

PLANNING COMMITTEE: 21st April 2020
SUPPLEMENTARY INFORMATION

The “Supplementary Information” report supplements the main Planning Agenda. It is produced on the day of the Committee and is circulated at the Committee meeting. It is used as a means of reporting matters that have arisen after the Agenda has been completed/circulated, which the Committee should be aware of before considering any application reported for determination.

Correspondence received is available for inspection.

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19/00250/OUT	Outline application for development (including demolition) of up to 2,750 dwellings; business, general industrial and storage and distribution uses; two primary schools; neighbourhood centre; public open space; greenspace; drainage features; acoustic barrier; and other associated infrastructure (some matters reserved); and Full application for the development of a spine road and associated junctions with the A426 north of Lutterworth, Gilmorton Road, Chapel Lane, and the A4304 east of M1 Junction 20; comprising carriageway, footway, cycleway and associated infrastructure to include earthworks, bridge structures, services, drainage, landscaping, lighting and signage
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Additional Consultee Representations

University Hospital of Leicester (UHL) (received 20th April)

This is a further response to the Officer’s planning report in respect of the above application which is to be represented to the public and planning committee on 21 April 2020. The response should be read together with the Consultation responses, appeal decisions, legal advices and the letter attached to the officer’s report dated 7th January 2020.

The response follows the numbering in the officer’s report:

Paragraph 6.26.

1. The consultation report is not submitted on the basis of shortfall in the funding. The Consultation response explains the short and long term impact that this proposed development, individually and cumulatively, will create on the Trust’s services.
2. As explained in the main consultation response in paragraph 23, an 85% bed occupancy level represents the benchmark level of occupancy for patient safety. Occupancy above this percentage leads to accelerated deterioration in the A&E performance. It is important that when patients present themselves at the hospital, they can be either discharged or transferred to the correct ward for the right treatment. If

there is no bed available there is an increase in transfers from one ward to another. This will lengthen the stay for the patient and will have a detrimental impact on the quality of the care and recovery time.

3. Without a mitigation of financial contribution, the individual and the cumulative impact created by this proposed development in turn will have a knock-on effect on other services which will then again increase waiting times for other patients and be detrimental to the health and wellbeing of the community at large. In addition, it will potentially put the Trust at risk of further financial penalties having not achieved the required standard.
4. The proposed new additional residential development will add a further pressure on the current acute healthcare services provided by the Trust.
5. The Applicant's own Environmental Impact (EI) assessment (paragraph 5.5.20 of Volume 1) confirms that it is possible that the further demand upon hospitals services cannot be met without appropriate mitigation.
6. In its modest but effective mitigation, the Trust has carefully considered its funding from the CCG and has requested only the amount that it cannot obtain through its contract with CCG or recover retrospectively.

First and second bullet points:

7. The Trust has clearly expressed to the Council that phased payment are acceptable in similar terms as with other contributions. In addition, the Trust has done further work as to the potential patients that are already in the Trust's catchment area and is willing to deduct those from the final calculation.
8. DLP Planning Ltd has been instructed by the Trust to undertake an assessment to calculate the level of new population moving into the Trust's operational area. In undertaking this assessment the following data sources and existing evidence base documents have been reviewed: Applicant's Planning Statement
 - East of Lutterworth Strategic Development Area – Environmental Statement Volume 1
 - Housing and Economic Needs Assessment (HEDNA) for Leicester & Leicestershire Authorities and the LEP (2017)
 - Updating the Rutland County Council 2017 Strategic Housing Market Assessment (2019)
 - Census 2011 data
 - Household Projections 2016
9. The new population moving into the Trust's operation area, are those people who previously did not live in the area and therefore do not form part of any calculation by the Trust on the demand for their services.
10. In summary to calculate a reasonable new population moving into the Trust's operation area the assessment has:
 - Established the migration 'inflow' of new population moving into the Trust's operation area, using 2011 Census Data
 - Using headship rates for the East Midlands region and a population profile for Leicestershire and Rutland region, a new inflow population for the proposed development of a total of 2,750 new homes has been calculated.
 - Some affordable dwellings are removed from the calculation. This is a conservative approach to calculating new inflow population, as this assumes most residents in affordable housing already live within the Trust's operational area. Of the proposed 1,100 affordable homes (825 social rent and 275 of other low cost home ownership products), based on 2011 census data, for social rent products it is assumed that only 19% are from outside the Trust's operational area, for other low cost products, the inflow percentage is the same as market homes.
 - The proposed development would create a new population of 2,398 (38%), (from a total of 6,297) moving into the Trust's operation area.
 - A more detailed analysis of the headship rates and population profile of migrants into the Trust's operation area, would likely show fewer older people

and more family sized households, which would typically mean a higher population and therefore higher household size.

