

Plans Committee Date:	25 <sup>th</sup> January 2024
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## Item No. 5a

**Application Reference Number:** P/23/0668/2

<b>Application Type:</b>	Outline	<b>Date Valid:</b>	14.4.2023
<b>Applicant:</b>	Wanlip Holdings Limited		
<b>Proposal:</b>	Outline Planning Application for construction of up to 61,000 m <sup>2</sup> 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 for reduced scheme including removal of proposal to partially infill lake)		
<b>Location:</b>	Land at Watermead Business Park Thurmaston Leicestershire		
<b>Parish:</b>	N/A	<b>Ward:</b>	Syston
<b>Case Officer:</b>	Jim Worley	<b>Tel No:</b>	07591 947043

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### 1.0 Background

- 1.1 This application is reported to Plans Committee as it is considered appropriate to do so by the Head of Planning and Growth owing to its unusually large scale, significance to the development strategy for the Borough and extent of public interest.
- 1.2 Cllr Infield requested call in of the application to be heard by Committee by has withdrawn this following the receipt of amended plans in October 2023.

### 2.0 Introduction and Description of the Site

- 2.1 The application site occupies approximately 31.06 Ha (76.77 Acres), located on the western edge of the Syston. The site lies to the west of the A607/ A46 Syston Bypass and east of the east bank of the Thurmaston to Syston section of the Grand Union Canal.
- 2.2 The site makes up part of the Watermead Business Park, of which Phase one has already been completed to the east of the A607. The development site is currently vacant. The southern part of the site is a brownfield site whilst the northern part of the site is a green area of open scrub.
- 2.3. To the east lies the existing light industrial and commercial units of Phase 1 of the Watermead Business Park, beyond which is the established housing area and urban edge of Syston. To the west lies Watermead Country Park, a network of lakes and three Local Nature Reserves.
- 2.4 The site is bounded by the A607 to the east, A46 to the north and the Watermead Country Park to the south and West.

- 2.5 The site lies within the mineral consultation area for sand and gravel, has potential for contamination from historic industry (gravel pits) and contains an old pond shown on 1903 mapping. The site is within Flood Zones 2 and 3. The site is within a watercourse interest zone identified by the Canal and River Trust. Within the adopted Local Plan 2004 the site is defined as outside Limits to Development and within the countryside and parts of the site are Green Wedge. Public footpath Public Footpath I58a are within the site and Footpaths I58 and I58a are in close proximity.
- 2.6 Part of the site, south of the A46, (12 Ha) is allocated for employment under Policy DS4, site reference ES9 in the emerging Local Plan. Part of the site is proposed as green wedge and countryside in the emerging Local Plan.

### 3.0 Description of the Application

- 3.1 The application originally sought outline planning permission for the construction of up to 70,600 m<sup>2</sup> of E(g)(iii) (Industrial), B2 (industrial process other than one falling within class E(g)) and B8 (Storage or distribution) Use Class units, including site access and infrastructure, and remodelling of the artificial lake at Land at Watermead Business Park, Thurmaston.
- 3.2 However, amended plans were submitted in 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
<p>'Zone B'</p> <ul style="list-style-type: none"> <li>• Developable Area 4.24 ha (maximum floorspace 19,500m<sup>2</sup>)</li> <li>• Proposed Use B8 Use Class</li> <li>• Proposed Maximum Finished Unit Height 16m overall height to ridge (12.5m haunch)</li> </ul>	<p>'Zone B'</p> <ul style="list-style-type: none"> <li>• Developable Area 1.75 ha (maximum floorspace 6,000m<sup>2</sup>)</li> <li>• Proposed Use B8 Use Class</li> <li>• Proposed Maximum Finished Unit Height 16m overall height to ridge (12.5m haunch)</li> </ul>

- 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 (enlarged) showing revised 'Zone B':*





Original site parameters plan (for comparison)



- 3.3 The site access has already been established by the grant of Planning Application Ref. P/12/0003/2 (i.e. the outline application for the business park including a hotel, leisure facilities, restaurant etc.) which the application proposes to duplicate. The service roads to the north and south of Wanlip Road roundabout, as well as drainage and sewer infrastructure, benefit from extant Planning Permission (Ref. P/16/0887/2). This current planning application broadly follows the parameters of the extant permission P/12/0003/2 in terms of its outer boundaries, but now includes the lake within the site which was excluded from permission P/12/0003/2.
- 3.4 For the purposes of comparison, the application differs from extant permission P/12/0003/2 in a number of ways:

Permission/application	P/12/0003/2	P/23/0668/2 (current – following amendment)
Site area (ha)	23.4 ha	31.06 ha
Developable area	17.5 ha	11.67 ha
Office floorspace	9,000m <sup>2</sup>	20,500m <sup>2</sup> combined
Employment (industrial)	12,000m <sup>2</sup>	
Warehouse 'B8'	9,950 (Max) m <sup>2</sup>	40,500m <sup>2</sup>
Other uses	Public House, Hotel, Conference facilities and Leisure: 15,742m <sup>2</sup>	-
<b>Total floorspace proposed</b>	<b>46,692m<sup>2</sup></b>	<b>61,000m<sup>2</sup></b>

- 3.5 Outside of the developable area of the site an area of land is identified to the North that would provide biodiversity enhancement and replacement/additional habitat to contribute towards compensation of that lost by the development.
- 3.6 Across the wider site, landscaping, drainage and services are proposed to serve the development site and enhance the biodiversity, design and amenity of the site.
- 3.7 The proposal identifies proposed plot parameters for three zones that make up the whole built form development site:
- 'Zone A'
- Developable Area 4.13 ha (maximum floorspace 20,500m<sup>2</sup>)
  - Proposed Use E(g), B2 and B8 Use Classes
  - Proposed Maximum Finished Unit Height 15.0m overall height to ridge (10m haunch)
- 'Zone B'
- Developable Area 1.75 ha (maximum floorspace 6,000m<sup>2</sup>)
  - Proposed Use B8 Use Class
  - Proposed Maximum Finished Unit Height 16m overall height to ridge (12.5m haunch)

#### 'Zone C'

- Developable Area 5.79 ha (maximum floorspace 34,500m<sup>2</sup>)
- Proposed Use B8 Use Class
- Proposed Maximum Finished Unit Height 21.5m overall height to ridge (18m haunch)

3.8 In summary the built form development combined is proposed as follows:

- Redline Area: 31.09 ha
- Total Developable Area 11.67 ha
- Proposed Use Zone A: E(g), B2, B8 Use Class
- Zones B & C: B8 Use Class
- Proposed Maximum Finished Unit Height 21.5m overall height to ridge (18m haunch)

3.9 A detailed access is shown from Wanlip Road / A607 slip road roundabout shows the southern radius of the access arm at 12m, the removal of the existing splitter island and the widening of the access carriageway to 7.3m. This would allow a maximum size HGV to access the site from the A607 off slip, while another HGV exits the site, as shown on the drawing ADC2945-DR-002-P1 (Proposed Site Access Layout). The uncontrolled crossing on this arm would be relocated a short distance along the site access road to reduce the crossing distance.

3.10 The application is accompanied by the following documents:-

- Design and Access Statement;
- Landscape and Visual Appraisal;
- Ecological Impact Assessment(s);
- Phase 1 and 2 Geo-environmental Study;
- Transport Assessment (and additional information provided following comments from the Highways Authority).
- Framework Travel Plan;
- Flood Risk Assessment
- Drainage Strategy (revised following comments from the LLFA);
- Air Quality Assessment Report.

## **4.0 Development Plan Policies**

4.1 The Development Plan comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies) and the Minerals and Waste Local Plan (2019).

4.2 The policies applicable to this application are as follows:

#### 4.2.1 [Charnwood Local Plan Core Strategy](#)

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS6 - Employment and Economic Development
- Policy CS11 – Countryside
- Policy CS12 – Strategic Green infrastructure
- Policy CS13 – Biodiversity and Geodiversity
- Policy CS16 - Sustainable Construction and Energy
- Policy CS17 - Sustainable Travel
- Policy CS18 – The Local and Strategic Road Network
- Policy CS21 - Watermead Regeneration Corridor - Direction of Growth
- Policy CS25 - Presumption in favour of sustainable development

#### 4.2.2 [Borough of Charnwood Local Plan \(adopted 12 January 2004\) \(saved policies\)](#)

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

- Policy ST/2 - Limits to Development
- Policy EV/1 – Design
- Policy TR/18 - Parking in New Development

#### 4.2.3 [Minerals and Waste Local Plan \(2019\)](#)

This document includes the County Council’s spatial vision, spatial strategy, strategic objectives, and core policies which set out the key principles to guide the future winning and working of minerals and the form of waste management development in the County of Leicestershire over the period to the end of 2031.

Policy M11 seeks to safeguard mineral resources including sand, gravel, limestone, igneous rock, surface coal, fireclay, brick clay and gypsum. The policy sets out that planning permission will be granted for development that is incompatible with safeguarding minerals within a Mineral Safeguarding Area provided certain criteria are met.

The development site is located within a minerals safeguarding area for sand and gravel.

### **5.0 Other material considerations**

#### 5.1 [The National Planning Policy Framework \(NPPF December 2023\)](#)

5.1.1 The NPPF policy guidance of particular relevance to this proposal includes:

- Section 2: Achieving sustainable development
- Section 4: Decision making
- Section 5: Delivering a sufficient supply of homes

- Section 8: Promoting healthy and safe communities
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving well-designed and beautiful places.
- Section 15: Conserving and enhancing the natural environment

## 5.2 Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

## 5.3 National Design Guide

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

## 5.4 Leicestershire Housing and Economic Needs Assessment (HENA) – 2022

The HENA made an assessment of the employment land needs for each planning authority in the county, including Charnwood. However, the current proposal relies upon policies within the Development Plans and the emerging Local Plan which was informed by the findings of HENA.

## 5.5 Design Supplementary Planning Document (SPD) (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

## 5.6 Leicestershire Highways Design Guide

The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking expected to be provided in new housing development.



## 5.7 Conservation of Habitat and Species Regulations 2010 (as amended)

The Council as Local Planning Authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

## 5.8 Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

## 5.9 [The Draft Charnwood Local Plan 2021-37](#)

This document sets out the Council's strategic and detailed policies for the Borough over the period 2021-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2023. It is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in early 2024

In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The following policies are considered applicable to this application, and the weight they can be assigned is addressed in the 'Planning Considerations' part of this report.

- Policy DS1: Development Strategy
- Policy DS4: Employment Allocations (site reference ES9)
- Policy DS5: High Quality Design
- Policy LUA1: Leicester Urban Area
- Policy CC1: Flood Risk Management
- Policy CC2: Sustainable Drainage Systems (SuDS)
- Policy CC5: Sustainable Transport

- Policy E1: Meeting Employment Needs
- Policy EV5: River Soar and Grand Union Canal Corridor
- Policy EV6: Conserving and Enhancing Biodiversity and Geodiversity
- Policy EV7: Tree Planting

## 5.12 Planning Guidance for Biodiversity June 2022

This planning guidance seeks to provide further clarification to Core Strategy Policy CS13 insofar as ensuring development proposals secure biodiversity net gain on-site to contribute towards the overall sustainability of development proposals.

## 6.0 Relevant Planning History

Reference	Description	Decision
<b>P/12/0003/2</b>	Outline application for Business Park, comprising offices, research and development/light industry; erection of hotel and leisure facilities, cafe/pub/restaurant, playing field/sports pitches, changing facilities and clubroom, canal footbridge and footpath diversion, alterations to car park and toilet facilities and associated landscaping (office floorspace limited to a maximum of 9000 m <sup>2</sup> )	Approved 24/3/2015
<b>P/15/1978/2</b>	Formation of public footpath. (Reserved Matters - Outline Application P/12/0003/2 refers)	Withdrawn
<b>P/16/0667/2</b>	Formation of public footpath. (Reserved Matters - Outline Application P/12/0003/2 refers)	Approved 13/3/2018
<b>P/16/0887/2</b>	Creation of service roads to the north and south of Wanlip Road roundabout with associated drainage and sewer infrastructure.	Approved Conditionally 13-03-2018
<b>P/22/1528/2</b>	Request for Screening Opinion for the construction of up to 70,600 m <sup>2</sup> of B8 storage and distribution unit, including site access and infrastructure and remodelling of artificial lake	Screening Opinion issued 29/9/22 Environmental Statement Not Required

## 7.0 Responses of Statutory Consultees

7.1 The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

Consultee	Response
Leicestershire County Council – Local Highway Authority (LHA) (following receipt of	<b>Site Access:</b> Following amendment and additional information, the Local Highways Authority are now satisfied with the

<p>additional information)</p> <p>technical</p>	<p>proposed access design and have sought to condition the proposals shown on Drawing ADC2945-DR-002-P4</p> <p><b>Highway Safety</b></p> <p>As per the previous observations, the LHA consider that the proposed development would not exacerbate the likelihood of further Personal Injury Collisions (PICs) occurring.</p> <p><b>Trip Generation</b></p> <p>The LHA consider that the proposed development result in a net reduction of trips compared to the extant permitted use of the site.</p> <p><b>Internal Layout</b></p> <p><u>Parking</u></p> <p>On the basis that layout is a reserved matter, this is not to be determined at this stage.</p> <p><u>Road Network</u></p> <p>This is a reserved matter</p> <p>Designs at that stage should allow for longer body vehicles up to 18.55m.</p> <p>In Zone A, 3.0m wide shared footway/cycleways would be provided on both sides the internal carriageway network.</p> <p>For Zones B and C, a shared 3.0m wide footway/cycleway would be provided on the eastern side the internal carriageway network.</p> <p><b>Footpaths</b></p> <p>Public Footpath 158a runs through the proposed development and will be obstructed. To implement this a Public Path Diversion Order would be required. It is noted it is similar to previous applications for diversion. It measures 3.0m in width and is therefore suitable as a shared use path in accordance with the LHDG</p> <p><b>Transport Sustainability</b></p> <p><u>Pedestrian and Cycling</u></p> <p>3.0m shared footway and cycleways are to be provided within the development as shown on the submitted access drawing and local cycle routes are provided through Watermead Country Park as well as National Cycle Route (NCR) 48, which passes through Syston and Queniborough.</p>
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The Revised Parameters Plan shows an indicative footway/cycle route linking back into the canal towpath which overcomes potential obstruction by other land owners and are satisfied that it measures 3.0m in width in accordance with the LHDG.

