

Planning Committee Report

Applicants: Leicestershire County Council

Application Ref: 19/00250/OUT

Location: Land East Of Lutterworth, Gilmorton Road, Lutterworth

Proposal: Hybrid planning application comprising:

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

Application Validated: 8th March 2019

Application Target Date: 28th June 2019

Site Visit Dates: 25th April 2018, 1st May 2018, 14th May 2018, 15th August 2018, 14th March 2019, 23rd April 2019, 28th August 2019, 16th September 2019, 14th November 2019, 5 December 2019, 20th April, 27th May, 3rd, 10th, 17, 14th June, 7th and 9th July 2020

Consultation Expiry Date: 21st June 2020

Case Officer: Growth Team

Reason for Committee Decision: The application is to be determined by Planning Committee because of the scale and nature of the proposed development

Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report, subject to:-

- (i) The proposed conditions set out in **Appendix A (with delegation to the Development Planning Manager to agree the final wording of these)**; and
- (ii) The Applicant's entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (and S38/S278 of the Highways Act 1980) to provide for the obligations set out in **Appendix B** and justified in **Section 6c** of this report (with delegation to the Development Planning Manager to agree the final wording and trigger points of the obligations); and

1. Introduction and Update from 21st April Planning Committee

- 1.1 The committee will proceed in the following order:
 - 1. Officer Presentation on 19/00250/OUT
 - 2. Registered Speakers on 19/00250/OUT
 - 3. Officer Response to issues arising from Public Speaking
 - 4. Committee debate on 19/00250/OUT
 - 5. Committee Members vote on how to determine 19/00250/OUT

- 1.2 Throughout the report, a number of reports and studies are referred to. To aid the reader, these are shortened to their relevant acronym, a list of which is available at **Figure 1**.

Acronym	Meaning / Report Name
2FE	Two Form Entry school
5YS	Five year housing supply
ALC	Agricultural Land Classification
AOD	Above Ordnance Datum
AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Area
BMV	Best and Most Versatile Land
CA	Conservation Area
CEMP	Construction Environment Management Plan
CHA	County Highways Authority
CIL	Community Infrastructure Levy
DAS	Design and Access Statement
DBA	Desk Based Assessment
DP(D)	Development Plan Document
dpa	Dwellings per annum
DRP	Design Review Panel
DtC	Duty to Cooperate
ECMS	Ecological Construction Method Statement
EHO	Environmental Health Officer
EIA	Environmental Impact Assessment
ES	Environmental Assessment
FEMA	Leicester and Leicestershire Functional Economic Market Area
FFL	Finished Floor Level
(S)FRA	(Strategic) Flood Risk Assessment
fte	Full Time Equivalent
GCN's	Great Crested Newts
ha	Hectares
HDBFS	Harborough District Built Facilities Strategy
HDOSS	Harborough District Open Spaces Strategy
HDPPS	Harborough District Playing Pitch Strategy
HE	Historic England
HIA	Health Impact Assessment
HiE	Highways England
HLP	Harborough Local Plan 2011-2031
HEDNA	Leicester and Leicestershire Housing and Economic Development Needs Assessment (2017)
HER	Historic Environment Record
HMA	Housing Market Area
HPIG	Leicester and Leicestershire Housing Planning and Infrastructure Group
LCC	Leicestershire County Council
LCS	Landscape Capacity Study
LEAMP	Landscape, Ecology and Arboricultural Management Plan

LHA	Local Highway Authority (Leicestershire County Council)
LLFA	Leicester and Leicestershire Lead Local Flood Authority
LLITM	Leicester and Leicestershire Integrated Transport Model
(L)LCA	(Local) Landscape Character Assessment
LOAEL	Lowest Observed Adverse Effect Level
LPA	Local Planning Authority
LPEAP	Harborough District Council Local Plan Executive Advisory Panel
LRBG	Leicestershire and Rutland Badger Group
LRERC	Leicestershire and Rutland Ecological Records Centre
LTC	Lutterworth Town Council
LTP	Leicestershire Local Transport Plan
LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Site
MPL	Magna Park Lutterworth
NOEL	No Observed Effect Level
NPPF	National Planning Policy Framework / The Framework
(N)PPG	(National) Planning Practice Guidance
NPSE	Noise Policy Statement for England (2010)
NTS	Non-Technical Summary
OAN	Objectively Assessed Need
OHL	Over Head (Power) Line
PLWS	Place of Local Wildlife Significance
PM ₁₀	Particulate Matter smaller than 10micrometers
PM _{2.5}	Particulate Matter smaller than 12.5micrometers
PPA	Planning Performance Agreement
ProPG	Professional Practice Guidance on Planning & Noise
SA	Sustainability Appraisal
SELAA	Strategic Employment Land Availability Assessment (March 2017)
SHLAA	Strategic Housing Land Availability Assessment
Smart Motorway	A section of a motorway that uses traffic management methods to increase capacity and reduce congestion in particularly busy areas.
SOAEL	Significant Observed Adverse Effect Level
SPG	Supplementary Planning Guidance
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage Systems
TA	Transport Assessment
TLP	The Landscape Partnership Ltd
TP	Travel Plan
VER	Valued Ecological Receptor
WCC	Warwickshire County Council
WHO	World Health Organisation

Figure 1: Glossary of terms

- 1.3 Following the publication of the report previously on the 9th April for the 21st April meeting of the Planning Committee, representations were received on the 20th April on behalf of UHL. HDC instructed Simon Bird QC for his Opinion on how the application should be progressed in light of the comments. The advice was that further consultation

would need to be carried out with the applicant following these late submissions and an assessment of the revised contributions claimed by UHL carried out to ascertain if they are CIL compliant. This needed to be carried out before the application can be considered by the Planning Committee and as such Officers recommended that the application was deferred.

- 1.4 Additional to this, Members also concluded that the application should be deferred to allow all Members the opportunity to carry out an accompanied site visit to enable them to experience the site for themselves. Accompanied site visits were subsequently carried out, adhering to social distancing guidelines, during the period of 27th May 2020 to 7th July 2020.
- 1.5 In response to the UHL correspondence, further discussions have taken place between Officers and the representatives of UHL, with additional information having been discussed. An assessment of this additional information is set out at **Paras 6.27 to 6.73** of this report. The applicants also addressed the late submission from UHL as part of the additional submissions made in May 2020.
- 1.6 Subsequent to the deferral of the application from Planning Committee in April 2020, Planning Committee resolved to Approve an application for a new retail outlet at Rugby Road, Lutterworth. The site of this application is in close proximity to the Whittle Roundabout, and as such, Officer's considered it necessary to request that the Applicants update their Cumulative Impact Assessment to take account all of additional relevant development that had been consented in the area between the date of the submission of the application and that date. The applicants also committed to address schemes which may be approved prior to the approval of this application. The additional schemes included in the revised Cumulative Impact Assessment are the Aldi scheme, a housing development on Lutterworth Road, Gilmorton and the proposed housing scheme on the site of the former De Verdon Road Allotments in Lutterworth. An assessment of this additional work has been included in the relevant sections of the report, namely **Section 6, Chapters 3, 5, 7 and 10**.
- 1.7 During the course of the Committee Site Visits, a number of points of clarification were asked, these are set out below:
 - Width of A436 through Lutterworth Town Centre – the narrowest “pinch” point through the Town Centre is north of the Market Square. At this point, the carriageway width is 4.7m with 9.9m between buildings.
 - Electricity Pylon buffer – Members queried the 30m buffer for the High Voltage Power Line. Officers can confirm that the National Grid guidelines are that there should be a 30m buffer either side of the outermost conductor of the pylons (ie in excess of 60m wide in total) within which there should be no provision for active recreation. The EIA Parameters Plan submitted in support of the application provides for a 40m wide buffer (20m either side of the centre line). No guidance exists in relation to proximity of houses, other than recommended WHO noise levels should be achieved at properties in the vicinity of power lines. This point is discussed in more detail at **Paras 6.14.19 – 6.14.28** of this report.
 - Noise Levels – During the site visits with Members, Officers recorded (via an app on a phone) the noise levels being experienced. It must be noted Motorway traffic levels were significantly lower than normal at these times, and that this type of recording can be significantly affected by wind, bird and tree noise and doesn't provide an LAeq16Hr figure, however, the average Db levels recorded in parcel R8 varied between 58 and 65dB.

2. Site & Surroundings (including site history)

- 2.1 The site lies predominantly to the east of the M1 Motorway, with built development only being proposed to the east of the M1. The site also includes land to the west of the M1. This comprises land north of Gloster Road, on the northern edge of Lutterworth, alongside the A426 (Leicester Road) and Bill Crane Way. The site also includes land to the east of Station Road and Misterton Way. This land is bordered by a dismantled railway line and the M1 Motorway. The site adjoins the town of Lutterworth to the west, is near to the hamlet of Misterton to the south east (see **Figures 2 & 3**).

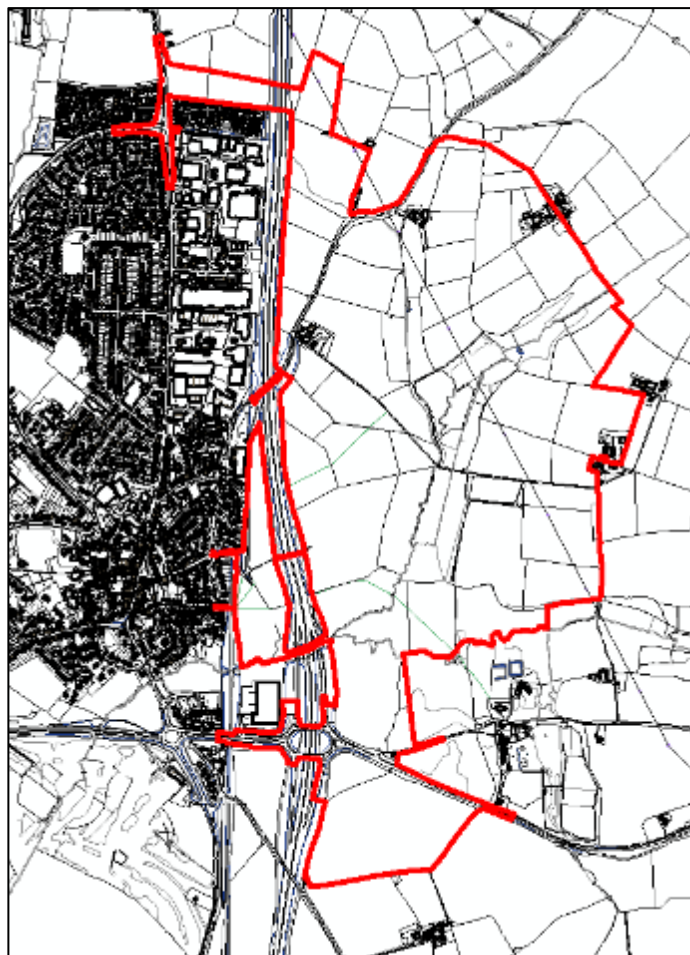


Figure 2: Site Location Plan

- 2.2 The site is circa 225ha and is predominantly agricultural land in both pastoral and arable use. There are a small number of residential and agricultural buildings within the site, and high voltage overhead power lines cross the site. The site contains the Misterton Marshes Site of Special Scientific Interest (SSSI), Thornborough Spinney, and smaller pockets of woodland and hedgerows of local ecological value.
- 2.3 The River Swift and its tributaries run through the site, along with a network of drains and ditches. The majority of the site falls within the Flood Zone 1. The site is not designated for its landscape value, has a relatively limited visual envelope due to the presence of the M1 and tree planting. Part of the site falls within the setting of Grade II* listed Misterton Church.
- 2.4 The site can be accessed from the A4304 to the south, the Gilmorton Road, the A426 to the north, and numerous footpath connections along the western and eastern

boundary. Whilst the individual parcels within the application site have a considerable planning history, none of this is relevant to this planning application.



Figure 3: Aerial Photo of site

3. The Application Submission

a) Summary of Proposals

- 3.1 The application is a hybrid application, the majority of the proposal is in Outline form, with detailed approval being sought for the spine road and associated junctions and infrastructure
- 3.2 In summary, the proposed development is for:
- Up to 2,750 dwellings (of which up to 40% (1,100) will be affordable);
 - 13ha of B8 employment land (up to 52,000 square metres of gross external floorspace);
 - 8.5ha of B1 & B2 employment land (up to 34,000 square metres of gross external floorspace);
 - Two 2 form entry primary schools with pre-school provision (4ha);
 - A Community Hub (2.5ha), including retail and community uses (up to 8,000 square metres of gross external floorspace);
 - A Spine Road between the A4304, Gilmorton Road, and the A426, with new access junctions, and improvements to M1 Junction 20 and the A426/Bill Crane Way Junction;
 - New, and improved, pedestrian and cycle routes to the existing urban area of Lutterworth;
 - Green Infrastructure (c. 111ha or 50% of the site), including the Swift Valley Community Park east and west of the M1, Misterton Marshes SSSI, and greenways.

- 3.3 The detailed (full) element of the application includes the construction of a Spine Road and new access junctions. These access junctions are:
- 1) On the A426 near Gloster Road and Bill Crane Way;
 - 2) On Gilmorton Road to the east of the M1;
 - 3) On Chapel Lane near the A4034; and
 - 4) On the A4304 to the east of M1 junction 20.
- 3.4 The proposal includes a new traffic signalised junction on the A426. The junction will include widening in the vicinity of the junction to provide additional traffic capacity. It will also include cycle and pedestrian facilities.
- 3.5 The section of the new Spine Road between the A426 and Gilmorton Road is designed as a 40mph route. The Spine Road would comprise a 6.7m wide single carriageway with a 3m wide footway / cycleway on each side of the carriageway. This section of the Spine Road includes earthworks, a new bridge over the M1, a new '2 arm' roundabout immediately east of the M1, and a new '4 arm' roundabout where the Spine Road connects with the existing Gilmorton Road. The new bridge will comprise a steel/concrete structure. This would be a single span bridge with the allowance for the future provision of a 'smart motorway'
- 3.6 Where the Spine Road meets Gilmorton Road a new '4 arm' roundabout junction is proposed. The Proposed Development includes closure of the Gilmorton Road bridge over the M1 for general vehicular use and converting this section into a route for buses, pedestrian and cyclist use only. This closure will only occur once the Spine Road – to include the A426 junction and the M1 Motorway bridge – is operational, and with the agreement of Harborough District Council and Leicestershire County Council.
- 3.7 The section between the new Gilmorton Road roundabout and the edge of the proposed Swift Valley Community Park is designed as a 30mph route. This part of the Spine Road would provide access to the western part of the development, referred to as Wycliffe Fields. The Spine Road would comprise a 6.7m wide single carriageway, 3m wide grass verges on each side of the carriageway that allow for the planting of street trees, as well as space for bus shelters and street furniture. Alongside each verge would be a 3m wide footway-cycleway.
- 3.8 The Spine Road is designed with crossing points for the site's public rights of way (footpaths) as well as crossing points for new 'Greenways'. These 'Greenways' are the term that describes existing permissive routes that are improved and upgraded and/or new walking and cycling routes.
- 3.9 The section between the northern edge of the proposed Swift Valley Community Park and the A4304 would be designed as a 40mph route. The Spine Road comprises a 6.7m wide single carriageway and a 3m wide footway / cycleways on each side of the carriageway. This section includes a bridge over the River Swift and floodplain and a new road connection onto Chapel Lane. The new bridge over the River Swift would have a total span of 18.20 metres. The road bridge would be 5m above ground level.
- 3.10 A new traffic signalised junction is proposed on the A4304 (Lutterworth Road). The junction will include widening of the existing road to provide additional traffic capacity and integration with Junction 20 of the M1. The access proposals include cycle and pedestrian facilities.

- 3.11 Access into the proposed employment land to the south of the A4304 will comprise a new traffic signalised junction on the A4304. The junction will include widening of the A4304 in the vicinity of the junction to provide additional traffic capacity.

