

## Item No. 1

### Application Reference Number P/19/0524/2

<b>Application Type:</b>	Outline Planning Permission	<b>Date Valid:</b>	07/03/2019
<b>Applicant:</b>	Wilson Bowden Developments Limited		
<b>Proposal:</b>	Outline planning application including details of means of access, for the development of a Science and Enterprise Park, (B1 / B2 science park uses) including advanced manufacturing. Provision of: up to 89,313sq.m of science and enterprise park uses within B1 (a), B1 (b), B1 (c) and B2 uses; Green Infrastructure; main site access on to the A512 Ashby Road and two secondary vehicular and pedestrian accesses on to Snells Nook Lane; a mixed use 'hub' including a mix of additional floor space of up to 9565sq.m within A1 (shops), A2 (Financial & Professional), A3 (Restaurants & Cafes), A4 (Drinking Establishments), A5 (Hot Food Takeaway), C1 (Hotel), D1 (Nursery) and D2 (Gym) uses all as ancillary elements to the main science park; a network of vehicular, pedestrian and cycle routes within the development site; a potential primary substation; and associated infrastructure, roads, ground re-modelling works and sustainable drainage		
<b>Location:</b>	Land West of Snells Nook Lane, Loughborough.		
<b>Parish:</b>	Loughborough	<b>Ward:</b>	Loughborough Nanpantan
<b>Case Officer:</b>	Nigel Gould	<b>Tel No:</b>	01509 634735

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### Introduction

The planning application has been brought to Plans Committee as it relates to a major strategic proposal, which is of significant public interest. It was presented to Plans Committee on the 21st November 2019 but was deferred at the request of members to enable the applicant time to consider a single access point on Snells Nook Lane for the development. It is now represented to Plans Committee with an update explaining the work undertaken by the applicant, the response of the Highway Authority and officers' assessment. It also contains updates on the representations received since the agenda for 21 November was published.

### Update

The applicant has considered this request and their highways consultants BWB have responded on their behalf by letter to the Borough Council. The Local Highway Authority has in turn commented on the BWB letter. The letter from BWB is appended in full at the end of the report (Appendix 1) but a summary is as follows:

- In relation to the northern access point on Snell's Nook Lane, the applicant is of the opinion that this should not be removed or altered as it forms the central hub of the overall park and is a key public transport route.
- Consideration has therefore been given to the removal of the southern access only.
- As a result of the closure of the southern access the modelling shows the following:
  - The main site access on the A512 would have slightly more vehicles routing through the junction. However, the increase in vehicles would not significantly affect the operation of it.
  - The northern site access on Snell's Nook Lane would have slightly more vehicles routing through it, but the increase in flows would not affect the modelling summary presented in the technical work submitted within the planning application and would still operate within capacity.
  - The Snell's Nook Lane/Ashby Road signal controlled junction would have a lower amount of vehicles turning in/out from Snell's Nook Lane, but more ahead movements on Ashby Road, as there would be more vehicles heading to/from to sites access on the A512. The junction could operate slightly worse as a result.
- Regardless of the suggested removal of any access points on Snell's Nook Lane, there would be no change to the distribution of traffic to and from the site, other than at the three junctions detailed above.
- The removal of the southern access would not result in any reduction in any development traffic at the Nanpantan crossroads junction.
- It is concluded that any removal of the southern access is not a desirable outcome because it:
  - would not result in any improvements to the operation of Snell's Nook Lane or the Nanpantan crossroads.
  - could result in a deterioration in the operation of the Snell's Nook Lane/Ashby Roads signal controlled junction.
  - could also prejudice the proposed hub at the northern access.
  - could reduce longer term public transport options from the south.
  - would require further assessment work to fully assess the impact of the removal of the southern access, for no real purpose given that its removal is not considered to be a desirable outcome.

The Local Highway Authority has reviewed the letter from BWB submitted to the Borough Council on behalf of the applicant. They agree with the conclusions reached but feel the letter could be clearer in its explanation of the potential impact of a single point of access on to Snells Nook Lane, in particular:

- A single point of access onto Snells Nook Lane will not change the assumptions in respect of traffic distribution i.e. it will not reduce the amount of traffic using Snells Nook Lane or Nanpantan Crossroads
- Any proposal for a single point of access would require a full re-assessment of the proposed accesses from Snells Nook Lane and the A512

Furthermore, they note:

- The Emergency Services would need to be consulted on a reduction in the number of accesses

- The proposal would not be consistent with the masterplan with one point of access onto Snells Nook Lane.

### Officer Assessment

The applicant has responded to the request by members to consider the option of one point of access onto Snells Nook Lane to serve the development. For the reasons given in their letter, the applicant does not consider this option to be desirable and have asked for the application to be determined on the basis of the proposal as originally submitted. The Local Highway Authority has reviewed the letter from the applicant and agrees with their conclusions.

The concerns of members in relation to the highways impact of the development are understood but it is considered that there is no evidential basis to refuse the application on highway grounds and in particular no basis to refuse the application in regard to the proposed two points of access onto Snells Nook Lane. The distribution of traffic for construction vehicles, workers on the built-out site and HGVs visiting the built out site would be the same.

Through the application process the Local Highway Authority have assessed the development proposal carefully to identify if its impacts would cause severe harm to the local highway network. The assessment was based on both strategic modelling using the Leicester & Leicestershire Integrated Transport Model (LLITM) and Local Junction testing. This is particularly important given that local roads and junctions can be sensitive to variation in traffic flow which can result in the redistribution of traffic. Broadly, the modelling identified the improvements currently being constructed at the M1 Motorway J23 and on the A512 would assist in keeping trips on the most appropriate routes. It is also worth bearing in mind that the development only has to mitigate its own impact and not solve existing problems. As detailed in the Local Highway Authority response of the 14<sup>th</sup> August 2019, it is considered that the development can be mitigated and therefore does not cause severe harm and does not conflict with paragraph 109 of the National Planning Policy Framework.

The Local Highway Authority understand the concerns raised in relation to the capacity at Nanpantan Crossroads. To make the development acceptable in highway terms they have advised the planning authority to obligate the developer to pay a contribution towards improvements at Nanpantan Road/Snells Nook Lane signal junction which they consider will mitigate the severe harm of the residual cumulative impact of the development, in accordance with the NPPF.

The proposed planning conditions and obligations also allow for a degree of flexibility for the two proposed T junctions onto Snells Nook Lane. To allow the junctions to be upgraded to roundabouts and to proportionally mitigate for any future highway restrictions on that part of Snells Nook Lane. Planning condition 18 states that phase 1a cannot be occupied until the northern access onto Snells Nook Lane has been implemented; condition 19 states that phase 3 cannot be occupied until the southern access to Snells Nook Lane has been implemented; and condition 5 states that the development shall be built out in sequence in accordance with the phasing plan with the development to be built out from west to east and from front to back. In accordance with conditions 18 and 19, indications are that the northern access onto Snells Nook Lane will be built out at approximately 5 years from the date of

decision and the southern access will be built out approximately 10 years from the same date. It is therefore considered that the necessary planning conditions and obligations are in place to ensure that the development is built out in an appropriate manner, without detriment to highway safety and the other issues as discussed in the report below.

For the reasons given above it is not considered necessary or appropriate to seek removal of one of the proposed points of access onto Snells Nook Lane. No decision was made on this application at the plans committee meeting of the 21<sup>st</sup> November and consequently the application remains to be determined. As such the report and recommendation are repeated below and members are asked to consider the proposal accordingly.

### **Description of the site**

This planning application relates to the land on the west side of Snells Nook Lane only but within the allocated site for the LSEP.

The application site is situated on the west side of the town and is bordered to the north by the A512 (Ashby Road), Snells Nook Lane to the East, fields to the west and a staggered boundary to the south that borders the Longcliffe Golf Club and the access road to the club.

The application site is a series of agricultural fields. The western edge of the site runs along the outer edge of the access track which serves Hurst Farm which in turn serves the surrounding fields. There is a cluster of farm buildings at the end of this track but the application boundary skirts around the edge of these. The western edge of the application site and Hurst Farm is separated by approximately 250m from the M1.

Public footpath K62 runs south from the A512 along the edge of the M1 and cuts east along the edge of the Golf Club and through the adjacent plantation before then running along the northern edge of the access to the golf club and onto Snells Nook Lane.

There are no designated or non-designated heritage assets on or bordering the site but the Grade II Registered Park and Garden of Garendon is located approximately 25m to the north of the Site. The Grade II Listed Lodge to Garendon Park is also located approximately 25m north of the Site. The bottom half of the application site, in combination with most of the Golf Course, is a local wildlife site. This is a non-statutory designation and relates in particular to the quality of the heathland, acid and neutral grasslands.

There is an underground water mains with associated easement that runs diagonally across the site. In turn, Burleigh Brook runs from the small ponds in Jameson's plantation adjacent to the Golf Club in a northeast direction across the site and beyond. The majority of the site lies within Flood Zone 1 (Low Probability) with the Brook and small area either side being within Flood Zones 2 and 3

Although there are several mature trees on site none are covered by any protection orders.

The site has a gross site area of 39.5 hectares (97.6 acres) and is predominantly utilised for arable farming. The site is gently undulating with heights varying from 70m AOD to 87m AOD with the higher land to the north and south and a localised valley around Burleigh Brook where it crosses Snells Nook Lane.

## **Description of the Proposals**

The application is an outline application considering access only with all other matters to be considered at Reserve Matters stage. The application identifies the main access on to the A512 Ashby Road and two secondary access points on to Snells Nook Lane. The proposal includes;

- Provision of up to 89,313sq.m of B1 (a), B1 (b), B1 (c) and B2 uses;
- Green Infrastructure, including strategic open space, wildlife areas, attenuation basins and drainage features, green networks and all associated structural and general landscaping;
- Main site access on to the A512 Ashby Road and two secondary accesses on to Snells Nook Lane;
- Provision of a mixed use 'hub' including a mix of additional floor space of up to 9565sq.m within A1, A2, A3, A4, A5, C1 (Hotel), D1 (Nursery) and D2 (Gym), to be ancillary elements to the main science park;
  - Network of vehicular, pedestrian and cycle routes within the site;
  - Potential site for Primary substation; and
  - All associated infrastructure, roads, and ground re-modelling.

The application is supported by the following documents:

- Site Location Plan
- Illustrative Masterplan
- Parameters Plan
- Schedule of Development
- Environmental Statement
- Environmental Statement – Non-Technical Summary
- Planning Statement
- Design & Access Statement
- Consultation Report
- Retail Assessment
  - August 2019 – Retail Statement Addendum
- Flood Risk Assessment
- Sustainable Drainage Statement
  - 8<sup>th</sup> May 2019 – Updated Drainage Layout and updated Sustainable Drainage Statement.
- Transport Assessment
  - 30<sup>th</sup> April 2019 – Technical Highways Note, including classified junction counts
  - 24<sup>th</sup> June 2019 – Technical Highways Note
- Travel Plan
- 15<sup>th</sup> May 2019 – Heritage Note

## **Development Plan Policies**

Charnwood Local Plan Core Strategy 2011-2028 (Adopted 9th November 2015)

The following key Strategic Objectives are considered relevant:

S01- Sustainability  
S02- Accessible Facilities  
S03- Health  
S05- Crime Reduction  
S06 - Inclusive Communities  
S07 – Climate Change  
S08 – Traffic Impact  
S010 – Flood Risk  
S011 - Landscape  
S012 – Biodiversity  
S013 – Design

The following policies are relevant to this application:

Policy CS1 - Development Strategy, sets out the development strategy for the Borough. This includes three Sustainable Urban Extensions and the land to the west of Loughborough University for an extension to the Science and Enterprise Park.