The County Council supports the development of non-motorised user access to local facilities and the ability for the public to choose how they move, to encourage walking and cycling

#### Bus and Rail Provision

The nearest bus stop to the site is located on Wanlip Road circa 1.1km from the site centre when measured along available walking routes

The LHA would expect financial contributions from the developer towards the development of a service which provides an hourly, Monday to Saturday service that covers the whole of the day 7-7pm (Monday-Friday) and 8-6pm Saturday.

The LHA require that the Applicant develop a Public Transport (PT) Strategy to enhance public services, as a condition

#### Wider Watermead Business Park Measures

The LHA note that the availability of e-bikes to employees currently in use across the wider Watermead are to be extended to this phase within the revised Travel Plan document.

#### Travel Plan

The LHA would not expect all employees to apply for a bus pass however it is considered that uptake should be encouraged as much as possible throughout the life span of the Travel Plan.

#### **Developer contributions**

- £510 per Centrebus bus pass should be made available for all employees (though it is recognised that take up may be low)
- Monitoring Fee required for this site will be the sum of £11,337.50 for monitoring over the five-year duration of its life

#### **Conditions**

- Access provided before occupation, in accordance with approved plans

	<ul style="list-style-type: none"> <li>• Works to Public Footpaths I58 and I58a and Connect2 cycleway to be completed prior to occupation</li> <li>• A scheme for the treatment of the Public Rights of Way to be agreed prior to development</li> <li>• An amended Framework Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets to be agreed before occupation</li> <li>• A Public Transport Strategy to be agreed before occupation</li> <li>• Agreement of a construction traffic management plan prior to development</li> </ul> <p>The applicant has conformed agreement to the developer contributions and conditions requested by the Local Highways Authority</p> <p><b>Comments following Amended Plans (October 2023)</b></p> <ul style="list-style-type: none"> <li>• Recognise that the commercial elements of the proposal are reduced in scale and have no objection.</li> <li>• Seek further information regarding access, traffic flow and vehicle type to construct and operate the Solar Farm (n.b. solar farm now deleted)</li> </ul>
Charnwood Biodiversity	<p>Two BIAs have been provided, representing</p> <ul style="list-style-type: none"> <li>(i) the site baseline as it currently stands and</li> <li>(ii) the impact of the existing consent had it been implemented.</li> </ul> <p>The latter is not considered to be acceptable because the permission was in outline so cannot be accurately represented.</p> <p>It is agreed that the current site conditions (measures 2022) is the most appropriate reference point for establishing an ecological baseline and the submitted BIA (6/7/23) is acceptable.</p> <p>However, not all the post development habitat values are accepted as appropriate or achievable, so the net biodiversity loss is likely to be greater than the 39.71% calculated (this relates to maturity of new grassland habitats, tree coverage, and the approach to the Marl Pit).</p> <p>Biodiversity impact would be reduced if the lake within the site was retained. The lake is an example of a priority habitat (eutrophic still waters) and is listed in the Leicestershire and Rutland BAP and it lies adjacent to Watermead Park; a large and important wildlife site which also functions as a green wedge for the City of Leicester.</p> <p>It is important that ecological compensation is delivered in full. This will result in a very significant biodiversity</p>

offsetting but there is a reasonable prospect of offsite compensation being delivered broadly in accordance with metric trading rules.

It is not appropriate to conclude that the previous scheme would have resulted in biodiversity loss that should now be used to discount the offsetting burden associated with the current scheme.

In summary, further work to be done to fully understand the impact.

If the proposal is granted there will be a significant biodiversity offsetting requirement which should be secured via a S106 agreement.

Conditions (if applicable) regarding:

- Construction Environment Management Plan
- Ecological mitigation plan to demonstrate how habitats proposed in the BIA will be created and managed in perpetuity
- Phasing plan; to demonstrate how on site habitat creation measures will ensure continuity of priority habitat provision on site
- Landscaping plan (based on the EMP) illustrating how planting will implement the BIA proposals.
- Lighting, to secure the protection of biodiversity

#### **Comments following Amended Plans (October 2023)**

The recently submitted and revised parameters and illustrative masterplans show development proposals which would avoid development within the onsite lake as previous proposals showed. This is a welcome change to the scheme since, although there would still be a significant on-site biodiversity loss, direct impact to local priority and strategically important habitat would be avoided.

The scale of biodiversity impact on site will depend upon the final form of development and the ability to provide onsite compensation, however it is acknowledged by all parties that offsetting will inevitably be required. Two BIA's have been submitted to support the revised proposals. One of these show the current baseline and is entitled "Draft 2022 baseline metric". The other purports to show the baseline as if the extant permission had been implemented and is entitled "draft extant metric". As has been explained in previous comments; a projection of the supposed condition of the previous permission that was not implemented does not provide a reliable baseline or

	<p>an acceptable means to take into account the previous permission.</p> <p>Accordingly, any future BIA assessments of the impact of a detailed scheme should be made using the draft 2022 baseline.</p> <p>Conditions:</p> <p>The provision of a detailed lighting scheme showing how the scheme has been designed to avoid light spill onto sensitive areas and which follows ILP guidance note ILP GN08 (2023)</p> <p>Landscaping plans</p> <p>Management plan which demonstrates and explains how the habitats and respective conditions proposed in any future BIA are established and maintained in the long term.</p>
<p>Lead Authority</p> <p>Local</p> <p>Flood</p>	<p>The total 29.6ha greenfield site split into four sub-sites (labelled North Field and zones A, B and C). North Field is not proposed to be developed. The total developed area is therefore 19.37 and these are located within Flood Zone 2 being at medium risk of fluvial flooding and low risk of surface water flooding.</p> <p>The applicant has received River Soar flooding levels from the Environment Agency (EA) showing that the site lies outside the rivers fluvial flood plain. In addition to this the flood risk assessment has advised raised finished floor levels for the units 0.6m above 1 in 100 year flood levels. The proposals seek to discharge at the average greenfield runoff rates via pervious paving and attenuation basins to an on-site watercourse (Zone A) and via conveyance swales to an existing lake (zones B and C).</p> <p>Adequate assurances regarding the eventual outfall have been provided. There are concerns with catchment transfer and as such, the LLFA requested an existing catchment plan drawing to be submitted. On review of this it appears that although some catchment transfer will be present in Zone A and C, it is negligible.</p> <p>The applicant has also noted that a receiving watercourse downstream of the proposed outfall has connectivity to a currently silted asset and thus this is recommended to be cleared. Responsibility and plans for the management of these existing assets has been assured.</p> <p>The revised plans satisfy the LLFA .</p>

	<p>Recommend conditions:</p> <ul style="list-style-type: none"> <li>• Agreement of surface water drainage scheme;</li> <li>• details in relation to the management of surface water on site during construction;</li> <li>• Agreement of long-term maintenance of the surface water drainage system.</li> </ul> <p><b>Comments following Amended Plans (October 2023)</b></p> <ul style="list-style-type: none"> <li>• The above comments and recommended conditions reiterated</li> </ul>
<p>Leicester City Council (as adjacent Local Highways Authority)</p>	<p>The net vehicle trip generation between the approved quantum and the proposed quantum has been calculated and presented at section 4.11 through 4.14, and person trips presented at section 4.18.</p> <p>The TA presents that the vehicle trip generation for the proposed scheme would be in the order of 606 passenger car units (PCU) trips less than the consented scheme in the AM network peak, and 534 fewer PCU trips in the PM network peak.</p> <p>Furthermore, it is expected that the change in the proposed use would mean a higher proportion of the HGV traffic which would primarily use the A46 West and North to route to the site, as opposed to using routes through the City.</p> <p>No highway mitigation was identified as a result of the TA for the extant scheme on the City's network. As such, no concerns are raised in respect of traffic impact as a result of the revised proposal put forward for this application given the reduction in trips.</p> <p><u>Sustainable Travel:</u></p> <p>As this is a framework for workplace Travel Plans on the development, it is highly likely that would include staff which live within Leicester City. The City Highway Authority would be supportive of measures to encourage sustainable travel as part of the plan, and any improvements to local footpath and cycle track connections on routes to the site which would connect into the city, either via Watermead Park or south towards Melton Road to support those measures.</p> <p>Whilst the Travel Plan states that the northern parts of Thurmaston are within 2km pedestrian catchment, and northeast Leicester is within 5km cycle catchment, there</p>



	<p>does not appear to be any direct pedestrian and cycle connections into the southern part of the site from either Watermead Country Park or Melton Road. Therefore, any walking or cycling trips from the northern side of Leicester would need to route via Wanlip Lane which is a considerable distance and may discourage such trips. It is acknowledged that this could require a new crossing of the canal which would require consent.</p> <p>The Travel Plan also states ‘There are also opportunities for travel by public transport. The nearest bus stops to the site are located on Wanlip Road, served by the local 100 bus route. Additional services to and from Leicester City Centre can be accessed on Melton Road, a 15-minute walk from the site.’</p> <p>Presumably these stops on Melton Road are in Syston and are accessed via Wanlip Road. There are bus stops at the northern end of Melton Road in Thurmaston (near Costco) and Melton Road outside Roundhill Academy. Whilst it is acknowledged these stops are within the County highway network, a more direct pedestrian connection would reduce journey times for staff, who would travel from the city the units on the southern part of the site. The City Highway Authority would be supportive if more direct pedestrian connections between the site and these stops could be explored and provided.</p> <p><u>Recommendation:</u> The City Highway Authority would welcome the provision of further pedestrian and cycle access into the southern section of the site to encourage sustainable travel to and from the City as part of the development</p> <p><b>Comments following Amended Plans (October 2023)</b></p> <ul style="list-style-type: none"> <li>• None received</li> </ul>
Natural England	<p>No objection: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes</p> <p><b>Comments following Amended Plans (October 2023)</b></p> <ul style="list-style-type: none"> <li>• None received</li> </ul>
Canals and Rivers Trust	<p>The main issues for the Trust are as follows:</p> <p><u>Impact on the structural integrity of the canal</u></p>

	<p>Consider that detailed construction methodology is requires to ensure that building process do not affect the structure of the canal, for example through vibration. Recommend a condition to this effect for operations within 25 m of the canal (suggested wording provided).</p> <p><u>Impact on the ecological value of the canal</u></p> <p>Recognises the outline nature of the application and that landscaping is a reserved matter. Suggests a condition to ensure that the planting and buffer margins shown in the Parameters Plan are carried forward into reserved matters.</p> <p>Reiterate that the structural integrity of the canal should not be affected ,such as by tree roots and adequate future maintenance.</p> <p>Request that barriers are included along the access road alongside the canal so that vehicles will be prevented from entering the canal.</p> <p>Lighting should avoid illuminating the canal.</p> <p><u>Drainage</u></p> <p>Whilst no discharge into the canal is proposed, the drainage proposal uses watercourses that flow under the canal in culverts. The capacity of these should be established, in order to prevent possibility of flooding</p> <p><b>Comments following Amended Plans (October 2023)</b></p> <ul style="list-style-type: none"> <li>• The above comments are reiterated</li> </ul>
The Environment Agency	<p>The proposed development will meet the National Planning Policy Framework’s requirements in relation to flood risk if the following planning condition is included:</p> <p><u>Flood Risk</u></p> <p>The development shall be carried out in accordance with the submitted flood risk assessment (ref WMPS-BSP-ZZ-XX-RP-C-0001-P01_Flood_Risk_Assessment, dated 28th March 2023, compiled by BSP Consulting) and the following mitigation measures it details:</p> <ul style="list-style-type: none"> <li>• There shall be no raising of ground levels within flood zone 3b or 3a.</li> <li>• Finished floor levels in zone A shall be set no lower than 49.95 metres above Ordnance Datum (AOD)</li> <li>• Finished floor levels in zones B and C shall be set no lower than 49.17 mAOD.</li> </ul>

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.