11. Further, the calculation provided with the consultation response does show (Appendix 3 of the Consultation response, second calculation column) that not every occupant will be using the Trust's A&E, non-planned services and other services. Only those patients potentially using the services have been included in the calculation. This is contrary what is expressed in the officer's report.
12. To explain further, the Trust holds statistics on every patient and postcode that uses its services. It can calculate an average potential activity that will come from this development based on previous activity that the Trust holds. This way the Trust has directly linked the impact to the development. The Trust is happy to go through the calculation further with the officers if required.
13. The issue of population growth and how it is dealt with is explained in the 1 January 2020 letter. The Trust is again happy to go through this with the officers if they need any further information. The bottom line is that during the first year of the occupation, the residents are not part of the funding mechanism from the CCG. The Trust will not receive any additional funding for the additional costs arising from having to hire agency staff. This is something that the Trust cannot influence in the same way that the Local Government cannot influence its funding from the Government. The contract with the CCG will take into consideration only those who are already on the land. The actual population growth will not catch up until later on but will not cover the gap in the funding.
14. The contribution request is not dissimilar to the education contribution requested by the County Council for contribution towards the expected increase in pupil numbers in the County; for which the County does receive funding. The main exception to this however is that the Trust has a clear gap in its funding of the new population making it absolutely necessary that the contribution is paid to mitigate the potential short and the long term impact as explained above and in more detail in the consultation response.

The fact that the Trust's calculation takes into consideration:

- Only the exiting new population, now **38%** of the total estimated population of the new development.
 - Only those occupants that are likely to use the services; and
 - Only the amount that is not funded.
15. This makes the contribution fairly and reasonably related in scale and kind to the proposed development.
 16. Without the contribution, there will be a short and long-term impact that has a detrimental social economic effect that cannot be ignored.
 17. The Trust has just recently moved into new contractual terms with the CCG. This means that the Trust has moved into block contract in respect of the A&E, non –elective work and with other areas of work specified in the Appendix 3 of the Consultation Response. This means that the Trust does not receive additional funding for any additional activity. Due to the COVID-19 situation, the Trust is unable to update this element of the funding but will provide updated figures as soon as possible but will confirm that it will deduct from the final figure the existing population and will seek contribution only in relation to the new population as explained above.

Third bullet point

18. The planning system is not asked to deal with the Trust's financial deficit in any way. The contribution is to mitigate the impact as explained above in the same way as the planning system deals with other impacts created by the development. This argument could be used in respect any other public body requesting contribution to mitigate an impact, for example education.

Fourth bullet point

19. The Council requested the NHS Improvement Guide from the Trust and this was not part of the Trust's formal consultation response. The Trust has not relied on this document. In fact, this document is not in the public domain.

Conclusion

20. The Trust has clearly demonstrated that the contribution requested complies with the CIL test.
21. Furthermore, there seems to be no legal or policy justification to say that the impact created by the development on the Trust's services and its mitigation is not material planning consideration.
22. The Trust is extremely concerned that although the Applicant has recognised that there is a potential impact on the 'hospitals' (i.e. the Trust), it has failed to carry out an adequate assessment in accordance with Regulation 4 of the Environmental Impact (EI) Assessment Regulations 2017.

The Trust is happy to work with the Council and the Applicant and happy to provide any further information / explanation necessary.

Additional Neighbour Representations

3 Additional representation has been received against the application:

- 1) I am writing to note my concerns of the proposed Lutterworth East development.