Policy CS2 – High Quality Design, requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS9 – Town Centre and Shops, seeks to focus town centre use to the town centre itself. The Policy does recognise that there will be other retail development outside of the town centre but that this must not have negative impact on the town centre viability. In particular the policy refers to development to the northwest of the town and that should not compromise the regeneration of the town centre. Impact assessments will be required for the out of town development for the following: Loughborough-1000sqm, District Centres-500sqm, and Other Locations-200sqm.

Policy CS11 – Landscape and Countryside, seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

Policy CS12 – Green Infrastructure, seeks to protect and enhance green infrastructure assets including addressing the identified needs in open space provision.

Policy CS13 – Biodiversity and Geodiversity, seeks to conserve and enhance the natural environment and to ensure development takes into account impact on recognised features.

Policy CS14 – Heritage, sets out to conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make.

Policy CS16 – Sustainable Construction and Energy, supports sustainable design and construction techniques. It also encourages the effective use of land by reusing land that has been previously developed.

Policy CS17 – Sustainable Transport, seeks a 6% shift from travel by private car to sustainable modes by requiring major developments to provide access to key facilities by safe and well-lit routes for walking and cycling that are integrated with the wider green infrastructure network and by securing new and enhanced bus services where new development is more than 400m walk from an existing bus stop.

Policy CS18 – The Local and Strategic Highway Network, seeks to ensure that appropriate highway improvements are delivered and applications are supported by appropriate Transport Assessments.

Policy CS23 – Relates to the extension of the science and enterprise park to the west of Loughborough University. The Policy seeks to deliver at least 111,000 sqm of space in a landscaped campus that provides for the development of businesses operating within or directly supporting the knowledge-based sector or University's own operational activities, protects the setting of Garendon Park and retains 40% of the overall site area for green infrastructure amongst other considerations.

Policy CS24 – Delivering Infrastructure, seeks to ensure that development contributes to the reasonable costs of on site, and where appropriate off site, infrastructure, arising from the proposal through the use of Section 106 Agreements. This is so the local impacts of developments will have been reasonably managed and mitigated.

Policy CS25 – Presumption in Favour of Sustainable Development; sets out a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

#### Borough of Charnwood Local Plan 1991-2006 (adopted 12th 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 policies are:

Policy ST/2 – Limits to Development, seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests. The Limits to development distinguish between areas of development and development potential, and areas of restraint.

Policy EV/1 – Design, seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy CT/1 – General Principles for areas of the countryside, green wedge and local separation. The policy restricts new development to that which is small-scale and where it meets certain criteria.

Policy CT/2 – Developments in the Countryside, indicates in areas defined as countryside, development acceptable in principle will be permitted where it would not harm the character and appearance of the countryside and safeguards its historic, nature conservation, amenity and other local interest.

Policy TR/18 – Parking in New Development, seeks to set the maximum standards by which development should provide for off street car parking.

### **Other material considerations**

#### The National Planning Policy Framework (NPPF 2019)

The NPPF sets out the government's view of what sustainable development means in practice for the planning system. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development (paragraph 11).

The NPPF states (paragraph 8) that there are 3 overarching objectives to achieving sustainable development:

- a) An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- b) A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 11 reaffirms the presumption in favour of sustainable development and for decision taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.



The Framework in section 6 highlights the Government commitment to securing economic growth (paragraph 80) and states that local planning authorities should plan proactively to meet the development needs of business. Paragraph 81d states that planning policies should be flexible enough to accommodate needs not anticipated in the plan and allow for new and flexible working spaces.

Section 7 of the Framework seeks to support the role that town centres play at the heart of local communities (paragraph 85). Part (e) of the same paragraph states that where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre.

Section 9 of the Framework states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 111). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 103). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 104). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 109).

Section 12 of the Framework recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively (paragraph 124). Paragraph 127 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The role of design review arrangements that assess, support and ensure high standards of design are recognised (paragraph 129) and the NPPF notes that

great weight should be given to innovative designs which help raise the standard of design (paragraph 131) and that poor design should be refused (paragraph 130).

Section 14 of the Framework states that new development should be planned for in locations and ways which reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 149). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 153) and renewable and low carbon energy development should be maximised (paragraph 154). New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change (paragraph 155) and should not increase flood risk elsewhere and only be considered appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the sequential test, and if required the Exception Test, the most vulnerable development is located in areas of lowest flood risk and development is appropriately flood resilient and resistant and gives priority to the use of sustainable drainage (paragraph 163). Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (paragraph 165).

Section 15 of the Framework states that valued landscapes should be protected and enhanced and the impacts on biodiversity should be minimised and where possible net gains provided and both new and existing development not contribute to or be put at unacceptable risk, or be adversely affected by, unacceptable levels of soil, air, water or noise pollution (paragraph 170). Protection of wildlife sites and landscape areas should be commensurate with their status within the hierarchy of designation and appropriate weight given to their importance and the contribution they make to wider ecological networks (paragraph 174). Impacts on biodiversity should be minimised and when determining planning applications biodiversity should be conserved and enhanced (paragraph 175). Planning policies and decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts and therefore businesses should avoid having unreasonable restrictions put on them because of changes in nearby land uses since they were established (paragraphs 180 & 181).

Section 16 of the Framework states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation (paragraph 189). In determining planning applications the desirability of sustaining and enhancing the significance of heritage assets should be taken into account (paragraph 191) and the more important the asset, the greater the weight to be given to the assets conservation (paragraph 193). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 196). The effect of an application on the significance of a non-designated heritage asset should be taken into account through a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 197).

Supplementary Planning Documents, Guidance and Further Legislation

In addition to the above policies, there are also a number of other material policy considerations in the form of Supplementary Planning Documents, Guidance and Legislation which should be considered along with the development plan policies highlighted above. The key documents are:

#### 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, in particular in relation to flood risk and the Environmental Impact Assessment Regulations.

#### Landscape Character Assessment (July 2012)

This Assessment forms part of the evidence base to the Core Strategy. The site lies within the Charnwood Forest Character Area which is described as the upland nature of Charnwood Forest, due to the underlying ancient rock, is very different from other landscape character areas within the Borough. The geology has strongly influenced both the natural vegetation cover and agricultural land use. It has the highest percentage of woodland cover and wildlife sites in Leicestershire. Small villages have a strong sense of identity through the use of local stone. The area is very popular for recreation and visitor pressure is increasing.

#### Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

#### The Community Infrastructure Levy Regulations 2010 (CIL) (as amended)

The Regulations set out the process and procedure relating to infrastructure requirements. Regulation 122 states that it must relate in scale and kind to the development. The Community Infrastructure Levy (CIL) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development

#### Environmental Impact Assessment Regulations (2017)

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an

Environmental Statement and consideration of significant environmental impacts of development. For residential development the threshold to consider under Schedule 2 developments are 150 dwellings or 5 hectares (Criteria 10(b)).

The following are a list of further relevant documents:

- Conservation of Habitat and Species Regulations 2010 (as amended)
- Protection of Badgers Act 1992
- The Hedgerows Regulations 1997
- Charnwood Landscape Character Assessment (2012)
- Natural England National Character Area Profiles
- Leicester and Leicestershire Strategic Growth Plan (December 2018)
- Loughborough Science and Enterprise Park Concept Masterplan Framework (February 2016)
- Loughborough and Leicester Science and Innovation Enterprise Zone Implementation Plan (April 2019).

## **Relevant Planning History**

There is no relevant planning history on the application site but the following permissions are relevant due to their relationship to the application site and the considerations of the application.

### Science and Enterprise Park Phase 2

P/07/2740/2 – Outline permission with access detailed only for Science and Enterprise Park, land at Holywell Park, Ashby Road. Approved 01/06/19.

P/07/3548/2 - Sports park development comprising of B1 (A) offices for national sporting organisations, parking, landscaping, plant room building and multi-use games area. Approved 12/03/08.

P/08/2265/2 - Sports park development comprising of B1 (A) offices for national sporting organisations, parking, landscaping, plant room building and multi-use games area. (Variation of Condition 14 of planning permission P/07/3548/2). Approved 18/09/08.

P/09/1549/2 - Retention of the Sport park development without compliance with Condition 15 relating to a multi-use games area at land between Oakwood Drive and New Ashby Road. Approved 08/10/09.

P/14/0322/2 - Formation of access road, landscaping and associated infrastructure. (Reserved matters - outline P/07/2740/2 refers). Approved 05/08/14.

P/14/1043/2 - Erection of three storey innovation centre and associated works. (Reserved matters - outline application P/07/2740/2 refers). Approved 01/09/14.

P/18/0152/2 – Reserved matters application (P/07/2740/2) for a 9560sqm office building. Approved 10/09/18.

## Garendon Park

P/14/1833/2 - Outline planning permission for residential development up to 3,200 dwellings; up to 16 ha of employment land of B1/B2 and B8 uses; a mixed-use Community Hub of up to 4 ha comprising a local convenience retail unit (2,000 sqm); up to 1,000 sqm of other A1 retail, A2 financial and professional services, A3 food and drink, B1 business and D1 uses, sites for Gypsy, Travellers and Travelling Show people provision totalling 1 ha; 2 primary schools up to 2 ha each; strategic open space including allotments; access roads and new Strategic Link Road; open space/landscaping and associated works; principal means of access; restoration of Garendon Park and assets; all other matters to be reserved. Approved 20/07/18.

### **Response of Statutory Consultees**

#### Leicestershire County Council Highway Authority

The Local Highway Authority (LHA) advice is that the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to conditions and obligations.

#### Highways England

Highways England was previously consulted on this proposal during pre-application stage and provided comments on the Environmental Impact Assessment (EIA) and Transport Assessment (TA) to be prepared in support of the application. Following the above, Highways England was consulted on the formal planning application for this proposal in March 2019. Based on our review of the information submitted in support of the formal application, we identified several outstanding issues that were required to be addressed by the applicant for Highways England's purposes. These issues, associated with the assessment of development's impacts on the Strategic Road Network (SRN) junctions in the area (mainly the M1 J23), were detailed in Highways England's formal response dated April 2019.

Since April 2019 Highways England has been in discussion with the applicant's transport consultant in order to resolve the outstanding matters. The applicant has recently submitted a capacity assessment for the M1 Motorway J23. Having reviewed it this assessment the Highways England has confirmed they are satisfied that this has been carried out in line with the requirements of DfT's Circular 02/2013. The assessment shows that traffic generated by the development in the proposed opening year (2021) can be suitably accommodated within the M1 Motorway J23 improvement scheme committed as part of the West of Loughborough Sustainable Urban Extension.

Based on the above, HE raises no objections subject to the inclusion of a planning condition to secure the M1 junction works are in place prior to the the first occupation of the development hereby permitted, is placed on any grant of planning permission.

#### Leicestershire County Council Lead Local Flood Authority

Leicestershire County Council as Lead Local Flood Authority (LLFA) advises that the proposals are considered acceptable to the LLFA and advise a number of planning conditions be attached to any permission granted.

### National Forest Company (NFC)

The National Forest Company advise that the application should be considered in light of Core Strategy policy CS12 which requires the development to comply with the National Forest Company's Planting Guidelines as set out in our Guide for Developers and Planners. These would expect 30% of the site area to be woodland planting and landscaping. As the application site extends to 39.51ha, the policy requirement will be for a minimum of 11.85ha of woodland planting and landscaping.

The National Forest Company consider that they also highlight Policy CS23 also expects 40% of the overall site to be green infrastructure (GI), 'designed to maintain key linkages across the site connecting into the surrounding network'. The National Forest Company advise that 13.21ha of strategic green infrastructure is provided as well as 3.95ha of on-plot green infrastructure. Therefore the quantity requirements of policies CS12 and CS23 have both been met. The National Forest Company requests that a condition is imposed for the reserved matters submission to comply with the Parameters Plan (10-161 P005) which sets out the amount of strategic and on-plot green infrastructure.

The National Forest Company considers that further information is required, to demonstrate that while the quantity requirement is met, consideration has been given to how the green infrastructure will work and be laid out. Key areas should be identified and further indicative detail provided on how each area might look, what purpose does that area serve on the green infrastructure network, how does it contribute to ecological connectivity, public access enhancements, the setting of the new development etc.