#### Groundwater And Contaminated Land

Based on the provided information, historic potential sources of contamination including a historic landfill have been identified on the site. No leachability testing, groundwater sampling or sampling of surface waters has been undertaken as part of the provided reports. We request that further information is provided to justify why this wasn't done and that further site works are undertaken so that the risk to controlled waters can be fully assessed.

The following conditions are necessary:

- A site investigation scheme, based on the provided preliminary risk assessment, providing appraisal and remediation strategy. 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 are complete
- No occupancy until the above requirements are complete.
- No further development if contamination not previously identified is found to be present at the site
- Piling or any other foundation designs using penetrative methods shall not be permitted for those parts of the site except where it has been demonstrated that there is no resultant unacceptable risk to groundwater
- No infiltration of surface water drainage into the ground on land affected by contamination is permitted except for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

#### Use of infiltration techniques / SUDS

The first option for surface water disposal should be the use of SUDS.

#### On Site waste

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution

	<ul style="list-style-type: none"> <li>• treated materials can be transferred between sites as part of a hub and cluster project</li> <li>• some naturally occurring clean material can be transferred directly between sites</li> </ul> <p>Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear.</p> <p><b>Comments following Amended Plans (October 2023)</b></p> <ul style="list-style-type: none"> <li>• None received</li> </ul>
National Highways	<p>National Highways interest is in relation to the nearby A46 and Hobbyhorse roundabout.</p> <p><u>Trip Generation</u> The vehicle trip generation has been previously reviewed and agreed, with a total of 274 and 248 vehicle trips, two-way, in the weekday AM and PM peaks respectively. It is noted that there is a previous planning consent from 2015 on the site. It is agreed that the proposed level of development will result in an overall reduction in trips compared to the 2015 proposal.</p> <p><u>Impact Assessment</u> The impact upon the A46 Hobby Horse Roundabout shows there is a total of 37 and 49 two-way vehicular trips at the junction during AM and PM peaks, respectively, with a maximum of around 20 trips on any one of the two A46 approaches. The impact on the westbound slip road on the A46 would be 46 and 67 two-way vehicular trips during the AM and PM peaks respectively.</p> <p>We note that the additional traffic impact on the A46 would be acceptable.</p> <p><u>Sustainable Transport</u> It is recommended that the new footway and cycleways proposed within the site boundary to be designed and constructed in line with Cycle Infrastructure Design LTN 1/20</p> <p><u>Geo-technical</u> The new pond which surrounds the existing balancing pond to the north / west of the A6 at Hobby Horse Roundabout as well as the development to the south of the A46 embankment might have geotechnical implications on the SRN. There are defect conditions on</p>

	<p>the earthwork assets, primarily animal burrows (as shown by the yellow line along Wanlip Road).</p> <p>Any works at this location that could affect or influence the SRN should be addressed with regards to CD 622 “Managing Geotechnical Risk”. This does not only apply to on the SRN but also any adjacent development whereby National Highways needs to be assured that there is no adverse impact. The CD 622 process is also a reciprocal duty of care, so the adjacent development is aware of the condition of our asset and any influence that may influence their own development. The integrity of our assets (whatever condition they are) shall not be adversely affected by neighbouring developments.</p> <p>Recommendation Recommend condition requiring a Construction Environment Management Plan (CEMP) to be agreed incorporating:</p> <ul style="list-style-type: none"> <li>• a Construction Traffic Management Plan (CTMP) including construction phasing</li> <li>• HGV routing plans</li> <li>• construction traffic arrival and departure times</li> <li>• delivery times to avoid peak traffic hours</li> <li>• parking and delivery arrangements</li> <li>• clear and detailed measures to prevent debris, mud and detritus being distributed onto the SRN</li> <li>• assurance that all construction vehicles exit the site in a forward gear</li> </ul> <p><b>Comments following Amended Plans (October 2023)</b></p> <ul style="list-style-type: none"> <li>• Further information sought and a holding objection in relation to the proposed solar farm component</li> <li>• Subsequently withdrawn following deletion of solar farm component – previous comments still apply</li> </ul>
Minerals and Waste Planning Authority	<p>The development site is located within a minerals safeguarding area for sand and gravel. However, the site is allocated within the emerging Charnwood Local Plan 2021-37 under the Policy DS4, site reference ES9. Although the local plan is yet to be adopted, it is far enough within the examination phase to be a material consideration afforded significant weight. Thus, it is compliant with Policy M11 of the Leicestershire Minerals and Waste Local Plan as the draft plan has “took account of the prevention of unnecessary mineral sterilisation and determined that prior extraction should not be considered when development applications came forward”. Therefore, a Mineral Assessment is not necessary for this</p>

	<p>proposal, and we do not wish to provide any objections from a mineral safeguarding perspective.</p> <p><b>Comments following Amended Plans (October 2023)</b></p> <ul style="list-style-type: none"> <li>• None received</li> </ul>
<p>Leicestershire County Council Developer Contributions</p>	<p>No S106 contributions for waste, libraries or education are requested.</p> <p>Environment and Transport will request any highways related S106 contributions directly as part of their statutory response.</p> <p><b>Comments following Amended Plans (October 2023)</b></p> <ul style="list-style-type: none"> <li>• None received</li> </ul>
<p>Charnwood Borough Council Environmental Health</p>	<p><u>Ground contamination</u> The Phase 2 Ground Investigation Report by Paragon Building consultancy Ltd (Ref. 22.0089/AM/LC) confirmed the presence of asbestos and ground gas/vapour. The following conditions are therefore recommended:</p> <ol style="list-style-type: none"> <li>1. A detailed remediation scheme to address all significant risks identified in the site investigation report shall be submitted for the approval of the Local Planning Authority.</li> <li>2. On completion of the approved remediation scheme, a suitable verification report shall be submitted for the approval of Local Planning Authority.</li> <li>3. Occupation of the site shall not commence until the approved remediation scheme verification report has been approved in writing by the Local Planning Authority.</li> <li>4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out 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.</li> </ol> <p><u>Air Quality</u> The Redmore Environmental Air Quality Assessment (Reference: 6525r1) determined the construction-phase of the development required site specific mitigation</p>

	<p>measures in order to prevent possible nuisance dust impacting on existing and future site receptors.</p> <p>It is therefore recommended that any permission be conditioned to require the submission of a detailed construction/environmental management plan prior to commencement of construction work. The submission should include for example, details of visual assessments, dust monitoring and dust suppression techniques to be employed during the development.</p> <p><b>Comments following Amended Plans (October 2023)</b></p> <ul style="list-style-type: none"> <li>• None received</li> </ul>
<p>Charnwood Borough Council Landscape</p>	<p>The green wedge function will not be affected and its function will remain intact.</p> <p>There will be some short term views to the new Business Park but over time these will reduce as the vegetation matures and screens the new buildings. The views from the A607 will be transient, glimpsed views with less significance. A soft landscape plan, schedule and maintenance plan must be provided (see conditions)</p> <p>Methodology – the LVIA has been carried out to adequate standards and takes into account appropriate viewpoints. It recognises impacts on the Country park and the lake within the site, and depends on landscaping to mitigate these so the importance of landscaping (as reserved matters) is highlighted.</p> <p>There will be some landscape benefits to be proposed development. The LVIA states: In addition, the land to the north of the A46 will be laid out as a new area of wetland with managed public access. The LVIA concludes that the proposed strategy will improve public access and recreation.</p> <p>Conditions: Robust soft landscape plan must be provided with a schedule showing number, size and species of the trees to be planted, with a long term maintenance plan to ensure mature trees thrive and are replaced if die. The supplied Landscape Masterplan is not satisfactory and detail is needed at reserved matters stage.</p> <p><b>Comments following Amended Plans (October 2023)</b></p> <ul style="list-style-type: none"> <li>• None received</li> </ul>

## Ward Councillor and Parish Council Response

<p>Rt. Hon Edward Agar MP</p>	<p>Expresses his concerns and those of residents regarding:</p> <ul style="list-style-type: none"> <li>• The Country Park is a haven of wildlife and biodiversity which attracts visitors locally and from further afield and should be protected and enhance. This development will have the opposite effect.</li> <li>• Whilst economic development and employment issues are always important, the scale of the development will impact on the beauty of the area and the adjacent John Merricks Lake.</li> <li>• The development is on the floodplain</li> <li>• New Landscaping replacing exiting vegetation would not provide the same wildlife habitat</li> <li>• Traffic levels in the area are already high and the main entrance Wanlip Road is barely more than a country Lane.</li> </ul>
<p>Cllr Infield</p>	<p>Requested call in of the application to be heard by Committee</p> <p><b>Comments following Amended Plans (October 2023)</b></p> <p>Call in withdrawn in the light of the amendments.</p>
<p>Syston Town Council</p>	<p>The construction of units in this area will have an adverse effect on trees and wildlife and nature conservation work.</p> <p>This type of construction will increase traffic in an already congested road structure, including the traffic island whose design is already out of date to cope with the current traffic levels.</p> <p>The land is a flood plain, where will the excess water be directed without causing flooding in areas not equipped to deal with it.</p> <p>The construction is designed very close to the lake, if one has to be built, why not locate it well away from the lake, an area of natural beauty and habitat for local wildlife and aphids.</p> <p>The area is a beautiful outside space for the local communities in the area. It is a sanctuary for wellbeing and good mental health. There is no place for industry and associated noise, pollution and traffic in this park. A woodland walk has been created recently in memory of those lost in the Covid pandemic, there appears to be no regard for this or those that will be affected.</p> <p><b>Comments following Amended Plans (October 2023)</b></p> <p>Would prefer to see solar panels on the roofs of the buildings rather than the land north of the A46.</p>



	(n.b solar farm now deleted)
Wanlip Parish Meeting	<p>Opposition to the application:</p> <p>The concerns are that the nature of the proposed development will have a negative impact on</p> <ul style="list-style-type: none"> <li>• Watermead country park</li> <li>• Wildlife in the area and its habitat</li> <li>• Noise and air pollution in the area</li> <li>• On traffic using Wanlip Lane</li> <li>• Flooding in the area during periods of heavy rain.</li> </ul> <p><b>Comments following Amended Plans (October 2023)</b></p> <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"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <p><i>(n.b. solar farm now deleted)</i></p> <ul style="list-style-type: none"> <li>• 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</li> </ul>
Thurmaston Parish Council	<p><b>Comments following Amended Plans (October 2023)</b></p> <p><b>General</b></p> <ul style="list-style-type: none"> <li>• The Parish Council requests that the total commuted monies for environmental projects is spent on projects in Thurmaston &amp; Syston</li> </ul>

- consideration should be given to include a footpath from Thurmaston to the development as there is currently no access by foot for those using public transport or a cycle route to the proposed development.
- consideration given to trees being planted on the central reservation along the by-pass in Thurmaston and mitigation measures to improve the traffic at the A607/Melton Road/Barkby Thorpe Road roundabout.

### **Traffic and Access**

Note should be made of the impending northern link road from the new Thorpbury development (4500 dwellings and associated industry, schools, leisure facilities) to the east of Thurmaston which will bring extra traffic onto both the Thurmaston and Hobby Horse islands. Permission has already been granted for this so should not be forgotten when determining this application. The plans show that all traffic will enter and exit the site from Wanlip Road, Syston. This is the main entrance road to Watermead Park and is nothing more than a country lane. Whilst the traffic to and from the development will not pass the entrance to Watermead Park the access road will be shared. The route for the development traffic is routed over the bridge which crosses over the A607 onto Wanlip Road which is already the entrance to two other industrial areas, onto a very small traffic island where it will have to travel along a narrow road (Glebe Way) at the rear of residential dwellings before reaching another small island at Moorland Road and then another island at Martin Drive before it reaches the A46 and vice versa. Surely it would be better to create a dedicated entrance/exit directly off the main A46 or A607 and keep the residential roads clear for local traffic?