Having been a resident of nearby Walcote for more than 10 years, I hope you will note my concerns below as valid. I am not sure whether this is the correct address to submit comments and concerns to but if not, I'd be grateful if you can please advise who I should contact. Comments are as below:

The current traffic through Lutterworth is already a very busy route, being a main through route to the M1/M6 motorways. At a recent planning meeting in our village hall we were told that despite planning for construction, warehousing being built and over 2700 new homes, the traffic through the village would not increase! This does not seem feasible or realistic at all.

Getting out of the village onto the main road can take some time, especially at peak traffic times as well as school buses and other traffic occasionally stopping right by the junction. People crossing the road can wait a long time before there is a gap in the traffic to safely cross, however it was noted by a HDC representative in the meeting that a pedestrian crossing would not work as drivers would get used to not stopping as it would usually be green, therefore it would be potentially dangerous! This solution does seem to work just fine on the road into Lutterworth past the large empty warehouse up to the aeroplane roundabout where the pedestrian crossing is very rarely used. There needs to be a solution with the guaranteed extra traffic that will come through the village.

With the traffic so much higher, people will make rat runs out of the local back roads which will not only increase traffic in other villages but will also be dangerous on many of the back roads. There will also be a detrimental effect on wildlife.

With the construction and extra traffic, it's obvious there will be an impact on wildlife on the site and surrounding areas. Traffic and air pollution will also be affected as well as the disruption of natural habitats for nature and wildlife. Local walks will be destroyed and green spaces ripped up to create more housing.

With the recent extreme wet weather, there was footage shown and we all saw the potential site flooded to a large extent and the surrounding areas were also hit pretty hard with the excess water. With building work proposed there seems to be growing

concern in the village that there will be implications on drainage here and that the site is possibly not fit for building work.

2) Failure to provide a bypass.

For over thirty years or more various proposals have been put forward to address the fact that a main 'A' road goes right through the heart of Lutterworth. Consequently Lutterworth residents and visitors are exposed to noise, pollution, risk of accident, congestion and inconvenience right in the heart of their main shopping and cultural centre. The failure to solve this problem by providing a proper bypass to the east of the new development, as originally suggested, is a bitter disappointment. It is shameful that the next generation of Lutterworth residents will, if these plans go ahead, have to endure a town centre with a main road running through it. Worse still, as the planning documents themselves acknowledge, given the 2750 new homes and 57 acres of industrial/office development, "the proposed development will generate significant amount of traffic". So, bearing in mind all these factors and the closure of the Gilmorton Road, the traffic on the A426, despite the suggestion in the plan that the "spine road" will help, will in fact be even worse. If the plans go ahead unchanged a great opportunity to improve the quality of life for thousands of people in both Lutterworth East and West, will be lost.

Lack of infrastructure to support the new homes and residents especially public transport. Lutterworth is already poorly served by public transport with a slow and infrequent bus service being the only alternative available for those wishing or needing to travel to Leicester or Rugby without using a private vehicle. It is extraordinary that, despite the proposed significant increase in population, this public transport shortfall is not seriously or systematically addressed in the documents we have seen. The few publishers transport proposals made are bland assertions and unsupported by concrete changes in infrastructure. In this day and age effective public transport should be a fundamental part of any development like this from the outset. We cannot continue to encourage the use private vehicles as we are, thus increasing congestion, pollution and all the other problems we are all very well aware of. In addition, the lack of planning with regard to GP Services, other health services such as Dentistry and car parking for the estimated 4000 extra cars that will be using Lutterworth, are all glaring omissions.

Failure to apply a strategic approach.

As we understand it the environmental impact assessment focused on Lutterworth and its immediate surroundings. A much wider view must be applied. Lutterworth is located at the junction of three counties, Leicestershire, Warwickshire and Northamptonshire and the boundary between the East and West Midlands. The proposals show no evidence of any consideration of the environmental impact of developments that these counties are considering or taking forward. We would draw attention to the developments at, Houlton New town near Rugby, The Rugby Gateway, DRIFT and of course the developments at Magna Park. We would add that there continues to be piecemeal residential development in nearly all the villages surrounding Lutterworth. In the absence of a strategic plan Lutterworth too has had extensive development. The most recent large Mulberry Homes development on Brookfield Way is unlikely be the last. These changes impact on the wider road network. For example congestion is already a daily feature of travel on the A426 between the A5 and the M6. This choke point happens to be in Warwickshire but clearly most of the traffic using this road comes from Leicestershire and Northamptonshire. This problem and many others like it, will only get worse without a proper strategic overview.

