



Town and Country Planning Act 1990

Application for Variation of Conditions

SUBJECT TO S106 LEGAL AGREEMENT

Applicant:

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Agent:

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Application No: 2023/00333/VARC

Proposal: APPLICATION TO VARY CONDITION 5 (APPROVED PLANS) AND CONDITION 26 (GREAT CRESTED NEWTS)
ATTACHED TO OUTLINE PLANNING PERMISSION 2019/35726

Location: Land At Junction 11 Of The M62 Motorway, Warrington,

Warrington Borough Council hereby give notice in pursuance of the above Act(s) that permission is Granted for the development referred to above in accordance with the application and plans submitted, subject to the s106 agreement and following condition(s):

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3rd May 2025. The reserved matters submission shall include full details in the form of scaled plans and/or written specifications shall be submitted to and approved in writing by the local planning authority to illustrate the following:

- a) proposed highway layout within the site including the highway boundary;
- b) dimensions of any carriageway, cycleway, footway and verges;
- c) visibility splays;
- d) proposed buildings and site layout, including levels;
- e) vehicular and pedestrian access points;
- f) parking provision including cycle parking;
- g) drainage and sewerage system;
- h) all types of surfacing (including tactile paving), kerbing and edging;
- i) full working drawings for any structures which affect or form part of the highway network as part of proposed section 278 and section 38 works.

The development shall be carried out in accordance with the approved drawings and details prior to first occupation of the development.

Reason: To enable the local planning authority to control the development in detail and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990 and to ensure a satisfactory development of the site and a satisfactory standard of highway design and construction in the interests of highway safety and the amenity and convenience of highway users together with suitable means of drainage.

3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure that the local planning authority retains the right to review unimplemented permissions and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990.

4. The details submitted in pursuance of condition 2 shall include plans showing existing and proposed levels across the site and including finished slab levels of all buildings. Proposed plans shall include a level (e.g., highway or footpath) adjacent to the site that will remain fixed/unchanged.

Reason: No details of these matters have been submitted with the application and bearing in mind the topography of the site and to accord with Policy QE6 of the Warrington Core Strategy and the Warrington Design and Construction SPD (2010).

5. The development shall be carried out in accordance with the following plans:

(a) Site Location Plan Ref: RMS-519-ZZ-XX-DR-A-0740 P3;

(b) Development Cells Parameter Plan Ref: 22741-CWA-ZZ-ZZ-A-0313;

(c) Green Infrastructure Parameter Plan Ref: 22741-CWA-ZZ-A-0314;

(d) Restrictive Zones Parameter Plan Ref: 22741-CWA-ZZ-A-0315;

(e) Combined Parameter Plan Ref: 22741-CWA-ZZ-ZZ-DR-A-0311 rev P03;

(f) Submitted drawing No's ITM12377-SK-025 rev B (access) and ITM12377- SK-024 Rev E (signals) received on {23 October 2019}.

Reason: For the avoidance of doubt and to enable the local planning authority to control the development and to minimise its impact on the amenities of the local area and to conform with Policy QE 7 of the Adopted Local Plan Core Strategy.

6. No development shall take place until a Phasing Plan for the site has been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved phasing plan.

Reason: To clarify how the site is to be phased to assist with the approval of details required by subsequent conditions attached to this permission.

7. No building works for each building hereby approved shall be carried out until written and photographic details of the external roofing and facing materials (including manufacturer's details) for that building have been submitted to and approved in writing by the local planning authority. Materials samples shall be made available to view on site. Development shall be carried out in accordance with the approved details/samples.

Reason: To comply with Policy QE 7 of the Adopted Local Plan Core Strategy and the Warrington SPD: Design and Construction.

8. Full details of all surfacing materials to be used on all hard-surfaced areas of the development outside the buildings for each phase of development shall be submitted to and approved in writing by the local planning authority prior to any such works being undertaken on that phase. Development shall be carried out in accordance with the approved details.

Reason: To comply with Policy QE7 of the Adopted Local Plan Core Strategy and the Warrington SPD: Design and Construction.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) details of the position, type and height of all fences and walls to be erected on the site for each phase of development shall be submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To comply with Policy QE 7 of the Adopted Local Plan Core Strategy and the Warrington SPD: Design and Construction having regard to visual amenity and the surrounding area.