### **Impact on local environment**

To build industrial units with associated traffic alongside one of Leicestershire's most visited areas will seriously affect the natural and peaceful area of Watermead Park and the Grand Union Canal which runs alongside. This area is a haven for wildlife and its habitats which would be subject to an increase in noise, light and air pollution. A similar situation already exists in Thurmaston where the Arriva bus depot is situated alongside the edge of Watermead Park at Canal Street where noise and light pollution is evident. Whilst part of the land wanted for industry was previously built on, with a country club and leisure facilities this is not the same as industry and the land has been undeveloped for approaching 40 years giving nature the chance to re-wild the area providing natural habitats for a variety of birds, animal and insects along with diverse flora and fauna. In conclusion we object to this application as it would destroy established wildlife habitats,

	take away a buffer zone between the peaceful Watermead Park and the noisy A46 and A607 and bring extra traffic onto minor roads and already busy traffic islands
<b>Responses to publicity</b>	
<b>From</b>	<b>Comments</b>
A petition received 26.9.2023 containing 2217 signatories with names and postcodes provided, 'say no to Warehouses around Watermead Country Park' opposing the development.	<ul style="list-style-type: none"> <li>• The building work will cause much disruption to surrounding land and lakes, heavy construction traffic ensuing noise and dust;</li> <li>• The tranquil nature of the Park will be transformed; and</li> <li>• The Country Park is a haven for wildlife in the urban area. It is home to hundreds of species and rare Cetti's Warbler. Leicestershire has amongst the poorest sites for conservation values and it is madness for development to take place around Watermead.</li> </ul>
31 letters received from various addresses and comments from the Campaign to protect Rural England (CPRE).	<p><b>Noise</b></p> <ul style="list-style-type: none"> <li>• The development will seriously affect the canalised section of the river Soar which borders the west of the development. Currently the land acts as a sound buffer from the main roads which are nearby. This will be lost as the development sits on the western boundary of the site.</li> <li>• There are currently some very peaceful moorings on this stretch of canal, these would be badly affected by the noise of vehicles especially at night.</li> </ul> <p><b>Need</b></p> <ul style="list-style-type: none"> <li>• there are logistics warehouses standing unused in Leicestershire.</li> <li>• There are more suitable sites.</li> <li>• Industrial buildings will now be both sides of the A 607.</li> </ul> <p><b>Wildlife and Biodiversity</b></p> <ul style="list-style-type: none"> <li>• A count identified 500 species of wildlife here.</li> <li>• The outline application says there are no trees or hedges either on or adjacent to the site. This is clearly not true and a full wildlife survey should be required</li> <li>• We cannot afford to lose more natural habitats for wildlife. The city is depleted enough as it is and we should be aiming to increase it not decrease it.</li> <li>• Leicestershire and Rutland are amongst the poorest counties in the UK for sites of recognised nature conservation value. It is crucial that we do not allow developments to take place in areas of conservation.</li> </ul>

- Current government targets require tree canopy cover to expand particularly in this area of the county where averagely they fall far below the national standard.
- 'Rewilding' to make up for loss of natural habitats will only be detrimental to local biodiversity. It takes time for natural habitats to grow, mature and consequently increase in benefit.
- Development within the Park will destroy what has taken 40+ years to establish
- The modified grassland towards the north of the application site and areas of mixed scrub should be designated as Open Mosaic on previously developed land. Likewise the modified grassland to the north described as other neutral grassland. Therefore the BNG calculation is incorrect.
- The site should be sensitively built not abut the canal for ecological and landscape reasons. Works should take place at least 30m from the canal edge and the lake should stay in place.

#### **Recreational value**

- It's a massive recreational resource for people in the county and city.
- There has just been a Memorial walk created to remember people who died in the pandemic.
- This is a significant open space that is so important for the mental health of people during these difficult times. We need more not less.

#### **Traffic**

- Traffic would be much increased locally as a result of this application together with traffic pollution.
- Hobby Horse roundabout is already a motor crash and congestion hotspot. The Asda roundabout is also highly congested due to unwise planning decisions in the past. There is no active transport infrastructure along the A46
- The data on traffic flow is misleading. Whether the number of car journeys is within consented limits is irrelevant. The prime issues include route capacity, flow through the site, and the sufficiency of parking within the site. For example, if 73% of 900 employees arrive by car that would mean over 600 journeys in and out daily; this does not include the impact of 24/7 commercial traffic to the site.

#### **Flood risk and drainage**

	<ul style="list-style-type: none"> <li>• It's a flood plane so it will add to problems</li> <li>• Waste discharge into the water, pollution etc</li> </ul> <p><b>Public Opinion</b></p> <ul style="list-style-type: none"> <li>• Public responses to these plans are overwhelmingly negative, despite the business arguing it will bring 'local' jobs. Charnwood must listen to local residents.</li> </ul>
CPRE Comments	<ol style="list-style-type: none"> <li>1. Extension into the Country Park Media coverage of this application suggests that some of the development will be within the Country Park. Clarification of this would be helpful.</li>   <li>2. Relationship to Watermead Country Park Given its location in the currently open space adjacent to the eastern boundary of the Country Park, the proposed development will inevitably impact on its wider environment. Tree planting around the perimeter of the development alongside the Canal could help in mitigating the visual impact in views from the Country Park. The scale of the buildings in Zone C will make it difficult to hide when viewed from the Park.  One of the key benefits claimed for the local community of the development includes: “Enhancement and improvements to the biodiversity and ecological environments of the Country Park.” It is unclear precisely what this enhancement and improvement of the Country Park itself involves.</li>   <li>3. Ecological Impact and Biodiversity Gain  The Bird Survey Report, April 2023 at para. 6.19 refers to the creation of this new lake and notes that “newly created lakes of this nature take a considerable time to establish”. In our view, it is vital that this compensatory work should proceed at the same time that the infilling of the Carp Pool is undertaken so that a head start is achieved in establishing this new compensating habitat. We are therefore calling for a condition to be attached to any permission granted for this application to this effect and to require it to be completed before any of the buildings on the main site are occupied.  We also concerned about a statement on p. 30 of the Design and Access Statement which reads: “Existing hedgerows and trees within the site will be removed to</li> </ol>

	<p>accommodate the development and new landscaping and tree planting will be used and reinforced to mitigate their loss.” We seek clarification of this statement. (please refer to paragraph 9.9.20 in this regard)</p> <p>4. Climate Change and reduction of emissions There appears to have been little consideration of the climate change, energy use and emissions implications of this development, especially in relation to design of the site and built infrastructure as required under Policy CS16 of the current Charnwood Local Plan 2011-2028 (adopted in November 2015) or emerging Policy CC 4 Sustainable Construction.</p> <p>This is a serious omission.</p>
<p><b>Comments following Amended Plans (October 2023)</b></p> <p>Three further letters of objection from residents:</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• It will be operating 24/7 causing additional noise and light pollution.</li> <li>• It is not something that would fit in the area without causing damage and disruption.</li> <li>• A precious, established and deeply loved public amenity should be saved.</li> <li>• Wildlife is protected including protected species under the Wildlife and Countryside Act 1981</li> <li>• The integrity of the canal structure, flood plains, mature hedges, plants and trees, varied grass and ground habitats must be maintained.</li> <li>• Climate change mitigations or traffic and pollution issues should not be contravened</li> <li>• The Core documents reflect significant opposition from expert agencies, inc CPRE, Canal &amp; River Trust, Natural England, local MP, Councillors, the public, to name a few with knowledge of the breadth of issues involved.</li> <li>• Issues related to the solar farm component: <ul style="list-style-type: none"> <li>- Works required for access</li> <li>- Access routes</li> <li>- Sensitivities and glare</li> <li>- Connectivity to the man site</li> <li>- Impacts of contamination including access when connecting the site to the main part of the site</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>- Impact of floods</li> <li>- How flooding may transfer pollution to the Canal and other water bodies and watercourses</li> <li>- Impacts on the nearby residential moorings on the Canal</li> </ul> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Information on the natural environment is not complete. The additional field earmarked for use as a biodiversity 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.</li> <li>• 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).</li> <li>• There is clear guidance that should be followed in respect of the presence of otters: <ul style="list-style-type: none"> <li>- the LPA must ensure that protected species issues are fully considered.</li> <li>- LPA's must advise of the need for licences from DEFRA</li> <li>- Developers should offer alternatives that seek to avoid, mitigate, or compensate for any negative effects on Otters</li> <li>- The LPA should consider if the developer has taken appropriate measures to avoid, mitigate and, as a last resort, compensate for any negative effect</li> <li>- The safeguarding of any protected species is the owner's responsibility and failure to do so can be an offence</li> </ul> </li> <li>• 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.</li> </ul> <p>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</p>
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	wildlife, pollution of the Canal, River Soar and the lakes.
<p>Further representation from an interested party whose comments are already reported within this report, immediately above. The representation is identical in most respects but adds the following observations:</p>	<p>Concerns regarding the use of the land north of the A46 as a new lake:</p> <ul style="list-style-type: none"> <li>• The work required to deliver this.</li> <li>• Part of the proposed development land had been used as landfill This has been identified as containing contaminates including Asbestos and gaseous materials. It is uncertain how works will impact the local environment, both natural and residential.</li> <li>• The North Field and surrounding areas are flood plains. It is unclear how a new lake will impact the development and the surrounding areas.</li> <li>• It is unclear how the area's ability to flood will transfer pollutants across the surrounding area including interconnected waterways (Grand Union Canal, River Soar and lakes).</li> <li>• The canal between Wanlip Road and Meadow Lane (including land next to the North field) contain moorings. On the other side of Meadow Lane bridge there is a boat yard and moorings which are in permanent use by those who use the boats and location as homes.</li> </ul> <p>(Images of the area in flood conditions supplied)</p> <p>(ii) The only mitigations being offered is a buffer between the site and the canal and soft lighting.</p> <p>(iii) Overall conclusion (planning balance)</p> <p>Granting outline planning permission will only do harm. But the reality is that very little has changed. There has been a loss of employment space associated with the development but the following still apply.</p> <ul style="list-style-type: none"> <li>• This is on land that was once green wedge.</li> <li>• The development is next to a country park and has been identified wrongly as employment land.</li> <li>• There will be increased traffic volume.</li> <li>• There will be more heavy goods vehicles placing further stress on the local transport network.</li> </ul>



	<ul style="list-style-type: none"> <li>• Associated pollution/ vehicle emissions.</li> <li>• Air quality impacts associated with dust emissions during the construction phase and operation of the proposed development.</li> <li>• The work to develop the site will take over a year.</li> <li>• The site will operate 24/7.</li> <li>• The noise pollution associated with its operation.</li> <li>• There will be a significant impact on the local resident population.</li> <li>• There will be a significant impact on local wildlife including protected species.</li> <li>• There will be the potential for the pollution of the Grand Union Canal, River Soar and lakes.</li> <li>• There are still considerable question marks associated with the development and future works.</li> <li>• Other issues (unspecified)</li> </ul>
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## 8.0 Consideration of the Planning Issues

8.1 The key issues in considering this application are:

- Principle of Development
- Scale, Design & Layout
- Impact on Residential Amenity
- Highways Matters
- Ecology and Biodiversity and Impact on Trees
- Flood Risk and drainage
- Impact on Watermead Country Park and wider landscape
- Impact on the Grand Union Canal
- Economic and Regeneration impacts

## 9.0 Key issues

### 9.1 The Principle of the Development

- 9.1.1 The starting point for decision making on all applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for this part of Charnwood which comprises the Charnwood Local Plan (2011-2028) Core Strategy, and those 'saved' policies of the Borough of Charnwood Local Plan which have not been superseded by the Core Strategy and the Minerals and Waste Local Plan (2019).
- 9.1.2 The Core Strategy and Borough of Charnwood Local Plan are over 5 years old and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. This is addressed in the following paragraphs.
- 9.1.3 The policies most relevant to the principle of the development are considered to be Core Strategy Policies CS1 (Development Strategy) and CS21 (Watermead Regeneration Corridor - Direction of Growth) of which the site forms a significant part and saved Adopted Local Plan 2004 Policies CT/1 and CT/3, which allocate the site as 'countryside' and 'Green Wedge' respectively, the latter for the parts proposed to be developed for commercial purposes (and which also encapsulates the wider surroundings of Watermead Country Park).
- 9.1.4 Core Strategy Policy CS1 is considered up to date as it directs development to the Leicester Urban Area and is therefore given full weight. This approach is being carried forward in the emerging Local Plan under Policy DS1. Policy CS21 specifically identifies the entirety of the site proposed to be physically developed (i.e. the parts south of the A46 including the lake it contains, but not the portion north of the A46 intended to contain the biodiversity enhancement, but no buildings or infrastructure) as a regeneration site and as such it is considered that this conflict with the designation as Green Wedge in the earlier Local Plan 2004 Policy CT/3, for this particular part of the site, should be acknowledged and the relevant weight applied. Legislation<sup>1</sup> requires that, where there is conflict between the parts of the Development Plan, the conflict must be resolved in favour of the most recent adopted policy. Core Strategy Policy CS21 is more recent than the 'green wedge' allocation under Local Plan Policy CT/3.

