.

7. No occupation of any part of the permitted development for each zone identified within plan Ref. **22-005-SGP-ZZ-XX-DR-A-101002-Parameters Plan-P11 submitted to the Local Planning Authority on 24.11.2023** under condition 4 above shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation within that zone has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-

term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

8. No development approved by this planning permission shall take place within any zone identified within plan Ref. **22-005-SGP-ZZ-XX-DR-A-101002-Parameters Plan-P11 submitted to the Local Planning Authority on 24.11.2023** until such time as details in relation to the management of surface water on within that zone during construction of the development has been submitted to, and approved in writing by the Local Planning Authority in accordance with the Drainage Strategy hereby approved. 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 through the entire development construction phase.

9. No occupation of the development approved by this planning permission shall take place within any zone identified within plan Ref. **22-005-SGP-ZZ-XX-DR-A-101002-Parameters Plan-P11 submitted to the Local Planning Authority on 24.11.2023** until such time as details in relation to the long-term maintenance of the surface water drainage system within that zone 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.

10. No trees or hedgerows shall be removed until such time as the reserved matters for 'landscaping' required by condition 2 above, relating to the relevant zone identified within plan Ref. **22-005-SGP-ZZ-XX-DR-A-101002-Parameters Plan-P11 submitted to the Local Planning Authority on 24.11.2023** have been approved. The removal of trees and hedges shall then take place in full accordance with the approved landscaping reserved matter(s) applicable to the zone.

REASON: To maximise the potential to retain existing trees and consolidate the planting of new trees, in accordance with Policy EV7 of the emerging Charnwood Local Plan 2012-37.

LIMITATIONS

11. The development shall be carried out in accordance with the submitted flood risk assessment (**WMPS-BSP-ZZ-XX-RP-C-0001-P02_Flood_Risk_Assessment compiled by BSP Consulting**) submitted to the Local Planning Authority on **30.10.2023** and the following mitigation measures it details:

- There shall be no raising of ground levels within flood zone 3b or 3a.
- Finished floor levels in zone A shall be set no lower than 49.95 metres above Ordnance Datum (AOD)
- Finished floor levels in zones B and C shall be set no lower than 49.17 m AOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that flood volumes are not displaced.

12. If, during development, contamination not previously identified is found to be present within any zone identified within plan Ref. **22-005-SGP-ZZ-XX-DR-A-101002-Parameters Plan-P11 submitted to the Local Planning Authority on 24.11.2023** then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out within that zone until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, in accordance with paragraph 170 of the National Planning Policy Framework.

13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: Piling or any other foundation using penetrative methods can resulting risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater in accordance with National Planning Policy Framework paragraph 109. Where deep foundations are

proposed we recommend the developer follows the guidance set out within document 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' which is available on our website at the following address:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>

14. No infiltration of surface water drainage into the ground on land affected by contamination is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON: To protect the water environment and comply with the National Planning Policy Framework.

15. No development shall be carried out within 25m of the western site boundary until a method statement detailing all excavation works to form any ponds, all works to infill and remodel the existing lake within the site, and the design and construction of any foundations within this area, together with any earth moving and excavations and all operations to construct roadways and hard standings, has been submitted to and approved by the Local Planning Authority. The method statement shall include measures to ensure the risk of instability of the Grand Union Canal and its towpath are prevented both during and after construction and shall include a vibration monitoring regime for any piling works. The development shall proceed in accordance with the approved method statement.

REASON: To ensure the structural integrity of the adjacent canal structure, including the towpath and lands stability issues in accordance with NPPF paragraphs 174 and 183.

16. Barriers shall be included along the access road alongside the canal indicated within plan Ref. **22-005-SGP-ZZ-XX-DR-A-101002-Parameters Plan-P11 submitted to the Local Planning Authority on 24.11.2023** hereby approved, so that vehicles will be prevented from entering the canal. Details of the barriers shall be submitted to and approved by the Local Planning Authority prior to the construction of the access road and shall be retained thereafter on a permanent basis.

REASON: To ensure the structural integrity, water quality and biodiversity interest of the adjacent canal structure, including the towpath and land stability issues in accordance with NPPF paragraphs 174 and 183.

17. The development shall be carried out in accordance with the recommendations of each of the following documents, submitted with the application:

- FPCR Badger Report – Confidential - April 2023
- FPCR Herpetofauna Report - April 2023

- FPCR Bat Survey Report - April 2023
- FPCR Bird Survey Report - April 2023
- FPCR Ecological Appraisal - April 2023

REASON: to ensure that the biodiversity interest within and in close proximity of the site is sufficiently safeguarded, in accordance with Policy CS13 of the Core Strategy and emerging Local Plan Policy EV6.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order with or without modification), no change of use from B1 Office to C3 residential shall take place without the prior consent on application to the Local Planning Authority

REASON: To ensure that development includes a satisfactory mix of employment uses to meet the Borough's needs, in accordance with Policy CS21 of the adopted Core Strategy 2015 and Policy DS4 of the emerging Charnwood Local Plan 2021-37.

19. Prior to its implementation, details of all external lighting shall be submitted to and agreed in writing with the Local Planning Authority including details of hours of operation, luminance and light spillage. These shall provide for minimal illumination of the adjacent Canal and Country Park The lighting shall be implemented as approved.

REASON: To make sure the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and to ensure that the biodiversity interest within and in close proximity of the site is sufficiently safeguarded, in accordance with Policy CS13 of the Core Strategy and emerging Charnwood Local Plan 2021-37 Policy EV6.

20. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on the 'Proposed Site Access Layout' (drawing reference ADC2945-DR-002-P4) dated 15th August 2023 have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

21. The development hereby permitted shall not be occupied until such time as the Public Footpaths I58 and I58a and Connect2 cycleway have been provided in full as per the plan Ref. **22-005-SGP-ZZ-XX-DR-A-101002-Parameters Plan-P11 submitted to the Local Planning Authority on 24.11.2023**

REASON: To provide an all-weather route in the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework (2023).

22. No development shall take place until a scheme for the treatment of the Public Rights of Way has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping in line with Cycle Infrastructure Design LTN 1/20, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

REASON: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework (2023).

Site Location Plan