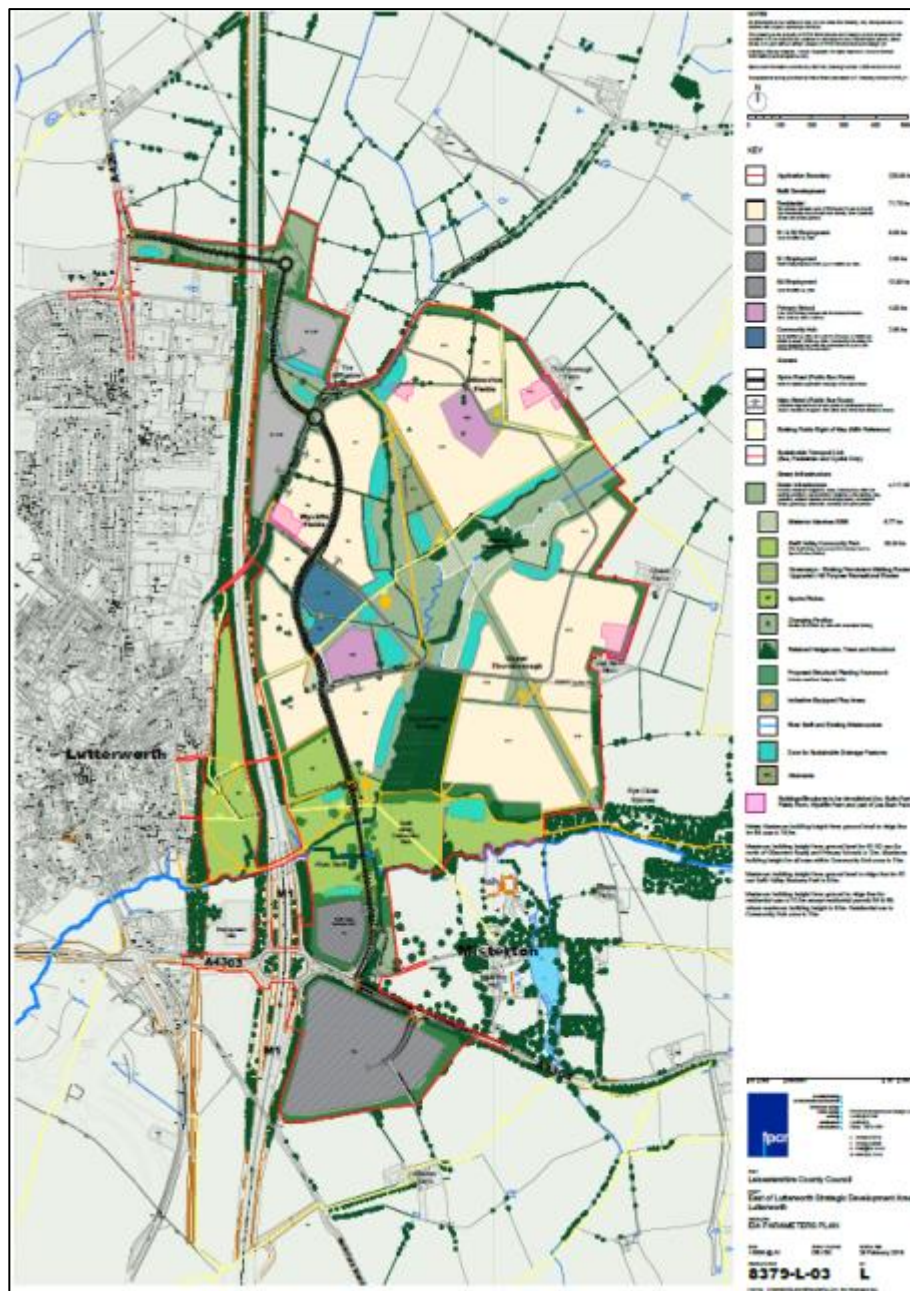


Figure 4: Parameters Plan

- 3.12 The remainder of the application is in outline form. A masterplan has been prepared by the applicants in the form of a Parameters Plan (see **Figure 4**). The Parameters Plan provides certainty for the EIA and decision-making process by providing information on the scale of the scheme. The Parameters Plan includes the Spine Road corridor and access junctions and the proposed land uses within the site. These are summarised below.
- 3.13 In total, the application proposes up to 2,750 new homes within the site. These will be located in three development areas that are referred to throughout the application as:
- Wycliffe Fields, which is the western part of the development, and

- Gilmorton Fields and Upper Thornborough that are located within the eastern part of the development.
- The proposed Community Hub (Neighbourhood Centre) will also include some residential use.
- 3.14 The precise housing mix will be determined at the detailed planning stages, but it is expected that this will encompass a range of private market housing from 1-5 bed properties. 40% of the new homes will be affordable homes¹.
 - 3.15 Designs are expected to include bungalows, apartments, terraces, semi-detached and detached houses with associated streets, gardens and parking. Appropriate parking spaces per house type will be provided in accordance with local authority guidelines. In line with best practice principles, housing plots will benefit from landscaping and space for on-plot recycling, and cycle storage.
 - 3.16 Land is provided for a mixed-use Community Hub (Neighbourhood Centre). This allows for retail, health, social, leisure, residential, cultural and community facilities. The exact mix and the detailed design of buildings will be determined through the later detailed planning (Reserved Matters) stages. In accordance with the requirements within Local Plan Policy L1, it is expected that the Community Hub will include a convenience food store for 'top up' shopping, a health centre and pharmacy, community, cultural and leisure buildings, a public house, cafés and restaurants. The Community Hub also allows for residential use and Extra Care Housing².
 - 3.17 The application proposes up to 8,000m² of gross floorspace of A1-A5 uses and D1-D2 uses. A1 Retail use would be limited to about 1,500m² gross floorspace as defined by the wording in the Local Plan policy RT1. Land is provided for pre-school and primary education in the form of two 2 Form Entry (2FE) primary schools. One would be located close to the Community Hub in Wycliffe Fields and the other within the eastern development area of Gilmorton Fields. Each school covers a land area of 2ha and would provide space for up to 420 children as well as space for pre-schooling. The detailed design and the management of the schools will be subject to discussion and agreement with Leicestershire County Council (LCC), as Local Education Authority.
 - 3.18 Employment is provided across the site. The exact mix and the detailed layout of buildings will be determined through the detailed planning stages. The employment areas will include car parking, streets, services area and landscaping. Employment uses will be located on land to the north and west of Gilmorton Road and will be accessed from the Spine Road and/or Gilmorton Road. The EIA assesses up to 24,000m² of business and general industrial (B1 and B2) uses within Wycliffe Fields. The proposed Swift Valley Business Park is located in the southern part of the site adjacent to the Spine Road and the A4304. This employment area will be accessed via the Spine Road. The application proposes up to 10,000m² of business (B1) uses. In accordance with the Local Plan, the application proposes that up to 52,000m² of storage and distribution uses would be located on the parcel of land to the south of the A4304. A new signalised access will be provided from the A4304.
 - 3.19 The proposals include a network of multifunctional green space (both new and existing) that will deliver a wide range of environmental benefits. This covers approximately 50% of the site. Those existing site features to be retained are identified on the Parameters

¹ **Affordable housing:** Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the private market.

² **Extra care housing:** primarily for older people where occupants have specific tenure rights to occupy self-contained dwellings and where they have agreements that cover the provision of care, support, domestic, social, community or other services

Plan. This includes Misterton Marshes SSSI, the River Swift and its tributaries, Thornborough Spinney, mature trees and hedgerows.

- 3.20 Misterton Marshes SSSI, together with the tributaries that are associated with this feature, would be retained within a large area of green space that forms a central 'green spine' that will connect with the new Swift Valley Community Park. 'Greenways' will provide walking and cycling connections with Lutterworth and the wider countryside, as well as access to the Community Hub and primary schools. The proposed Swift Valley Community Park will be designed as an extensive area of accessible green space for recreation as well as providing opportunities for biodiversity enhancements through new planting and management regimes. It includes the River Swift and its associated floodplain area and comprises land to the west and east of the M1 Motorway. The design of the park would be developed through the detailed planning stages. It will include the planting of new woodland, trees and hedges.
- 3.21 The Park includes land for grass sports pitches, together with a changing pavilion/clubhouse. The layout and type of sports pitches would be developed through the detailed stages of the planning process. Existing rights of way and permissive routes – to include those to the west of the M1 - will be retained and improved to include better or new surfacing as well as signage and lighting. These routes would be supplemented by additional paths. In addition to the Community Park, the Proposed Development makes provision for open space and equipped play areas that can be designed to provide a mix of play and leisure facilities for all users.
- 3.22 The Proposed Development includes the planting of new broadleaved woodland, hedges and trees to provide compensatory measures for vegetation that is to be removed. The watercourses within the site are retained within corridors of greenspace, whilst the part of the River Swift that falls within the site is located within the Swift Valley Community Park. All built development, excluding the Spine Road crossing will be located outside of the maximum floodplain extent which includes allowance for climate change.
- 3.23 The application proposes a sustainable drainage system (SuDS). This takes the form of a series detention basins that will form depressions in the ground. These features will attenuate surface water discharge that arises from the scheme and will provide a pollution control function. They will be designed with grassland mixes and planting to enhance biodiversity value. It is expected that these will occasionally store water in storm water events, but, for the most part, they will be dry.
- 3.24 The applicants have also prepared an illustrative Masterplan (see **Figure 5**) to indicate how the parameters set within the Parameters Plan could appear when translated into a plan of the development. It must be noted that this plan is purely indicative and is not for consideration as an approved plan.
- 3.25 For the purposes of the EIA and the planning application, planning consent is sought for the demolition of Butts Farm, Fields Farm, Wycliffe Farm part of Lea Barn Farm. Notwithstanding this, through the detailed reserved matters stages it may be desirable to retain some of those buildings within the site at these locations. Consequently, a condition (see **Appendix A – Condition 16**) is recommended that notwithstanding the submitted plan any demolition is agreed at the appropriate phase of the development.

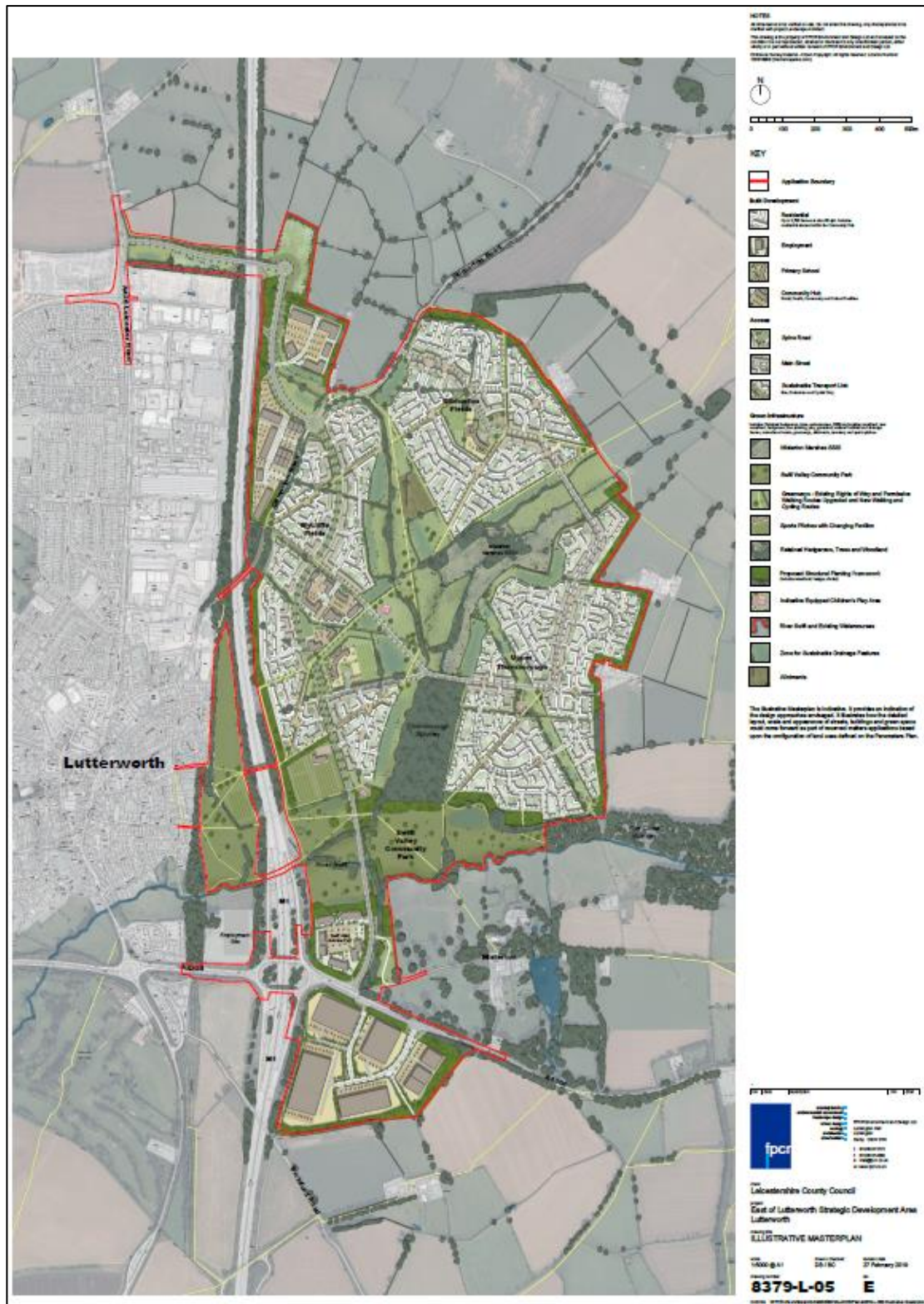


Figure 5: Illustrative Master Plan

b) Documents submitted in February 2019

i) Plans

3.26 Plans have been submitted showing the extent of the site, the proposed layout and details of the proposed works including parameters for the development parcels, and

detailed design of the Spine Road. An Indicative Masterplan has also been submitted indicating how the development could appear.

■ ii) The Design & Access Statement

- 3.27 The Design and Access Statement (hereafter referred to as DAS) provides information to explain and understand the proposals, to demonstrate the decision making process used to help develop them and the reasoning behind key decisions that have shaped the proposed development.

■ iii) Environmental Statement including non-technical summary

- 3.28 The proposal is Environmental Impact Assessment development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Statement (hereafter referred to as 'ES') has been produced to examine and evaluate the likely significant environmental effects of the development as required by Schedule 2 (Urban Development Projects of over 5 ha in size) of the Regulations. The ES contains the information necessary to enable the assessment of the likely significant environmental effects of the development. The ES includes assessments of the following issues:

- Socio-Economics
- Traffic and Access
- Air Quality
- Noise and Vibration
- Archaeology
- Built Heritage
- Flood Risk and Drainage
- Ecology and Nature Conservation
- Landscape Character and Visual Amenity
- Agriculture and Soil Resources
- Water Environment
- Waste Disposal and Recovery
- Lighting emissions
- Assessment of Reasonable Alternatives

- 3.29 For each issue identified the ES sets out the methodology used to analyse the impact of the development, including details of the baseline situation and impacts likely to result from the proposed development. All effects direct, indirect, secondary, cumulative, short, medium, long term, permanent, temporary, positive and negative have been analysed within the ES and measures considered such as to mitigate any identified impacts.

- 3.30 The non-technical summary document comprises a summary of the findings which the general public and non-technical experts can understand.

■ iv. Supporting Statements

- *Planning Statement (prepared by Marrons, February 2019)*
- 3.31 This Statement sets out the planning policies and guidance of particular relevance to the development proposals. It identifies the extent to which the proposed development complies or conflicts with each of the policies and, where relevant, refers to other documents in the application submission that further explore the consistency of the proposal with the intent of policy.
- *Statement of Community Involvement (prepared by Marrons, February 2019)*
- 3.32 This Statement outlines how the Applicants have consulted Key Local Stakeholders and the Local Community in formulating the proposals currently before the Local Planning Authority (hereafter referred to as 'LPA').