### Leicester City Council

Leicester City Council has no objection, given that the site is allocated as an extension to the Loughborough Science Park.

### Environmental Health

Noise - A qualitative construction noise and vibration assessment was undertaken, and mitigation measures were recommended. This included a proposed "Construction Environmental Management Plan" (CEMP) to minimise the potential impact from noise and vibration at existing sensitive receptors. The report concluded that with the implementation of the mitigation measures identified, noise and vibration from the construction phase would be 'not significant'. The assessment methodology was generally sound and was in line with appropriate technical guidance.

The report considered the impact of existing noise sources at proposed noise sensitive areas of the subject site (i.e. hotel). The assessment demonstrated, that with the implementation of an appropriate glazing and ventilation scheme, internal noise levels, as recommended in "BS8233:2014- Guidance on Sound Insulation and Noise Reduction for

Buildings”, could be achieved. Noise from existing sources was therefore considered to be ‘not significant’.

Noise generating elements of the proposed development were assessed at existing sensitive receptors (ESRs). The report identified design criteria and noise limits for fixed external plant and equipment. Noise from HGV deliveries and movements, and development generated road traffic were also assessed.

The report suggested that providing the noise limits for fixed plant were adopted, noise from the proposed development was considered to be ‘not significant’.

The Environmental Health Officer considers the assessment methodology was sound and was in line with appropriate technical guidance. The mitigation measures as identified in section 11 of the report are therefore considered necessary and appropriate and it is advised that these should be secured via condition

Air Quality - The submitted assessment considered construction phase dust impacts and operational phase road traffic emissions. The Environmental Health Officer considers the report provides a fair assessment of both. A qualitative construction phase dust assessment was also undertaken by the applicant in accordance with relevant guidance. A detailed road traffic emissions assessment was also undertaken to consider the impact of development generated road traffic on local air quality at identified receptor locations.

The Environmental Health Officer has confirmed the assessment methodology is generally sound and was in line with appropriate technical guidance namely; IAQM document ‘Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance’ and professional judgement. The report identified measures and/or recommendations to minimise emissions during construction activities for inclusion in the CEMP or dust management plan (DMP) and these should be secured via condition on any approval of planning permission

The Environmental Health Officer has confirmed that road traffic emissions were modelled and the report concludes that no significant residual impacts on air quality were anticipated and as such no additional mitigation measures were recommended. However, the Environmental Health Officer considers, the project’s Travel Plan details a number of mitigation measures which should minimise the proposed development’s transport emissions by encouraging sustainable modes of transport and limiting private vehicle use which should be encouraged.

Ground Contamination - Due to the lack of development history, the localised nature of the potential sources, and the likelihood of shallow soils being largely cohesive, the risk to both human health and controlled water receptors is considered to be low. The submitted report concluded that by conducting earthworks in line with CIRIA C741 Good Practice on Site (4th edition 2015) and with the adoption of a Construction Environment Management Plan (CEMP) including soil dampening and boundary dust monitoring during earthworks, the potential for damage to topsoil and soil particulate run-off would be minimised.

Based on the information presented and with the implementation of the impact avoidance and mitigation measures proposed, the potential risks associated with the construction and operation of the proposed development were assessed as being “not significant”.

### Historic England

Historic England confirmed on the 30<sup>th</sup> April 2019 that they note the additional information that is contained within the appendices including photomontages, which indicate that the development would indeed be visible within views from the Grade II\* listed Temple of Venus within the Registered park and garden. Historic England advise the local planning authority that they should use these to aid them in their assessment of the of impact upon the wider setting of the heritage assets in question and in turn judging the level of harm to their significance. Unless Historic England are re-consulted by the lpa, for whatever reason, Historic England have no further comments to make at this time.

Historic England commented on the 5<sup>th</sup> April 2019 - The development would indeed be visible within views from the Grade II\* listed Temple of Venus within the Registered Parks and Gardens (PaG). Advise that the additional information is taken into consideration and the planning application determined in accordance with the principles and requirements of the NPPF as per previous correspondence.

Historic England has concerns regarding the application on heritage grounds. They consider that the issues and safeguards outlined in their advice need to be addressed in order for the application to meet the requirements of paragraphs 189; 190 of the NPPF.

In determining this application Historic England consider that the planning authority should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

### Environment Agency

The Environment Agency has no objections to the application as currently proposed. However this is an outline application with some of the flood risk management measures still to be fully defined. They would expect that the full details of all flood risk management measures are included within further, detailed submissions. To this end further details on: the design and provision of floodplain compensation areas resulting from any ground rising within the floodplain; the design of the new culvert on the Burleigh Brook; and clarification of the Finished Floor Levels (FFL) to be achieved should be required. These measures should be fully tested within the hydraulic model developed to support the proposals.

The Environment Agency have undertaken a review of the hydraulic modelling report included with this application and is satisfied that the modelling approach is appropriate for this development. The Environment Agency has been unable to find any evidence that sensitivity testing has been carried out on the model to changes in the roughness coefficient used. The Environment Agency would expect to see an assessment of the risk to the development from blockages to both the existing and proposed new culverts within the development boundary.



The proposed development will only meet the National Planning Policy Framework (NPPF) policy to ensure new development is safe for its lifetime and does not increase flood risk elsewhere if the recommended planning conditions are included in any approval of planning permission.

#### Leicestershire County Council Public Rights of Way

The County Council states there is a need for detailed discussion on the treatment of the Public Rights of Way and recommend that such provision is dealt with as a reserved matter and that a planning condition relating to details should be placed on any outline planning permission granted for the site.

#### Leicestershire Police, Architectural Liaison Officer

No objections but a series of recommendations are made in relation to designing out crime.

#### East Midlands Airport

The Safeguarding Authority for East Midlands Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. They have no aerodrome safeguarding objections to the outline proposal subject to the addition of conditions relating to bird strike avoidance with the drainage lagoons and glare. An information note relating to crane heights is also suggested.

### **Third Party Representations**

A total of 26 letters of objection have been received from local residents and Loughborough University. The objections raised include:

#### Environment

- Loss of agricultural land.
- Loss of open space.
- There must be other more suitable brownfield sites.
- The development borders on the remnants of the old Charnwood Forest Canal.
- The proposal would significantly and adversely impact on the first impressions of entering the town.
- Destruction of wildlife.
- Out of keeping with the area.
- The development would lead to an increase in the volume of water draining off the site.

#### Amenity

- This is the wrong location for an industrial estate.

- The proposal will have an adverse effect on the street appearance of Snells Nook Lane.
- The development will become a motorway stop.
- There will be noise and pollution issues from the development to nearby residents.
- Why does the development need to come so close to the village?

#### Infrastructure

- Lack of bus service.

#### Highways

- The proposal will add to already congested roads.
- There are already traffic issues on Snells Nook Lane.
- Raise concerns about the flow of traffic from the development which will allow build-up of traffic on the lane at peak times.
- Vehicles using the development should be restricted to use of the A512 junction as entry/exit.
- The service road through the site should be circular without the need for points of entry across Snells Nook Lane.
- The submitted traffic data shows an increase in traffic.
- The traffic data does not show the traffic flow for each hour.
- The traffic impact assessment is unrealistic.
- The proposals for altering Snells Nook Lane will not reduce queuing traffic length;
- Changing the traffic light sequencing at Prior Crossroads will not mitigate the development;
- There are existing problems turning out of Longcliffe Gardens on to Snells Nook Lane at peak times as well as noise and fumes. The development will make this worse;
- The character of the area is being changed by the amount of development and new traffic associated with it.
- The improvements to the Snells Nook Lane related to this proposal amount to an extra lane at the crossroads which will only reduce the queuing traffic by the length of 4 to 5 vehicles.
- More needs to be done to discourage use of single occupancy vehicles.
- There are some good recommendations in the report to encourage the use of public transport, to encourage cyclists and pedestrians.

#### The proposal

- Why does an industrial estate in reach of the town centre require a restaurant, hotel, gym, bank, a shop and a conference centre? This takes business away from the town centre.

- Impact on town centre retail.
- Claims about the increase in jobs and economic development are unsubstantiated and optimistic.
- It is inappropriate because it includes extensive commercial and entertainment developments that are incompatible with the designation as a science park.
- It is untimely because the Loughborough University Science and Enterprise Park on the land to the east of Snells Nook Lane has plenty of space for development.
- The hotel, restaurant and other entertainment aspects will be built first.
- No compelling case has been put forward for the development.
- The development does not comply with the core principles of the science and enterprise park master plan frameworks final report.
- There has been no public consultation on the Hawkins Brown concept masterplan. It would be unsound for the application to be considered until there has been meaningful consultation about the concept master plan.
- The proposal does not comply with CBC's vision for the park as being a green space with low-density, well designed buildings.
- There has been a lack of consultation with residents prior to submission of the planning application.
- Insufficient weight is given to neighbour's objections. On this occasion we require the planning officer to present a balanced recommendation to the plans committee.
- We were assured that:
  - There would be no speculative built development.
  - The site would be developed for hi tech uses.
  - The site would not be allowed to be over developed.
  - No modifications have been made to the access from Snells Nook Lane as requested.

As such the application should be refused on the grounds of misdirection.

- There are also more suitable developers as Wilson Bowden do not own the site.
- The height of the buildings would be too prominent.
- The application states that B1 would take up 38% of the total floor area and 53% of the total floor area to be B2. If the application was actually for a science park the B1 use would be between 80-100%. As proposed the site cannot be classed as a science park
- The proposed screening is not suitable.

The ward member, Councillor Smidowicz has raised the following concerns:

- The change from the original outline planning permission for a science park to a general retail and leisure park is very unwelcome.
- Too many towns are blighted by grey non-descript sheds with no character. Appropriate landscaping and architecture are required to ensure an attractive approach to Loughborough from J23.

- Snells Nook Lane is already very congested. Service roads should not connect with Snells Nook Lane.
- The developers should provide a relief road from the A512 to Nanpantan Road to solve the traffic issues.

Full copies of all representations can be found on the Council's website.

## **Consideration of the Planning Issues**

This application is for outline planning permission as explained at the beginning of this report and the key considerations are therefore the following:

- Principle of development
- Highways Impact and Mitigation
- Impact on Local Heritage Assets
- Pre-application Engagement
- The quality and Design of the Development
- Layout and the Indicative Masterplan
- Landscape Impact
- Long term Management of Open Space & Green Infrastructure
- Loss of Agricultural Land
- Flooding and Drainage
- Ecology Wildlife and Trees
- Retail Impact
- Relationship to Neighbouring Properties
- S106 developer contributions

### Principle of Development.

The starting point for decision making on all planning applications is that they must be made in accordance with the development plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Borough of Charnwood Local Plan are therefore the starting point for consideration.

Policy CS1 defines the settlement hierarchy and the criteria for considering proposals within individual tiers of settlements. The Development Strategy set out in the Policy seeks to guide development to locations that are well connected to jobs, services and infrastructure in order to provide a sustainable pattern of development. Policy CS1 guides development to the Leicester Principal Urban Area, as priority location for growth; with the majority of the remaining growth being directed to Loughborough and Shepshed. As part of this development strategy Policy CS1 make provision for a Sustainable Urban Extension to the west of Loughborough (north of the A512) of up to 3,200 homes and up to 16 hectares of employment land – planning permission reference P/14/1833/2. Crucially for this proposal Policy CS1 also makes provision for up to a 77ha extension to the Science and Enterprise Park to the south of the A512 and to the west of Loughborough on land adjacent to Loughborough University to complement the sustainable urban extension allocation. This application is for the development of the western half of this site for the development of a science and enterprise park.