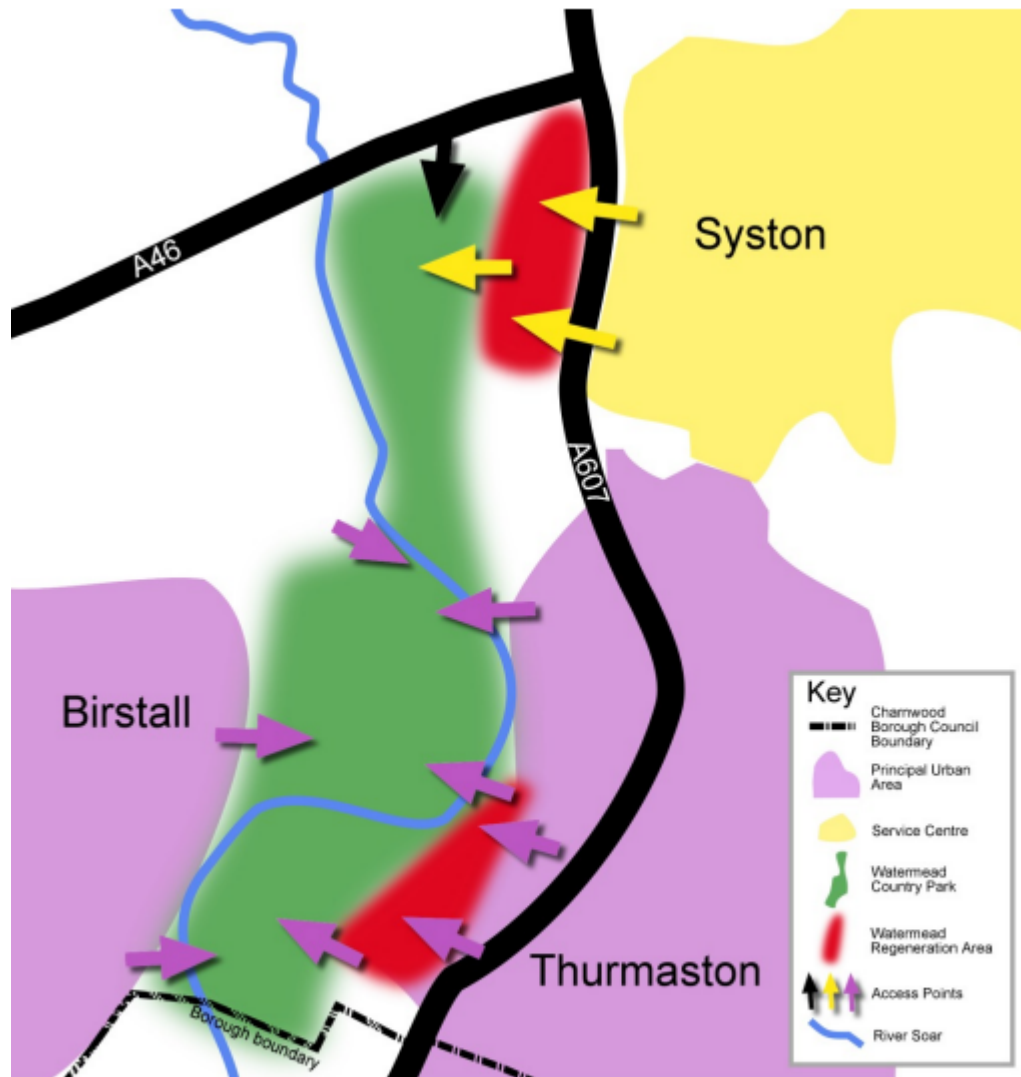
Figure 2: Local Plan 2004 Proposals Map extract (key: green dots show Green Wedge designation) The diagonal hatched area relates to policy RT/18 of the adopted Local Plan and the red dotted line relates to policy TR/13 of the adopted Local Plan. Neither policy is a saved policy and thus not relevant.

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<sup>1</sup> 38(5) of the Planning and Compulsory Purchase Act 2004 (As Amended)



Figure 3: Core Strategy 2015 policy CS21 Watermead Regeneration Corridor (extract from Core Strategy page 107).



WATERMEAD REGENERATION CORRIDOR

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9.1.5 The part of the site north of the A46 is not affected by this later allocation introduced by the Core Strategy. It therefore remains under the guidance of Policy CT/1 of the Local Plan 2004 as 'countryside', and CT/1 is considered to be out of date but retain substantial weight because it is a restrictive Policy as a whole but supports the rural economy. In addition, where policy CT/1 applies to the land to the north of the A46, no built development is proposed. Therefore, the proposals on this part of the site are compatible with that designation.

- 9.1.6 However, Policy CS21 of the Core Strategy is itself now considered to be out of date, as evidenced by proposals for its replacement by a fresh approach in the emerging Local Plan 2021-37 – Policy DS4 (site reference EES9 and therefore cannot be given full weight in decision making. Therefore, the provisions of paragraph 11dii) of the NPPF are employed because the Development Plan policies, of which Core Strategy Policy CS21 is considered the foremost, that are most important in determining this application are considered to be out of date, and permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits of the development, when assessed against the NPPF taken as a whole. This is because of the prescriptive nature of Policy CS21, insofar as it relates to this site, does not maintain a high degree of consistency with the NPPF (2023) which requires policies to “be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances” (Paragraph 86d).
- 9.1.7 Emerging Policy DS1 of the Draft Charnwood Local Plan (2021-2037) adopts a similar approach and also proposes a focus of new development in Leicester Urban area generally, and to this site specifically under Policy DS4: Employment Allocations (site reference ES9). The site is larger than the allocation under ES9 in that it includes a man made lake which is allocated as part of the Green Wedge under emerging Policy EV2, giving rise to a larger area than envisaged in the emerging Plan. However, following the amendments received in October 2023 there is close alignment with this Policy as the allocation is for 12ha. and the proposal is 11.67ha developable area. The detailed requirement of these policies will be addressed later in this report. Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is ‘well advanced’ having been subject to Examination and policies are consistent with the NPPF. However, Policy DS1 is contested and can therefore be given only limited weight at this time.
- 9.1.8 Being located close to a wide range of facilities and a range of good transport choices, it is considered that the principle of the development, to the extent of its general location, is acceptable and in accordance with the relevant policies as referred to above.
- 9.1.9 More emphatically, almost all of the site (with the exception of the lake within the part of the site to be developed) is subject to outline planning permission reference P/12/0003/2 for Business Park (comprising offices, research and development/light industry; erection of hotel and leisure facilities etc with a total combined floorspace of 46,692m<sup>2</sup>) which was approved in March 2015. This permission remains extant by virtue of both its allowance for reserved matters for a period of 10 years, and the commencement of development by means of an access road, and as such forms the background and the baseline for this application. This is a material consideration in favour of the proposal.

9.1.10 Core Strategy CS21 is 'criteria based' referencing aspirations for design quality, connectivity to the Country Park, regeneration potential, flood risk and use of sustainable drainage and physical impact on the Country Park and Green Wedge. These matters are addressed in following sections of this report. It specifically identifies this site (parcels A, B and C) as providing "up to 8,750sqm for offices and around 16ha for employment and a hotel accessed off Wanlip Road" from which this application deviates, the implications of which is addressed below. As stated above, it is considered that the Policy is out of date and so attracts reduced weight.

## 9.2 Scale, Design and Layout

9.2.1 Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 of the Local Plan supports development that is of a design, scale, layout and mass compatible with the locality with the NPPF and National Design Guide and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

9.2.2 Emerging Local Plan Policy DS5 requires development to make a positive contribution to Charnwood by responding positively to local distinctiveness. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight.

9.2.3 Furthermore, the site specific policy within the Core Strategy (CS21) requires that development responds positively to the high quality tranquil setting of Watermead Park, and in the emerging Local Plan Policy DS4 links directly to the design aspirations set out in Policy DS5. These matters are addressed in greater detail in section 9.10 'Impact on Watermead Country Park' of this report below.

9.2.4 The application is in outline and relies on 'reserved matters' to determine final layout, building design and size. However, it is supported by a parameters plan (see Figure 1 above) in which it is divided into several 'development zones' each with parameters regarding quantum and scale (with 'Zone B' amended; see paragraph 3.3 above) and various illustrative design documents to explain its relationship, particularly, with Watermead Country Park and the role of landscaping.

9.2.5 The design draws from the recently completed development which comprise Phase 1 of the business park on the opposite side of the A607, and is inherently commercial in scale and character. However, whilst the Design and Access Statement (and Planning Statement) aspire to a better design approach it is considered that they lack the necessary detail to ensure consistency between building types, coherence by common design features and the materials employed and as such it is considered necessary that an overall Design Brief is required in order to secure such an approach. This can be achieved by the imposition of a condition.

- 9.2.6 The existing lake, a former gravel pit situated approximately centrally within the application site, is proposed to be partially infilled but would be retained and form a centrepiece and focal point of the site around which the buildings would be located. This, in itself, would give the development a strong and distinctive character of a quality higher than usually seen in a commercial setting (including those near to the site).
- 9.2.7 It is in this respect that the application deviates to an extent from the allocation provided in the emerging Local Plan under Policy DS4. The emerging Employment allocation 'wraps around' this lake on north, south and west sides, effectively separating it from the Country Park both visually and physically. It is however retained as a 'pocket' of allocated Green Wedge under emerging Policy EV3. The development, in its amended form (October 2023), will retain the feature and follow the configuration of the Policy designation, such that it can fulfil the role anticipated under the Green Wedge designation within the context of the Local Plan employment designation, i.e. retained in whole as 'relief' from the surrounding built form. The amended plans (October 2023) remove the formerly present departure from the emerging Local Plan in this respect.
- 9.2.8 The north part of the site (to become 'Zone A') has, in particular, the prospect to be highly visible and tree cover along the A697 reduces as one travels north, and the design of the north-east corner of 'Zone A' will be of great importance. Elsewhere, the site benefits from quite robust screening provided within and outside the boundaries of the site.
- 9.2.9 The submitted documents including the parameters plan (to which specific reference is being made owing that it is a proposed plan rather than 'illustrative') show the areas of the site to be landscaped. These are principally along its boundaries (n.b visual impact and impact on the adjacent Canal and Country Park are addressed separately within this report) but also include internal space that will not be occupied by buildings, amongst which is the retained lake and an island within it. These have a role in the biodiversity impacts of the scheme which are addressed later in this report, but also serve to add to the quality and distinctiveness of design of the development.
- 9.2.10 Finally, the site includes land north of the A46 which is strongly segregated from the remainder of the site by the A46 itself. It will have little or no functional relationship with the developed land and no new connections to it (from the remainder of the site) are proposed, though it is accessible from existing public footpaths. Within the application, its primary purpose is to provide a bio-diversity contribution (details addressed later in this report) but also has a role in considering design and layout and is considered to be positive contribution to overall quality that is unusual to see in applications of this nature.
- 9.2.11 On this basis it is considered the proposal, in architectural terms, would not give rise to harm to the character of the area and is compatible and accords with the NPPF, National Design Guide, policy CS2 of Charnwood Core Strategy, EV/1 of Local Plan and the Charnwood Design SPD and emerging Local Plan Policy DS5, subject to compliance with the Parameters Plan and a condition to secure the design approach presented by the application.

### 9.3 Impact on Residential Amenity

- 9.3.1 Saved policy EV/1 of the Local Plan and policy CS2 of Core Strategy require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity is achieved.
- 9.3.2 Emerging Local Plan policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight.

#### *Existing properties*

- 9.3.3 The site does not contain any residential properties and there are none immediately adjacent to it except at its northern extremity which is the land to be left undeveloped. The site excludes and wraps around the Hope and Anchor Public House, along its west boundary, which is served by Wanlip Road which effectively divides the site into 2 parts (Zone A to its north, Zones B and C to its south). The parameters plan shows this to be protected by an area of undeveloped land and potential new pond, and it is considered will be adequately protected in amenity terms.
- 9.3.4 There are a number of residents who occupy canal boats as residences interspersed along this stretch of the canal. Where adjacent to the development zone, the environment will substantially change because at present the land is undeveloped (in the sense of buildings and infrastructure), and there is likely to be greater noise and activity from adjacent service roads, car parks and service areas. However, due to the outline nature of the application it is impossible to assess the full effects of the proposal as much will depend upon the final layouts and designs of buildings.
- 9.3.5 However, the amendments to the application (October 2023) 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 the this boundary will be developable and as a result a reduction and break in the built form will arise, effectively separating the built form of Zones A from B and C, as depicted below.





- 9.3.6 These matters will be the subject of reserved matters and considered at that stage, including the requirement for further noise and other impact assessments that may be prompted by the content of the details submitted. However, it is considered that the site (including its articulation provided by the Parameters Plan which includes a landscaped corridor between the canal and the developed area) is able to be configured in such a way as to maintain amenities at acceptable levels, and as such this is not regarded sufficient grounds for refusal.
- 9.3.7 Overall, therefore, it would comply with the provisions of policies CS2 of Charnwood Core Strategy and EV/1 of Local Plan along with NPPF, National Design Guidance, Emerging Local Plan Policy EV5 and the guidance set out in the Design SPD to protect residential amenity.