- *Health Impact Assessment (prepared by Marrons/ LCC, February 2019)*
- 3.33 A Health Impact Assessment (HIA) is a combination of procedures, methods and tools by which a policy, program or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population. The primary purpose of a HIA is to make decisions healthier by predicting the health impacts of decisions and/or options and to subsequently reduce health inequalities by minimising negative health impacts and maximising positive health impacts. HIA also offers an opportunity to increase awareness of health and wellbeing and health inequalities in the areas of interest, make decisions open to others through participation and engagement in the HIA and to develop relationships with other organisations and sectors often outside public health and healthcare.
- *Utilities Statement (prepared by AECOM, March 2019)*
- 3.34 This Statement assesses the potential impacts of the proposed development on the existing Utility Services, Technologies and Infrastructure and the potential reinforcement/diversion of the existing services infrastructure to serve the proposed development. The report also identifies a strategy for delivering the necessary utility infrastructure to the site along with an estimate of the required loads. There is also an assessment within the report of the potential for on-site renewable energy generation.

c) Amended / Additional Plans / Drawings and Supporting Documents

- *July 2019 – Additional Archaeological Information*
- 3.35 In response to comments received from LCC Archaeology, trial trenching works have been carried out on the site, and the results of this work has been reported and submitted to LCC Archaeology for consideration.
- *July 2019 – Updated Ecology Reports*
- 3.36 In response to comments received from LCC Ecology, the applicants have produced additional ecological surveys and reports in support of their application. This work has been submitted to LCC Ecology and Natural England for consideration.
- *July 2019 – Updated Assessment of Alternatives*
- 3.37 In response to comments received from Historic England, the submitted Assessment of Alternatives in relation to the route of the Spine Road was revised and updated by the applicants and the updated assessment has been submitted to Historic England for consideration.
- *July 2019 – Updated Noise reports*
- 3.38 In response to informal comments received from HDC Environmental Health Officers, an updated noise report has been prepared for the site, and this work has been submitted to HDC Environmental Services for consideration.
- *July 2019 – Updated Landscape and Visual Appraisal*
- 3.39 In response to comments received from The Landscape Partnership, additional viewpoints have been appended to the LVIA, and the results of this work have been reported and submitted to TLP for consideration.
- *August 2019 – Updated Transport Assessment*
- 3.40 In response to comments from Highways England, the applicants have updated their Transport Assessment. This work has been submitted to HE for consideration.

- *November 2019 – Updated Transport Modelling*
- 3.41 In response to comments from the CHA, further LLITM modelling has been carried out in relation to different phases of the development, the results of this work have been reported and submitted to the CHA for consideration.
- *November 2019 – Revised Red Line plan and ownership details*
- 3.42 Following the identification of an error in the red line around the Gloster Road / Leicester Road junction, a revised red line plan was submitted in order to reflect the correct site boundary. The list of interested landowners was also amended with Davidsons Homes being added (and Notice being served upon them) as the landowner of the Gloster Road access.
- *May 2020 – Updated Cumulative Impact Assessment*
- 3.43 Following the resolution at Planning Committee on the 12th May 2012 to approve an application for Aldi adjacent to the Whittle Roundabout, Officers wrote to the applicants requiring them to update their Cumulative Impact Assessment to take account of additional development that had been consented in the area between the date of the submission of the application and that date. This included the Aldi scheme, and housing developments in Gilmorton and Lutterworth.

d) Pre-application Engagement

- *LPA Engagement*
- 3.44 Prior to submitting the planning application, the Applicants held extensive formal pre-application discussions with officers of the Council which culminated in the signing of a Planning Performance Agreement. The Applicant's also undertook a stakeholder and community workshop and exhibition.
- *Planning Performance Agreement*
- 3.45 A Planning Performance Agreement (hereafter referred to as a 'PPA') was originally signed in September 2018 to provide the Council and the Applicants with an agreed framework for the management of the development proposal from pre-application and through the application process.
- 3.46 The agreed timetable within the PPA indicated the application would be determined in within 26 weeks of the submission of the application following the consideration of all consultation responses to the application. This was based upon extensive pre-application work being carried out prior to the submission of the application to resolve any outstanding issues. However, following the submission of additional information, Schedule 2 of the PPA was amended to allow for the application to be determined in a longer time period.
- *Community & Stakeholder Engagement*
- 1) Stakeholder Day
- 3.47 A Stakeholder Day was held at the Wycliffe Rooms, George Street on Thursday 20th September 2018 from 9:30am – 3:30pm. The Stakeholder Day comprised a workshop with local representatives, stakeholders and statutory consultees. The Applicants technical team presented the work that had been undertaken so far and set out the draft proposals, timescales and next steps. Letters of invitation were sent to the stakeholders. A total of 27 stakeholders attended the event. This event allowed for the stakeholders to comment on the proposals, identify issues and potential problems with the plans, and discuss these with the technical team.
- 2) Public Exhibition
- 3.48 A public exhibition was held at the Wycliffe Rooms, George Street, Lutterworth LE17 4ED on Friday 21st September and Saturday 22nd September 2018 from 10am – 4pm.

In an attempt to generate the maximum possible attendance by members of the local community at a time most convenient to them, the Applicant carried out a two day event during a week day and at the weekend. Publicity was arranged in various forms in an endeavour to ensure that all interested parties were fully aware of the consultation process and the date of the public exhibition events.

3.49 The exhibition was advertised locally in the Swift Flash prior to the event and by leaflet invitations sent out to approximately 5,500 residential and business addresses in the area. The leaflet included a site location plan, details for the proposed public exhibition; and, displayed the date, time and venue. Posters advertising the exhibition were displayed at the Wycliffe Rooms, Lutterworth Library and Lutterworth Town Council Offices.

3.50 The exhibition was intended to inform and stimulate discussion with the local community, and a series of exhibition boards were displayed. The exhibition event was attended by approximately 950 visitors in total. Comment forms were provided at the exhibition, attendees were given the opportunity to submit comments during the event or to take comment forms away, enabling for them to reflect on the proposals and submit comments afterwards. An email address dedicated to the project was set up for local residents and stakeholders to contact the consultant team and submit comments electronically. A total of 252 completed forms were received both during and following the public exhibition. From the start of the Public Exhibition, the presentation boards were made available at www.leicestershire.gov.uk/lutterworth-east for attendees to view, and to allow residents and stakeholders unable to attend to provide their comments. The exhibition was attended and overseen by representatives of the Applicant and their consultancy team. This also gave the public opportunity to ask questions of the technical team.

3) Design Review Panel

3.51 Following changes to the illustrative masterplan to reflect the Local Plan Inspector's recommendations and that of the Stakeholder and Public Consultation Event, the emerging masterplan was analysed as part of an Independent Design Review (13 November 2018) in accordance with the Local Plan. The review process is addressed within the Design Chapter.

4. Consultations and Representations

4.1 The Council has undertaken extensive consultation in respect of this planning application. Technical consultees and the local community were consulted at the initial consultation stage (February 2019) and then following the receipt of additional information / amended plans in August and November 2019. The application was also advertised in the local press (Harborough Mail) and through the posting of Site notices.

4.2 A summary of the technical consultee's responses received is set out below. Where appropriate the responses will be discussed in more detail within the main body of the report. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

1. National Bodies

4.1.1 *Historic England*

I refer to the above and the geophysical survey submitted 14 January 2019. The geophysical anomalies identified adjacent to the M1 appear to represent a small component of a larger activity area / settlement of later prehistoric date, which has been truncated by the construction of the motorway. On balance, the loss of these

undesigned archaeological features with appropriate mitigation (archaeological excavation) would cause less harm to the historic environment than locating the road closer to the Grade II* St Leonard's Church at Misterton, as proposed. As previously described we have serious concerns regarding the proposed road's impact to the significance that St Leonard's Church derives from its setting.

- 4.1.2 We note that visuals have still not been provided, and as previously stressed, these will be essential in assessing the proposal's impact. If the visual impact of moving the road to an alternative route is given as a justification for the road's proposed location, then visuals must be included in any formal application.

4.1.3 **Historic England's Position**

Our objections as previously set out remain, contrary to Main Modification MM36 (policy L1) of the submission Harborough Local Plan, we remind you that this includes the road and the area of development to the west of it in the south west corner. We consider that the proposed spine road would be very harmful to the significance that the Grade II* listed St Leonard's Church, Misterton derives from its setting and we therefore advise that other options should be explored to reduce this impact. We are particularly keen to see proposals where the new road runs parallel and close to the M1. We would continue to object to the road with the current level of information we have. We also have concerns regarding the proposed development in the south west corner of the site, these are further enhanced by the new proposed use as a business park. Given our previous objection we recommend that options to retain this as green space should be explored.

4.1.4 *Historic England (further comments)*

On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

4.1.5 Summary

The hybrid planning application comprises of: 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.

- 4.1.6 The proposed development would be built to the north, west and south of the settlement of Misterton. This site is located between the grade II* Church of St Leonard at Misterton and grade I Listed Church of St Mary, Lutterworth and close to a number of non-designated heritage assets. The Church of St Leonard at Misterton is located on the edge of the village with views over the open fields across to Lutterworth, this is an important element of the church's setting and contributes to its significance.

- 4.1.7 Historic England has serious concerns regarding the proposed position of the spine road, the area of development to the west of it in the south west corner and the built development in the Swift Valley Community Park. We do not consider the harm these elements would cause to the St Leonard's Church and its setting would be justified or outweighed by public benefit in accordance with paragraphs 194 and 196 of the NPPF. In addition to this we consider the proposed development would not meet the criteria of and would be *contrary to Policy L1 'Lutterworth East SDA' as submitted in Main Modification MM36. This states, within criteria u, that "the proposed new access road should be routed to have regard to any undesigned archaeology and minimise its impact on all heritage assets, particularly the inter-visibility between the Church of St Leonard and the Church of St Mary," due to the harm to the significance that St*

Leonard's Church derives from its setting. We therefore recommend that the application is amended in line with our advice below.

4.1.8 Historic England Advice

Introduction

The hybrid planning application comprises of: 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.

- 4.1.9 Historic England have been involved in providing pre-application on this application to the applicant in letters dated 28 March 2018 and 13 February 2019, along with a site visit on 5 December 2018. We have also provided advice to Harborough District Council on the site's inclusion in the Local Plan as an allocation; Policy L1 Lutterworth East SDA, in our letters dated 2 August 2017 and 31 August 2017. Our position was outlined within the Statement of Common Ground prior to the EIP, agreed with the Local Planning Authority 01 October 2018. With regards to the local plan process the site has not yet been adopted, the Main Modifications have now been submitted back to the Planning Inspectorate (PINS) by Harborough District Council (HDC).

- 4.1.10 The text that has been submitted to PINS on Main Modification MM36, Policy L1 Lutterworth East SDA (14/01/19) states: -

"u. nearby heritage assets and their settings in accordance with a methodology to be agreed by Historic England before the development commences; protection and enhancement of heritage assets and their settings, including the grade II* listed Church of St Leonard at Misterton and grade I listed Church of St Mary, Lutterworth and non-designated heritage assets including a double moat north of the Church of St Leonard, which forms part of the deserted medieval village. The master plan will be informed by a heritage impact assessment, which must form the basis for approaches to design, scale and layout of development. Green space, such as a community park, should be provided in the southern part of the site together with height restrictions on buildings in the southern part of the site, in order to protect the setting of the Church of St Leonard. The proposed new access road should be routed to have regard to any undesignated archaeology and minimise its impact on all heritage assets, particularly the inter-visibility between the Church of St Leonard and the Church of St Mary;"

4.1.11 Advice

Significance

The proposed development would be built to the north, west and south of the settlement of Misterton. This site is located between the grade II* Church of St Leonard at Misterton and grade I Listed Church of St Mary, Lutterworth and close to a number of non-designated heritage assets. The non-designated heritage assets include a double moat north of the Grade II* church which forms part of the deserted medieval village. Misterton Hall lies on the site of the former medieval manor house. To the south east is the scheduled monument 'Bowl barrow at Misterton' (SM 17086; NHLE 1008541).

- 4.1.12 The church towers of The Church of St Mary, Lutterworth and The Church of St Leonard in Misterton are the most prominent features on the skyline and were intended to be, reflecting their importance and status. The church towers have acted as land marks for hundreds of years and would have helped guide people through the

landscape. There is an important intervisibility between the two churches and the division of the separate settlements and their parish churches is enhanced by the open fields that divide them. The Church of St Leonard at Misterton is located on the edge of the village with views over the open fields across to Lutterworth, this is an important element of the church's setting and contributes to its significance.

4.1.13 Impact of the proposals

The application is described as outline apart from the spine road which full planning is sought. However, we note that section 3 of the Planning Application Form which asks the applicant to indicate which aspects reserved matters are being sought shows that layout, scale, landscaping and appearance are ticked. This would suggest that the master plan layout submitted, along with building heights and landscaping would also be approved as part of this application. Your authority should clarify this prior to determination.

4.1.14 Our concerns regarding these proposals have centred on the harmful impact to the Grade II* Church of St Leonard at Misterton, the Grade I Listed Church of St Mary, Lutterworth along with the non-designated heritage assets forming part of the historic landscape of Misterton.

4.1.15 Spine Road

One aspect of major concern is the proposed spine road, we have raised concerns about the road's position and its potential to impact on undesignated archaeology. The proposed spine road would cut through the landscape to the west of St Leonard's Church and would be raised on a bridge to prevent flooding and allow cycles to pass underneath. This would be an eye-catching alien feature in the rural landscape and would detract from the important aspects of the setting of St Leonard's Church. We consider this to be very harmful and encouraged the applicants to explore other options at the pre-application stage to understand whether this harm could be reduced by different layouts that would reduce the road's visual dominance. We are familiar with other developments that have moved the spine road for the development closer to the motorway to reduce the divisions of the landscape, group the infrastructure associated noise and visual impact together all of which reduced its impact on the historic environment. We were therefore keen for an option with the road running parallel to the M1 to be explored. As part of this application in document: *ES Volume 2, Appendix A4: Alternatives*, we have received visuals to show the spine road in several different routes running closer to the M1, these demonstrate, particularly Option 1, that running the road closer to the M1 would create a greater visual separation between the road (an alien feature in the rural landscape) and the Church of St Leonard, Misterton. The application contains no justification why this option has not been pursued and why the more harmful option has been put forward for approval in this planning application.

4.1.16 During the pre-application stage the potential for un-designated archaeology in the area close to the M1 which was identified by anomalies in the geophysical survey was given as a reason to not build the proposed spine road close and parallel to the M1. The geophysical anomalies identified adjacent to the M1 appear to represent a small component of a larger activity area / settlement of later prehistoric date, which has been truncated by the construction of the motorway. We advised that on balance, the loss of these undesignated archaeological features with appropriate mitigation (archaeological excavation) would cause less harm to the historic environment than locating the road closer to the Grade II* St Leonard's Church as Misterton, as proposed. As previously described, we have serious concerns regarding the proposed road's impact to the significance that St Leonard's Church derives from its setting.

4.1.17 Land East of Proposed Spine Road

We previously expressed concerns with the development of the parcel of land in the southern corner of the site between the proposed new road and the M1, we note that this has now been changed from residential to a business park. While the heights of the buildings would be restricted to 8.5m (the same as the residential use) we have concerns that the increased massing would be more dominant and detrimental to the setting of the St Leonard's Church which overlooks this area of the site. We recommend that this parcel of land is returned to residential use as initially proposed.

4.1.18 Layout

In previous correspondence and meetings, we have been informed that built development would not extend south of the ridge line on the eastern side of the site, labelled in the current master plan as Swift Valley Community Park. We were keen for this to remain the line for built development due to the impact on the significance that St Leonard's Church derives from its setting. We have consistently been reassured that this would form green space within the development and this was re-enforced in the previous master plans we have received. The current application however, features a large building south of this line, while it is unlabelled we assume it is the Neighbourhood Centre amongst the sports pitches of Swift Valley Community Park. Extending the development beyond this ridge would not relate to or respect the existing boundaries and arrangements and would erode the rural character. We are disappointed that this has been introduced at this late stage, after pre-application discussions. Given the size of the application site this facility could be created in an alternative less harmful location, we strongly recommend that alternative locations are explored and this ridge line is maintained as the line of development.