The key policy directive for the site is Policy CS23, the full wording of which is as follows:

*“Loughborough University and Science & Enterprise Park*

*We will allocate 77 hectares of land to the west of Loughborough University for an extension to the Science and Enterprise Park.*

*This will include 35 hectares of land to the east of Snell’s Nook Lane for Phase 3 and 42 hectares to the west of Snell’s Nook Lane for Phase 4.*

*By 2028 the Science and Enterprise Park will deliver at least 111,000 sqm of space in a landscaped campus that:*

- provides for uses that directly relate to the University’s own operational activities including teaching, research and development, administration, student accommodation and sports facilities;*
- provides for the development of businesses operating within or directly supporting the knowledge based sector;*
- delivers a range of development opportunities that includes an innovation centre, space for business start-ups, grow on units for small and medium sized enterprises and potential for inward investment;*
- provides for appropriate ancillary uses to serve the Science and Enterprise Park and ensures that any main town centre uses are in accordance with Policy CS9;*
- protects historic and archaeological features including the setting of Garendon Registered Park and Gardens and its assets in accordance with Policy CS14;*
- integrates with the sensitive landscape and respects it’s character, biodiversity and appearance in accordance with Policy CS11 and CS13;*
- retains 40% of the overall site area for green infrastructure, designed to maintain key linkages across the site connecting into the surrounding network in accordance with Policy CS11 and CS12;*
- provides high quality design and innovation in the form and layout of the development, buildings and green space in accordance with Policy CS2;*
- where viable, exceeds the Building Regulations for carbon emissions in accordance with Policy CS16;*
- delivers buildings and spaces that have been designed to be adaptable to future climatic conditions including extremes of temperature, drought and flooding in accordance with Policy CS16;*
- includes appropriate Sustainable Drainage Systems and flood alleviation measures and where possible reduces flood risk in Loughborough in accordance with Policy CS16;*
- provides genuine choice to walk and cycle and is well connected to public transport networks in accordance with Policy CS17; and*
- makes a positive contribution to the provision of highway infrastructure as identified through a Transport Assessment in accordance with Policy CS17 and CS18.*

*We will do this by working with our public and private sector partners, including Loughborough University, to:*

- prepare a flexible Development Framework, including delivery and phasing arrangements and a masterplan that sets parameters and a phasing strategy for the delivery of a cohesive development;*
- establish an economic development strategy to capture the wider benefits of the development; and*
- support the University in the development of management and marketing practises that assist the delivery of the Science and Enterprise Park;*

*We will require the flexible Development Framework and detailed planning applications to be informed by a Green Infrastructure Strategy and a Sustainability Assessment that identifies the developments response to carbon emissions reduction and climate change resilience.”*

Policy CS23 contains some very specific aims that seek to ensure that the Science and Enterprise Park is bespoke, high quality, set within a green landscape that provides high quality employment. Paragraph 10.51 of the preamble to CS23 states:

*"We do not want to see the Science and Enterprise Park used for general industrial development or Warehouses. The Science and Enterprise Park will only work if it is purely for businesses within the knowledge-based sector. Such businesses rely on the creation, evaluation and trading of knowledge. These types of businesses include high and medium technology manufacturing, communications technology, financial and professional services, creative and cultural industries and employment in education and health care."*

The preamble to this policy also states in paragraph 10.54:

*"The landscape will need to be planned for carefully. Early phases of the Science and Enterprise Park have maintained a parkland setting by retaining 40% of the development site as open and undeveloped. We want to continue this and will only allow an extension to the Science and Enterprise Park within this attractive landscape because of its outstanding economic advantage and the fact that it can be developed in a landscaped parkland setting."*

Both of these aspects are reflected in the wording of the policy itself but it is important to understand the context behind this.

Whilst the proposal is in outline only, with access included, it is vital that the structure for achieving the stated aims of the policy is set with any outline planning permission both with planning conditions and S106 obligations. Matters of heritage and archaeology; landscape; green infrastructure; high quality design; carbon emissions; SuDs and flood alleviation; transport; and economic development will be considered in detail in the sub-headings that follow.

It is considered that there are three key matters that warrant further debate in determining the principle:

- Control of use;
- definition of knowledge-based sector; and
- the flexible development framework.

These are considered in turn below.

#### Control of use -

The development description is copied in full in the title page for this report and includes very specific use class orders and associated floor space. Any future development would need to accord with the planning conditions, the obligations in the S106 Agreement and the development description on the decision notice. It is important that this park is developed out in such a way, that it accords with the requirements of the policy and that it does not revert to general business or storage uses over time. It is also important that ancillary uses are delivered at the appropriate scale and time. Finally, to ensure the site develops out in accordance with stated aims of policy CS23 it is important to remove permitted development rights for the stated use classes to avoid any changes of use that would not accord with the aims of policy CS23. For these reasons it is considered that the best way to control this aspect would be via an obligation in the associated S106 Agreement. The wording is to be agreed but the heads of terms in recommendation A list the key constraints required to control uses and to meet the requirements of policy CS23.

#### Knowledge-based sector –

It is a key aim of Policy CS23 that the park provides for the development of businesses operating within or directly supporting the knowledge-based sector. Paragraph 10.51 of the Core Strategy sets out that the Science and Enterprise Park concept will only work if it is purely used for businesses within the knowledge-based sector. It explains that such businesses rely on the creation, evaluation and trading of knowledge. These types of businesses include high and medium technology manufacturing, communications technology, financial and professional services, creative and cultural industries and employment in education and health care. It is important that a definition is set out within the S106 Agreement to assist both the Borough Council and the applicant in the development of this site. The suggested planning condition states that any development on this site must be occupied by a business that conforms to the definition of knowledge-based sector as defined in the accompanying S106 Agreement. This would satisfy the tests for an acceptable condition and obligation and in turn ensure that any future development is occupied in accordance with this site specific constraint.

#### Flexible development framework –

A fundamental aim of Policy CS23 is that the overall site is developed out in a cohesive way. The policy states that the Borough Council will work with private and public sector partners to prepare a flexible development framework plan. In 2015 the Borough Council commissioned Hawkins Brown to prepare a concept masterplan framework. A partnership was formed of Charnwood Borough Council, Loughborough University, Leicestershire County Council and Wilson Bowden. The partnership developed proposals for the physical environment of the Park, underpinned by an assessment of its viability and deliverability.

The Concept Masterplan Framework was finalised in February 2016 and sets out a framework for:

- The location of the strategic road infrastructure.
- The location of primary and secondary roads within the Park.
- Access points and gateways into the Park.
- The location of the strategic ecological corridors and natural parkland features.
- The location and size of development parcels and their predominant land use.

Page 66 of the Hawkins Brown Report follows on from this and states: *“This framework only sets out the proposed structure of the Park, safeguarding the key qualitative and spatial principles...The Framework is flexible enough to accommodate development in a number of different ways, taking into account possible future changes in market trends or delivery mechanisms.”*

For the purposes of Policy CS23 the Hawkins Brown Report provides a flexible development framework plan and is a material consideration in the determination of this planning application. The Concept Masterplan Framework is considered to satisfy the requirements of the Policy.

The application site is within the allocated site for the extension of the Science and Enterprise Park as defined in Policy CS23. It is considered that the layout, development plots and green infrastructure as indicated on the illustrative masterplan submitted with the outline planning application accord with the principles of policy CS23 and the Hawkins Brown Concept Masterplan Framework and can be controlled by planning conditions for future reserved matters applications and by planning obligations secured in a S106 legal agreement. In terms of the access, the submitted details accord with the broad aims of the

flexible development plan provided by the Hawkins Brown Concept Masterplan Framework. As such it is considered that the application is acceptable in principle and accords with the fundamental aims of Policies CS1 and CS23. The remainder of the report therefore addresses the other planning considerations against which the application proposal should be measured.

### Highways Impact and Mitigation

Policy CS17 of the Core Strategy seeks to provide a genuine choice for our community to walk, cycle or take longer trips on public transport. Development is expected to be managed in ways which secure improvements or results in an efficient and effective transport network. Policy CS18 of the Core Strategy seeks to maximise the efficiency of the local and strategic road network by 2028 by requiring new developments (including this application) to deliver an appropriate and comprehensive package of transport improvements.

Paragraph 111 of the NPPF states developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Paragraph 108 further states that decision makers should ensure that the opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved, and improvements can be undertaken within the transport network that cost effectively limits the significant impact of the development. Paragraph 109 in turn states that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.

The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the planning conditions and planning obligations detailed in recommendation A and B of this report.

The Local Highway Authority (LHA) understands that this is an outline planning application with all matters reserved except access. The main site access is on to the A512 Ashby Road and two secondary accesses are proposed on to Snells Nook Lane.

The Developer proposes to take access off the A512 via a 4 armed partially signalised roundabout. This roundabout would also provide access to the Garendon SUE (P/14/1833/2) development, located north of this development site and was required as a planning condition to that consent. Access to this development proposal will be therefore taken off the southern approach of the roundabout.

The roundabout forms part of the wider M1 Motorway J23 / A512 improvement works also obligated to the P/14/1833/2 consent. This project aims to deliver junction and road improvements to the M1/J23 and A512 to increase capacity and ease congestion, and specifically unlock significant land for new development. These works have commenced on site, led by the Local Highway Authority. The Local Highway Authority advises that the access has been designed in accordance with the appropriate standard DMRB TD16/07 and is considered safe and suitable in accordance with the National Planning Policy Framework.



The applicant proposes two secondary accesses onto Snells Nook Lane. Both accesses are proposed to be priority T-Junctions and have been designed in accordance with the appropriate standard DMRB TD 42/95. The proposed masterplan shows the Snells Nook Lane access points overlaid with roundabouts as part of a potential future upgrade; this is shown to provide an east-west connection into the parcel of land to the east of Snells Nook Lane forming part of the wider allocation in the Local Plan but outside the redline of this planning application. The applicant has indicated that land around these accesses will be reserved so that ultimately, and if required, the accesses could be upgraded to roundabouts to accommodate a future development on the eastern side of Snells Nook Lane, and appropriate works to Snells Nook Lane. The reservation of land should be secured through a S106 legal agreement.

With regards to the internal highway layout, the detail of the internal arrangements of the site will form part of later reserve matters applications. . The indicative masterplan submitted with the application shows Snells Nook Lane realigned through the development site. The applicant has indicated the design specification i.e. highway geometries, design speed, and indicative layout which demonstrates that, subject to detailed consideration, the internal spine road proposal can be delivered. This will be considered as part any Reversed Matters application, detailed design, road safety audits and S38/S278 consent.

With regards to pedestrian accessibility, the Masterplan shows internal connections for pedestrians and cyclists, including connecting footways to the proposed internal highway layout. Pedestrian and cycle access to the site will be provided from the new site access junction on the A512. The applicant has explored the possibility, following analysis of the proposed pedestrian catchment areas and demand, of a new footway linking to Nanpantan alongside Snells Nook Lane. The applicant has indicated a commitment to providing this infrastructure which should be secured by planning condition with an appropriate trigger point for delivery.

With regards to Public Transport, the location of the development site means that there is a realistic prospect of serving the site by public transport. A flexible approach should be taken to the public transport strategy in terms of the most effective, operationally sustainable and reliable service, which may be subject to end-user requirements and build-out of the development. Once development becomes occupied there would be an opportunity to provide public transport infrastructure within the site e.g. bus stops/ shelters allowing buses to serve the internal site. An appropriate trigger/ mechanism should be detailed within the S106 legal agreement and details of phasing should be included within a public transport strategy.

Highway Impact Assessment, the transportation analysis for large development sites are normally tested using a strategic transport model due to the complex and interrelated transport issues. This means that effects of traffic re-distribution and the interaction between junctions can be tested and understood. The Highway Authority and applicant have undertaken thorough traffic modelling and impact assessment. The Highway Authority confirms that the analysis demonstrates that the highways works provide a positive economic benefit. This means that following the implementation of the above works, and the introduction of development traffic, the potential negative impacts of development traffic can be mitigated on the A512 and M1 Motorway Junction 23. The Applicant has confirmed their commitment to contributing towards these improvements on a proportional basis and has

already signed up to the highways S278 Legal Agreement for the upgrade to the A512 and provision of the new roundabout, for which work has already commenced.