Air and Noise pollution.

Anyone looking at the proposals afresh would, we think, be surprised to see a town with a motorway and an 'A' road cutting through its centre. Most would think that the air and noise pollution impact of such a proposal make it a very poor idea indeed. If such an idea were to go ahead innovative and radical ameliorative measures are surely be necessary . We could see no such measures in the proposals. Whilst we acknowledge the technical data presented seems to suggested (from our untutored reading) that the

noise and air pollution impact is minimal we remain very sceptical. We live at a time when our understanding of the long term health impacts of vehicle pollution is developing rapidly. It is dangerous to ignore the prime facie evidence that, given the 'A' road and the motorway, Lutterworth will be an unusually high risk area. We do acknowledge that this country has a housing shortage and people need a place to live. So, a vastly improved proposal that fully addressed the points made above and that provided new homes would be welcomed. We also appreciate and welcome the extensive green spaces that have been integrated into the plan providing that the District Council is able provide adequate long term maintenance. But the serious objections raised in points 1 to 4 must be fully addressed to ensure that both the existing and new residents of Lutterworth enjoy a good quality of life in a thriving community of the twenty-first century.

- 3) I understand that the planning meeting is tomorrow evening (21st April) even though you state on your website it is the first Tuesday of each month, so why the rush? Do you think that due to the current Covid 19 pandemic passing this application will not be noticed?!

I would suggest that the Pandemic should give the Council reason to reflect on what is important in the area. The green spaces that will be lost to this development together with the lack of additional infrastructure in Lutterworth to cope with the amount of people moving into the area will obviously have a detrimental effect on life in the Town. In addition I trust the Council have looked at copies of my photographs showing the recent flooding of the area that is earmarked for development and the fact that once the area is built over there will be no natural drainage through the ground and any rainwater will be rushing through the drains that will be built and end up in the river swift at a greater rate. This is despite the "computer modelling" the Council have said shows they can control the flow rate although I was unaware King Canute had completed the study!

Please can you also consider the environmental and pollution issues? Who in their right mind builds a brand new estate within 100 yards of one the busiest roads in the Country? And then puts a spine road through its centre which allegedly will allow vehicles to divert through the estate will create yet more pollution to both the new estate and existing residents in Lutterworth itself. Please consider your decision carefully and vote against the planning application as there has been sufficient development around Lutterworth in the past few years.

1 comment made on the HDC Website regarding the process of decision making

Very underhand to hold planning meeting regarding Lutterworth East during the pandemic. People I have spoken to are not aware this is going ahead. For such a large development it is irresponsible to trial a remote format for the first time. What about people who do not have access to computers or those who are not particularly computer literate (like myself) I would not know how "view" the meeting

Officer Comment on additional UHL representations

HDC have instructed Simon Bird QC for his Opinion on how the application should be progressed in light of the comments received on behalf of UHL on the 20th April

Amendments to Officer Report

Para 7.9 of the Officer report should be amended to include the wording in *italics and underlined*

- 7.9 Whilst there is some harm to the setting and significance of St Leonard's Church, the applicant has satisfactorily demonstrated that this harm has been minimised and the residual harm would be no less with any alternative sensible development of the allocated site. *Whilst there is some limited harm to the setting of St. Mary's Church Lutterworth this is limited to its relationship with St. Leonard's Church Misterton in so far as the proposed spine road passes through the setting of St. Leonard's church and*

that that harm has been minimised. On that basis officers have concluded that the development complies with the heritage assets criterion of policy L1. Even were there a conflict, the benefits of the development, coupled with the absence of any reasonable alternative layout for the development would substantially outweigh the levels of harm which have been identified, giving that harm the considerable importance and weight required.