10. No more than 500 square metres of retail floorspace shall be provided within the Amenity building.

Reason: In accordance with the submitted application and having regard to Warrington Core Strategy Policy PV 5.

11. The development shall not exceed the total quantum of development as detailed below:

- Amenity Building containing no more than 4,500 square metres of gross internal floor space;
- Fuel Filling Station and Ancillary Forecourt Shop (maximum of 450 square metres of gross internal floor space);
- Hotel containing up to 100 bed spaces.

Reason: In accordance with the submitted application having regard to Adopted Local Plan Core Strategy Policy PV 5 and Policy CS5

12. Except for site clearance and remediation, no development shall commence until a scheme for the design and construction of highway improvement works, including a timetable for implementation, has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, the works shall include:

- Installation of proposed traffic signal scheme at M62 J11 to the principles of i- Transport Drawing No. ITM12377-SK-024 Rev E including all works necessary to tie into existing footway and carriageway alignments;
- Replacement/upgrade of street lighting necessary as part of the detailed design;
- Drainage works necessary to facilitate the highway works.

The approved scheme shall include Road Safety Audit and subsequently be implemented prior to first occupation of the development.

Reason: To ensure that the sufficient measures are taken such that the highway network can accommodate the development and that the traffic generated does not exacerbate unsatisfactory highway or transportation conditions.

13. No development shall commence until a Construction, Highways & Environmental Management Plan (CHEMP) has been submitted to and approved in writing by the local planning authority. The CHEMP shall review all demolition and construction operations proposed on site including logistics. The CHEMP shall cover as a minimum the following areas of work on a phase by phase basis, identifying appropriate mitigation measures as necessary:

A. Highway and Traffic • Construction traffic routes, including provision for access to the site. • Entrance/exit from the site for visitors/contractors/deliveries. • Temporary roads/areas of hard standing. • Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements. For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway. • Details of street sweeping/street cleansing/wheel wash facilities.

B. Site layout and Storage • Proposed locations of Site Compound Areas. • Siting of temporary containers. • Location of directional signage within the site. • Parking for contractors, site operatives and visitors. • Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction.

C. Environmental Controls • Proposed Construction Hours, proposed delivery hours to site, phasing of works including start/finish dates. • Details of activity on site outside the stated construction hours, e.g., workers / security on site, movement, setting up or dismantling of equipment, lighting, installation of services, etc. • Piling Operations Method Statement, to include the following details: 1. Details of the method of piling. 2. Days/hours of work. 3. Duration of the pile driving operations (expected starting date and completion date). 4. Prior notification to the occupiers of potentially affected properties. 5. Details of the responsible person (e.g., site manager / office) who could be contacted in the event of complaint. • Details for the recycling/storage/disposal of waste. • Consideration for joining a Considerate Contractors Scheme.

Once approved in writing, all identified measures within the CHEMP shall be implemented in accordance with the requirements therein and shall be reviewed on a regular basis. The CHEMP and agreed requirements therein shall remain in force for the duration of all construction activities on site. Any changes to the identified CHEMP mitigation measures from either the regular review process or following receipt of a complaint shall be forwarded to the local planning authority within 24 hours of a change being agreed or implemented.

The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers.

14. A scheme for the provision of electric vehicle charging points, or passive provision, shall be submitted to and approved in writing by the local planning authority. The agreed scheme shall be provided prior to first occupation of the Amenity Building and Hotel and retained as such thereafter.

Reason: To ensure that appropriate provision for current and future electric and electric/hybrid vehicles and encourage more sustainable means of transport.

15. Any reserved matters application shall include details of how construction access to the future HS2 scheme can be achieved through the site.

Reason: To ensure a satisfactory development of the site and the wider area and a satisfactory standard of highway design and construction in the interests of highway safety and the amenity and convenience of highway users.

16. No development shall commence until full design and construction details of the required improvements to Junction 11 of the M62 Motorway have been submitted to and approved in writing by the local planning authority. The improvements shall be in accordance with the details shown in outline on submitted drawing number ITM12377-SK-024, including:

- a. how the scheme interfaces with the existing highway alignment, carriageway markings and lane destinations;
- b. full signing and lighting details;
- c. signal phasing plan for all signalised elements of the highway improvements;
- d. confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations / departures from standards);
- e. an independent stage 2 Road Safety Audit (taking account of any Stage 1 Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes.