The distribution of development traffic on the network takes account of the mode of travel associated with the land use. For example, the movement of HGVs would be entirely different from trips undertaken by employees by car or public transport. By segmenting trip distribution by mode of travel, the impact on the network by each mode can be isolated and analysed. This trip distribution has been undertaken using the LLITM gravity model.

Following on from the strategic traffic modelling, the developer has undertaken detailed traffic modelling of local junctions. Local committed developments have been included as part of the local junction testing and future year scenario modelling. This is entirely in-keeping with industry standard techniques. Of particular significance, the Applicant undertook a sensitivity scenario which included the entire allocated area of Policy CS23; the land east and west of Snells Nook Lane. This has been based on reasonable assumptions of anticipated trip making. A summary of the testing is as follows:

- Snells Nook Lane – A512. In 2024 the junction is anticipated to operate within capacity following the introduction of development traffic for both the AM and PM peak; The total allocated area is tested, the sensitivity test, the junction is anticipated operate slightly over capacity during the AM peak and within capacity during the PM; The scheme significantly outweighs the harm of no highway intervention at the A512 and, noting the constraints, available land and forecast traffic flows, the scheme is considered to be the optimal solution for access on the A512; a vital arterial link between the M1 and Loughborough Town Centre.
- Site Access- Northern access from Snells Nook Lane. T-Junction- In 2024 the junction is anticipated to operate within capacity following the introduction of development traffic in both the AM and PM peak. The junction is also anticipated to operate within capacity with the total allocation tested; Future Roundabout- In 2024 the junction is anticipated to operate within capacity following the introduction of development traffic in both the AM and PM peak. The junction is also anticipated to operate within capacity with the total allocation tested.
- Site Access- Southern access from Snells Nook Lane. T-Junction- In 2024 the junction is anticipated to operate within capacity following the introduction of development traffic in both the AM and PM peak. The junction is also anticipated to operate within capacity with the total allocation tested; Future Roundabout- In 2024 the junction is anticipated to operate within capacity following the introduction of development traffic in both the AM and PM peak. The junction is also anticipated to operate within capacity with the total allocation tested.
- Ashby Road/Snells Nook Lane Signal Junction. The junction currently operates within capacity; In the future, without development traffic, the junction is predicted to operate significantly over capacity in the AM peak and slightly over capacity in the PM peak; With development traffic, the junction deteriorates further; When the entire allocation is tested, the outputs indicate significant congestion at the junction; Despite all reasonable assumptions made by the Applicant, given it is not known at this time what the specific impacts of total allocation of development traffic will be the LHA would be concerned with prematurely introducing measures which may not mitigate the impact of development traffic of the total allocation; It is advised by the Highway Authority to ensure proposals cost effectively mitigate the residual cumulative impacts in accordance with the NPPF, that developer

- contributions are secured through a S106 legal agreement for both the provision of junction intervention and monitoring.
- A512 Ashby Road/A6004 Epinal Way Signal Roundabout. The junction currently operates within capacity; In the future, without development traffic, the junction is predicted to operate within capacity in both peaks; Following the introduction of development traffic, the junction is predicted to operate slightly over capacity during AM peak and within capacity in the PM peak; and Following the introduction of the entire allocation the junction is anticipated to operate significantly over capacity in the AM peak and within capacity in the PM peak; and the analysis shows the following the introduction of the entire allocation, the residual cumulative impact is predicted to be severe.
  - Snells Nook Lane/Nanpantan Road Signal Junction. The junction currently operates significantly over capacity; In the future, without development traffic, the junction is anticipated to operate significantly over capacity; This situation is significantly exacerbated when the entire allocation is tested: the LHA advises that there is a good prospect of delivering an improvement scheme at this junction to mitigate the severe harm of the residual cumulative impact of the development in accordance with the NPPF and secured via the S106 Agreement.

In relation to the specific point raised about changing the traffic light sequence, the objector has misread the consultee response from the Local Highway Authority and there is no requirement to amend the committee report in this respect. The Local Highway Authority response considers the applicant's proposal in full and whilst the applicant proposed some changes to the traffic light sequence in this location they did not consider it to be a viable option and as such does not form part of their suggested conditions or obligations in their formal response.

The comments from the residents in relation to travel plans are noted but it is considered that these matters are covered in the published report from pages 28 to 35 and in particular condition 24 on page 51 relating to the need for a site wide travel plan.

In conclusion the residual cumulative impacts of development traffic on the road network are predicted to be severe but can be cost effectively mitigated to an acceptable degree in accordance with the NPPF. This development proposed is a core policy objective allocated in Charnwood Borough Council's Local Plan. It poses a number of transport challenges. The Highway Authority advises the LPA that subject to planning conditions and obligations highlighted through these observations the development proposals are acceptable and the development would therefore accord with Policies CS17, CS18 and CS23 Charnwood Core Strategy and the advice contained within paragraphs 108, 109 and 111 of the NPPF.

### Impact on Heritage Assets

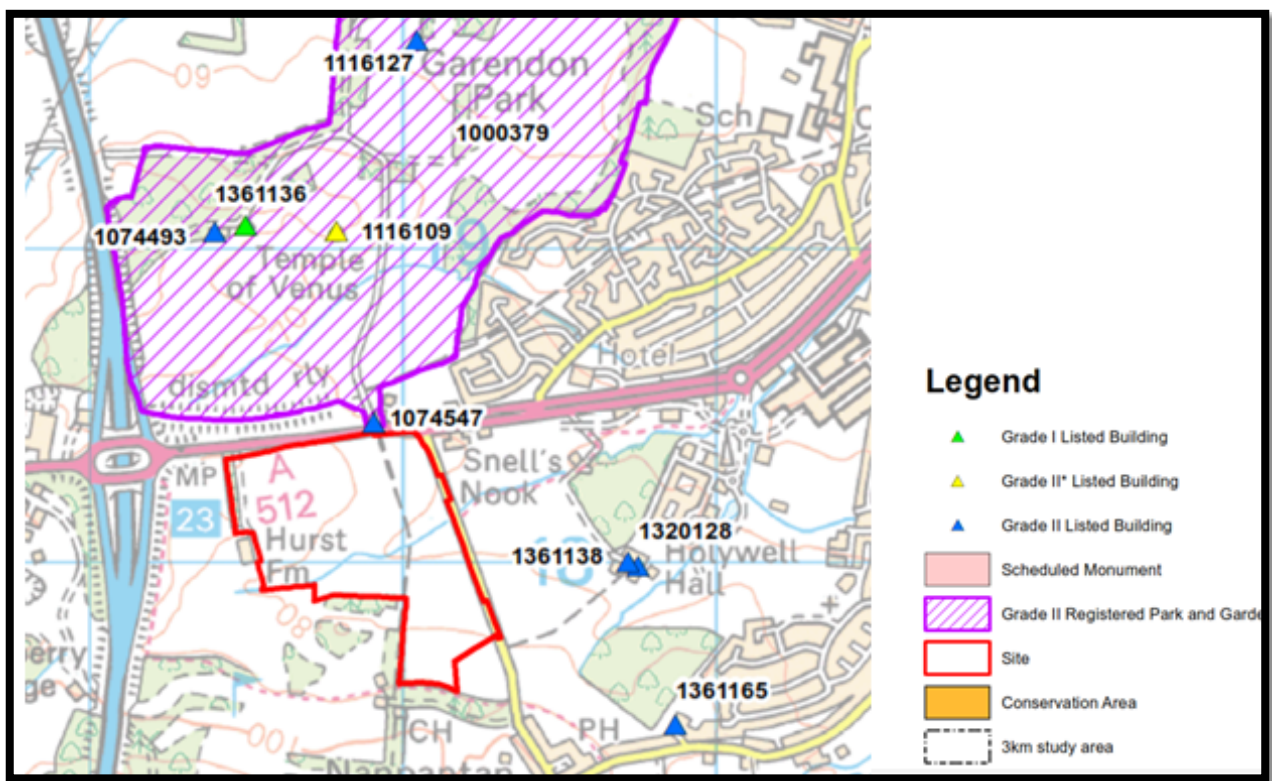
As stated above, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an authority's planning function, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paragraphs 189, 190, 193 and 196 requires an

assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.

Policy CS14 requires development proposals to protect heritage assets and their setting; supporting developments which have been informed by and reflect Conservation Area Character Appraisals, Landscape Character Appraisals and Village Design Statements; and supporting developments which incorporate Charnwood's distinctive local building materials and architectural detail.

There are no below ground archaeological remains currently recorded within the application site. A tree lined drive, formerly associated with Garendon Park is located within the application site and will largely be preserved in situ as part of the development.

In terms of built heritage, there are no listed buildings within the application site but a number are located within the vicinity of the site. The plan extract below shows the locations of these nearby heritage assets, including Listed Buildings, Registered Park and Garden and a Scheduled Monument.



The application is supported by an Environmental Statement within which Chapter 8 relates to Cultural Heritage. The original Environmental Statement was submitted on the 6<sup>th</sup> March 2019 with a detailed update received on the 5<sup>th</sup> April 2019. The April 2019 update included a detailed update to the Cultural Heritage chapter, with series of historic maps, site photos and detailed analysis of the impact on the setting. Chapter 8 of the Environmental Statement is also supported by a detailed appendix which has historic maps and viewpoints from the site to the heritage assets.

The updated Environmental Statement confirms:

- That there is no evidence to suggest that archaeological remains are located within the site which would present a significant constraint.
- The Grade II Registered Park and Garden of Garendon is located approximately 25m to the north of the Site. An overgrown 19th-century tree-lined drive within the Site was formerly associated with Garendon, and makes a very minor contribution to its overall significance. The rural land and vegetation within the northern part of the site also makes a very minor contribution to its significance as undeveloped land within the middle ground in views southward from the park, to the higher wooded hills of Charnwood Forest beyond. The Site also makes a very minor contribution to the significance of the Grade II\* Listed Temple of Venus and the Grade II Listed White Lodge within Garendon for the same reasons.
- The Grade II Listed Lodge to Garendon Park is located c. 25m north of the Site. The tree-lined drive within the site was formerly associated with the lodge, and makes a minor contribution to its significance. The vegetation along the northern Site boundary and the rural land within the northern part of the site (visible from the lodge during the winter months) makes a very minor contribution to its significance through its aesthetic value, as part of the rural surrounds.
- Hurst Farm, immediately to the west of the Site, is a 19th-century farmstead containing a number of non-designated farm buildings. The rural land within the Site makes a minor contribution to the significance of these buildings, as historically associated agricultural land.
- No further heritage assets within or beyond the 3km study were considered to be sensitive to development within the Site.

Having reviewed Chapter 8 and the appendices, officers consider the above comments are a fair and reasonable analysis of the cultural heritage of the site and surroundings.

Paragraph 189 of the NPPF states that: *“In deterring applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. When a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-base assessment and, where necessary, a field evaluation.”*

Paragraph 190 of the NPPF states: *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking into account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*

The comments from Historic England are noted and in particular their comments of the 30<sup>th</sup> April 2019 are noted. Officers consider that the cultural heritage supporting evidence submitted in its entirety does indeed satisfy the requirements of paragraph 189 of the NPPF - in particular the supporting evidence in the April 2019 appendices.

In relation to paragraph 190 it is considered that the development would have a moderate impact on the heritage significance of the setting of the Garendon Grade II registered park and garden and the grade II listed Temple of Venus. It is considered that the development would have a minor impact on the heritage significance of the setting of the grade II White Lodge and Lodge to Garendon Park, due to the separation distances, the transect of the A512 and the proposed mitigation. Similarly, it is considered that the development will have a minor impact on the non-designated setting of Hurst Lodge. The local planning authority has therefore conformed to the requirements of paragraph 190 of the NPPF.