Amended Conditions / Informatives

The following conditions should be amended to include the wording in *italics and underlined*, and remove the wording which has been ~~struck through~~

Detailed Commencement

1. The development being the detailed element of this permission (construction of the Spine Road, associated junctions, landscaping, earthworks and lighting) hereby permitted shall be begun within five years of the date of this permission., ~~or before the expiration of two years from the date of the approval of the first of the reserved matters, whichever is the later.~~

Green Infrastructure and Biodiversity Management Plan

3. No development shall commence on any Phase other than the spine road and associated junctions until there has been submitted to and approved by the District Planning Authority a Green Infrastructure and Biodiversity Management Plan for that Phase to include:
 - a) details of all protected species on that Phase of development including up to date surveys and details of survey methodology
 - b) full details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being of importance to biodiversity both during construction and post development
 - c) details of all ponds and water courses within that Phase of development
 - d) details of all trees and hedgerows to be removed and those to be retained together with a scheme for the protection of retained trees and hedgerows during development
 - e) a woodland management plan (if the Phase includes any area of existing woodland) to be informed by up-to-date surveys of the woodland including understorey ground flora and biodiversity
 - f) principles of strategic earth modelling, mounding, re-grading and/or embankment areas
 - g) Principles of planting and landscaping details and plans, including any strategic planting
 - h) details of public access to Green Infrastructure and how that is to be achieved
 - i) Principles of provision of structures within the Green Infrastructure (including hard landscaped areas, lighting, floodlighting, bins, boundary treatments and street furniture)
 - j) principles of recreational facilities including youth facilities and children's' play provision and allotments
 - k) the timescale for the implementation of each aspect of the Green Infrastructure and Biodiversity Management Plan within that Sub-Phase of development ~~and a statement of how this confirms with the approved Site Wide Green Infrastructure and Biodiversity Management Plan~~
 - l) principles of management and maintenance regimes and provision of access for maintenance

The development shall thereafter be carried out in accordance with the approved plan.

Construction Management Plan

17. Notwithstanding the submitted traffic management plan prior to commencement of the construction of the spine road or means of access into the site a Construction Environment Management Plan (CEMP) shall be submitted to and approved by the District Planning

Authority. The CEMP shall set out the details of the following and a timetable for their implementation:

- a) The provision of haul routes to ensure that construction traffic does not pass through areas of occupied residential properties.
- b) The parking of vehicles of site operatives and visitors
- c) Loading and unloading of plant and materials
- d) Storage of plant and materials used in constructing the development
- e) Location of Contractor compound(s)
- f) Screening and hoarding details
- g) a detailed reactive and proactive road cleaning schedule, incorporating the use of road sweepers, on-site wheel wash facilities and the use of hand brooms on wheels and roads where necessary.
- h) Measures to control the emission of dust and dirt during construction
- i) Hours of operation - the details shall include the hours of construction and the hours for the loading/unloading of materials.
- j) Construction noise and vibration strategy
- k) Earthworks and soil management strategy
- l) Sustainable site waste management plan
- m) The means of access and routing for demolition and construction traffic and indication of signage locations to assist those delivering to the site
- n) A construction travel plan
- o) Management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction
- p) The storage of fuel and chemicals
- q) The control of lighting
- r) Footpath diversions
- s) Proposed mitigation schemes on the highway network

The development shall be carried out in accordance with the approved CEMP

Flood Risk Assessment

24. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref: 33277/4007 | Rev: - | Date: February 2019 and the mitigation measures detailed within section 6 of the FRA.

The mitigation measures necessary for each phase or sub-phase shall be fully implemented prior to occupation of each phase or sub-phase ~~or within any other period as may subsequently be agreed, in writing, by the District Planning Authority.~~

Highway mitigation M1 J21

31. Prior to the first occupation of the residential element of the development, full design details of the proposed highways mitigation works at M1 J21, which shall comply with DMRB standards and be in general accordance with AECOM drawing 60578868-LESDA-TP008-00002 Rev 02, shall be submitted to the local planning authority and approved in writing. The highways mitigation works approved under this condition shall thereafter be completed in accordance with the approved details, prior to first occupation of the residential element of the development.

M1 Overbridge

35. Prior to the construction of the overbridge on the M1 motorway which is proposed as part of the spine road as shown on AECOM drawing LESR-ACM-XX-XX-DR-SE-000001 Rev P02, a Safety Technical Report to inform on the safety implications of the proposed overbridge on the M1 motorway should be submitted to and approved in writing by the Local Planning Authority. The Safety Technical Report should include (but not be limited to):

- a) Details to ensure that the support structure for the proposed M1 overbridge does not compromise or reduce the visibility to existing signs on the M1. If it does, the

design should include relocation of the M1 signs to ensure driver visibility to the signs is maintained.