Reason: In the interests of the operation of the Strategic Road Network

17. No part of the development shall be first occupied unless and until the highway improvements, as shown in outline on drawing number ITM12377-SK-024 and as furthermore agreed in detail in accordance with condition 16 above, has been implemented in accordance with the approved details.

Reason: In the interests of the operation of the Strategic Road Network.

18. No development shall commence until a detailed construction plan working method statement (including Risk Assessment Method Statement and reporting, in general accordance with CD 622) relating to site development earthworks and drainage alongside M62 has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the operation of the Strategic Road Network.

19. No development shall take place until:

(a) A plan showing the alignment and elevational treatment of a close boarded fence of not less than two metres in height to be erected along the southern boundary of the development site alongside the M62 (or at least one metre from any part of the existing motorway fence where the boundary lies within one metre of this) has been submitted to and approved in writing by the local planning authority; and

(b) The fence approved by part (a) of this condition has been erected in accordance with the agreed details. Thereafter, the fence shall remain in situ and only be repaired or replaced in accordance with the requirements of this condition.

Reason: In the interests of the operation of the Strategic Road Network.

20. No drainage from the proposed development shall connect into the motorway drainage system, nor shall any drainage from the site run-off onto the M62 motorway.

Reason: To ensure that the safety and integrity of the M62 motorway is not compromised.

21. No development shall commence until a scheme to install and maintain the underground tanks has been submitted to and approved in writing by the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme. Reason: To ensure that the underground storage tanks do not harm the water environment in line with paragraph 174 and 180 of the National Planning Policy Framework and Position Statement D2 of the 'The Environment Agency's approach to groundwater protection'.

22. No development shall commence until a scheme to dispose of surface water and install oil and petrol interceptors has been submitted to and approved in writing by the local planning authority. The scheme shall have regard to the management of the Peat Habitat Zone. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the proposed forecourt, roadway, and car parking drainage does not harm groundwater resources in line with paragraph 180 of the National Planning Policy Framework and Position Statement G of the 'The Environment Agency's approach to groundwater protection'.

23. No development shall take place until a scheme to show the risks posed to Silver Lane Brook (a Main River) and the adjoining riparian corridor have been fully assessed and include sufficient information to ensure the scheme proposals meet the objectives of the North West River Basin Management Plan (RBMP). The detailed design for the proposed diversion of Silver Lane Brook and adjoining riparian corridor shall be submitted to and approved in writing by the local planning authority and include:

- A full Water Framework Assessment;
- Sufficient cross-sections to represent all design proposals (i.e., any proposed in channel enhancements, channel meanders, straight sections of channel, sections of channel narrowing/widening, where and what type of new revetment proposed).
- Details of bed and bank substrate.
- Detailed proposals for any new structures within 8 m of the channel and any bed/bank protection and its installation.
- Timing of works.
- Access to banks and channel.
- Site supervision requirements.
- A pre and post construction monitoring plan for the Silver Lane Brook channel.

Reason: To cause no deterioration to Silver Lane Brook and ensure its ecological value and potential are fully considered and implemented in line with the National Planning Policy Framework and the requirements of the Water Framework Directive.

24. No development shall take place until a scheme for the provision and management of an undeveloped buffer zone alongside the proposed diverted watercourse Silver Lane Brook has been submitted to and approved in writing by the local planning authority. The undeveloped buffer zone should be at least 8 metres in width (on both sides of the river), measured from bank tops for the whole extent of Silver Lane Brook. Bank top is defined as the point at which the bank meets normal land levels as designated on a site plan. Thereafter, the development shall be carried out in accordance with the approved scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens, and formal landscaping. The scheme shall include:

- plans and cross sections showing the extent and layout of the buffer zone;
- details of any proposed planting scheme;
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.

Reason: Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. The above approach is supported by paragraphs 174 and 180 of the National Planning Policy Framework which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. The condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats and promote the expansion of biodiversity.

25. Prior to commencement of development, a fish survey of Silver Lane Brook shall be submitted to and approved in writing by the local planning authority. The fish survey results shall identify species present and detail any necessary actions and mitigation to protect, rescue, remove or translocate any fish present.