The development site is an allocated site in the adopted Core Strategy for a Science and Enterprise Park – Policy CS23. One of the stated aims is that the development on this site must protect the historic and archaeological feature including the setting of Garendon Registered Park and Gardens and its assets in accordance with Policy CS14. It is noted that there is an extant planning permission for 3,200 dwellings and 16 hectares of employment land on the Garendon site itself which will be served by a new access and roundabout on the A512. The application site will be served off the same new roundabout. The site access road south of this new roundabout has therefore been set. It is considered that the phasing of the frontage development as submitted with this application and the reduced maximum ridge heights along the same frontage development, as detailed on the parameters plan are positive responses to the setting of Garendon Park. Furthermore, the conditioning of these two plans with any grant of planning permission would set the framework for future reserve matters applications in ensuring that the necessary standards to protect the heritage assets are maintained with any future development on this site.

Paragraph 196 of the NPPF states: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

The site is allocated for a Science and Enterprise Park in the adopted Core Strategy. This planning application seeks outline permission for the same use and is the first application in the implementation of the development of this allocated site. The proposal would therefore assist the Borough Council in the delivery of a key development site and bring forward economic development in terms of business development and jobs. The site is in a prominent location at a key entrance point to the town. The highway network fronting the site is in the process of being upgraded and a new roundabout and entrance to the application site will be provided, part funded by the applicant. As the development proposal would lead to less than substantial harm it is considered that this harm is outweighed by the public benefits detailed above and as such accords with paragraph 196 of the NPPF.

In conclusion and in accordance with the Act, guidance contained within the NPPF and Core Strategy Policy CS14, it is considered the proposed development would cause less than substantial harm to the significance of the designated archaeological and heritage assets and would be considered appropriate with the aims and objectives of legislation, policies of the Development Plan and the NPPF as a material planning consideration.

## The Quality and Design of the Development

Policy CS2 of the Core Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale design and public views. Policy CS23 has a list of requirements including a specific requirement to provide high quality design and innovation in the form and layout of the development, buildings and green space in accordance with Policy CS2. This is further reinforced by the requirements of the flexible development framework, in this case the Hawkins Brown Concept Masterplan Framework, which seeks to set the key qualitative and spatial principles for the overall site which in turn will ensure a cohesive, design, layout and use of space.

Part 12 of the NPPF attaches great importance on good design and seeks to promote development which is appropriate in terms of overall scale, massing, height, landscaping, layout, materials and access in relation to neighbouring buildings and the local area more generally. It further states that *'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'*.

The National Design Guide (October 2019) addresses the question of how we recognise well-designed places, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. Well-designed places have individual characteristics which work together to create its physical Character. The ten characteristics help to nurture and sustain a sense of Community. They work to positively address environmental issues affecting Climate. They all contribute towards the cross-cutting themes for good design set out in the National Planning Policy Framework. It is considered that the policy context of CS23 is aligned with the principles of this Design Guide.

This application does not include appearance as part of the considerations, but it is important to ensure the appropriate planning conditions are attached to the outline planning permission to ensure both design quality and unity across the site. For this reason it is recommended conditions are attached to ensure that any reserved matters application needs to include a Design and Access Statement. This approach and the quality of the indicative designs in the Design and Access Statement conform with the stated design aims in policy CS23.

It is considered that subject to conditions a suitable design can be achieved. This would need to be brought forward as part of a future Reserved Matters submission for the development to be considered to accord with the aims and objectives of saved policy EV/1 of the Local Plan and Policies CS2 and CS23 of the Core Strategy.

## Layout and the Indicative Masterplan

Saved Policy EV/1 of the Local Plan and Policies CS2, CS3, CS11, CS12, CS13, CS15, CS16 and CS17 of the Core Strategy are of particular relevance in seeking to establish high quality design and parameters for a future detailed submission. The indicative layout sets out a broad development parameter of development areas, open space and a road network. Comments received to the application have largely been focused on the principle of development but it is noted that a number of objections raise concerns with regard to the impact of the proposals on the amenity of existing residents.

The indicative layout includes a number of key features which are set out in the applicant's Design and Access Statement. These include the provision of a range of types, sustainable drainage proposals, a Green Corridor for the footpath and. The proposals also include new planting proposals.

The merits of the submitted indicative plan have been carefully considered the proposal accords with the concept masterplan in the Hawkins Brown report and as such it is considered policy compliant in terms of the flexible development framework. In combination with this plan the applicants have submitted a parameters plan and a phasing plan – it is recommended that both plans are secured via a planning condition.

In accordance with Policy CS23 and due to the key strategic location of the site it is considered appropriate to develop out the site in this order, so that the key frontage is developed first and that the ancillary hub is built out in the phased order.

The site is undulating with the bigger maximum ridge heights located on the lower land and on land with a mature screening of trees along the southern boundary. The details on the parameters plans are therefore considered acceptable.

For the reasons outlined above, it is considered that the indicative layout could be capable of delivering a high quality development. This would need to be brought forward as part of a future Reserved Matters submission for the development to be considered to accord with the aims and objectives of saved policy EV/1 of the Local Plan and Policies CS2, CS3, CS11, CS12, CS13, CS16, and CS17 of the Core Strategy.

### Landscape Impact

Policies CS2, CS11, and CS12 of the Core Strategy are of particular relevance alongside saved Policy CT/4 of the Local Plan. Policy CS2 seeks to ensure that development respects the site's context in terms of the wider character of the area.

Policy CS11 seeks to support and protect landscape and countryside by requiring new development to protect landscape character and to reinforce a sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments. Paragraph 170 of the NPPF states at part a) that planning policies and decisions should protect and enhance valued landscapes and goes on to clarify that this should be in a manner commensurate with their statutory status or identified quality in the development plan. Part b) states that planning policies and decisions should recognise the intrinsic character and beauty of the countryside. Paragraph 172 then states: *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues”*.

In relation to landscape matters CS 23 states that the Science and Enterprise Park will deliver a landscaped campus that:

- integrates with the sensitive landscape and respects its character, biodiversity and appearance in accordance with Policy CS11 and CS13;



- retains 40% of the overall site area for green infrastructure, designed to maintain key linkages across the Site connecting into the surrounding network in accordance with Policy CS11 and CS12;
- provides high quality design and innovation in the form and layout of the development, buildings and green space in accordance with Policy CS2;
- provides genuine choice to walk and cycle and is well connected to public transport networks in accordance with Policy CS17.

The application site comprises agricultural fields, with associated hedgerow boundaries. Mature trees are present throughout the field boundary hedgerows. A single linear belt of woodland extends north-south through the site. Burleigh Brook flows west to east through the Site and forms a section of the southern boundary where it adjoins the golf course. The application site is within an undesignated landscape with no special protected status. The application site is not subject to any national landscape designations. Locally the northern part of the application site is designated as an Urban Fringe Green Infrastructure Enhancement Zone.

Chapter 6 of the supporting Environmental Assessment contains a detailed landscape and visual assessment of the site and surrounding area and summarises the visual baseline as follows:

- Northerly views from the residential edge of Nanpantan (Viewpoint 8) are largely restricted by existing vegetation along the footpath leading to Longcliffe Golf Club.
- A small number of properties on higher ground on Snell's Nook Lane and on Nanpantan Road would potentially have views across part of the Site.
- Westerly views from the existing western residential edge of Loughborough are largely restricted by mature woodland and / or landform.
- A combination of localised topography and vegetation occurs within Shepshed's urban fringe and along the M1 corridor. This prevents any significant easterly views from existing residential properties in Shepshed across to the Site.
- There are views from Snell's Nook Lane across the Site, where it is also possible to glimpse the Temple of Venus and the White Lodge.
- Southerly views into the Site from the A512 (T) (between M1 Junction 23 and Snells Nook Lane) are partially filtered by tree belts along the highway. Many of these trees and hedgerows will be removed as part of highway widening and improvement works on the A512 (and will be replaced by the landscape mitigation).
- There are also various views across parts of the Site available from the existing public right of way which passes through Longcliffe Golf Course from Nanpantan.
- Northerly views from Nanpantan Road are available in sections where the hedgerow is cut low as the road user emerges from the surrounding woodland. Views across part of the Site are possible, in conjunction with views towards Garendon Park.

The overall conclusion of Landscape and Visual Assessment of the Environmental Assessment concludes: *"The Proposed Development has been developed in a manner that takes account of the various published landscape and green infrastructure studies and the relevant planning policy context. The resultant scheme will establish an appropriate*

*development and landscape solution and will over time successfully assimilate with this particular part of the existing settlement edge.”*

It is considered that the assessment of the landscape classification, the topography, the sensitivity and mitigation detailed are appropriate and in accordance with the guidelines. The site is allocated for a business park within the Core Strategy and as such there is an understanding that this site would be developed, as opposed to a non-allocated site. Policy CS23 has a very clear policy structure to deliver development that accords with the local landscape and follows the established principles of phase 1 and 2 of the Science Park principles of a high proportion of green infrastructure. It is considered that the proposal has the potential to achieve these aims with the planning conditions [and S106 obligations] suggested in recommendation A and B.

It is considered that subject to planning conditions a suitable design and layout can be achieved that balances the existing landscape conditions with further mitigation. This would need to be brought forward as part of a future Reserved Matters submission for the development to be considered to accord with the aims and objectives of saved policy EV/1 of the Local Plan and Policies CS2 and CS23 of the Core Strategy.

#### Long term Management of Open Space & Green Infrastructure

Local Plan and Policies CS2, CS11, CS12 and CS15 of the Core Strategy seek to ensure that appropriate designs and layout are provided which deliver high quality design and the provision of appropriate green infrastructure is also a relevant consideration in this context.

Policy CS11 seeks to support and protect landscape and countryside by requiring new development to protect landscape character and to reinforce a sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments.

It is noted that East Midlands Airport do not raise objections to the planning application but have asked for conditions to be attached relating to potential bird strike. Such a condition is detailed in recommendation but the key concern relates to new areas of open water which relates specifically to the management of the landscape but also to the provision of flood attenuation measures. It is for this reason that the proposed bird strike measures condition relates to a site wide matter for any reserved matters application.

In this respect the relevant bullet point of CS23 states that the new science and enterprise park: *“retains 40% of the overall site area for green infrastructure, designed to maintain key linkages across the site connecting into the surrounding network in accordance with Policy CS11 and CS12”*. The parameters plan and indicative masterplan show compliance with this stated aim. Planning conditions are recommended which seek compliance with this important Green Infrastructure aspiration. S106 Agreement heads of terms will secure the setting up of a maintenance company to manage the site’s wide green infrastructure and landscaping. It is therefore considered that the planning framework is in place to ensure the long term management of open space & green infrastructure.

#### Loss of Agricultural Land

NPPF paragraph 170 seeks to enhance the natural and local environment by a number of factors including: *“recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and loss of trees and woodland.”*

Annex 2 of the NPPF advises that the best and most versatile agricultural land is land in Grades 1, 2 and 3a of the Agricultural Land Classification. Footnote 53 of the NPPF notes that *“where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality should be preferred to those of higher quality.”*

The application site comprises of seven fields which are in a mix of arable and grassland use, with the development involving the loss of approximately 39 hectares of agricultural land, of which approximately 33 hectares is identified as best and most versatile agricultural land. The Agricultural Land Classification Survey (ALC) categorises land from grade 1 to 5 but there is no post 1988 data for this and as such the applicant has commissioned a review of the ALC. The development would take up approximately 3% by area of Grade 1 land; 51% of Grade 2 land, 29% of Grade 3a land in combination an assessment of significance was undertaken and the significance of effects then determined by the interaction of magnitude and sensitivity.

The loss of 33 hectares of “best and most versatile agricultural land” is of Moderate Significance and therefore in terms of Environmental Impact Assessment is ‘Significant’. The development of these fields was a consideration in the allocation of the site for the Science and Enterprise Park in the Core Strategy. The siting of the access, the indicative layout and green infrastructure show that the existing field boundaries have where possible been retained. With the further requirements of Policy CS23 and with the suggested conditions, it is considered that the proposal accords with the aims of Policies CS11, CS12, CS13 and CS23.