4.1.19 Legislation, Policy and Guidance

As the application affects the setting of listed buildings, the statutory requirement to have special regard to the desirability of preserving the setting of a listed building (s.66 (1), 1990 Act) must be taken into account by your authority when making its decision.

4.1.20 Our advice reflects guidance in the good practice advice notes produced by Historic England on behalf of the Historic Environment Forum in GPA 2; Managing Significance in Decision- Taking in the Historic Environment and GPA 3; The Setting of Heritage Assets.

4.1.21 The NPPF paragraph 192 encourages local authorities to sustain and enhance the significance of heritage assets consistent with their conservation and asks that they take into account the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 builds on; any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that 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.

4.1.22 Historic England's Position

We have serious concerns regarding the proposed position of the spine road, the area of development to the west of it in the south west corner and the built development in the Swift Valley Community Park. We do not consider the harm these elements would cause to the St Leonard's Church and its setting would be justified or outweighed by public benefit in accordance with paragraphs 194 and 196 of the NPPF. In addition to

this we consider the proposed development would not meet the criteria of and would be *contrary to Policy L1 'Lutterworth East SDA' as submitted in Main Modification MM36. This states, within criteria u, that "the proposed new access road should be routed to have regard to any undesignated archaeology and minimise its impact on all heritage assets, particularly the inter-visibility between the Church of St Leonard and the Church of St Mary;" due to the harm to the significance that St Leonard's Church derives from its setting.*

- 4.1.23 We therefore recommend that the new spine road is re-located to run parallel and close to the M1, options to retain the area in the south west corner as green space should be explored or as a minimum the master plan should be amended so that this area is housing as originally proposed. Finally we recommend that the facility in the Swift Valley Community Park could be created in an alternative less harmful location and this ridge line is maintained as the line of development.

4.1.24 Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 192, 193, 194 and 196 of the NPPF. In determining this application you 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.

- 4.1.25 Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

4.1.26 *Historic England (Comments in response to additional information)*

On the basis of this information, we offer the following advice to assist your authority in determining the application.

- 4.1.27 Historic England has expressed serious concerns regarding the proposed road's impact to the significance that St Leonard's Church derives from its setting throughout the pre-application process and to this planning application in our letter dated 3 April 2019. We have now been asked to provide further advice following the submission of additional information to support the proposed route of the spine road.

- 4.1.28 As the application affects the setting of listed buildings, the statutory requirement to have special regard to the desirability of preserving the setting of a listed building (s.66 (1), 1990 Act) must be taken into account by your authority when making its decision. Our advice reflects the national policy in the National Planning Policy Framework (NPPF) and the guidance in the good practice advice notes produced by Historic England on behalf of the Historic Environment Forum in GPA 2; Managing Significance in Decision- Taking in the Historic Environment and GPA 3; The Setting of Heritage Assets.

- 4.1.29 The additional information has not altered our assessment of the setting of St Leonards Church, Misterton and in our opinion has not demonstrated that the spine road could not be re-routed to a less harmful route. Consequently, we do not consider the harm the road would cause to the significance that St Leonard's Church derives from its setting would be justified or outweighed by public benefit in accordance with paragraphs 194 and 196 of the NPPF. In addition to this, we consider the proposed development would not meet the criteria of and would be contrary to Policy L1 'Lutterworth East SDA'. We, therefore, recommend that the new spine road is re-

located to run parallel and close to the M1 as we have previously advised throughout our advice.

4.1.30 Historic England Advice

Significance

We described the significance of the heritage assets affected by this application in our previous letter which we do not wish to rehearse here. Please refer to our previous letter for this information.

4.1.31 Impact of the proposals

The additional information includes archaeological works of trial trenching. During the pre-application stage we advised that on balance, the loss of the undesignated archaeological features with appropriate mitigation (archaeological excavation) would cause less harm to the historic environment than locating the road closer to the Grade II* St Leonard's Church as Misterton, as proposed. We have considered the additional information relating to the un-designated archaeology, in particular, the Trial Trenching Report by CFA Archaeology and the Supplementary Archaeology Note by Archaeology Collective (July 2019). These documents outline the remains of buried archaeology of local significance. We continue to consider that on balance, the loss of these undesignated archaeological features with appropriate mitigation (archaeological excavation) would cause less harm to the historic environment than locating the road closer to the Grade II* St Leonard's Church as Misterton, as proposed. We are satisfied to defer to the County Council Archaeologist on matters relating to the undesignated archaeology.

4.1.32 A key piece of the additional information we have received is the document titled: ES Addendum: Chapter 4 Reasonable Alternatives (July 2019). We have read and considered this document which in our view does not change our assessment of the significance that St Leonard's Church derives from its setting nor does it provide sufficient justification why the road cannot be moved as we have previously advised. We do not wish to discuss in detail the document as we do not consider this would be productive or helpful to your authority in determining this application. We do wish to clarify the following points;

4.1.33 The document discusses archaeology and brings attention to Policy L1 criteria 3u which requires the route of the spine road to have regard to any undesignated archaeology. The document states that "They (options 1 and 2) are therefore no longer a reasonable alternative given it is not consistent with the now adopted Development Plan." We do not agree with this statement as the policy also requires the development to minimise the impact on all heritage assets. As previously explained we consider the impact to the designated heritage asset (Grade II* Listed St Leonard's Church) would cause greater harm than the harm to the un-designated archaeology as this could be mitigated against. We, therefore, consider if the road is not moved further towards the M1 as previously advised the current proposals would be contrary to Policy L1 as they would not minimise the impact to heritage assets.

4.1.34 The document uses our concerns about the development extending south beyond the ridgeline to apply a perceived view of Historic England that the ridge should not be developed on. The document states "This in itself demonstrates the importance that Historic England has previously attached to securing an absence of development on the slope". We consider that horizontal intrusion below the ridgeline would have a greater adverse visual impact than the creation of a road running alongside the site boundary parallel to the M1. The document fails to consider the difference between horizontal intrusion below the ridgeline by development and the siting of a road running parallel to the field boundary.

- 4.1.35 Finally, the document describes the River Swift as an experiential crossing point. “When moving away from Misterton, it is at the ‘crossing point’ that there is an experience of the church/hamlet having been definitively left behind”. We disagree with this statement and assessment of the landscape, we consider the landscape up to and beyond the River Swift to be part of the setting of St Leonard’s Church and consider this statement misleading as The River Swift does not delineate what is in the immediate setting of the church.
- 4.1.36 **Legislation, Policy and Guidance**
As the application affects the setting of listed buildings, the statutory requirement to have special regard to the desirability of preserving the setting of a listed building (s.66 (1), 1990 Act) must be taken into account by your authority when making its decision.
- 4.1.37 Our advice reflects the guidance in the good practice advice notes produced by Historic England on behalf of the Historic Environment Forum in GPA 2; Managing Significance in Decision- Taking in the Historic Environment and GPA 3; The Setting of Heritage Assets.
- 4.1.38 The NPPF paragraph 192 encourages local authorities to sustain and enhance the significance of heritage assets consistent with their conservation and asks that they take into account the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). Paragraph 194 builds on; any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that 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.
- 4.1.39 **Historic England’s Position**
We have considered the additional information and this has not altered our assessment of the setting of St Leonards Church, Misterton and in our opinion has not demonstrated that the spine road could not be re-routed to a less harmful route, it, therefore, does not provide sufficient justification for the proposals. The additional information, therefore, fails to address our previous concerns.
- 4.1.40 Consequently, we do not consider the harm the road would cause to the significance that St Leonard’s Church derives from its setting would be justified or outweighed by public benefit in accordance with paragraphs 194 and 196 of the NPPF. In addition to this, we consider the proposed development would not meet the criteria of and would be contrary to Policy L1 ‘Lutterworth East SDA’ as submitted in Main Modification MM36. This states, within criteria u, that “the proposed new access road should be routed to have regard to any undesignated archaeology and minimise its impact on all heritage assets, particularly the inter-visibility between the Church of St Leonard and the Church of St Mary;” due to the harm to the significance that St Leonard’s Church derives from its setting. We, therefore, recommend that the new spine road is re-located to run parallel and close to the M1 as we have previously advised throughout our advice.
- 4.1.41 **Recommendation**
Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 192, 193, 194 and

196 of the NPPF.

4.1.42 In determining this application you 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.

4.1.43 Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

4.1.44 Historic England (Comments in response to additional information)

Historic England has provided advice to this planning application in our letters dated 3 April 2019, 20 September 2019 and 4 December 2019. In this advice we have expressed serious concerns regarding the proposed road's impact to the significance that St Leonard's Church derives from its setting. The amended information does not affect any aspects that we have previously expressed concerns about. We therefore have nothing further to add to our previous advice. Please refer to our letters dated 3 April 2019 and 20 September 2019.

4.1.45 Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 192, 193, 194 and 196 of the NPPF.

4.1.46 In determining this application you 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.

4.1.47 Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

4.1.48 Historic England (Comments following April Deferral)

Historic England has provided advice to this planning application in our letters dated 3 April 2019, 20 September 2019, 4 December 2019 and 3 January 2020. In this advice we have expressed serious concerns regarding the proposed road's impact to the significance that St Leonard's Church derives from its setting. The amended information does not affect any aspects that we have previously expressed concerns about. We therefore have nothing further to add to our previous advice. Please refer to our letters dated 3 April 2019 and 20 September 2019.

4.1.49 Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 192, 193, 194 and 196 of the NPPF.

4.1.50 In determining this application you 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.

4.1.51 Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material

changes to the proposals, or you would like further advice, please contact us.

4.1.52 Natural England

No objection - subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which Misterton Marshes Site of Special Scientific Interest has been notified.

4.1.53 In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Re-instate the hydrological regime that reflects the conditions that were present at the time of notification.
- A surface water drainage scheme which disposes of all surface water from new roofs, converted roofs, new hard surfacing etc. harmlessly on the site in a sustainable way by means of Sustainable Urban Drainage Systems (SuDs) which incorporates systems to clean the water. The expectation is that the level of provision will be as described for the highest level of environmental protection outlined within the CIRIA SuDS Manual (2015) C753. guidance and will include at least one water quality treatment train. Any scheme must ensure water levels are maintained at levels to support notified plant communities within the SSSI
- Long term habitat management to replace current sheep grazing
- Appropriate mitigation measures to prevent bird disturbance from residents and pets

4.1.54 Natural England (Comments in response to additional information)

No objection - subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would

- damage or destroy the interest features for which Misterton Marshes Site of Special Scientific Interest has been notified.

4.1.55 In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:

- Finalisation of the overarching management strategy - Misterton Marshes SSSI Management Principles
- Completion of hydrological data collection and subsequent strategy
- Surface water monitoring conducted for a minimum period of 2 years
- CEMP to monitor any adverse impact on the SSSI
- Segregation measures management plan to be agreed in advance of construction on the site.

4.1.56 Management plan for the site detailing measures to reduce and control public access to the SSSI We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

4.1.57 Natural England (Comments in response to additional information)

No objection - subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would damage or destroy the interest features for which Misterton Marshes Site of Special Scientific Interest has been notified.

4.1.58 In order to mitigate these adverse effects and make the development acceptable, further work is needed on the mitigation proposals

- Appropriate mitigation measures to prevent reduction of air quality on the SSSI

- Further clarification of future management of SSSI

We advise that appropriate planning conditions and/or obligations are attached to any planning permission to secure these measures.

4.1.59 *Natural England (Comments following April Deferral)*

We note that the document "Further Information on the Planning Application" (May 2020) contains further information on the impacts of air quality resulting from the proposed development which is welcome. In our previous response of 08 January 2020 we noted from the Misterton Marshes SSSI Air Quality Information that the SSSI furthest to the south west would be negatively impacted from the proposed increase in traffic (receptor sites E1 and E11) and we were concerned that this could affect Fen vegetation (NVC S26).

- 4.1.60 The additional information now supplied provides further analysis of the impact of increased air emissions including the predicted pollutant concentrations at sensitive ecological receptors (from para 5.8). The receptor sites E1 and E11 are still predicted to receive emissions that would exceed the critical level. We acknowledge that the Framework Travel Plan sets out outline measures to reduce private car journeys by encouraging more sustainable modes of transport which would reduce emissions on these sensitive receptor sites. We also note the additional information on air quality does not consider the removal of the existing agricultural sources of nitrogen within the study area. The further consideration of these two factors may show that the level of nitrogen at E1 and E11 may be predicted to be within acceptable levels however this is currently unclear. We would therefore suggest that the local authority should seek confirmation that the predicted emissions affecting the SSSI could be satisfactorily reduced or whether further mitigation would be required.

4.1.61 *Sport England*

The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Built Sports Facilities Strategy (BSFS), Playing Pitch Strategy (Harborough PPS 2018) or other relevant needs assessment. You will no doubt be aware that your authority has commissioned a built sports facilities strategy which is due to be completed by late summer 2019.

4.1.62 The Proposal and Assessment against Sport England's Objectives and the NPPF Indoor sports facilities

The population of the proposed development is estimated to be around 6300 new residents. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

- 4.1.63 The proposal includes the safeguarding of land to accommodate the potential for a new Leisure facility within the community hub. The BSFS which is currently being developed is intended to establish if (a) the existing Leisure centre should be redeveloped on the existing site or a replacement is constructed on the application site (see below) and (b) the mix of facilities which should be provided within the facility

4.1.64 You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that a population of 6300 in this local authority area will generate a demand for an additional 358 visits per week to a sports hall (or the equivalent of 1.6 additional Badminton courts) which converted to capital cost would be around £1,000,000. In addition it would generate a demand for an additional 372 visits per week to a swimming pool (or the equivalent of an additional lane of a 25m swimming pool) which converted to capital cost would be around £1,100,000. The emerging BSFS should identify if the existing facilities (Lutterworth LC particularly for swimming) have the capacity to cope with the additional demand or to ensure that the proposed replacement facility (either on the original site or the proposed site) would be of the right size to cope with both existing and increased demand.

4.1.65 Outdoor sports facilities

The proposal includes the provision of 3 football pitches (of varying sizes within the main body of the site and one additional pitch on the parkland to the west of the Motorway. The Harborough Playing Pitch Strategy (PPS) identifies the demand generated for outdoor sports provision. It would appear appropriate given the pitch requirement to locate the identified football facilities requirements on site, but as a single entity in an appropriate location accessible by the new residents. The proposed site is split and located on one edge of the site. The linkages to this site for walking and cycling from the residential areas have not been designed to maximise their potential use. It seems more logical to identify a sports 'hub' site which incorporates the potential for the Leisure centre site (or a more local community sports/active recreation offer), one of the primary schools and the proposed pitches in an accessible well linked location.

4.1.66 In addition the PPS identifies that the development will generate a demand for other sports particularly for Cricket but also for Hockey and Rugby. The figure in the PPS are however for a lower number of homes (1500 rather than up to 2750) we would anticipate that the Open Space/Leisure team will update the calculation accordingly. In addition, the team would be able to advise which sites would be the most appropriate to meet the demand. Clearly for rugby Lutterworth Rugby Club would be the obvious site (please see below). For hockey the re-carpeting of the existing hockey pitch at Lutterworth College would seem to be most appropriate based on the PPS evidence, but it is understood that events may have overtaken the PPS position.

4.1.67 The Rugby Football Union (RFU) advise that;

- The RFU would be seeking off-site contributions towards provision to meet the needs of the proposed development. The contribution would seek to support Lutterworth RFC who would be we believe the serving rugby club to this development.
- The Lutterworth Rugby Club is recognised through the recent Playing Pitch Strategy for Harborough District Council to be operating at capacity with particular provision shortfalls at peak times on Sunday mornings and in many cases the pitches are being overplayed over a typical week with Men's, Women's, Boys and Girls being spread over 5 days of usage.
- There is potential to extend the site and this would be the intention in using any contribution to deliver additional pitch provision to help extend the venue the club current possess in freehold status.
- The extension of the playing fields of the rugby club is registered as a 'High' priority within the Action Plan section of the HDC Playing Pitch Strategy, recognising the current measure of there being no spare capacity and therefore an inability to support additional demand.