Reason: To identify and protect any fish located within Silver Lane Brook prior to it being taken offline from the wider catchment and rerouted and avoid damaging the site's fisheries value in compliance with paragraphs 174 and 180 of the National Planning Policy Framework and Adopted Local Plan Local Plan policy QE 5 which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

26. Prior to commencement of development, either:

(a) The site shall be successfully registered under Natural England's District Level Licencing scheme, covering impacts and compensation to great crested newts, and evidence that the site has been registered, submitted to the local planning authority; or

(b) further analysis of the waterbodies WB1 – WB11 (shown on Wardell Armstrong Waterbody Location Plan SH11739/008 Rev B 22/07/2019) is required for the presence of Great Crested Newts (GCN) and the use of Reasonable Avoidance Methods. If GCN are found to be present in the ponds, then it will be necessary to consider whether the clearance of habitats can be achieved without the need for a Habitats Regulations' European Protected Species derogation licence. The Survey Report should be submitted to and approved in writing by the local planning authority and shall outline any changes to distribution and abundance of the species, along with details of any necessary changes to mitigation and compensation. The agreed changes should subsequently be implemented.

Reason: In the interests of protected species and their habitat in accordance with Circular 06/05, Wildlife and Countryside Act 1981 (as amended) and the Habitats (Natural Habitats, &c.) Regulations 2010 and to comply with the National Planning Policy Framework and Policy QE 5 of the Adopted Local Plan Core Strategy.

27. Prior to commencement of development, a survey of the site and immediate area should be undertaken to check for the signs of Badgers. This survey should include an area of 30m from the application site boundary. The Survey Report should be submitted to and approved in writing by the local planning authority and shall outline any changes to distribution and abundance of the species. Any necessary changes to mitigation and compensation shall be agreed in writing by the local planning authority and shall then be implemented in accordance with the agreed details and agreed timescales.

Reason: In the interests of protected species and their habitat in accordance with Circular 06/05, Wildlife and Countryside Act 1981 (as amended) and the Habitats (Natural Habitats, &c.) Regulations 2010 and to comply with the National Planning Policy Framework and Policy QE 5 of the Adopted Local Plan Core Strategy.

28. Prior to commencement of development, a further water vole survey shall be undertaken. The survey Report shall be submitted to and approved in writing by the local planning authority and shall outline any changes to distribution and abundance of the species. Any necessary changes to mitigation and compensation shall be agreed in writing with the local planning authority and shall be implemented in accordance with agreed details and timescales.

Reason: In the interests of protected species and their habitat in accordance with Circular 06/05, Wildlife and Countryside Act 1981 (as amended) and the Habitats (Natural Habitats, &c.) Regulations 2010 and to comply with the National Planning Policy Framework and Policy QE 5 of the Adopted Local Plan Core Strategy.

29. No removal of hedges, grassland, trees or shrubs or demolition of buildings or structures that may be used by nesting birds shall take place during the breeding season (1st March – 31st August inclusive (British Standard 42020:2013 condition D.3.2.1)) unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided the local planning authority with written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Reason: In the interests of protected species and their habitat in accordance with Circular 06/05, Wildlife and Countryside Act 1981 (as amended) and the Habitats (Natural Habitats, &c.) Regulations 2010 and to comply with the National Planning Policy Framework and Policy QE 5 of the Adopted Local Plan Core Strategy.

30. No development on a relevant phase shall commence until a detailed Invasive Species Management Plan for the removal/long-term management/control of invasive species identified on the site is submitted to and approved in writing by the local planning authority. The management plan shall include:

- measures that will be used to prevent the spread of invasive plant species plants during any operations e.g., mowing, strimming or soil movement; and
- measures to ensure that any soils brought onto the site are free of the seeds/root/stem of any invasive plant covered under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

Development shall take place in accordance with the approved method statement.

Reason: Himalayan balsam and Japanese rose are present on the site.