## 9.4 Highway Matters

- 9.4.1 Policy CS2 of the Core Strategy requires new development to provide well defined and legible streets and spaces that are easy to get around for all. Policy CS18 of the Core Strategy requires network improvements where they are identified in Transport Assessments. Policy CS19 seeks a modal shift of 6% from the private car to sustainable travel modes. The policy requires major developments to sustainable travel access to services and facilities and routes integrated with the wider green infrastructure network and secure new and enhanced bus services from major developments where they are more than 400m walk from an existing bus stop. Policy TR/18 of the Saved Local Plan requires off-street parking to be provided for vehicles and cycles to secure highway safety and minimise harm to visual and local amenities. Adopted standards as set out in the saved Local Plan are provided as a starting point to assess the level of provision. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.
- 9.4.2 The NPPF promotes sustainable travel choices and states development should ensure safe and suitable access, reflection of national guidance and mitigation of any significant impacts. It states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe (paragraphs 115).
- 9.4.3 Emerging local plan policy T3 requires new development to provide car parking in accordance with the latest published guidance of the County and Borough Councils. Emerging policies INF1 and INF2 seek to secure appropriate infrastructure to mitigate the impacts of development. These policies are at an advanced stage and was discussed at the hearing sessions in June 2022 and is consistent with the NPPF so can be given moderate weight.
- 9.4.4 Emerging Local plan Policy CC5 seeks to promote development which is well located and accessible by means of public transport, walking and cycling. This policy is at an advanced stage and was discussed at the hearing sessions in June 2022 and is consistent with the NPPF so can be given moderate weight.

### 9.4.5 *Access*

The development shows that the development would be accessed via the existing Wanlip Road/site access roundabout, which would be amended to make it suitable for HGVs accessing Zones B and C. The junction would provide facilities for pedestrians and cyclists accessing the site. Hence, safe and suitable access can be provided.

#### 9.4.6 *Traffic Flow*

Of great significance, the development compares favourably with the extant permission on the site because, whilst greater in floorspace, the prevalence in 'Class B8' warehousing in the current application is a less intense source of generation than the mix of land uses contained within the former permission. It will also bring a difference in the nature of the traffic with a greater proportion of HGV's, and off peak travel times as warehousing does not strongly follow the traditional peaks. The transport studies associated with the application have demonstrated a reduction in traffic flow when compared to the extant consent, the amendments to the application in October 2023 will reduce them further, and this conclusion has been supported by the Local Highways Authority, Highways England and the adjacent Leicester City Council Highways Authority. This, in turn, has resulted in there being no request lodged from relevant agencies for improvements to the highway network (beyond those contained within the application itself).

#### *Sustainable travel, transport options and 'modal shift'*

- 9.4.7 The site is accessible by a range of travel modes. It is well located for access to the local highway network via the A607 which links the site to the A46 to the north and Routes towards Leicester City Centre to the south. Wanlip Road provides direct access to Syston. The A46 is part of the Strategic Road Network and links the site to the M1, A6 and A50 to the west.
- 9.4.8 The site also benefits from its proximity to residential areas which allow for manageable cycling and walking opportunities, and there are bus services nearby at Wanlip Road, 500m and 800m away and served by the local 100 bus route. The Local Highway Authority has requested financial contributions from the developer towards the development of a service which provides an hourly, Monday to Saturday service that covers the whole of the day 7am -7pm (Monday-Friday) and 8-6pm Saturday. The applicant has responded to this with a formula previously employed and accepted by the Local Highways Authority at a site in nearby Syston, resulting in a developer contribution, but the Local Highways Authority favour a condition requiring a wider 'Public Transport Strategy'. In addition, the Travel Plan proposes that bus passes would be offered to employees at the expense of the development but limited to one third of expected employees (n.b. this exceeds expected take up rates and those experienced on other developments).
- 9.4.9 The application includes 3.0m wide footway/cycleways that would be provided alongside the internal carriageway with Zones A, B and C, with appropriate crossing points to ensure that each unit can be safely accessed on foot from the wider pedestrian network. Further, the existing Right of Way running through Zones B and C of the development site would be diverted such that it would run within the landscaped area parallel to the Grand Union Canal on the western side of the site. The diverted route would be designed such that it would be suitable for both pedestrians and cyclists, with connections made to the internal development spine road at appropriate locations. The Local Highways Authority welcome these measures and their value towards encouraging sustainable travel choices, and advise that construction details are to be agreed during detailed design. Details including crossing provision will require consideration at detailed design stage.

- 9.4.10 In addition, the application is supported by a Framework Travel Plan (updated following comments from the Highways Authority). As well as setting out the locational advantages of the site in terms of transport choices and infrastructure for walking and cycling, it includes measures which are intended to become requirements imposed upon future occupants to reduce car dependency. This includes the appointment of Travel Plan Managers in each unit with a wide ranging remit to promote sustainable travel through encouragement of walking, cycling, public transport and car sharing, and responsibilities to set targets and monitor progress, with a stated ambition of 10% reduction over 5 years.
- 9.4.11 In conclusion, the means of access replicates that formerly approved and has met with the satisfaction of the appropriate Highways agencies. Traffic flow quantities and patterns compare favourably with the extant permission and do not give rise to the need for off-site improvements or to the wider road network. On this basis the application, subject to conditions to secure a Public Transport Strategy and S106 for bus passes and monitoring the effectiveness of the travel Plan (see comments of the Local Highways Authority in section 7 above), satisfies Policy CS18 of the Core Strategy and Policy TR/18 of the Saved Local Plan, and Emerging Local Plan policies T3, INF1 and INF2.
- 9.4.12 The site is located advantageously in order to benefit from sustainable travel options and these are to be enhanced by means of improved bus services, additional bus stops and footpath connection within and through the site. The development therefore accords with the expectations of Core Strategy Policy CS 17 and Emerging Local plan Policy CC5.

## 9.5 Flood risk and drainage

### *Flood Risk*

- 9.5.1 Policy CS16 of the Core Strategy and the NPPF direct development away from areas at highest risk of flooding. The policy requires development to manage surface water run off with no net increase in the rate of surface water run off for green field sites. This policy generally accords with the NPPF and does not frustrate the supply of housing. It is therefore not considered there is a need to reduce the weight afforded to this policy.
- 9.5.2 Emerging policy CC1 of the Draft Local Plan requires major development to be supported by a Flood Risk Assessment, requiring a sequential approach to layout within the site, requiring development on greenfield sites to cause no net increase in the rate of surface water run off. Major development should, where appropriate, incorporate Sustainable Urban Drainage Systems (SuDS). Emerging policy CC2 states development will include appropriate measures to manage flood risk. This policy is at an advanced stage and was discussed at the hearing sessions in June 2022 and is consistent with the NPPF so can be given moderate weight.

- 9.5.3 The proposed development was accompanied by a detailed flood risk assessment and drainage strategy. The Assessment concluded that the different site areas should be classified as follows, with flood risk arising from a variety of sources:
- North Field (to contain only biodiversity creation and new pond) – Part Flood Zone 2 (Medium Probability) Part Flood Zone 3b (Functional Flood Plain)
  - Zone A – Flood Zone 2 (Medium Probability)
  - Zones B & C – Flood Zone 1 (Low Probability) being at low risk of fluvial flooding as identified by the Environment Agency flood maps and is not vulnerable to other forms of flooding.
- 9.5.4 The local area benefits from the Charnwood Borough Council Level 1 Strategic Flood Risk Assessment Final Report December 2018 and Level 2 Strategic Flood Risk Assessment Final Report January 2021. The Sequential Test is not required where a site has been allocated for development and subject to the test at the plan making stage. This provision is applicable to this development, following allocation as referred to in foregoing sections of this report in both the Core Strategy 2015 and the emerging Local Plan (the latter of greatest significance as based on the most recent data and evidence). The part of the site north of the A46 would be dedicated to new habitat creation and not include any buildings or infrastructure, and as such would not increase flood risk either within its boundaries or elsewhere.
- 9.5.5 However the Exception Test remains applicable as the northern part of the site (the proposed biodiversity enhancement area) was not considered at plan making stage. NPPF paragraph 164 requires that it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh flood risk; and that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 9.5.6 The former is addressed in Section 9.12 'economic benefits and regeneration' towards the end of this report in term of employment opportunities, investment and regeneration properties, and the development would fulfil (part of ) a site allocation in a highly sustainable location that has been stalled since its conception in 2015.. With regard to safety, the Flood Risk Assessment sets out a series of measures comprising site and floor levels, design requirements for the drainage system to ensure run off rates do not exceed existing, including in storm event conditions, flood warning and evacuation procedures. The Environment Agency have accepted these provisions and recommend conditions to secure them (see section 7 above) which alongside conditions securing flood resilience measure to address 'residual flood risk' would ensure compliance with paragraph 167 of the NPPF.

## *Drainage Strategy*

- 9.5.7 The proposed surface water on each Zone A, B and C will drain to the proposed attenuation pond or take Discharge rates are to be restricted to the existing greenfield runoff rates and therefore will not cause or exacerbate any flooding problems in the local area. These have all been updated following the October 2023 amendments.
- 9.5.8 The proposed surface water drainage and attenuation system includes the following properties to ensure its effective and flood risk issues referenced above:
- designed such that no flooding occurs in the 1:30 year storm and that no flooding of buildings occurs in the 1:100 year climate change storm.
  - Flood water retained within the site for up to the 1:100 year climate change return period.
  - An allowance in capacity of 40% to allow for the future effects of climate change.
  - Consents for the foul and surface water drainage connections from Severn Trent Water, the LLFA and the EA as applicable.
  - Overland flow to be included at design stage. This will require consideration of the proposed finished
  - The main channel and siphon of the minor watercourses receiving the site drainage to be desilted and debris cleared to facilitate the drainage of the
  - Liaison with Severn Trent Water at the early stage of the detailed designs to discuss the foul water strategy
- 9.5.9 Consequently, the proposal is considered acceptable having regard to Policy CS16 of Charnwood Core Strategy, emerging Local Plan policies CC1 and CC2 and the applicable component of paragraph 167 of the NPPF.
- 9.6 Impact on Biodiversity interests including trees
- 9.6.1 Policy CS13 of the Core Strategy seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The policy supports development that protects biodiversity and geodiversity and those that enhance, restore or re-create biodiversity. The loss of features of biodiversity and geodiversity will only be supported in exceptional circumstances where the benefit of the development clearly outweighs the impact. Where there are impacts, the policy requires mitigation or compensation of equal or greater value, likely to result in a net gain in biodiversity. The NPPF states that planning decisions should minimise impacts upon and provide net gains for biodiversity.
- 9.6.2 Emerging policy EV6 of the Draft Local Plan seeks 10% biodiversity net gain and the protection and enhancement of habitats, species and networks. Although the Environment Act 2021 makes provision for 10% biodiversity net gain, the relevant sections of the Act have not yet been brought into force to make it a legal requirement and is not currently required by national policy. Therefore, emerging Local Plan policy EV6 can be given moderate weight until the emerging policy is further progressed towards adoption but its expectation of 10% net gain can only be given limited weight at this time.

9.6.3 Policy EV7 of the Draft Charnwood Local Plan (2021-2037) seeks to protect and enhance our natural environment by increasing the number of trees in Charnwood and supports development that retains existing trees, where appropriate. The emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. Policy EV7 is largely uncontested and can therefore be afforded moderate weight.

*Biodiversity and net gain*

9.6.4 The application site contains a range of habitats. However, when assessed against Local Wildlife Site criteria the site as a whole was not considered to qualify as a Local Wildlife Site but the main lake (Willow Farm Carp Pool) is considered to.

9.6.5 The application is accompanied by a BIA and ecological assessments based on up to date survey work from 2022. Amongst the habitats identified were the following main features:

- The main waterbody/marl lake
- a number of other neutral grassland compartments which ranged between moderate and good condition.
- Some areas of the grassland were of higher botanical value
- Modified (amenity) grassland in poor condition was also recorded.
- Ruderal habitat in poor condition

The 'value' of the site in terms of bio diversity units is calculated as 304 habitat units and the development. 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). would result in a reduction to 183, a deficit of 121. This includes mitigation on site within the development zones and, more significantly, by management of the retained lake and creation of a biodiversity enhancement area feature on land north of the A46. However, it is a net reduction in the order of approximately one third (formerly approximately 40%).

9.6.6 The Council's Senior Ecological Advisor has examined these calculations and concluded that they are fair in terms of the values attributed to the habitat types and their respective scales, but has strong reservations that compensatory proposals will be feasible and adequate. Moreover, he has continued to express strong concern that the measurement and comparison with the impact of the 2015 permission is inappropriate because, in common with this application, it is in outline and the true impact (including compensatory measures) cannot be defined until detailed reserved matters are settled. It is, therefore, an unreliable estimate.