- 4.1.68 You may be aware that Sport England attended the workshop (stakeholder day) in September last year with two aims to make sure that evidence for sports requirements would be considered and that the designers were fully aware of Active Design. Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments.
- 4.1.69 Whilst the masterplan has been amended to improve access, connectivity and relationships, it is not clear that active design principles have been followed. Sport England in this regard supports the conclusions of the Health Impact Assessment which similarly raises concerns.
- 4.1.70 A number of points are raised in no particular order (please note that the on-site constraints are recognised:
- The location of the sports pitches and other facilities should be reconsidered as raised above.
 - The proposed residents of Upper Thornborough appear isolated with poor connectivity – one of the proposed schools could be better located to improve access and travel distances.
 - The Spine Road could cause severance issues.
 - We remain concerned that the M1 still provides a massive barrier to building links between the existing and proposed communities.
 - The proposal should be critically assessed having regard to active design principles.
- 4.1.71 Conclusion
Given the above Sport England is unable to support this application in its current form. More information is required in order to address the issues raised
- 4.1.72 *Sport England (Comments in response to additional information)*
Essentially the additional information submitted as far as Sport England is concerned includes a detailed design of the spine road which confirms the route and a walking, cycling and horse-riding assessment.
- 4.1.73 The route of the spine road appears to now be established. The submitted information provides greater detail on that route. The issue of severance raised by Sport England and a number of parties does not appear to be addressed. The Framework Travel Plan update is welcomed, however the issues raised in our initial response – *The location of sports pitches and that the proposed residents of 'Upper Thornborough' appear isolated with poor connectivity – one of the proposed schools could be better located to improve access and travel distances* do not appear to be addressed.
- 4.1.74 The issues raised in our initial response with regard to indoor and outdoor sports facilities have not been resolved.
- 4.1.75 Conclusion
Sport England remains unable to support this application in its current form. More information is required in order to address the issues raised

4.1.76 *Sport England (Comments in response to additional information)*

Thank you for re-consulting Sport England on the above application following the submission of additional information. The route of the spine road is now established and the design of the crossing points, junctions and intersections confirmed and discussed at the meeting on 24th October.

4.1.77 Sport England is therefore able to remove our objection with respect to the spine road proposals. However the issues raised in our initial response remain.

- The location of sports pitches – whilst this was discussed at the meeting on the 24th which provided an understanding of the constraints the provision of on site pitches and supporting ancillary facilities will involve further discussion.
- Following on from the above. The issues raised in our initial response with regard to indoor and outdoor sports facilities, in particular on site provision/ off-site contributions have yet not been resolved.
- Whilst it was discussed at the meeting (and we appreciate the site constraints) we remain concerned that the proposed residents of 'Upper Thornborough' appear isolated with poor connectivity – particularly one of the proposed schools could be better located to improve access and travel distances.

It was agreed that a further meeting would be held to further advance 'Active Design' as part of the emerging 'Design Code' requirements of the development. It is hoped that 'Upper Thornborough' connectivity and school location could form part of the discussion.

4.1.78 Conclusion

Apart from the Spine Road - Sport England remains unable to support this application in its current form. More information is required in order to address the issues raised.

4.1.79 *Sport England (Comments following April Deferral)*

Thank you for re-consulting Sport England on the above application following the submission of additional information. The submitted information does not raise in itself any issues for Sport England however the information has not addressed the concerns raised in our initial response.

- The location of sports pitches. Whilst this was discussed at the meeting on the 24th which provided an understanding of the constraints the provision of on-site pitches and supporting ancillary facilities will involve further discussion.
- Following on from the above. The issues raised in our initial response with regard to indoor and outdoor sports facilities, in particular on site provision/ off-site contributions have yet not been resolved.
- Whilst it was discussed at the meeting (and we appreciate the site constraints) we remain concerned that the proposed residents of Upper Thornborough appear isolated with poor connectivity - particularly one of the proposed schools could be better located to improve access and travel distances.

It was agreed that a further meeting would be held to further advance Active Design as part of the emerging Design Code requirements of the development. It is hoped that Upper Thornborough connectivity and school location could form part of the discussion.

4.1.80 *Environment Agency*

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

4.1.81 Protection of controlled waters

The following comments relate solely to the protection of 'Controlled Waters'. Matters relating to human health should be directed to the relevant department of the local council.

4.1.82 The site is primarily in agricultural use (pasture and arable) and also contains part of the River Swift and its tributaries, woodland at Thornborough Spinney and Misterton Marshes SSSI. There are various farmsteads present, all likely to have their own fuel, chemical, fertilizer, pesticide and/or waste storage, mixing and application areas present. Furthermore, the underlying geology consists of areas of Alluvium and Sand & Gravels (Secondary A aquifers) around the streams and Charmouth Mudstone underneath (Secondary undifferentiated aquifer), all of which can hold regionally important amounts of groundwater. Consequently, controlled waters are particularly sensitive in this location.

4.1.83 A site-wide potential contamination source has been identified from the Phase I assessment associated with past land-use activities. These include the use of agricultural chemicals and the presence of farmyards where storage of fuel/chemicals has occurred. A historical landfill is also identified within the boundary of the proposed site, as well as several small in-filled ponds. These former and current uses of the site represent potential contamination sources that may have resulted in impact to soils and groundwater beneath the site. Furthermore, there is the risk of mobilisation of any contamination during the proposed redevelopment.

4.1.84 We welcome the proposals in the Peter Brett Associates Phase I report to carry out a Phase II intrusive site investigation prior to redevelopment in order to fully assess and characterise soils and groundwater at this site and quantify risks to controlled waters receptors.

4.1.85 The Phase I Risk Assessment provides us with confidence that it may be possible to manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

4.1.86 In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

4.1.87 Without the following condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

4.1.88 Biodiversity

Having read the documents in relation to ecology we are in agreement with the comments made by the Leicestershire County Council Ecologist and the recommendations covered in the FPCR ecology survey appendices, especially section 6.9 that relates to species protection in the River Swift and associated watercourses.

4.1.89 We also wish to provide the further comments:

We support the choice of a clear-span bridge over the River Swift, although an increase in distance of the bridge abutments away from the banks of the Swift would be welcomed to allow any natural bank adjustments without bank reinforcement being needed in the future. We would, however, expect to see mammal passage pipes at either side of the floodplain extent to allow passage when the river is in flood. These are expected to be incorporated into a new bridge design to allow otters, badgers, etc in order to avoid them having to traverse the busy spine road. Pipes should be a minimum of 450mm dia and be dry with flat ground either end for easy access. Fencing which doesn't risk affecting flood flow routes could be used to guide mammals to the entrance to the mammal passage.

- 4.1.90 Whilst it is for the Lead Local Flood Authority to comment on the surface water drainage scheme for the development, we do wish to offer the following:

We welcome the attenuation/filter features to take surface water from the road before it discharges to the River Swift or its tributaries. However, we would prefer the discharge route to be via an open ditch/swale arrangement and not through a pipe/headwall construction on the banks. The flow should enter the watercourses along a straight section and not on an outside bend as currently shown from the southern side of the bridge (Basin HW-G). The attenuation features should not be seen purely as a flood reduction requirement; building them oversized to allow a mixed habitat to develop from open water to marsh/reeds provides for Biodiversity Gain and water quality improvements expected from such a large urbanisation project that meet the requirements of the Water Framework Directive (WFD), a legal Act in place to improve the freshwater condition of water bodies in the UK.

- 4.1.91 The development falls within the water body 'Swift source to conf Avon' (GB109054043940) - which is currently classified as 'Moderate' but is expected to achieve 'Good' by 2027. This development should demonstrate how it is contributing to this and preventing any deterioration either during or post construction. Using swales and other attenuation features across the site to filter poor quality run-off from drains, gulleys, roads and driveways has a key role to play in improving water quality leaving large scale development sites such as this.

- 4.1.92 As correctly identified, noise from industrial units will require a BS4142 assessment. Details of which will be required when the intended occupants are known. In addition, I would request that a Construction Method Statement is attached to any approval granted to control nuisance that may arise during the development.

4.1.93 *Highways England*

Highways England was first consulted on this proposal during the Local Plan allocation stage in 2015. Since then, we have been in ongoing discussions with the applicant's transport consultant and provided advice with regard to Environmental Impact Assessment (EIA) Scoping Opinion and other transport related issues.

- 4.1.94 When first consulted on the formal planning application in March 2019, Highways England issued a holding response to the application, due to outstanding issues having been identified with regard to the Transport Assessment (TA) dated February 2019, design, sustainable transport modes, construction traffic, safety, lighting, drainage and geotechnical matters. These matters were detailed in Technical Note 1 (TN1) dated 4 April 2019, produced by Highways England's consultant AECOM.

- 4.1.95 Since then, we have been liaising with the applicant and their transport consultants in order to progress the issues identified to allow the applicant time to submit the information required. These discussions have recently concluded with an agreement between the applicant and Highways England that highway improvement schemes will

be required at Junction 20 and Junction 21 of the M1, and A5/A426 Gibbet Hill roundabout to accommodate the impact of the development on the SRN in line with Circular 02/2013. These improvement schemes are shown in AECOM drawing number LESR-ACM-XX-XX-DR-HW-000025 Rev P04, AECOM drawing number 60578868-LESDA-TP008-00002 Rev 02 and AECOM drawing number ACM-GEN-456517-DE-C-016 Rev 04 respectively.

- 4.1.96 The improvement works at M1 J20 and J21 as shown in the above referenced drawings (or as amended by Road Safety Audit and/or Detailed Design) are anticipated to be constructed by the applicant after entering into a s278 agreement with Highways England.
- 4.1.97 However, for improvements identified for A5/A426 Gibbet Hill roundabout as shown in the design drawing referenced above, it has been agreed that the applicant will pay the full cost of the scheme to Highways England. The implementation of the scheme required to mitigate the impact of the development at this location will then be managed by Highways England through this payment, and any works within the Local Highway Authority boundary will be coordinated between Highways England and Local Highway Authority through agreements under the Highways Act 1980.
- 4.1.98 We anticipate that the cost for this scheme can be secured by the Local Planning Authority (LPA) for Highways England by including a suitable clause in the s106 agreement that will be entered by the applicant with the LPA. The clause is anticipated to outline an obligation on the part of the applicant to pay the cost for implementing the improvement works to the A5/A426 Gibbet Hill roundabout as generally shown on AECOM drawing number ACM-GEN-456517-DE-C-016 Rev 04 together with an additional sum to cover relevant costs prior to implementation e.g. those associated with agreeing the design, supervision and Road Safety Audits 1-4. Once collected by the LPA, these funds will then need to be transferred to Highways England.
- 4.1.99 The cost to be included in the s106 agreement for works at A5/A426 Gibbet Hill roundabout and the preferred wording of the clause will be confirmed by Highways England to the LPA in due course.
- 4.1.100 Regarding other boundary related matters that are expected to have an impact on the SRN, Highways England consider that these can be resolved through planning conditions which have been recommended below.
- 4.1.101 Based on the above, we recommend that the following conditions are attached to any grant of planning permission.
- 4.1.102 *Highways England (Comments received following April 2020 deferral)*
We understand that further information has now been submitted by the applicant in relation to the Environmental Statement in order to address comments raised by Harborough District Council regarding the need to consider the additional cumulative impact of the development associated to planning applications 18/01656/FUL (residential development of 56 dwellings in Gilmorton, approved in October 2019), 19/00853/FUL (residential development of 72 dwellings in Lutterworth) and 19/00646/FUL (Aldi food store at land adjacent the A4303 Rugby Road in Lutterworth, approved in May 2020). It is unclear if application ref. 19/00853/FUL has been granted planning permission.
- 4.1.103 The *Further Information on the Environmental Statement* document submitted by the applicant includes a transport section which assesses the impacts arising from the additional developments on the junctions located within the Lutterworth East SDA's

Area of Influence (Aol). In order to do so, the applicant has carried out a total flow comparison against the 2036 “With Development + Mitigation” scenario.

4.1.104 Having reviewed it, the changes in flow on the Strategic Road Network (SRN) junctions included in the comparative exercise are considered to be minimal. We note that M1 J21 is also part of the Aol agreed for the Lutterworth East SDA but this has not been included in the recent cumulative impact assessment. Notwithstanding that, we do not consider that the cumulative effects on this junction would be material.

4.1.105 We therefore consider that the new information submitted do not alter our previous position. As such, our previous conditioned response dated 17 March 2020 still stands.

4.1.106 *Canal & River Trust*
No Comments

2. Regional / Local Bodies

4.2.1 *Severn Trent Water*

Due to the size of this development a sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected

4.2.2 *Leicestershire Police*

I am writing to you in my capacity as the Leicestershire Police Designing out Crime Officer (DOCO). Leicestershire Police have no formal objections in principle to the application however we would like to make the following observations.

4.2.3 In relation to Hybrid planning application comprising: 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, Land East Of Lutterworth, Gilmorton Road, Lutterworth, Leicestershire.

4.2.4 I have now visited the site, and have reviewed the proposed development. There are access points at the junctions with the A426 north of Lutterworth, Gilmorton Lane, Chapel Lane and the A4304 east of M1 Junction 20. The development is so extensive other access points will form part of this site and the main route access changes will provide appropriate infrastructure for a development of this scale. Lighting throughout the development is recommended to be to BS5489, though Motorway specifications may necessitate additional capabilities as a result of larger luminaires and requirements.

4.2.5 CCTV coverage of these key positions should include Automatic Number Plate Recognition capability. This will add an element of general security to the development providing emergency services with strategic information on criminality as well as public safety. Consideration of general CCTV coverage should be considered on an area by area basis to provide a local deterrent to potential offenders, supported by signage and

forming part of distinctive entry points. These are recommended to have change of materials and surfaces and local signage to create an area to deter unauthorised entry.

- 4.2.6 Community facilities including the two primary schools and neighbourhood centre will be to national formatting which includes full consideration of their site security. There will be communal parking at the neighbourhood centre which will require illumination and consideration of CCTV coverage due to its opening times likely to include night time activities. Local residential coverage in respect to security should be a primary consideration as a result.
- 4.2.7 Foliage is recommended to be to a height of 1m and trees are recommended to be trimmed to have no foliage lower than 2m from the ground. This will provide a 1m clear field of vision. Bin and cycle storage is recommended to be within the perimeter of dwellings with rear shed or garage storage recommended. Perimeter enclosure is recommended to be to a height of 1.8m in a material in keeping with the development.
- 4.2.8 Communal vehicle parking areas are recommended to have effective lighting to BS5489 and where possible benefit from natural observation from nearby dwellings. Permeability throughout the site should be reviewed to avoid the creation of potential multiple escape routes for potential offenders and site plans do indicate this has been considered and mitigated by turning points in reasonable proportion to the site. General residential parking should be in curtilage where possible on driveways or garaged to reduce obstructions in the event of emergency services requiring entry.
- 4.2.9 Open Space should benefit from effective illumination throughout this proposed development including walkways leading to these areas. Natural observation should be as available as possible to deter criminal activity and provide safe areas for users. Vehicles should only have limited access to allow safe use of these areas.
- 4.2.10 All door sets will be to PAS 24 which is now included in building regulations for doors and windows. There are other considerations such as BS 6375 Security Locking and Fire Security and BS EN 50486 in relation to Audio and Video door entry systems. Consideration should be made to identify the most appropriate option for this site. Dwellings are recommended to have an Alarm System to BS7958, but there are other options on the Secured by Design portal which include BS6799 in relation to wire free alarm systems. Also BS EN 50131 and PD 6662 in relation to wired systems.

4.2.11 General Recommendations

1. Street lighting columns to BS 5489 are recommended.
2. Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing.
3. Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with the Data Protection Act.
4. Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision.
5. Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access.
6. Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.

7. Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.
8. Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable.
9. Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss.

4.2.12 Leicestershire Police (Comments received 29/06/20)

Following our helpful meeting to discuss this development, please find set out below the position of Leicestershire Police in relation to the mitigation of the impact of the proposed development on policing and the management of community safety.

4.2.13 The Development

The current application relates to an area of presently undeveloped land comprising approximately 225 hectares. In its current form, the application envisages the construction of up to 2,750 houses, employment land, two primary schools and a Community Hub (envisaged as providing a mix of retail and community use). Plus additional daytime population for Educational, Retail and Commercial elements of the new development. This request envisages that, if completed, the development will introduce approximately 7,342 new residents into the area.