31. No development shall take place (including demolition, ground works, vegetation clearance) until a Biodiversity Construction Environmental Management Plan (BCEMP) has been submitted to and approved in writing by the local planning authority. The BCEMP shall incorporate the Soil and Peat Management Plan and the INNS Method Statement as well as the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) Pollution control and specific working methodology for the following activities: - • closing of the Silver Lane Brook; • creation and the opening of a new brook channel and • peat handling/placement – including the Soil and Peat Management Plan as identified within the Peat Ecological and Construction Management Report; • construction phase surface water management plan; • breeding bird monitoring strategy for ground nesting species.
- f) Detailed inspection of any trees to be felled as part of the scheme shall be carried out prior to any tree felling works by a suitability qualified ecologist to establish the potential of those trees to support bat roosts. Trees with 'moderate' or higher potential to support bat roosts shall be subject to survey as per the Bat Conservation Trust guidelines (Bat Surveys for Professional Ecologists – Good

Practice Guidelines) with standard precautionary safeguards utilised for any trees with 'low' potential in line with the Guidelines. If bats are found to be present in a tree to be felled, a Habitats Regulations European Protected Species derogation licence will be obtained from Natural England prior to any felling works;

g) The times during construction when specialist ecologists may need to be present on site to oversee works;

h) Responsible persons and lines of communication;

i) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;

j) Use of protective fences, exclusion barriers and warning signs.

The approved BCEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: In the interests of protected species and their habitat in accordance with Circular 06/05, Wildlife and Countryside Act 1981 (as amended) and the Habitats (Natural Habitats, &c.) Regulations 2010 and to comply with the National Planning Policy Framework and Policy QE 5 of the Adopted Local Plan Core Strategy.

32. The landscape reserved matters details shall be submitted alongside the appearance and layout reserved matters.

Reason: It is considered necessary to consider these details together in the interests of visual amenity and character of the area.

33. The Landscape reserved matters shall include the following information:• Further detailed baseline appraisal and analysis to prioritise design/mitigation measures;

- A clear description of how the detailed design of the site layout and buildings has responded to the landscape and visual baseline;
- A schedule of mitigation for construction and operational stages of the proposed development, including lighting design principles;
- A detailed landscaping masterplan that includes outline specification of planting and seeding works and management objectives;
- Planting specification of locally native species which would not compromise the establishment of the Peat Habitat Zone, by increasing risk of inappropriate colonisation of that habitat;
- A detailed assessment of residual landscape and visual effects as evidence of the efficacy of the design and mitigation measures, and the effect of the finalised design on the character, simplicity and openness of the landscape;
- Demonstration by recalculation of the Biodiversity Net Gain (using the Defra metric) that the submitted reserved matters landscape scheme achieves a minimum of +8.17 % net gain for habitats plus +39% net gain for hedgerows/ tree lines. The submitted landscape scheme shall also include the following details as shown on the Illustrative Masterplan:
 - scrub on High Pressure Gas Main, unless otherwise agreed in writing;
 - PRoW marking plans to manage visitor pressure on Silver Lane Ponds LWS;
 - screening planting to help decrease disturbance particularly to winter farmland birds e.g., flocks 150+ lapwing

Reason: To ensure a satisfactory landscape scheme in the interests of visual amenity and integration with the surrounding landscape, having regard to Policies QE 3 and QE 7 of the Adopted Local Plan Core Strategy.

34. Prior to the commencement of each phase of development, a Landscape and Habitat Management Plan (LHMP) shall be submitted to and approved in writing by the local planning authority. The LHMP shall include the following:

- Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction;
- Temporary internal roads/areas of hard standing; Storage of materials and large/heavy vehicles/machinery on site;
- Description and evaluation of important landscape and habitat features to be retained, created and managed thereafter including the Peat Habitat Zone creation;
- Details of the aims and objectives of ongoing management, including ecological trends and constraints on the site that might influence management;
- A management work schedule (including an annual work plan capable of being rolled forward over a thirty-year period) demonstrating how the aims and objectives will be achieved; including details of ongoing monitoring; and setting out how remedial measures would be agreed and implemented if required;
- Details of the management body or organisation responsible for implementation of the LHMP, including details of how the legal and

funding mechanism(s) will be secured to enable that body or organisation to deliver the long-term implementation of the plan;

- Details of interpretation signs relating to the Peat Habitat Zone (PHZ) to provide information relating to the long term management objectives of the habitat creation.

The LHMP shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of protected species and their habitat in accordance with Circular 06/05, Wildlife and Countryside Act 1981 (as amended) and the Habitats (Natural Habitats, &c.) Regulations 2010 and to comply with the National Planning Policy Framework and Policy QE 5 of the Adopted Local Plan Core Strategy.

35. No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved scheme.

Reason: In line with the guidance set out in Paragraphs 189 & 199, Section 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework and Managing Significance in Decision- Taking in the Historic Environment, Historic Environment Good Practice Advice in Planning: 2 (Historic England 2015).