9.6.7 The shortfall in units, some 102.5, could be compensated for off site in order to ensure no net loss of biodiversity but the financial equivalent of this would be inhibitive at some £4.719 million using the calculation methodology in the Council's adopted Biodiversity Guidance.

- 9.6.8 In common with other issues, such as the Highways as addressed above, the context and background of the application is an extant permission dating from 2015. This had limited biodiversity provisions owing the legal and policy framework at the time being less mature than at present and as such creates a baseline which would generate a significant biodiversity degradation and very limited compensation (either off site or through financial mechanisms that are now more commonplace).
- 9.6.9 The applicant has submitted a revised BIA for the extant scheme and the current proposed scheme, as amended. A comparison undertaken against this 'fallback' position has calculated that the advancement of the current proposal as an alternative to that scheme would also generate a deficit, with an estimated difference between the two outline schemes 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). It should be noted that the extant scheme was also an outline planning permission and such exercises rely upon masterplans and illustrative layouts, as such can only be an estimation: a final definitive calculation cannot be undertaken until full design details are finalised). This is a material consideration of significance to this topic (as it is to Highways issues and other matters) and it is considered can reasonably be taken into account to 'discount' the current application. Therefore, it is considered that, due to the fallback position of the extant scheme, an estimated deficit of 19.5 habitat units is the best measure available and the most reliable guide to calculate the relevant deficit arising from this proposal.
- 9.6.10 The resulting, sizeable, 'net' deficit under the above policies should be the subject of compensation. The applicant is investigating opportunities to create habitat in alternative locations that would address this deficit, but agreements have not been finalised. They recognise, however, that it may be necessary to provide a financial contribution to allow the Council to facilitate this compensation if it is not achievable by on site and off site measures (as it has with many other development proposals) and through application of the approach within the Council's adopted Biodiversity Guidance 2022, a sum of £760,000 is derived (i.e. 19.5 units at £39k per unit). The applicant has advanced an offer of up to £760,000 for this purpose, to cover the eventuality that the combined on and off site solutions cannot be secured (or if they are insufficient to address the entire deficit of 19.5 habitat units). This figure can only be an estimate as both calculations for loss and replacement (compensation) are dependent upon final design details of the detailed designs/layouts, both that of the build development in zones A -C and that of the 'land north of the A46.
- 9.6.11 Therefore, it is clear that the provisions of Core Strategy Policy CS13, emerging Local Plan Policy EV6 and the Council's Planning Guidance for Biodiversity June 2022 are not met by the development in terms of bio diversity if the development is viewed in isolation. However, planning history is a material consideration of great weight (and can become determinative depending on the circumstances) and once the extant permission is factored in it is considered that the proposed compensation is accurate, fair and justified.
- 9.6.11 In addition, ecological surveys and assessments have been carried out for the site examining the presence of protected species. The results of these are accompanied by proposed measures of mitigation which are summarised below:



- Bats: no confirmed roosts were found within the site but it does have value for foraging and commuting bats. The layout should not result in the fragmentation of such habitats, but good practice lighting is recommended to reduce light spill with appropriate buffer planting and bat boxes on trees also recommended.
- Birds: The assemblages associated with both the wetland and the grassland, hedgerows, and scrub-woodland were considered of Local conservation importance. The proposals are expected to have a significant impact on a number of the species recorded with significant adverse effects for a number of species. Mitigation measures are recommended to minimise disturbance impacts from construction and a range of enhancement opportunities have been suggested to achieve biodiversity gains including sensitive planting schemes and the provision of a range of nest boxes.
- Amphibians and Reptiles: great crested newt are not considered to represent a constraint to works, but a grass snake population was recorded on site and a mix of targeted trapping/translocation and passive displacement under good practice is proposed to mitigate for this loss. This will include creation of a receptor site and hibernacula/refugia and will require a licence from Natural England
- Watervole and Otter: there is no evidence of watervole or otter, though suitable habitat does exist. More notably the canal to the west has value for both groups and it is recommended it is protected from damage and disturbance though good practice (lighting, noise etc) and buffered with suitable planting.

9.6.12 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.

9.6.13 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.

9.6.14 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.

- 9.6.15 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.
- 9.6.16 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.
- 9.6.17 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 refers).
- 9.6.18 The proposal will not deliver net gain to the estimated loss of 121 habitat units. Biodiversity mitigation will be secured based upon the fallback position of the extant permission and thus off-site mitigation and compensatory payment, where necessary, will be secured based upon the loss of 19.5 habitat units (the estimated difference between the extant outline permission and proposed outline development, as amended). The proposal is therefore contrary to Core Strategy Policy CS13 and emerging Local Plan policy EV6 as it does not result in replacement provision that is of equal or greater value to that which will be lost. Balanced against the policy conflict is the material consideration of the extant permission as a fallback, which has also been shown to result in a significant biodiversity deficit. Therefore subject to conditions regarding provision within the development zones (albeit limited) including the dedication of the land to the north of the A46 (which forms part of the application site) as new, enriched, habitat, to secure on-site biodiversity enhancement and mitigation and a S106 obligation to secure details of off-site mitigation and up to £760,000 for off-site biodiversity mitigation (where off-site provision is insufficient to address the entire deficit), the policy conflict is considered to be negative within the overall planning balance.

- 9.6.19 The site is comprised of a variety of habitats as well as a substantial area of 'legacy' previously developed with surfacing. Much of the scrubland and grassland within the site has a sparsity of trees and there is no hedgerow other than a section on the west edge of the 'land north of the A46' which is not intended to be developed for employment purposes. There are however trees on the periphery of the site, most notably the east boundary adjacent to the A607 and the north, adjacent to the A46. The canal is bordered by a number of trees but these lie principally outside the application site. The trees to east and south have a valuable role in screening views of the site from the busy roads and it is considered should be retained and enhanced.
- 9.6.20 There is reference in the submission documents that existing hedgerows and trees within the site will be removed but it is considered that this needs to be very selective, as retention and augmentation with new planting would represent a better solution, in line with applicable planning policies for tree retention *and* planting. Therefore, it is recommended that a condition is applied preventing their removal unless approved as part of approved 'landscaping' details at reserved matters stage alongside intentions for new planting.
- 9.6.21 The above approach will ensure that trees will be retained until and unless they form part of landscaping proposals incorporating retention where most important. On this basis it is considered the objective of emerging Local plan Policy EV7 will be met.

## 9.7 Impact on Watermead Country Park and wider landscape

- 9.7.1 Core Strategy Policy CS21 draws particular attention to the impact of the development on the tranquillity of the adjacent Country Park and its role as (part of) a Green Wedge between Thurmaston and Birstall to the west. Policy CS11 of the Core Strategy aims to protect the character of our landscape and countryside by requiring new developments to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments and requiring new development to take into account and mitigate its impact on tranquillity, and CS12 aims to protect and enhance green infrastructure assets for their community, economic and environmental values.
- 9.7.2 Core Strategy Policy CS12 makes specific reference to the River Soar and Grand Union Canal Corridor, offering support to proposals which provide high quality walking and cycling links between the corridor and our towns and villages; deliver hubs and other high quality tourism opportunities linked to the River Soar at Loughborough, Barrow upon Soar, and Thurmaston; and protect and enhance water bodies and resources.
- 9.7.3 Emerging Local Plan Policies EV1 and EV3 express similar expectations regarding the impact of development on the countryside (generally) and on Green Wedges. These policies are at an advanced stage and were discussed at the hearing sessions in June 2022 and are consistent with the NPPF so can be given moderate weight.

- 9.7.4 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which has been reviewed by the Council's Landscape advisor. These comments are reported in section 7 of this report above and consider the assessment adequate (in terms of methodology and findings) and note the reliance on landscaping to mitigate impact. These are based upon the information in the Parameters Plan regarding haunch and maximum heights of the buildings in each zone and it intended that the Parameters Plan is 'binding', which would be achieved by means of condition.
- 9.7.5 The site lies in the Soar Valley Landscape Character Area as described in the Borough of Charnwood Landscape Character Assessment (2012) and specific reference is made that LCA: "In the southern part of the valley at Syston and Thurmaston, there are large industrial estates, predominately for manufacturing and distribution. Development and redevelopment of earlier industrial sites is currently taking place there for mixed commercial uses and offices close to Watermead County Park and the canal."
- 9.7.6 The LVIA assessment concludes that the landscape value of the site itself is low, but that the local setting of the site is of medium to low landscape value, increasing to medium value moving west in the context of the Grand Union Canal and Watermead Country Park. It recognises minor to moderate adverse impacts as the currently open and undeveloped backdrop for the Country Park will be transformed in the immediate vicinity. The taller building heights at the southern extent of the site will result in the increased visibility of the proposal from within Watermead Country Park with short-term effect assessed as major to moderate adverse, reducing to moderate adverse in the long term following the establishment of landscaping. Similar visual effects are associated with the Grand Union Canal.
- 9.7.7 The LVIA notes that similar impact would arise from the implementation of the extant permission. These impacts are relatively contained and do not significantly ('minimal') affect the wider landscape, including parts of the Country Park further south. The LVIA has been reviewed by the Council's landscape officer who comments that the methodology is appropriate and the viewpoints, from which these conclusions are drawn, are suitable. Though larger in scale and height than the permission on the site (P/12/0003/2), the site lies at the lowest level of the floor of the valley and the surrounding land form and intervening screening provide a degree of containment from wider viewpoints. Therefore, whilst likely to be more visible than the extant permission, the impact has been assessed as remaining within the description of 'minimal'. It is considered that the amendments to the application will have little bearing on this impact. 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.
- 9.7.8 The site does not physically intrude into the Country Park and as such its functional value and value of the Country Park as a Green Wedge would be unaffected, the central issue is considered to be in respect of its setting and tranquil qualities. The emerging Local Plan allocates part of the site itself (the existing lake) as Green Wedge under emerging Policy EV2 and the effect on this is addressed at paragraph 9.2.7 above.

- 9.7.9 Whilst there inevitably would be major difference to the setting in the immediate vicinity (from this proposal and/or implementation of the extant permission), it is considered that such a localised effect, within the context of the scale of the Country Park would not undermine its tranquil qualities to such an extent that its value would be undermined and visitors would be deterred. The overwhelming majority of the Country Park would remain unaffected, retaining its semi - natural, tranquil, and accessible qualities and would maintain its function in landscape and recreational terms.
- 9.7.10 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.



- 9.7.11 This will substantially reduce the visual impact on the Canal and Country Park and represents an improvement from the application in its original form. On this basis it is considered that the development pays due regard to the quality and functional value of the Country Park and green wedge and satisfied the policies referenced above.

## 9.8 Impact on the Grand Union Canal

- 9.8.1 The adopted Policy framework for the Canal is set out in the previous section (paragraph 9.10.1 above) as it is combined with the Soar Valley Character Area under Policy CS11. However in the emerging Local Plan, Policy EV5: River Soar and Grand

Union Canal Corridor is directly relevant and aims to protect and enhance the River Soar and Grand Union Canal Corridor by supporting development that:

- provides high quality walking, cycling and bridle path links, between the River Soar and Grand Union Canal Corridor and our towns and villages, including for people with reduced mobility;
- delivers hubs and other high-quality tourism opportunities linked to the River Soar and Grand Union Canal at Loughborough, Barrow upon Soar and Thurmaston;
- protects and enhances the biodiversity value of the River Soar and Grand Union Canal, and the strategically important links in the wildlife network between them;
- protects and enhances the water bodies and resources of the River Soar and Grand Union Canal; and
- actively seeks opportunities to enhance the River Soar and Grand Union Canal Corridor, links to it and its management including its wildlife and biodiversity.

9.8.2 The application site does not include the canal or its towpath but stands directly adjacent, to the east. It will provide links by means of footpath and cycleway to the towpath via the re-routed and improved Public Right of Way 158a and new internal footpaths, suitable for those with restricted mobility. This will create improved accessibility from Thurmaston by means of shared cycle/pedestrian footpaths through the site which would connect to the towpath.

9.8.3 The Canals and Rivers Trust have recognised the proximity of the development to the Canal and referenced its potential to affect the canal during construction and as a result of tree planting (see section 7 above). However, they do not oppose the development and suggest conditions to manage the construction methodology and the detail of planting to mitigate these concerns. The recommended condition can be applied to any permission granted and landscaping will form a 'reserved matter' at which time the detailed planting proposals will come forward and the Trust will have opportunity to scrutinise them and lodge further comment.

9.8.4 In terms similar to the Country Park, the environment (setting) of the Canal will be radically transformed along the length of the application site and, similarly, benefits from the amendments made (October 2023). However, it will not have wider impact and in the context of Canal and Canalside journeys which encounter changing environments and experiences, it is not considered that this should be viewed as adverse to users.