4.2.14 Leicestershire Policing Model

In line with the development of the policing model across the UK, policing in the County has moved to a neighbourhood policing model. The area in which this development is located within the newly created Harborough and Wigston Neighbourhood Policing Area. The command hub for the area is based at Market Harborough Police Station.

4.2.15 Leicestershire Police continues to develop a more flexible estate wherever possible, to ensure it is capable of meeting these evolving demands, together with increasing its investment, so far as resources allow, in new technology to support the work of its officers and staff.

4.2.16 It should, however, be borne in mind that this can only be an indication of an approach to policing as at the date of the letter. Our policing model will continue to evolve to accommodate new technologies and methodologies and to assimilate demands from new threats to the safety of the community. Accordingly, over the time taken to bring this site to completion, the requirements for policing may well have changed significantly.

4.2.17 Policing (Community Safety) Requirement

Currently, the area in which the proposed development is intended to take place is largely undeveloped and makes little call on policing resources. Assuming the development proceeds as planned, it will substantially add to the size of the existing settlement in Lutterworth across the M1 motorway. It can be assumed that policing requirements will increase from the point at which development commences, due to the presence of valuable plant and machinery on site, which will be attractive to organised gangs. These groups specialise in theft and disposal of such machinery, especially given the proximity of the site to the motorway network.

4.2.18 By reference to the demands created by other similar sized existing developments, it is anticipated that there will be:

- (i) Approximately 7500 additional calls and responses per annum;
- (ii) Attendance to approximately 1000 emergency events within the proposed development and locally per annum;

- (iii) Approximately 3500 additional non-emergency events to follow up with public contact per annum;
- (iv) Increased demand on vehicles;
- (v) Additional demand for deployment of mobile and static CCTV and analogous technologies, including drones; and
- (vi) Demand for accommodation from which officers and staff can deliver local policing.

Based on the current policing model, the anticipated additional demand of this development will create the need for further investment in the following areas:

- (a) **Start Up Personal equipment for staff** including computers, mobile information terminals, radios, protective equipment, uniforms and training in the use of these.
- (b) **Police Vehicles** deployed to deal with emergency responses, for follow up of recorded crimes and general neighbourhood policing;
- (c) **CCTV and identification technology** including ANPR cameras.;
- (d) **Crime Reduction Equipment**; and
- (e) **Premises** sufficient to support the work of officers and staff.

4.2.19 Request for Contribution to Policing Costs

Taking a local model for calculating police officer and staff requirements to the proposed new population, this proposed development will be policed by 5 regular officers and a PCSO. The following contributions are sought to mitigate the additional impacts of this development because the Force's existing infrastructure will not have the capacity to meet this new demand. While income from council tax police precept will be utilised to pay for the police and staff salaries and day to day routine additional costs, these streams are not sufficient to support the additional costs envisaged from this development or to support the cost of borrowing to pay for additional capital infrastructure necessitated by the development necessitating responses from other areas.

(a) Personal equipment for staff £21,682.00

This development will generate the need for additional personal equipment for officers and staff, including but not limited to: personal radios, body worn video cameras, work pads, laptop computers, mobile telephones and electric storage lockers to allow storing and charging of the said items.

(b) Police Vehicles £32,000.00

Based on the present policing requirements, this development will generate a need for 1 new Response/Patrol vehicles with off road capability to allow for maximum flexibility in relation to the mixed urban/rural location.

(c) CCTV and Identification Technology £150,000.00

Given the proposed layout and design of the development, there will be a need to instal ANPR cameras, to invest in static CCTV and such technologies as may be in use at the time of the development's construction.

(d) Crime Reduction Equipment £10,000.00

The development will generate a need for investment in Crime Reduction equipment such as alarm systems, automatic telephone diallers and other similar interventions, in order to reinforce community safety. This will allow support for residents who are victims or in fear of crime.

(e) Premises £350,000.00

The existing facility at Lutterworth Leisure Centre is inadequate to meet accommodation needs for this development. The cost of either a bespoke facility to be built and equipped as part of the proposed community space at the development , or the creation of additional space at Market Harborough Police Station.

Total Contribution £563,682.00

- 4.2.20 We can confirm that the contribution is necessary to make the development acceptable in planning terms. Crime and Community Safety are legitimate planning considerations. The National Planning Policy Framework (NPPF) identifies the need to achieve security in new developments. All of the proposed contributions are considered fundamental to delivering community safety and mitigating crime at Market Harborough in this development.
- 4.2.21 The requested contribution is directly related to the anticipated demands generated by this development, including those elements which relate to costs to support necessary investment in centralised infrastructure.
- 4.2.22 The contribution is fairly and reasonably related in scale and kind to the development and has been based on demand trends created by other existing developments similar in nature and size.
- 4.2.23 The contribution has been costed to mitigate the impact of this specific development and will be applied accordingly. However, as mentioned above, if either the nature of the policing model or the nature of the development changes, then it may be that some or all of the proposed contribution would be spent as closely as possible in line with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 4.2.24 **Trigger Points**
Leicestershire Police request 25% of the contribution be available prior to construction but when plant and equipment move onto site. A second tranche of 40% should be payable at occupation of the first dwelling. The final tranche of 35% on occupation of 50% of the dwellings.
- 4.2.25 **Additional Consideration**
As set out above, the passage of time between the approvals of this planning application is likely to mean that the basis upon which policing is delivered in the locality may also have evolved. While we have sought to calculate a contribution based on current factors, we would expect there to be flexibility in the terms of any planning obligation related to policing to recognise this fact and to ensure that it remains valid during the process of completing the proposed construction. We would welcome the opportunity to discuss the terms of any planning obligation in due course.
- 4.2.26 We would also make a point that demands on policing arise from the point when development works commence; construction sites are targets for crime as much as completed developments. We would ask that this be acknowledged when considering trigger points for the payment of contributions, so that investment can occur in anticipation of increased demand. This would be rather than risk the safety of the community being compromised by requiring the police to find resources from elsewhere to mitigate the impact of this development (See Section 5). Please let us know if any clarification or additional information is required.
- 4.2.27 **Leicestershire Fire Service**
Leicestershire Fire and Rescue Service do not consult on plans or provide direct comment on access facilities for new domestic building developments. In order to maintain public safety on any proposed sites, developers and architects are reminded of the need to comply with Building Regulations 2010 Approved Document B Volume 1: Dwelling houses (2006 edition as amended), B5, Section 11, Access and facilities for the Fire and Rescue Service. Site planning maps are not required to be sent through for approval.

4.2.28 A guidance document, produced by Leicestershire Fire and Rescue Service helps to highlight the importance of adherence to effective access arrangements for fire appliances. The document informs planners and developers of the minimum requirements that should be incorporated to allow access for modern fire appliances. The document also contains general guidance for planners and developers covering Fire-Fighting water supplies such as hydrants, open water for and sprinkler systems.

4.2.29 *East Leicestershire and Rutland CCG*

The ELR Clinical Commissioning Group (CCG) commenced delegated responsibility of primary care commissioning from April 2015. NHS England previously held the remit of management of primary care estates and facilitation of S106 contributions and the CCG maintains close links with NHS England, as well as working towards building a rapport with applicants and council teams responsible for leading the S106 process.

4.2.30 The CCG's role as commissioner is to ensure that local GP practices are sustainable, serve local residents effectively and have sufficient capacity to meet continued patient demand. Part of ensuring that a local GP practice continues to serve local demand is with developer contribution funding requests through the Section 106 process, to increase a GP practice's ability to treat patients by increasing the practice's physical capacity. Increasing the physical capacity of a GP practice allows for the essential recruitment of additional clinicians, thus increasing the GP practice's ability to treat patients.

4.2.31 The CCG will only seek developer contributions from new development proposals where infrastructure schemes, which are in accordance with the Community Infrastructure Levy (CIL) Regulations, have been identified. Therefore, developer contributions sought will be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and,
- Fairly and reasonably related in scale and kind to the development.

The sum of **£1,099,963.69** is sought to increase practice capacity at the **Lutterworth Health Centre**, Gilmorton Road, Lutterworth, LE17 4EB; and to increase practice capacity at the Wycliffe Medical Practice and The Masharani Practice to accommodate the additional patient demand as a result of the new development at **Land East Of Lutterworth, Gilmorton Road, Lutterworth, Leicestershire.**

4.2.32 The patient registration boundaries of the two practices include the proposed new development site in full. Due to how the boundaries lie, the two GP practices identified above would be the only practices that have CIL compliant infrastructure schemes identified to increase capacity and enable them to register new patients stemming from the proposed new development. The CCG therefore considers that these GP practices will be the most affected by the additional demand created.

4.2.33 In addition, the CCG would recommend that careful consideration is given to the occupancy trigger points to be included in any subsequent Section 106 Agreement. The two practices identified are already operating above their capacity in relation to the size of their premises and would need to make substantial physical improvements to enable them to increase their ability to treat patients. Therefore, both the CCG and the practices themselves would wish for any contributions to be released to the Council prior to the first occupancy of any dwellings on the site.

4.2.34 We trust that the attached information sufficiently demonstrates that the healthcare contribution sought by the CCG is necessary to mitigate the anticipated patient increase created by the proposed new development and that it will be spent on

identified, Community Infrastructure Levy (CIL) compliant infrastructure capacity projects, in the Lutterworth area.

4.2.35 East Leicestershire and Rutland CCG (Comments following April Deferral)

Comments to be reported via Supplementary Information List

4.2.36 University Hospitals of Leicester (UHL)

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The creation and maintenance of healthy communities is an essential component of sustainability as articulated in the Government's National Planning Policy Framework, which is a significant material consideration. Development plans have to be in conformity with the NPPF and less weight should be given to policies that are not consistent with the NPPF. Consequently, local planning policies along with development management decisions also have to be formulated with a view to securing sustainable healthy communities. Access to health services is a fundamental part of sustainable healthy community.

4.2.37 As the attached document demonstrates, University Hospitals Leicester NHS Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that this development will create potentially long term impact on the Trust ability provide services as required. Although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term due to the way the Trust receives funding.

4.2.38 The Trust's funding is based on previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients. The Trust (and the wider health system) plans according to demographic demand and changes, along with agreed service changes and/or clinical developments.

4.2.39 The contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical services. The Trust is unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Further, the following year's contract does not pay previous the year's deficit retrospectively. This development creates an impact on the Trust's ability provide a services required due to the funding gap it creates. The contribution sought is to alleviate this direct impact.

4.2.40 The Trust considers that the request made is in accordance with Regulation 122:

"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and 4

(c) fairly and reasonably related in scale and kind to the development."

Regulation 123 does not apply to this s 106 Contribution. The request is not to fund infrastructure as defined by S 216 of the Planning Act 2008.

4.2.41 S106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the costs it creates on the services. The contribution in the amount **£987,754.00** sought will go towards the gap in the funding created by each potential patient from this development in respect of A & E and planned care. The detailed explanation and calculation are provided within the attached document.

4.2.42 Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies as explained in the attached document.

4.2.43 University Hospitals of Leicester (UHL) (Additional Comments)

Please note that the Consultation response is not a “bid”. It is evidence base for the impact that this development will create on the Trust. It explains how to alleviate the short and long term impact which directly affects the Trust.

4.2.44 This evidence is material planning consideration that has already been tested in several appeals. In the case of the appeal decision of the Land North of Campden Road Reference APP/J3720/A/14/ 2221748 (tab 1 of the attached bundle), the Inspector erroneously thought that there was no shortfall in the funding because it was recovered retrospectively. As demonstrated in the evidence provided, the Trust will not recover the funding gap created by new development. This was also the case in relation to all of the appeals provided and has been accepted in the subsequent appeal decisions.

4.2.45 The appeal decision APP/U4610/W/18/3196439 in (Coventry) (tab 7) of the attached bundle) the inspector applied a pooling restriction. As explained the pooling restrictions do not apply. The relevant Trust involved was not aware of the appeal, was not involved in the appeal process and did not challenge the decision for the same reason.

4.2.46 In a further appeal, decision Ref: APP/R3705/W/18/3196890 (Tamworth) (tab 8) all parties and the Inspector agreed that the NHS Trust request for contribution was 122 CIL Compliant. This decision is subsequent to the Coventry decision above and is the most recent one.

4.2.47 University Hospitals of Leicester (UHL) (Further Comments)

See Appendix E

4.2.48 University Hospitals of Leicester (UHL) (Comments submitted following publication of Report for 21st April 2020 Planning Cttee)

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:

4.2.49 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.

4.2.50 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.

4.2.51 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.

4.2.52 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.

4.2.53 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.

4.2.54 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.

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

4.2.56 *University Hospitals of Leicester (UHL) (Comments following April Deferral)*

See Appendix F

3. Leicestershire County Council

4.3.1 *Leicestershire County Council Highways*

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 conditions and planning obligations outlined in the full report (see **Appendix C**).

4.3.2 *Leicestershire County Council Highways (Comments following April Deferral)*

Further to the Local Highway Authority's (LHA) previous formal advice, dated 18th March 2020, the LHA has been consulted on additional supporting information in the form of a technical note and covering letter both dated 18th May 2020. The covering letter details a 'Further Information Note' intended to clarify points raised in respect of the Environmental Statement and provides additional assessment of the cumulative impact of committed development together with the proposed development.

4.3.3 Following review of the submitted assessment, the LHA would maintain the formal position as set out in the formal observations dated 18th March 2020.

4.3.4 *Leicestershire County Council Planning Ecologist*

The location of this application is extremely sensitive. It surrounds one of Leicestershire's few sites of Special Scientific Interest (Misterton Marshes), which is vulnerable to changes in hydrology. The site is threaded with tributary streams feeding into the R Swift, along the southern edge, and one of these tributaries is closely associated with the SSSI. The R Swift supports otter, white-clawed crayfish and water vole. Some marshy grassland, wet woodland and wetlands occur outside the SSSI, associated with the Swift and tributaries, and these are of county-wide value as a complementary habitat to the SSSI. The area has resident Barn Owl, a large population of badgers, a moderate level of bird and bat activity, and two medium sized populations of Great Crested Newt in the north of the site.

- 4.3.5 The layout of the development is well-considered. Wide and connected wildlife corridors are retained through the site. Direct loss of the majority of the best habitat is avoided; much of the development is planned to be on land of low ecological value (intensively farmed arable and improved grassland). Habitats are at risk from public disturbance and hydrological change – but there are also opportunities. A large proportion of the higher quality habitat is in an unfavourable condition, and the implementation of a coherent and comprehensive landscape and ecological management plan should bring about benefits. In particular, it gives a chance of improving connections between habitats to increase the overall robustness of the ecological network.
- 4.3.6 Overall, this application demonstrates potential for significant net-gain in biodiversity. As ever, this will be about detail; the features shown on the masterplan must be carried forward into detailed plans for the various phases. Whittling down the buffer zones and inserting barriers into the connected habitats and wildlife corridors must be avoided when detailed phase design is considered.
- 4.3.7 I have considered impacts on the spine-road in more detail, as it is subject to a full application. Impacts are mainly on great crested newts, in the north, and on the otter, crayfish and water vole in the south. In general terms I am happy that impacts have been considered properly, but I have three concerns. The proximity of the road to a GCN pond may require further mitigation. The bridge abutments are very close to the R Swift, and construction may adversely affect the protected species using the river. I also do not feel that the findings of the invertebrate study have been fed into the spine road design – it has been submitted late in the day.
- 4.3.8 I have a holding objection pending further consideration of these three concerns. This is covered in more detail below, and I have also made recommendations for planning conditions within the section below.
- 4.3.9 In addition, I have a more general holding objection pending submission of a badger report, which I have not seen. It is possible that further issues may arise from the results of this.
- 4.3.10 With regard to the outline application, for the wider development site, I have no specific concerns; in concept I have no objections to it. However, I have not looked in detail at impacts on the SSSI, as this will be handled by Natural England. I feel that specific conditions regarding hydrological impacts, baseline hydrology and monitoring and management plans for the site will be required.
- 4.3.11 *Leicestershire County Council Lead Local Flood Authority*
The applicant is applying for a hybrid application, with outline permission for up to 2700 residential properties with associated commercial developments in addition to full approval for a Spine road within the site.
- 4.3.12 The site is located predominantly within Flood Zone 1, indicative of low risk of fluvial flooding, with elements of the site within watercourse corridors located within Flood Zones 2 and 3.
- 4.3.13 Surface water flow routes exist within the site adjacent to existing ordinary watercourses. A fluvial model assessing the impact of the proposed development to fluvial flood risk within the site has indicated that there is a negligible increase to fluvial flood risk as a result of the proposed development. The aforementioned fluvial model completed by Peter Brett Associates, has been independently verified by the Environment Agency.