36. No development in any identified phase (other than demolition and site clearance works) shall take place until the steps in Sections A and B below are undertaken:

A: CHARACTERISATION:With specific consideration to human health, controlled waters and wider environmental factors, the following documents must be provided (as necessary) to characterise the site in terms of potential risk to sensitive receptors:• Preliminary Risk Assessment (PRA or Desk Study); • Generic Quantitative Risk Assessment (GQRA) informed by an Intrusive Site Investigation; • Detailed Quantitative Risk Assessment (DQRA); • Remedial Options Appraisal. Completing a PRA is the minimum requirement. DQRA should only be submitted if GQRA findings require it.

B: SUBMISSION OF A REMEDIATION & VERIFICATION STRATEGY:As determined by the findings of Section A above, a remediation strategy (if required) and verification (validation) strategy shall be submitted and approved in writing by the local planning authority. This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified. The actions required in Sections A and B shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion. In accordance with: Policy QE 6 of the Adopted Local Plan Core Strategy (July 2014); Paragraphs 174 (f) & 183 of the National Planning Policy Framework, and Section 4 of the Environmental Protection Supplementary Planning Document (May 2013).

37. No individual phase of the development shall be taken into use until the following requirements have been met and required information submitted to and approved in writing by the local planning authority:

A: REMEDIATION & VERIFICATION:Remediation (if required) and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report must be submitted to the local planning authority for approval.

B: REPORTING OF UNEXPECTED CONTAMINATION:All unexpected or previously unidentified contamination encountered during development works in that phase must be reported immediately to the local planning authority and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation, risk assessed (with remediation/verification measures proposed as necessary) and a revised remediation and verification strategy submitted in writing and agreed by the local planning authority.

C: LONG-TERM MONITORING & MAINTENANCE:If required in the agreed remediation or verification strategy, all monitoring and/or maintenance of remedial measures for that phase shall be carried out in accordance with the approved details. The site (or any individual phase therein) shall not be taken into use until remediation and verification are completed. The actions required to be carried out in Sections A to C above shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion. In accordance with: Policy QE 6 of the Adopted Local Plan Core Strategy (July 2014); Paragraphs 174 (f) & 183 of the National Planning Policy Framework, and Section 4 of the Environmental Protection Supplementary Planning Document (May 2013).

38. Prior to installation, details of a highways lighting scheme and an external lighting proposal for the exterior of the service area, hotel and other structures within the development shall be submitted to the local planning authority and approved in writing. The

scheme shall show levels of illumination around the site (isolux drawings) and any overspill lighting beyond the physical site boundary. Mitigation measures or installation requirements shall be clearly identified within the scheme as shall control measures such as time clocks/light sensors or other control methods. Once approved, the agreed scheme shall be implemented in full for that phase of the site prior to the commencement of use of that lighting and shall be retained as approved thereafter.

Reason: In the interests of the amenities of the area, biodiversity and to minimise unnecessary light spillage above and outside the development site. In accordance with: Policies QE 5, QE 6 of the Adopted Local Plan Core Strategy (July 2014); and Paragraph 185(c) of the National Planning Policy Framework; and Section 5 of the Environmental Protection Supplementary Planning Document (May 2013).

39. Any hot food outlet shall have odour abatement fitted in compliance with the requirements of the 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems EMAQ+ 2018, BESA Specification for Kitchen Ventilation Systems DW/172 and Building Regulations Part F' prior to the commencement of trading. The installed equipment shall thereafter be operated and maintained in accordance with the manufacturer's instructions and shall be always used when any cooking activities are occurring.

Reason: To safeguard the local environment from disturbance or loss of amenity caused by odour, fumes, food droplets to nearby properties. In accordance with: Policy QE 6 of the Adopted Local Plan Core Strategy (July 2014); and Section 3 and 6 of the Environmental Protection Supplementary Planning Document (May 2013)

40. Any externally located plant or equipment for any individual phase and cumulatively across the entire site shall not cause an increase in the ambient background noise level at the boundary of any nearby residential properties prefixed as ESR within the Noise Monitoring and Existing Sensitive Receptors Location Plan contained within the 'Wardell Armstrong Warrington Motorway Service Area J11 M62 Environmental Statement, Part 2, Noise and Vibration Technical Paper 7'. Any equipment not able to meet this requirement shall be acoustically treated prior to the commencement of the use hereby permitted. For the avoidance of doubt calculated rated noise levels from any externally mounted plant or equipment at the boundary of the nearest noise residential property should not exceed the existing background level in accordance with the results of a BS4142:2014 noise assessment. On completion of any phase of development and within one month of that completion, a validation report shall be submitted to the local planning authority demonstrating that ambient noise levels have not increased at the nearest residential properties from external plant and equipment at that phase, or on completion of the entire development, cumulatively from all such equipment.