### Flooding and Drainage

Policy CS16 of the Core Strategy encourages sustainable design and construction and directing development to locations within the Borough at the lowest risk of flooding, supporting developments which reduce flood risk elsewhere, and requiring new developments to manage surface water run off with no net increase in the rate of surface water runoff for Greenfield sites. A number of residents have raised the capacity of the drainage network to cope with the additional infrastructure. In this respect the comments of the Lead Local Flood Authority and Severn Trent are noted and the planning conditions they suggest are positively worded so that additional work is not needed in the area (i.e. off-site works outside the control of the applicant). The inclusion of sustainable drainage systems and their scope are considered to be acceptable to both consultees and can be secured by condition.

Paragraph 163 of the NPPF requires local planning authorities to ensure that, when determining planning applications, flood risk is not increased elsewhere and to only consider development in areas of flood risk where, informed by a site-specific flood risk assessment, will not put the users of the development at risk.

The majority of the Application Site lies within Flood Zone 1, (Low Probability), land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). Flood Zones 2 (Medium Probability) and 3 (High Probability) are present within the Application Site however these are confined to a corridor surrounding the watercourse known as the Burleigh Brook.

The Hydrology, Flood Risk and Drainage chapter of the Environmental Statement confirm the following:

- Flood Risk. Finished floor levels are designed to remove the development from the predicted floodplain. Therefore the effect is considered negligible.
- Surface Water and Groundwater Resources and Quality. There is currently limited potential for the site to interact with the designated groundwater body. The proposed development is not expected to cause significant change to this regard. Consequently, the effect is considered to be negligible.
- Surface Water Drainage. The implementation of a drainage strategy will provide mitigation by design. Providing a reduction in surface water runoff rates compared to the existing and attenuating water up to the 1 in 100yr plus climate change event is considered to be minor beneficial.
- Foul Water Drainage. Foul water will be pumped to connect to the existing network to the north. Works required to enable a connection to the north will be further established once planning permission is granted. Severn Trent Water as regulatory water authority will ensure working with the developer that a connection can be made with no detriment to the existing sewer network. Consequently, the effect is considered to be negligible.
- Overall Conclusion. The implementation of appropriate mitigation measures reduces any adverse effects of the Proposed Development. It is considered that any potential effects arising from both the construction and operational phase of the development will be negligible or minor beneficial following the implementation of appropriate mitigation.

The comments of the Lead Local Flood Authority and Environment Agency have been noted and carefully considered. Overall it is considered that there would be no sustainable reason, subject to appropriate conditions, why a development could not be brought forward at the reserved matters stage that could accord with the requirements of Policy CS16 of the Core Strategy and the aims and objectives of the NPPF.

### Ecology Wildlife and Trees

Policy CS13 of the Core Strategy seeks to ensure protected species are not harmed as a result of development proposals and wherever possible they should seek to enhance ecological benefit through landscape and drainage solutions. Saved Policy EV/1 of the Local Plan and Policies CS2, CS11, CS12 and CS15 of the Core Strategy seek to ensure that appropriate designs and layout are provided which deliver high quality design and the provision of appropriate green infrastructure is also a relevant consideration in this context. The Council's Senior Ecologist has reviewed the application and the supporting documents.

Chapter 7 of the Environmental Statement relates to Biodiversity and includes a phase 1 habitat plan, an ecological appraisal, an arboricultural assessment, bat report, great crested newt report, badger survey report, bird report and biodiversity management plan.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) requires that attention be paid to likely significant effects. These may be: Direct or indirect; Short or long-term; Intermittent, periodic or permanent; and Cumulative. The Planning Practice Guidance provides additional detail and guidance on aspects of the Framework. In respect of the Natural Environment, the PPG places additional emphasis on biodiversity enhancement and highlights the importance of ecological networks and landscape habitat features.

No statutory designated sites of international nature conservation importance were located within the search area. A single site of national nature conservation importance was located approximately 750m south-east of the application site boundary; Beacon Hill, Hangingstone and Outwoods Site of Special Scientific Interest (SSSI). The site is designated as it provides some of Leicestershire's best breeding bird habitat, as well as comprising stands of ancient alder, acidic grassland, secondary oak/birch woodland, ancient woodland, streams, marsh and ponds which support breeding palmate newts and large numbers of badger.

Two locally designated sites of nature conservation importance were located partially within the Application Site. Charnwood Canal and Woodland Strip Potential LWS and Snell's Nook and Burleigh Brook, Hedges and Trees Candidate LWS are designated for their Natural Environment & Rural Communities Act 2006 (NERC) and Local Biodiversity Action Plan (LBAP) habitats including, native broadleaved woodland, opening running water and veteran trees.

The following are the key findings from the survey works undertaken:

- No bat roosts were identified within the site, although habitats present i.e. woodland, hedgerows, Burleigh Brook and scattered trees provided foraging and commuting habitats for a range of bat species.
- No ponds or areas of standing water suitable for breeding great crested newts were located within the site boundary, however suitable terrestrial habitats were present in the form of woodland, hedgerows, trees/tree groups and bankside habitats of Burleigh Brook, although as a whole this was considered to be a partial barrier to the dispersal of GCN. Aquatic surveys of four off-site ponds (P1-P4) found a medium population of GCN (peak count of 16) present in P3 three only.
- A total of eight badger setts (S1-S8) were located within the site boundary, with a further sett (S9) located 100m to the south within the adjoining golf course. The site as a whole provided suitable foraging and commuting habitat for badger.
- A number of notable bird species were recorded during the breeding bird survey and winter scoping survey. All species were indicative of the habitat types present, which were common to the local area and wider within Leicestershire.

Chapter 7 of the Environmental Assessment concludes that the development will have little overall effect on the on-site habitats or its protected/notable species as long as it proceeds as per the mitigation measures identified.

The Ecological appraisal includes a robust objective assessment of the potential value of habitats within the proposed open space proposals on the indicative masterplan appropriate. Overall it is considered that there would be no sustainable reason, subject to appropriate conditions, why a development could not be brought forward at the reserved matters stage that could accord with the requirements of Policy CS16 of the Core Strategy and the aims and objectives of the NPPF.

### Retail Impact

Core Strategy policy CS9: Town Centres and Retail requires impact assessments for proposals for main town centre uses in edge of centre or out of centre locations where the gross floor space proposed is above 1,000 sqm in Loughborough.

Policy CS23 provides for appropriate ancillary uses to serve the Science and Enterprise Park and requires that any main town centre uses are in accordance with Policy CS9.

The NPPF at paragraph 89 lists those factors that should be considered as part of an impact assessment:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

The NPPF at para 90 states that: *“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused”*.

The Council has received two statements from applicant regarding town centre uses:

- Statement received on June 2019 covering retail uses
- Statement received August 2019 covering other town centre uses, including food and drink, gym and hotel uses

The Planning Practice Guidance refers to the methodology for retail impact assessment at Paragraph: 017 Reference ID: 2b-017-20140306. Revision date: 06 03 2014. The Borough Council have compared the retail statement against the above PPG, and consider it to be a reasonable and proportionate response.

The proposals include provision for up to 800m<sup>2</sup> (gross) of retail floor space which it is envisaged to include a small convenience store of up to 400m<sup>2</sup> (gross) alongside small scale retail units to be used for retail service uses and/or small-scale comparison goods units. The Borough Council consider the proposed retail unit sizes are appropriate size to serve the functions of a Science & Enterprise Park without drawing trade from an extensive area, it is recommended a condition is included if members are minded to approve the planning application onto any planning approval to secure compliance with Policy CS23 and CS9.

An assessment of the impact of the vitality and viability of centres in the catchment of LSEP has also been carried out and the Borough Council consider that the proposal is reasonable in this aspect.

In conclusion the size of the retail provision is broadly in line with the policy aspiration for the LSEP as it can be controlled through condition. Further to this with the S106 Agreement controlling the uses and the suggested obligations, overall the proposal is considered acceptable in this regard.

#### Relationship to Neighbouring Properties

Saved Policy EV/1 of the Local Plan and Policy CS2 of the Core Strategy are material considerations in this respect. As stated above, at this outline stage, the indicative masterplan does not form part of the application proposal but the parameters plan does.

The Environmental Health Officer has reviewed the submitted data submitted in support of the application in relation to noise, air quality, road traffic emissions and ground contamination. Based on the information presented and with the implementation of the impact avoidance and mitigation measures proposed, the potential risks associated with the construction and operation of the proposed development were assessed as being “not significant”. The necessary controls are therefore in place to ensure the amenity of existing residents are protected in these matters.

The comments from objectors and nearby residents in relation to impact from the additional traffic are noted. With the conditions suggested by the LHA relating to a site wide travel plan and Construction Management Plan it is considered that the proposal would protect the amenity of nearby residents in this respect.

Overall it is considered that issues of concern raised on this aspect of the proposals could be designed out at the reserved matters stage and that the proposals accord with saved Policy EV/1 of the Local Plan and Policy CS2 of the Core Strategy.

#### S106 developer contributions

Policies CS3, CS13, CS15, 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 would be in accordance with the Framework and Community Infrastructure Levy (CIL) Regulations to mitigate to the impact of the proposals.

Work has commenced on the scope of a draft s106 Legal agreement and the applicant has been made aware of the contributions set out below. The s106 agreement has not been completed but recommendation A seeks delegated powers to and head of Strategic Support to pursue and complete the S106 legal agreement on the basis of the draft heads of terms listed and then to issue the planning decision based on the conditions listed in recommendation B. It is considered the heads of terms are CIL compliant as they satisfy the three tests in the legislation.

#### Other issues

Concerns have been raised verbally by East Midlands Airport in relation to increased risk of bird strikes. The concerns relate to possible areas of open water that would be contained within the proposed drainage scheme for the site. This is an outline application and as such the detailed design of the Sustainable Drainage is not required. The sustainable drainage will form part of the wider landscape and future management and maintenance, including monitoring of birds, will be the responsibility of the management company.

## **Conclusion and Planning Balance**

The application proposals seek outline planning permission for an extension to the LSEP with the points of access detailed and all other matters retained for further reserved matters applications. The site is allocated for this use in the adopted Core Strategy with a detailed list of policy requirements.

Having carefully considered the application submission, all consultation responses and the views of neighbouring and nearby residents and the ward member, it is considered that the proposals accord to planning policy having taken into account relevant policies of the Development Plan, including policies CS1, CS2, CS3, CS9, CS11, CS12, CS13, CS14, CS15, CS16, CS17, CS18, CS23, CS24 and CS25 of the Core Strategy and saved policies ST/2, CT/1, CT/2, CT/4, EV/1 and TR/18 of the Local Plan and the associated guidance and material considerations including and the aims and objectives of the National Planning Policy Framework and associated guidance and Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **RECOMMENDATION A:-**

That authority is given to the head of Planning and Regeneration 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:

1. Travel Packs to inform employees, one per employee, from first occupation what sustainable travel choices are in the surrounding area including incentives to encourage changes in travel behaviour towards the greater use of sustainable travel modes can be supplied through the County Council at (average) £52.85 per pack
2. 6 month bus passes, one per employee (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents and employees to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through the County Council at (average) £360.00 per pass – NOTE it is very unlikely that a development will get 100% take-up of passes.
3. A contribution of £11,337.50 for the monitoring of the Site Wide Travel Plan and the effects of the development using the County Council's monitoring programme (currently STARS for).
4. Prior to the occupation of 30% of development a contribution of £289,762.88 towards improvements at the Nanpantan Road/ Snell's Nook Lane signal junction.
5. Delivery of the A512 roundabout and site access, reservation of the land required for the duelling of the A512 associated with the access and roundabout works to be completed in accordance with signed S278 (Highways Act 1980) signed on the 22<sup>nd</sup> July 2019 and referenced HTWMT/4033 and contribution of £1.8m



6. As indicated on the master plan ref: 10-161-001, MP0-001 Rev P, the land around the two new points of access onto Snells Nook Lane to be reserved to allow the junctions to be fully upgraded to roundabouts at a future date should that be deemed necessary and not developed out in any way that would negate this.
7. At the request of the Local Highway Authority to pay the costs associated with a Traffic Regulation Order submitted by the LHA and relating to works to Snells Nook Lane between the southern access to site on Snells Nook Lane and the junction with Snells Nook Lane and the A512 junction to the north.
8. Control of the uses and restriction of any changes within that use class (including to restrict knowledge-based uses within B1 and B2).
9. Control of the use to conform to the floor area for that use specified in the DAS and use for the TA.
10. A definition of 'Knowledge based sector'. To be cross referenced with a condition that restricts the B1 and B2 uses to that defined in the S106.
11. Phasing of the development and the proportionate build out of the 'ancillary' hub.
12. The setting up of a management company to manage and maintain the green infrastructure and public open space within the site in perpetuity.
13. An economic strategy that includes delivery of a percentage of skilled apprenticeships for the employment and construction uses on the site.
14. A monetary contribution to be agreed for monitoring of the development uses by officers of the Borough Council.