9.8.5 It is therefore considered, that with these provisions, the development would perform strongly against the expectations of emerging Local Plan EV5, insofar as they relate to the adjacency of the development as opposed to those directly affecting the Canal. The Policy anticipates proposals that directly affect the Canal and relate to its recreational functionality such as proposals for marinas or tourist attractions. Because the Canal is adjacent to rather than within the application site these elements of the Policy are not engaged. The application accords with the Policy so far as it is applicable to the development.

## 9.9 Economy and Regeneration

9.9.1 Whilst Core Strategy Policy CS21 identified the area as a direction of growth and specific to the application site, as a wider part of the area addressed by the Policy, a 'regeneration area' it also set out criteria by which proposals would be assessed:

- contribution to the regeneration of Thurmaston village centre, the Thurmaston waterfront and the Grand Union Canal;
- improvement of connectivity and accessibility between the Country Park, waterfront and the wider community;
- responding positively to the high quality tranquil setting of Watermead Park;
- meeting local employment needs and contributes to regeneration;
- encouraging development to exceed Building Regulations for carbon emissions
- deliver buildings and spaces that have been designed to be adaptable to future climatic conditions
- include appropriate Sustainable Drainage Systems and flood alleviation measures and reducing flood risk;
- designing development to protect and enhance water quality; and
- protect and enhance the wildlife corridor

9.9.2 Emerging Local Plan Policy DS4 does not make similar requirements and defines the proposed allocation in less complex terms than CS21 as an employment site (without specific definition, for example types or mixes of uses) that "is cohesive and integrated with other allocations set out in this plan including in relation to the provision of infrastructure; and is in accordance with the other policies in this plan".

9.9.3 The reduced floorspace arising from the amendments to the application made in October 2023 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 m<sup>2</sup>) 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.

9.9.4 The economic and regeneration properties of the application need to be taken into account under the scope of Policy CS21, emerging Local Plan Policy DS4 and as material considerations in their own right. These have been identified as:

<b>Category</b>	<b>Economic Impact</b>
Direct and indirect construction-related employment	187 construction jobs and 513 temporary over the two-year build timeframe. Additional £63.1million of GVA
Employment (on completion)	807 jobs
GVA generated by the Proposed Development over a ten-year period.	In the region of £0.2billion

Skills and employment opportunities across the entire skills spectrum.	Sector employment profile is: <ul style="list-style-type: none"> <li>• 44.9% of workers have a degree level of qualification or higher (or are currently studying for a degree)</li> <li>• Around 22% have A levels only</li> <li>• 20.8% have GCSEs.</li> <li>• 6.3% of workers have other qualifications</li> <li>• 5.9% have no qualifications.</li> </ul>
Wages	£24.0million per annum once the development is complete and operational.
Business Rates	(in the region of) £1.1million per annum

9.9.5 Whilst the job generation projection is less than that of the former consent (P/12/0003/2) it still represents a significant key regeneration investment and neither Core Strategy Policy CS21 or emerging Local Plan Policy DS4 impose any quantifiable expectations in this regard. More importantly, the application has arisen because the nature of employment land supply is dynamic, the configuration approved under P/12/0003/2 has not been implemented (beyond provision of its access) and, commensurately, its employment/economic potential has not been realised. This is the basis upon which Policy CS21 is proposed to be replaced with a more flexible and adaptable approach under emerging Policy DS4.

9.9.6 The application documents express an ambition to follow sustainable construction guidelines as per the criteria of Policy CS21 (which applies Policy CS16 to the area addressed by the Policy) and emerging Local Plan Policy CC4. However, these are not firmly embedded and it is considered that imposition through conditions is necessary, in a manner similar to design quality referred to above (para 9.2.5).

9.9.7 The 'physical' requirements of Policy CS21- i.e those aspects relate to this application site - are addressed in the foregoing sections of this report and the development performs strongly in respect of connectivity, impact on the Country Park, flood risk, sustainable drainage systems and modern, low carbon, building opportunities.

## 9.10 Contamination

9.10.1 The application site has been the subject of investigation for contaminants and the reports have been examined by both the Councils Environmental Health team and the Environment Agency. In both cases, they request conditions to follow up the work already carried out to provide remediation, and to provide contingency should further contaminants be encountered during construction. These are acceptable as conditions.

9.10.2 With regard to controlled waters and the potential for contamination from historic landfill, the 'Phase II Ground Investigation Report' explained the significant amount of ground investigation and sampling that has been undertaken across the site, which included the assessment of controlled waters. The methodology included groundwater and surface water sampling visits which concluded a low risk (results of sampling etc). which were included in the relevant appendices of the report.



## 9.11 Planning Obligations/ S.106 Agreement

9.11.1 Policies CS13, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. This expectation is reflected in emerging Local Plan Policies CC1 (limited weight), CC2 (moderate), CC3 (moderate), CC4 (moderate), EV6 (moderate), EV7 (moderate), EV11 (moderate) and INF1 (limited) also require the delivery of relevant infrastructure. As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Consultation regarding the application resulted in the following request to meet biodiversity deficits created by the development:

Biodiversity	<ul style="list-style-type: none"><li>• To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application.</li><li>• To submit an updated Biodiversity Impact Assessment with the reserved matters and Biodiversity Mitigation and Enhancement Scheme</li><li>• To pay to the Council a sum of up to £760,000 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).</li></ul>
Sustainable Transport	<ul style="list-style-type: none"><li>• £510 per Centrebus bus pass to be made available for all employees</li><li>• 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</li></ul>

9.11.2 The above contributions would allow the necessary infrastructure to meet policies CS13, CS17 and CS24 and meet the statutory tests contained in Regulation 122 of the Community Infrastructure Levy, and the requirements of paragraph 57 of the NPPF.

## 10.0 Conclusion

10.1 Decisions on applications need to be made in accordance with the adopted development plan policies unless material considerations indicate otherwise.

- 10.2 The adopted development plan (Core Strategy 2015) and emerging Local Plan provide a broadly consistent approach to the site in terms of the principle of the use for employment under Policies CS21 and DS4 respectively for the site, except the part lying north of the A46, to which Saved Local Plan Policies CT/1 and Core Strategy Policy CS11 continue to apply. Core Strategy Policy CS21 covers a significantly wider area, of which the application site forms only part, and as such its entire content is not applicable. However, for those parts that are, the application performs strongly, subject to conditions securing more detailed design and layout issues. Emerging Policy DS4 is less complex and is more closely aligned with the application site boundaries, and including the inclusion of the lake within the site boundaries, which following amendment is to be retained, the development accords with its provisions. In addition, the extant permission, P/12/0003/2 (March 2015) reinforces the principle of development for commercial/employment uses. For the land north of the A46, no development (in the sense of building or infrastructure) is proposed and as such it is an appropriate form of development for the countryside in accordance with Saved Local Plan Policies CT/1 and Core Strategy Policy CS11 and emerging Local Plan policy EV1.
- 10.3 Policy CS21 specifies “up to 8,750sqm for offices and around 16ha for employment and a hotel accessed off Wanlip Road” in relation to the site. That was reflective of evidence of need for employment space at the time (2015) and the extant permission strongly reflects this. However, the intervening years have been particularly volatile, not least as a result of the pandemic, and the profile of demand for employment development has significantly changed. In particular, in both national and local contexts, demand for office space is radically contracted as remote working has become prevalent. The lack of progress on the 2015 permission demonstrates this point. This is reflected in the evidence base for the emerging Local Plan, which in turn has manifested itself in the less prescriptive policy content seen in Policy DS4. DS4 makes no specification regarding typology or floorspace limits.
- 10.4 The evolution towards less prescriptive and more flexible site allocations (and permissions) is also guided by the NPPF 2023 Section 6 ‘Building a strong, competitive economy’ which strongly emphasises the need to attract and nurture investment, to be flexible in order to accommodate evolving needs and to be responsive to rapid changes in economic circumstances. Against this (combined) background, it is considered that the revised mix of uses and scale of the development is acceptable in principle. Policy CS21 created a quite prescriptive range of uses for the site described as “up to 8,750m<sup>2</sup> for offices and around 16ha. for employment and a hotel” and the permission provided further specification with a mix of “offices, research and development/light industry; erection of hotel and leisure facilities, cafe/pub/restaurant, playing field/sports pitches, changing facilities and clubroom, canal footbridge and footpath diversion, alterations to car park and toilet facilities and associated landscaping” (with office floorspace limited to a maximum of 9000m<sup>2</sup>). However, this has proved to be unattractive to the market and, in the same manner that Local Plan policy is being amended to accommodate a more flexible approach as seen in emerging Local Plan Policy DS4 (which makes no prescription of floorspace, use or mix of uses) then it is considered appropriate that permission on the site should be similarly adaptable.

- 10.5 Although the application is in outline, the scale, quantum and appearance of the proposed buildings is informed by the Parameters Plan and illustrative masterplans and drawings. It is possible to assess impacts so far as these allow and there is opportunity for further consideration upon the submission of reserved matters. On the basis of these, it is considered that there will be a limited degree of harm to Watermead Country Park – improved by the October 2023 amendments - arising from the backdrop and ‘setting’ they will form for a limited section of the Park’s boundary, but from a wider landscape perspective, impacts are expected to be minimal. Within the context of the scale of the Country Park and its features, and the linear nature of the Canal, it is considered the effects would be limited in scope and would not be so severe as to undermine its important purpose and value. These relationships are the subject of Core Strategy Policies CS11, CS12 and CS21, and emerging Policies EV1, EV3 and EV5 and it is considered they are satisfied, subject to conditions as discussed in the report.
- 10.6 It should be noted that the application site does not protrude into the Country Park boundary. It is important that this is understood because several representations received appear to be submitted on the understanding that the development would be ‘in the Park’. The site lies adjacent and is privately owned land and although traversed by public footpaths is not otherwise in the ‘public realm’.
- 10.7 Following on from this, concerns raised about the adverse impact upon the environment and wildlife within the Park appear to have been made on an incorrect understanding. That is not to say it would have no impact, but naturally from its peripheral location these would be indirect, and can be controlled by means such as control of lighting, pollution during construction etc, made less complex but the removal of partial infilling of the lake within the application site, which are to be considered at Reserved Matters stage and through Discharges of Conditions.
- 10.8 The impact in ecological and biodiversity terms has been examined (so far as is possible within the context of outline applications) and has been shown to result in a deficit in comparison to both the current state of the site and the extant permission which is free to proceed, despite the measures proposed to be introduced within the site (including the habitat in the land north of the A46) , and in accordance with relevant policies (Core Strategy CS13 and EV6 of the emerging Local Plan) the employment of the techniques within Council’s adopted Bio-Diversity Guidance gives rise to compensatory measures of estimated equal value to this deficit, to allow for off site provision
- 10.9 The proposal would be served by a safe and suitable vehicular access approved under previous applications. Traffic calculations have demonstrated that the reconfiguration of the uses on the site would reduce the impact of the development on the Highway network at peak hours, and further still by the amendments which reduce the overall scale of the proposal. A package of measures to encourage sustainable transport choices is proposed which will build upon the advantage that the site has by virtue of its proximity to the urban area, footpaths, bus and train services. These provisions satisfy the expectations of Core Strategy Policy CS17 and emerging Local Plan policy CC5 concerning sustainable travel.

10.10 The development represents the fulfilment of economic and regeneration aspirations for the site, albeit in a form different from that originally envisaged by the extant consent. It is important to recognise that Core Strategy Policy CS21 covered a very much wider area than this application site (see figure 3 at paragraph 9.1.4 above) and the aspiration of the Policy was anticipated from the whole 'direction of growth' rather than this site in isolation. Therefore, whilst the application is limited to essentially employment development, this is broadly consistent with the contribution anticipated from this particular site within the wider aspiration of Policy CS21. The site is key to the Borough's economic development as a strategic employment site, offering opportunities in a location close to areas with economic challenges. Whilst it is recognised that there are aspects of the proposal that are not fully compliant with planning policy expectations, the deviation from them is limited and these benefits are considered to be material considerations of such importance that they significantly outweigh any harm arising.

10.11 Applying the presumption in favour of sustainable development through application of the tilted balance in paragraph 11dii), it is considered that the identified adverse impacts would significantly and demonstrably be outweighed by the benefits of the development when assessed against the NPPF taken as a whole.

**11. RECOMMENDATION**

**11.1 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"> <li>• To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application.</li> <li>• To submit an updated Biodiversity Impact Assessment with the reserved matters and Biodiversity Mitigation and Enhancement Scheme</li> <li>• To pay to the Council a sum of up to £760,000 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).</li> </ul>
Sustainable Transport	<ul style="list-style-type: none"> <li>• £510 per Centrebus bus pass to be made available for all employees</li> <li>• 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</li> </ul>

## **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**

1. 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**

2. 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**

3. 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**

4. 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.

5. 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.



6. 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.

7. 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.

8. 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.

9. 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**

10. 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.

11. 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.

12. 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 result in 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>

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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).

20. 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).

21. 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 AND PARAMETERS PLAN