- 4.3.14 Subsequent to our previous consultation response, the Environment Agency has provided their consultation response supporting the proposals. Their response requests 3 No. conditions be applied to any approval given, with the first relating to flood risk. The LLFA therefore offer no additional advice in relation to this element and expect the suggested Environment Agency conditions to be applied in full.
- 4.3.15 It is advised that the full planning elements are elements which will likely be adopted by LCC. The LLFA would not comment on the suitability of these details for adoption purposes but can advise that the overarching principles are in line with NPPF requirements. The applicant has indicated that due to maintenance requirements, the Local Highways Authority has indicated a preference for piped connections to outfalls and as such the LLFA will not require that infiltration is sought by the applicant for the full planning element of the proposals. However, for the outline element of the proposals we advise that infiltration testing results undertaken to BRE Digest 365 Soakaway Design (or similar) will be required to preclude (or otherwise) the use of infiltration structures on-site.
- 4.3.16 The watercourse crossings will require consent under Section 23 of the Land Drainage Act 1991. This is separate to any planning permission that may be granted. Guidance on this process is linked within the standing advice towards the end of this response.
- 4.3.17 Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA and we advise that planning conditions and associated informatives be attached to any permission granted.
- 4.3.18 *Leicestershire County Council Archaeologist*
I have the following additional comments to offer in relation the impact of the proposals upon the historic landscape setting of St Leonard's Church, Misterton (and the associated designated heritage assets). I have also offered conditions intended to address the development impact and archaeological mitigation requirements associated with the schemes various elements.
- 4.3.19 It is recommended that the detailed design, maintenance and retention of the proposed Swift Valley Community Park and associated landscaping, screening and green space, including sports pitches and water management features, is critical to addressing the impact of development upon the setting and significance of St Leonard's Church and the historic settlement of Misterton. Details of the design, and provision to ensure the delivery and long-term maintenance of this facility should be submitted to and agreed with the planning authority. As part of these proposals the applicant should ensure minimal intrusion of incongruous urban landscape features into the visual setting of these nationally and locally significant designated heritage assets. This should include careful consideration of the design of built elements, specifically the proposed housing and sports facilities to the west of Thornborough Spinney, and the design, character and maintenance of the proposed landscaping measures. In the same regard, the design and maintenance of planting to the north of the Swift Valley and Misterton must provide adequate screening of the proposed development to the east of the spinney. Of further concern is the proposed Swift Valley Business Park, which should be restricted to a broadly residential scale of design and massing.
- 4.3.20 The current hybrid application comprises two elements, first, a full application for the development of the spine road and associated junctions, etc., comprising carriageway, footway, cycleway and associated infrastructure to include earthworks, bridge structures, services, drainage, landscaping, lighting and signage (hereafter the spine road). Secondly outline proposals for development 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 (hereafter the outline application). The development also makes provision for the demolition of various standing structures within the application area.

- 4.3.21 The development comprises a range of elements detailed in the submitted drawings: Spine Road General Arrangements Sheets 1-3 (revised), the River Swift Crossing General Arrangements (revised) and the Illustrative Masterplan (8379-L-05-rev E). A proposed scheme for the development of the outline scheme is also presented in the submitted Phasing Plan (ref. 8379-L-06 rev D).
- 4.3.22 The approach to the archaeological investigation of the application area has been outlined in my previous email (8 Nov 2019). It comprised a desk-based assessment (DBA) of the full application area and a similarly comprehensive geophysical survey, followed by targeted trial trenching. The latter focused upon the line of the spine road, but also investigating geophysical anomalies to the north and south of Misterton and the valley of the River Swift.
- 4.3.23 In response, it is recommended that the applicant is required to make provision for a programme of phased archaeological mitigation, detailed within an Archaeological Management Plan. The latter should be informed by the completed assessment (DBA), geophysical survey and an updated and thorough evaluation report. The necessary works should be secured by condition on any approved planning application, and each detailed by a site specific Written Scheme of Investigation. The Plan shall comprise and the developer will make provision for the following elements:
1. Spine road:
 - Geoarchaeological investigation of the River Swift valley, targeting the proposed crossing, and associated development works (e.g. services, retention ponds, landscaping, etc.);
 - Targeted mitigation by excavation of significant buried archaeological remains prior to the impact of development;
 - Archaeological attendance (including any necessary contingency investigation and recording) during construction of the River Swift Crossing, and of identified palaeoenvironmental deposits archaeology Zone 4 (Area 7).
 2. Outline development area:
 - Archaeological exploratory trial trenching of development Phase 1 (excluding Archaeological Zones 2 and 3), Phase 2 (excl. Archaeological Zone 4), Phase 3 and Phase 4 (excl. Archaeological Zone 1). This work to be undertaken prior to the submission of any reserved matters application for the respective Phase or sub-area;
 - Targeted archaeological mitigation including, as appropriate, design measures to protect and conserve historic buildings and archaeological remains *in situ*, and/or a programme of archaeological work to investigate and record significant structures and/or buried remains prior to the impact of development.
 3. A programme of site-wide post-excavation assessment, analysis, reporting, public dissemination/interpretation and archive deposition
- 4.3.24 In line with the National Planning Policy Framework (NPPF), Section 16, paragraph 190 and Annex 2), the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. This understanding should be used to avoid or minimise conflict between conservation of the historic environment and the archaeological impact of the proposals.

- 4.3.25 Paragraph 199 states that where loss of the whole or a material part of the heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.
- 4.3.26 If planning permission is granted, the applicant should prepare and submit for approval to the planning authority the Archaeological Management Plan (AMP), as outlined above. Subsequently, commencing with the Spine Road and prior to the implementation of each phase of the development, the developer will prepare and submit for approval for each archaeological site, a specific Written Scheme of Investigation (WSI). The AMP and each WSI must be prepared by an archaeological organisation or organisations acceptable to the planning authority and be submitted for approval to both the planning authority and HNET as archaeological advisers to your authority, before the implementation of the archaeological programme and in advance of the start of development.
- 4.3.27 All archaeological documentation must comply with the relevant Chartered Institute for Archaeologists' (CIfA) "Standards" and "Code of Practice", and/or other relevant professional standards. It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.
- 4.3.28 We therefore recommend that any planning permission is granted subject to the following planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present:
1. No demolition/development shall take place/commence until an Archaeological Management Plan (AMP) has been [submitted to and] approved by the local planning authority in writing. All works undertaken within the development area shall take place in accordance with the AMP. The plan shall include:
 - a summary of the completed archaeological assessment, together with a statement of significance and research objectives;
 - details of the archaeological mitigation programme correlated with the Phasing Plan (8379-L-06 rev D) and Environmental Management Plan (SE PLN1);
 - a programme for post-investigation assessment and subsequent analysis, publication, archive deposition and provision for a programme of public outreach and engagement. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the AMP.
 2. Prior to the commencement of the development of the spine road, a programme of archaeological work shall be undertaken in accordance with the Archaeological Management Plan (Condition 1), and detailed within a Written Scheme of Investigation (WSI), which has been submitted to and approved in writing by the planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
 - 3. Prior to the submission of any reserved matters application, a programme of archaeological assessment shall be undertaken within the respective area, guided by and in accordance with the Archaeological Management Plan approved under Condition 1 (above). The results of this assessment will be used to inform the preparation of either measures to protect and conserve any significant archaeological remains (an Archaeological Design Solution), or to provide for their appropriate archaeological investigation and recording defined within a suitable Written Scheme of Investigation. In each case these provision will be submitted to and approved by the local planning authority.
- 4.3.29 For land that is included within the ADS or WSI, no demolition/development shall take place other than in accordance with the agreed programme. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

4. **Harborough District Council**

4.4.1 *Harborough District Council Contaminated Land and Air Quality Officer*

In order to provide an air quality benefit to Lutterworth, the A426 should be declassified between the junction with the A4303 (Whittle roundabout and the point where the spine road joins the A426. The spine road should then be classified as the A426, a weight restriction should then be placed on a portion of the current A426 (Rugby Road, High Street and Market Street) between the junction with the A4303 (Whittle roundabout) and the junction with George Street. This would remove traffic from the currently congested centre of Lutterworth and provide an eastern relief road. This would result in the AQMA being undeclared.

4.4.2 *Harborough District Council Contaminated Land and Air Quality Officer (Comments on additional information)*

Reviewing the Supplementary Air Quality Information: Document 1 Document Reference: 60578868/AQ/02 October 2019, my concerns regarding Walcote and the receptor modelling within Lutterworth have been addressed

4.4.3 However I still have concerns that the layout of residential land parcels (primarily R6 and R8 as shown in Figure A3 Supplementary Air Quality Information: Document 1 Document Reference: 60578868/AQ/02 October 2019) may cause the creation of an AQMA as the modelling and the closest monitoring points to these locations do not take the topography into account

4.4.4 As such I would request that a condition be placed on any permission that may be granted requiring an air quality impact assessment on the layout of properties within land parcels R6 and R8 (as shown in Figure A3 Supplementary Air Quality Information: Document 1 Document Reference: 60578868/AQ/02 October 2019) along the M1 corridor to ensure that an AQMA is not created.

4.4.5 *Harborough District Council Contaminated Land and Air Quality Officer (Comments following April Deferral)*

The submitted additional environmental statement finds that the additional proposed developments considered does not significantly affect the impact of this development. as such my previous comments regarding conditioning of the permission are unchanged.

4.4.6 *Harborough District Council Environmental Health Officer (Noise)*

I refer to the above planning reference. My comments relate solely to the issue of noise. Noise monitoring has been undertaken at various points within the proposed development and these have been compared to the modelled noise levels. These show a relatively good relationship to the monitored and modelled noise levels and therefore confidence should be shown in the modelled noise levels.

4.4.7 The modelling demonstrates that without mitigation, properties close to the M1 would experience unacceptably high noise levels. To mitigate these levels to an acceptable level, it has been recommended that a 4m high noise barrier (expected to be a combination of bund and barrier (assumed fencing)) along the boundary with the M1. In addition, it is identified that residential buildings will need to be arranged such that the first row faces the M1 in a continuous row (or rows) or buildings to provide screening to the remainder of the site behind. It is further stated that where properties are not able to achieve acceptable noise levels in private garden areas, residents should be provided with access to a nearby relatively quiet external amenity space e.g., a public park or local green). Further work which is more detailed, will be required should the application proceed to a full application concerning this.

4.4.8 Residential parcel R6 is identified as the closest potential house location to the M1. Even with the implementation of a 4m barrier, the noise levels are identified as being 70dB LAeq, 16 hour (daytime) and 65dB LAeq, 8 hour (night time) at 1st floor height. These levels are considered severely higher than the levels permitted within BS8223 and again further works are identified as being required. The consultant suggests that one method of controlling the noise includes mitigation such as high performance glazing and attenuated ventilators, increase in roof / ceiling construction and external walls are likely to be made of masonry construction to address the noise levels.

4.4.9 ProPG makes reference throughout to “good acoustic design” to ensure that noise levels are addressed and whilst I cannot comment on what “good design” may entail. I would like to see further discussion on the various options presented in terms of either increased barrier height, internal layout of properties with non-habitable rooms adjacent to the motorway, etc. before the mitigation identified by the consultant is adopted as there can be issues with what is suggested as residents are unable to open their windows for fresh air as well as thermal comfort.

4.4.10 As correctly identified, noise from industrial units will require a BS4142 assessment. Details of which will be required when the intended occupants are known. In addition, I would request that a Construction Method Statement is attached to any approval granted to control nuisance that may arise during the development

4.4.11 *Harborough District Council Environmental Health Officer (noise) (Comments on additional information)*

We have reviewed the documents relating to the site and it remains our opinion that little consideration has gone into the reconfiguration of the site, taking into account the high levels of noise emanating from the M1 motorway. We believe that by replacing previous plots along the M1 corridor identified as commercial / industrial with residential, the development does not comply with “good acoustic design”, as quoted in ProPG.

4.4.12 We believe that the scheme could be re-designed / configured to ensure that noise can be mitigated further without having to resort to the measures identified by the acoustic consultants AECOM to attenuate noise such as, reliance on windows remaining closed throughout both the day and night, high performance glazing and attenuated

ventilators, increase in roof / ceiling construction, external walls made of masonry construction, quieter external areas away from the dwelling, etc.

4.4.13 As the applicant has not fully explained the reasons for the reconfiguration of the site in response to the Local Plan Examiner's questions prior to the EiP, we still hold concerns and reservations that the development could result in residents occupying premises close to the M1 may be afforded a poor standard of living accommodation, reliant on windows being closed throughout the day and evening as well as being unable to use external gardens without being subject to potential disturbance. Therefore, without a robust noise condition in place, we would not be able to support the application as we believe that the quality of life in terms of noise would be detrimental to future occupants.

4.4.14 If however you feel that these matters can be addressed through reserve matters / full application, then I would advise that the following condition is attached to any approval granted. I understand that these conditions can be varied, if at a later stage, the applicant can demonstrate that good design has been taken into account, or if the applicant requires to vary the condition in line with guidance as it becomes available nearer the time. Alternatively, the applicant may be required to reduce the number of homes that may be placed on the site:

"All reserved matters applications for residential development adjacent to the M1 motorway shall be accompanied by a noise report, including details of a scheme to ensure gardens do not exceed 50dB LAeq (07:00-23:00) and internal habitable rooms do not exceed 35 dB LAeq (07:00-23:00) and 30 dB LAeq (23:00-07:00) with windows open for ventilation. The development shall be implemented in accordance with the recommendations contained within the subsequently approved report.

Reason: To ensure appropriate measures are installed to safeguard the amenities of future residents of the development."

AECOM emailed us on 18 March 2020 with the attached noise condition. Whilst we have considered this, we have concerns about it summarised below:

- Reference is made to the upper WHO limit for external areas (55dB). WHO state that to protect the majority of people from being 'seriously annoyed' during the daytime, the outdoor sound level from steady, continuous noise should not exceed 55dB LAeq on balconies, terraces and in outdoor living areas. We however are looking for the lower limit of 50dB to be achieved where WHO state that to protect the majority of people from being 'moderately annoyed' during the daytime, the outdoor sound level should not exceed 50dB LAeq. WHO state that where it is practical and feasible, the lower outdoor sound level (50dB) should be considered the maximum desirable sound level for new development.
- Where compliance with 55dB is stated, the words 'wherever practicable' are used. This use of words appears to allow a degree of unmeasurable flexibility on the condition and there is no upper limit given as to what level of noise may be deemed acceptable if it is 'not practicable' to achieve 55dB. There is no substance or context to this statement.
- The internal levels of 30 and 35dB are quoted with windows closed. WHO specifically state that at night, sound pressure levels at the outside facades of the living spaces should not exceed 45dB LAeq and 60dB L_{Amax}, so that people may sleep with bedroom windows open. These values have been obtained by assuming that the noise reduction from outside to inside with the windows partly open is 15dB. So ultimately, compliance with these conditions would allow +15dB above the WHO guideline values. As decibels are logarithmic, an increase of 15dB is considered to be approximately x3 as loud.

- The condition then gives scope for internal levels to increase above 40dB with windows open, though the condition does not give an upper limit and again seemingly offers little control. A +15dB increase above 30dB at night for example, would give 45dB.
- The above comments negate the relevance of the end paragraph that refer to only a +5dB relaxation in accordance with BS 8233.