- b) Details to ensure that the support structure for the proposed M1 overbridge does not reduce the existing width of the M1 carriageway or verge.
- c) Details on the containment class of the parapet to be qualified as appropriate via a Road Restrain Risk Assessment Process (RRRAP) or similar assessment.
- d) Details regarding pedestrian fencing in compliance with requirements for a cycleway bridge.

Thereafter the development shall be carried out in accordance with the approved details ~~in perpetuity~~ and retained thereafter

M1 Boundary treatment

- 36. Prior to the occupation of each phase or sub phase of the residential element of the development, details of boundary treatment adjacent to the M1 motorway for that phase or sub phase shall be submitted to and approved in writing by the ~~Local~~ District Planning Authority in consultation with Highways England. These should include details of the site's boundary fencing, ensuring pedestrians cannot access highway land. The approved boundary treatment shall thereafter be constructed in accordance with the approved plans and maintained in perpetuity.

Informatives

- 1. Any reserved matters application for parcels R13, R14, and/or R15 adjacent to Thornborough Farm, Lea Barn Farm and/or Oback Farm shall include details of the landscaping of a landscaped buffer between the application site and Thornborough Farm, Lea Barn Farm and/or Oback Farm. The layout of the development will protect the amenity of occupiers of Thornborough Farm, Lea Barn Farm and/or Oback Farm. ~~To protect the residential amenity of the occupiers of Thornborough Farm~~
- 2. The relationship between Bungalow Farm and the proposed industrial units be investigated in detail prior to the submission of any Reserved Matters application and it is also recommending that the Reserved Matters submission be accompanied by cross-sections setting out the relationship between the Bungalow Farm and the proposed business units along the eastern boundary of the development parcel. Furthermore, careful consideration should be given ~~to~~ in any Reserved Matters application with regards the hours of operation of any business occupying units adjacent to the boundary with Bungalow Farm.

Additional Conditions

The Following additional conditions are recommended:

SSSI Management Plan

- 58. Upon commencement of development the management scheme 'Misterton Marshes SSSI Management Principles (FPCR, October 2019)' shall be implemented, including the phasing of management triggers set out in section 6..

REASON: To ensure that the Misterton Marshes SSSI are protected from damage or loss of ecological interest

Ground Levels

- 59. No development other than the spine road and associated junctions shall commence for any phase or sub-phase until details of finished ground levels for that phase or sub-phase have been submitted to and agreed in writing by the District Planning Authority.

REASON: To ensure the District Planning Authority understands how the development is carried out and temporary environmental impacts mitigated.

Planning Committee Speakers List – 21st April 2020

Speakers please note that the Council's constitution requires evening meetings to end after three hours, unless the Committee votes to continue the meeting. If a meeting does adjourn, remaining business will be considered at a time and date fixed by the Chairman or at the next ordinary meeting of the Committee and the existing speakers list will be carried forward.

Application	Parish	Speaker	Type
19/00250/OUT	Lutterworth / Misterton	Stephen Walkley	O
		Ben Shaw	O
		David Gair	O
		Richard Nunn	T/PC
		Gary Stephens	AG
		Jane Reader	A
		Cllr Mrs Page	STC
		Cllr Graves	STC
		Cllr Beadle	STC
		Cllr King	STC
		Cllr Sarfas	WM
		Cllr Bateman	WM

Key to Speaker Type: O = Objector, S = Supporter, PC = Parish Council, A = Applicant/to speak on behalf of applicant, AG = Agent, STC = subject to confirmation (requiring the consent of the Chairman and a majority of the Committee), WM = Ward Member

PLANNING COMMITTEE MEMBERSHIP 2019/20

Councillors Mrs Ackerley, Dr Bremner, Mrs Burrell, Champion (Chairman), Frenchman, Galton, James, Liquorish and Modha (Vice-Chairman).

Please note – any Councillor unable to attend a meeting can be substituted with prior notice being given. Any substitutions will be announced at the start of each meeting.