Reason: To prevent an increase in background noise levels and protect the amenity of any residents. In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); and Paragraphs 174 (e) & 185(a) of the National Planning Policy Framework; and Section 6 of the Environmental Protection Supplementary Planning Document (May 2013).

41. No development shall take place in any part of the area shown edged red on the Safeguarding plans [Plan SG-02-113] being an area subject to safeguarding directions dated 7 October 2020 made by the Secretary of State for Transport unless and until detailed design and method statements for all works, proposed to be constructed on the Site to provide access to the HS2 compound from Junction 11 of the M62 have been submitted to, and approved in writing by, the local planning authority. The detailed design for the works on the Site must be supported by appropriate traffic modelling which demonstrates that Junction 11 of the M62 will [safely] accommodate the overall level of traffic anticipated during the construction of HS2 works, including the HS2 construction traffic which will access Junction 11 from the Site and from the compound off Silver Lane South, and that waiting times at the proposed traffic signals on the Junction will be acceptable to the local highway authority. The Development shall be carried out in accordance with the approved detailed design and method statements.

Reason: In the interests of the interfaces with the HS2 safeguarded area.

42. No development shall take place in any part of the area shown edged red on the Safeguarding Plans [SG-02-113] being an area subject to safeguarding directions dated 7 October 2020 made by the Secretary of State for Transport ("the Utility Safeguarded Area") unless and until the Utility Construction Zone Assessment undertaken by National Grid on behalf of HS2 Limited has been completed and either:

(a) HS2 has confirmed in writing that the Utility Safeguarded Area is not required for any works relating to HS2; or

(b) Detailed design and method statements for all works proposed in respect of the Utility Construction Zone Assessment affecting the Site which allow for the necessary HS2 Utilities Works to be undertaken have been submitted to, and approved in writing by, the local planning authority. The Development shall be carried out in accordance with the detailed design and method statements so approved.

Reason: In the interests of the interfaces with the HS2 safeguarded area.

43. No development shall take place in any part of the area shown edged red on the Safeguarding Plan [SG-02-113] being an area subject to safeguarding directions dated 7 October 2020 made by the Secretary of State for Transport ("the Ecology Safeguarded Area") unless and until the Ecological Mitigation Assessment undertaken on behalf of HS2 Limited has been completed and either:

(a) HS2 has confirmed in writing that the Ecology Safeguarded Area is not required for any works relating to HS2; or

(b) Detailed design and method statements for all works proposed in respect of the Ecological Mitigation Assessment affecting the

Site which allow the necessary HS2 ecological mitigation works to be carried out have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the detailed design and method statements so approved.

Reason: In the interests of the interfaces with the HS2 safeguarded area.

44. There shall be no communal lounge or bar and no conference room facilities as part of the hotel.

Reason: In accordance with the submitted application and having regard to Adopted Local Plan Policy PV 5.

INFORMATIVES

1. The Local Planning Authority operates a pre-planning application advice service. All applicants are encouraged to engage with the Local Planning Authority at pre-planning application stage. As part of the determination of this planning application the Local Planning Authority has worked pro-actively and positively with the applicant ensuring that upon receipt all representations and consultation responses are available to view on the Council's web site. The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework.

SIGNED:



Development Manager
Development Management

DATED: 21 September 2023

IMPORTANT

This decision relates solely to the planning legislation, and does not grant authority under the Building Regulations, nor any other legislation that might be required. The guidance notes enclosed with this decision notice will help you to understand this decision, your rights and other things you may have to do.

NOTES

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
2. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
3. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.
4. If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this decision; or 12 weeks in the case of a householder application or a minor commercial application.
5. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate
6. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
7. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
8. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

1. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be

permitted.

2. In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.