#### **RECOMMENDATION B:-**

That subject to the completion of the agreement in recommendation A above, planning permission be granted subject to the following conditions with authority given to the Head of Planning and Regeneration and the Head of Strategic Support to vary (including add or delete) the conditions and informative notes insofar as is necessary:

1. The first application for approval of reserved matters for the first Phase of the development (as detailed pursuant to the phasing programme in condition 5) shall be submitted no later than three years from the date of this permission and all subsequent reserved matters applications shall be submitted by no later than fifteen years from the date of this permission

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 1990.

2. No part of the development hereby permitted shall be commenced until approval of the following reserved matters for that part has been obtained in writing from the local planning authority:-
  - a. layout,
  - b. scale,
  - c. appearance, and
  - d. landscaping.

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

3. The submissions for the approval of Reserved Matters to be made pursuant to the requirements of condition 2, shall be accompanied by a Design and Access Statement.

REASON: To enable the local planning authority, other stakeholders and the local community to understand the foundation and development of the design of the individual developments on the science and enterprise park, which the Development Plan anticipates will include buildings of a high standard of external appearance placed in a parkland setting to create a prestigious, high quality development on the edge of the Charnwood Forest and on one the main approaches to the town and to the university.

4. The development shall accord with the finished floor levels and ridge heights as detailed on drawing number: P005 Rev H, dated October 2018 and prepared by Stephen George & Partners LLP.

REASON: To ensure that the development accords with the requirements of CS1, CS2, CS11, CS12, CS13 and CS23 of the Charnwood Local Plan Core Strategy.

5. The development shall accord with and follow the stated sequence of development in accordance with drawing number: P006, dated October 2018 and prepared by Stephen George & Partners LLP.

REASON: To ensure that the development accords with the requirements of CS1, CS2, CS9 and CS23 of the Charnwood Local Plan Core Strategy.

6. The development hereby approved shall be used for businesses operating within or supporting the knowledge-based sector as defined in the accompanying S106 Legal Agreement.

REASON: To ensure that the development accords with the aims of Policy CS23 of the Charnwood Local Plan Core Strategy.

7. The details required by condition 2 shall make provision for:

- i). a landscape scheme for the Ashby Road frontage that is designed to complement and reflect the architectural principles expressed in the design and layout of the buildings and other operational development on the site of which it would be a part;
- ii). a landscape treatment of the buffer zone adjacent to the Burleigh Brook and Holywell Wood that maximises the opportunity for wildlife habitat and biodiversity gain,

iii). a landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas within the plot or phase of development which is the subject of the reserved matters application,

iv). the exclusion of storm water balancing features from within the buffer zone referred to in ii). above.

REASON: To ensure that the development provides a landscape framework that responds to the need for complementary visual interest towards the main Ashby Road approach to the site and respect the need for sensitivity to the ecological constraints at the rear of the site and to enhance biodiversity in this area.

8. Submissions for the approval of Reserved Matters under the terms of condition 1 shall include details of measures to implement a range of sustainable energy technologies to seek to achieve a very good BREEAM rating, or better. The development hereby permitted shall not take place except with the inclusion of the measures approved

REASON: To make sure a sustainable form of development is provided.

9. Submissions for the approval of Reserved Matters under the terms of condition 1 shall include:
- a. Details for bird strike avoidance in relation to any drainage lagoons or new open areas of water
  - b. Details of bird strike monitoring and review
  - c. Clarification that any external materials will not cause a glint and glare hazard.
  - d. If any solar or wind powered renewable energy schemes are proposed on site, clarification that this would not cause any aerodrome safeguarding issues

REASON: To ensure the development does not cause any aerodrome safeguarding issues for East Midlands Airport.

10. Not more than 60% of the land area within the application site shall be taken up by operational works including buildings, hard surfaced areas, car parks, access roads and storage and service areas and each application for the Approval of Reserved Matters shall demonstrate this requirement. Hard surfacing associated with the enjoyment and use of the landscaped areas in the site, such as pathways, will be excluded from the 60% referred to above.

REASON: To secure development where the landscape plays an important role in defining the high quality character of the development to accord with the broad intentions of Policy E/4 of the adopted Borough of Charnwood Local Plan and policy CS23 of the Charnwood Borough Local Plan Core Strategy.

11. No buildings shall be constructed within 8 metres of the Burleigh Brooks.

REASON: To prevent an increased risk from flooding, to maintain bio-diversity along the brook courses and to allow access for maintenance.

12. Prior to the commencement of development, the A512 site access arrangements and highway works shown on drawing number SNL-BWB-GEN-XX-DR-TR-108 (LCC drawing numbers MTP0037.000\_J23E\_H2\_1\_1 GA and MTP0037.000\_J23E\_H2\_1\_1-2) shall be 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, for construction traffic and in accordance with the National Planning Policy Framework (2019).

13. The development hereby permitted must not be commenced until such time as a scheme to provide appropriate floodplain compensation has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure that there are no detrimental impacts to flood storage or flood flow routes.

14. The development hereby permitted must not be commenced until such time as a scheme for the final designs and maintenance arrangements for any culvert on that part of the site has been submitted to, and approved in writing by, the local planning authority. The risk of blockage to the culverts and the resultant flood risk to the site should be assessed and presented within an updated Flood Risk Assessment. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future users.

15. The development hereby permitted must not be commenced until such time as a scheme to ensure that Finished Floor Levels are set a minimum of 600mm above the design flood height and including appropriate allowance for climate change has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future users.

16. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction

works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of flooding to the proposed development and future users.

17. Prior to the development of any part of Phase 4 shall take place until a scheme for the treatment of the Public Right of Way within the application site shall be 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 accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: In the interests of amenity, safety and security of users of the Public Right(s) of Way in accordance with Paragraph 98 of the National Planning Policy Framework 2019.

18. Prior to the occupation of Phase 1A, in accordance with the Phasing Plan, the northern access arrangements on Snells Nook Lane shown on SNL-BWB-GEN-XX-DR-TR-100 Rev. P1 shall be 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, in accordance with the National Planning Policy Framework (2019).

19. Prior to the occupation of Phase 3, in accordance with the Phasing Plan, the southern access arrangements on Snells Nook Lane shown on SNL-BWB-GEN-XX-DR-TR-101 P1. shall be implemented in full.

REASON: To mitigate the severe impacts of development traffic in accordance with the National Planning Policy Framework (2019).

20. Prior to the occupation of the development, the M1 Junction 23 works as shown on SNL-BWB-GEN-XX-DR-TR-107 and 108 (LCC drawing numbers MTP0037.000\_J23E\_H2\_1\_1 GA and MTP0037.000\_J23E\_H2\_1\_1-2) shall be implemented in full.

REASON: To mitigate the severe impacts of development traffic in accordance with the National Planning Policy Framework (2019).

21. Prior to the occupation of 50% of the development, the Ashby Road roundabout works as shown on SNL-BWB-GEN-XX-DR-TR-106 Rev. P1 shall be implemented in full.

REASON: To mitigate the severe impacts of development traffic in accordance with the National Planning Policy Framework (2019).

22. Prior to the occupation of 75% of the development, the Snells Nook Lane footway improvement works as shown on SNL-BWB-00-ZZ-DR-G-001 Rev. p1 and SNL-BWB-GEN-XX-DR-TR-102 rev P1 shall be implemented in full.

REASON: To mitigate the severe impacts of development traffic in accordance with the National Planning Policy Framework (2019).

23. No phase of development shall commence on the site until such time as a construction traffic management plan for that phase, including as a minimum detail of the routing of construction traffic, wheel cleansing facilities, location of construction compounds, construction access, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

24. No part of the development hereby permitted shall be occupied until a Site Wide Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets including the appointment of a Travel Plan Coordinator has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2019).

25. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2019).

26. Prior to the occupation of Phase 1A a Public Transport Strategy shall be submitted, agreed and implemented in full to provide a bus service to serve the development site. The bus services shall coincide with a minimum service provision of Monday-Friday services serving the site between 0700 to 1900 Monday to Friday operating at a 30-minute frequency. The Public Transport Strategy will include new bus stop infrastructure within the application site associated which shall include:

- Bus stops;
- Bus shelters;

- Facilitation of Real Time Information;
- Raised kerbs;
- Lighting; and
- Timetable information.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2019) by minimising disruption on the motorway resulting from traffic entering and emerging from the application site and in the interests of road safety.

27. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment.

28. Before any building is first occupied, details of all external lighting to be incorporated into that development shall be submitted for the approval of the local planning authority. No external lighting, other than that approved under the terms of this condition, shall be erected or installed.

REASON: To give the local planning authority the opportunity to consider the details in the interests of visual amenity, highway safety and the effect on the movements of bats in the locality.

29. No phase of development shall commence on the site until such time as a construction environment management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To ensure the development accords with the ecological aims of Policies CS11, CS12 and CS13 of the Charnwood Borough Local Plan Core Strategy.

30. Before any phase of development hereby approved is commenced, a scheme of noise attenuation measures designed to protect nearby premises from noise nuisance shall be submitted to and approved in writing by the Local Planning Authority, in accordance with

the measures identified in section 11 of the Environmental Statement. The approved scheme of noise attenuation measures shall thereafter be installed prior to first use of the development and shall be retained as such for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public amenity and in accordance with Policies CS2 and CS23 of the Charnwood Borough Local Plan Core Strategy.

## **INFORMATION NOTES TO THE APPLICANT**

- i. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, CS3, CS9, CS11, CS12, CS13, CS14, CS15, CS16, CS17, CS18, CS23, CS24 and CS25 of the Charnwood Local Plan (2011-2028) Core Strategy and Policies ST/2, EV/1, CT/1, CT/2 and TR/18 of the Borough of Charnwood Local Plan and the relevant provisions of the Quorn Neighbourhood Plan have been taken into account in the determination of this application. The proposed development complies with the requirements of these policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
- ii. Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and the Council's adopted Supplementary Planning Document 'Leading in Design' and, therefore, no harm would arise such as to warrant refusal of planning permission.
- iii. Discussion was undertaken with the applicant to seek an acceptable solution in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- iv. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
- v. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement



under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

- vi. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- vii. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
- viii. Highways England's understanding is that the improvement scheme at M1 J23 is to be part-funded by developer contributions. The contributions are to be managed by Leicestershire County Council (LCC). The determination of the level of contributions from each development will be a matter for LCC and any questions in this regard should be addressed to Charnwood Borough Council and LCC.
- ix. The site lies within 10km of East Midlands Airport and any tall Equipment / Cranes used on site will require a permit from EMA Safeguarding, applications via the EMA Safeguarding Website: <https://www.eastmidlandsairport.com/about-us/operational-documents/safeguarding/>