4.4.15 *Harborough District Council Environmental Health Officer (noise) (Comments following April Deferral)*
No further comments

4.4.16 *Harborough District Council Neighbourhood Green Spaces Officer*
Playing Pitches and Outdoor Sport

Contributions on the west side of the district are sought for the following sports as justified by the [Playing Pitch Strategy 2018](#) (PPS)

- AGP (Lutterworth College)
- Rugby
- Cricket
- Hockey

The Harborough Playing Pitch Strategy has identified the following priorities for the west of the District.

Football

on-site provision in the East of Lutterworth SDA of 1 adult, 2 youth and 2 mini pitches – to include ancillary facilities such as changing facilities.

Rugby

All housing developments in Harborough district should contribute off site to rugby to the nearest rugby club to increase their capacity, either or both to pitches and ancillary facilities.

Lutterworth: extend site (Lutterworth Rugby Club) to provide minimum of 2 additional pitches and car parking. Provide additional floodlighting and changing provision. Plan further site extension of 2 pitches by 2031.

Hockey

The PPS identifies that all existing hockey surface pitches should be protected unless suitable alternative provision is agreed with England Hockey. The further work with the hockey pitch providers in Lutterworth has identified that re-carpeting of the Lutterworth College pitch is required and off site contributions towards this project will be required.

Cricket

The East of Lutterworth SDA should contribute off-site towards improvements at the existing accessible cricket sites. (Bitteswell, Lutterworth, Dunton Bassett)

4.4.17 The Sports Pitch calculator from Sport England supports the following contributions

Type of sport pitch	Amount of contribution	Reason for contribution
Rugby	£140,474.00	Lutterworth Rugby Club enhancement and development of new pitch
Cricket	£549,708.00	enhancement of facilities at Lutterworth (improve quality of existing facilities to increase capacity for cricket) , Bitteswell (replacement of artificial wicket and/or enhancement of cricket nets) or Dunton Bassett (Replacement of artificial grass strip) Cricket Clubs

Artificial Grass Pitches	£573,008.00	either renewal of existing sand based surface or replacement with 3G or 4G AGP including new floodlights
Changing and other Facilities	£751,950.00	The pro rata sum for off site contribution for extension of clubhouse and enhancements to existing changing facilities at Lutterworth Rugby Club
total	£2,015,140.00	

4.4.18 Response to LCC proposal to pull off site contributions back to the East of Lutterworth SDA.

The Playing Pitch Strategy has clearly demonstrated that for football the location of the SDA development compared with location of existing pitch sites means that new provision for football should be made on the East of Lutterworth SDA (the SDA). The provision of pitches should be in association with other sporting facilities to form a sporting hub.

4.4.19 The west sub area as assessed in the PPS has sufficient theoretical capacity to meet the long term needs of cricket up to 2031. Therefore a new pitch is not required on the East of Lutterworth SDA. The priorities for cricket in the west sub area are to invest in the existing sites to allow them to cater for the increased demand for cricket generated by the SDA.

4.4.20 The priority cricket sites identified in the PPS are Lutterworth CC and Swinford CC. Further sites are Bitteswell CC, Gilmorton CC and Dunton Bassett CC. The entire £549,708.00 is unlikely to be required to satisfactorily increase the capacity at these grounds by either providing or replacing artificial wickets. Therefore theoretically this contribution could be reduced to provide other additional facilities on the SDA.

4.4.21 The RFU is particularly concerned about Lutterworth RFC and the urgent need for additional pitches on this site. The PPS modelling confirms that further pitch space is required for Lutterworth RFC and this cannot be realistically provided via a split site on the SDA. The Lutterworth club requires additional pitch space, floodlighting of pitches, extended changing, and additional car parking.

4.4.22 The contributions for off site provision for rugby are made available to extend and improve the facilities at the Lutterworth Rugby Club.

4.4.23 The existing hockey pitch at Lutterworth is the AGP at Lutterworth College. This has been identified in the PPS as being in poor condition and requiring resurfacing and new floodlighting. The PPS identifies that an additional AGP is not required in the west sub area in addition to the new AGP that is being constructed at Broughton Astley.

4.4.24 The off site contribution towards AGP will therefore be required to upgrade the surface at Lutterworth College as the PPS has identified this as being of urgent need.

4.4.25 *HDC Conservation Officer*

The principle of the development of Lutterworth East and its impact on the surrounding historic environment was considered as part of the local plan process.

- 4.4.26 The proposed development will have a significant impact on the surrounding area, and the impact on local heritage assets was largely considered during the local plan process when the SDA locations were chosen.
- 4.4.27 The current application sets the route of the spine road as well as the broad areas of development. As highlighted by Historic England, the location of the spine road will encroach upon fields which form part of the setting of St Leonard's Church as viewed from the west. As such, you will need to be satisfied that the wider public benefits of the scheme outweigh the harm this would cause.
- 4.4.28 The adjacent settlement of Misterton has an attractive and historic character, where setting of the hall within parkland remains largely intact. I have some concerns that through the approval of this application will increase development pressure in this area which could lead to harm to this character. As such I would support any measures which could lead to greater protection of the settlement of Misterton.
- 4.4.29 *HDC Environmental Services Officer*
No Comments

5. Members of Parliament, Councillors, Neighbouring Local Authorities and Parish Councils

- 4.5.1 *Warwickshire County Council*
Warwickshire Highway Authority has considered the information and Transport Assessment which has been submitted in support of the development proposals. However based on our assessment the Highway Authority maintains its **objection** to the planning application. The justification for this decision is provided below.
- 4.5.2 Warwickshire Highway Authority sets out the following matters which require further information and assessment to enable the true impact the development proposals will have on the safe and efficient operation of Warwickshire's highway network.
1. Warwickshire Highway Authority is concerned about the impact that the development proposals will have upon the operation of the A5 / A426 Gibbet Hill Development. Whilst it is acknowledged that there is a committed scheme as part of the approved Magna Park Development proposals it is concerning that the committed junction improvement of signalisation has capacity and operational issues in all scenarios. Therefore, Warwickshire Highway Authority concludes that further assessment and the identification of a mitigations scheme at this location is required.

Warwickshire Highway Authority also notes in the trip distribution information that a core route and significant traffic levels will utilise the A426 Corridor between the A5 and the M6 Corridors and is concerned about the impact the development proposals may have on the operational capacity of the M6 Junction at Rugby.

Warwickshire Highway Authority therefore requires assessments to be undertaken utilising the authorities A426 Leicester Road Corridor Model. Further information and details can be obtained from the Transport Planning Team at Warwickshire County Council. Your ref: 19/00250/OUT Our ref: 190250
 2. Initial discussions with the applicant's agent and planning consultant has stated it is agreed that Highways England will accept a contribution to improve the A426 Gibbet Hill Junction. However, no detail has been provided on what the mitigation scheme will be or when it will be delivered. Therefore, at present Warwickshire Highway Authority does not accept this to be a suitable mechanism and does not consider it is CIL compliant. In addition, it enables the development to build out

without control for the junction improvement to be delivered. Before agreeing the mechanism and process for delivery of any mitigation at this junction Warwickshire Highway Authority will require the provision of a detailed mitigation scheme which will be implemented by the applicant under a Section 278 Agreement with a suitable trigger. However this also requires the modelling utilising the A426 Leicester Road Corridor model to have been undertaken and completed.

- 4.5.3 Until these matters are resolved the Highway Authority will maintain an objection against the planning application.
- 4.5.4 *Warwickshire County Council (in response to further discussions)*
Warwickshire County Council, hereby known as the 'Warwickshire Highway Authority', has undertaken a full assessment of the planning application, and having fully reviewed the modelling assessments carried out in respect of the A5/A426 junction has **no objection** to the planning application.
- 4.5.5 The justification for this decision is provided below Warwickshire Highway Authority has undertaken a robust and thorough assessment of the planning application. The following commentary provides a summary of this analysis.
- 4.5.6 The development proposals have been assessed in line with the following national policy and guidance documents;
- National Planning Policy Framework published by Ministry of Housing, Communities and Local Government in February 2019;
 - National Planning Practice Guidance: transport evidence bases in plan making and decision taking in published by Ministry of Housing, Communities and Local Government in March 2015;
 - National Planning Practice Guidance: Travel plans, transport assessments and statements in published by Ministry of Housing, Communities and Local Government in March 2014,
 - Department for Transport Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable Development published by the Department for Transport in September 2013; and,
 - Warwickshire Local Transport Plan 2011 – 2026 adopted and published by Warwickshire County Council in 2011.
- 4.5.7 Warwickshire Highway Authority previously raised concerns over the impact the development proposals would have on the A5/A426 Gibbet Hill junction and at M6 junction 1. Following a review of the modelling, WCC are satisfied that the development traffic would not have a severe impact at M6 junction 1, and in further consideration of the development traffic impacts at the A5/A426 Gibbet Hill junction it is concluded that whilst the junction improvement proposed would not provide a junction with future spare capacity, it does mitigate for the impact of the development traffic and that is in accordance with the requirements set out in National Policy and Guidance
- 4.5.8 Confirmation has been received from Highways England that they will be delivering an improvement scheme at the A5/A426 Gibbet Hill junction. Their preference is to take a strategic approach to deliver a scheme that addresses the capacity requirements for strategic development sites in the area, that provides for the strategic function of the road network in this area and minimises the impact on the network that the delivery of multiple schemes in the same location would have. Therefore it is accepted that whilst the scheme shown on drawing no. 000000-ACM-GEN-456517 273056-DE-C-016 is sufficient to mitigate for the development traffic under consideration for this planning application, a s106 contribution, together with other s106 contributions already held and others that may be secured, will enable the delivery of a more effective junction

improvement scheme, and construction of that scheme will have less of an impact on the operation of the network.

4.5.9 The modelling work carried out shows that the impacts on the junction in 2026 are similar for a range of development quantities, therefore subject to discussions with Highways England and the LPA, WCC would recommend that should this planning application be approved then 2026 should be the trigger within the s106. WCC will work proactively with Highways England on any design and testing in order to meet this timescale.

4.5.10 The Outline Construction Traffic Management Plan identifies many elements that will be built upon for the detailed document. Whilst it is recognised that the principal effects will occur on the roads closest to the development site, the construction work will take many years, and the impacts may change over time as the phases of development are constructed. The A426 and A5 are identified as routes that form part of the construction site access proposals, and there are local roads served from the A426, A5 and the B4455 (Fosseway) that do get used by HGV's when delays/incidents occur on the main roads. Therefore WCC would request that some of the measures referenced in the Outline CTMP are extended to include the local routes/villages adjacent to the construction access routes in order to minimise the use of these local routes through villages, and that any liaison/communication strategy includes WCC's Civil Enforcement Team and the relevant Parish Councils.

4.5.11 Warwickshire County Council's response is no objection subject to conditions and planning obligations

4.5.12 *Lutterworth Town Council (This objection has been supported by a separate Transport and Air Quality Audit prepared by specialist consultants which can be seen at **Appendix D**)*

With reference to Planning Application number 19/00250/OUT, Lutterworth Town Council wish to state the grounds for our objections as follows:

4.5.13 HOUSING

Lutterworth Town Council are aware of the government requirements regarding the provision of additional housing and are aware of the target that Harborough District Council has been given to achieve. If additional housing has to be provided in the Lutterworth area, the single element of this entire proposal that has genuine merit is the provision of circa 1,100 houses that will fall in to the category of "affordable". However, Lutterworth Town Council is concerned about the quality of life of the residents of some of those houses, as they will be located adjacent to the M1. This could be avoided if the Spine Road was routed to run alongside the motorway.

4.5.14 FACILITIES

Prior to the application, our understanding was that these facilities (doctor's surgery, shops, pub, café etc) would be provided within the new development. However, we now understand that there is an option for "some" rather than "all" of these facilities to be created, and then only if there is market demand. This has never been indicated at any public consultation meeting, and the public have been misled. We further understand that the provision of a new doctor's surgery is not now going to happen, with NHS England applying for £1,099,963.69 of Section 106 funding to expand the existing Lutterworth facility as the preferred option. This will mean that residents of the new development will now have to travel in to Lutterworth for their medical needs, and as the proposal is to close Gilmorton Road to private traffic this will generate additional journeys along the A426, none of which have been included in the traffic modelling.

4.5.15 ENGAGEMENT

The local Plan states that the development "...should be in accordance with a masterplan that is produced with the full engagement of the existing community of Lutterworth and which has the support of the population through a consultation process...". There have been two "consultation" meetings - neither of which took serious feedback, evidenced by the fact that there have been no changes made to the plans as a result, despite serious public concern over the design of the road system. Further, and despite the above statement in the Local Plan, Lutterworth Town Council have now been told by the Leader of Harborough District Council, that the requirement for the plans to have the support of the community is not actually policy, it is an explanation of policy. This would appear to state that the planning application does not have to satisfy this requirement. We would question whether the public have been misled on this point.

4.5.16 SCHOOLING

Local concern exists over the late provision of Primary schooling. Neither of the two existing Lutterworth primary schools have room to expand further, yet the planning application allows for nearly 300 dwellings to be built before the provision of further Primary places. Based on the Education Developer Contributions ratios, this would mean that 72 primary age children would be in the area, without primary schooling, before any places were provided. This is clearly unacceptable. If the promoter is serious about providing a sustainable development, then the timescale for the provision of this schooling MUST be brought forward – the suggestion would be the September prior to the completion of the 100th house. There is also extreme concern within the locality with the lack of clarity regarding further provision of secondary education facilities. The nearest High School to the new development, Lutterworth High, is already full and can take no further intake without significant redevelopment, and we have recently lost capacity due to the closure of the Frank Whittle Studio school. The only comment in the plans regarding Secondary Education is that money will be made available if necessary - clear plans are required as part of the planning application in order to convince the population of Lutterworth that there is some commitment on the part of the promoter. There is still serious concern that the leisure Centre will be demolished in the next 10 years in order to provide an extension to the existing college.

4.5.17 WAREHOUSING

Policy BE2 provides for a further 700,000sq m of warehousing at Magna Park, stating that this figure is the limit of additional warehousing in the district and is already allocated to specific sites. However, this planning application proposes to build more warehousing adjacent to the A4304. The Local Plan accepts that there is no commercial justification for this additional warehousing, and it is there merely to generate money to pay for the road alterations at Junction 20 of the M 1. Not only is there not a need, there is no market - on the opposite side of the junction at "M1 Access" there is a 129,000sq ft warehouse that is nearly two years old, has never been occupied, and cannot find an occupier. Creation of more of the same will not generate funds, it will merely cost money and provide a white elephant. If funds are needed, then offer part of the site to Aldi as a replacement for their preferred lot next to the Whittle Roundabout. It will be better located for the new housing development, still convenient for Lutterworth, and will generate less traffic impact. The remainder of the site could be used for B1 and B2 use, as suggested above, thus removing part of the severance barrier.

4.5.18 ROADS and AIR QUALITY

We now start to address one of the main areas of concern within the planning application, and that concerns Highways. When the idea of Lutterworth East was first discussed, it was with the intention that a by-pass would be provided with the result

that through traffic would diminish, noise pollution would abate, and air pollution within the Lutterworth Air Quality Management Area would reduce. Over the years the concept of the "Eastern Relief Road" has diluted to something that is now known as a "Spine Road".

- 4.5.19 The Local Plan requires that impacts on the Lutterworth AQMA are minimised and an HGV routing agreement to include a monitoring and enforcement scheme is submitted to and approved by the Local Planning Authority (policy BE2). Further that the Council will develop traffic management measures that will remove or minimise the passage of Heavy Goods Vehicles through the centre of Lutterworth as part of the implementation of an effective air quality mitigation strategy for the AQMA in Lutterworth Town Centre (Policy L1). It also says that one of the Vision Statement's objectives is to "deliver a spine road to alleviate pressure upon Lutterworth High Street and the AQMA". It has been made very clear to Lutterworth Town Council, through the East of Lutterworth Strategic Development Area Community Partnership Group that the promoter has absolutely no intention of providing a Spine Road that will alleviate pressure on Lutterworth town centre, and it will not be intended as the preferred route for HGV traffic. Therefore, there is absolutely nothing in the plans that will achieve any of the Local Plan or Vision Statement objectives - Lutterworth residents are being failed and misled.
- 4.5.20 However, the Local Plan and the planning application forecasts that the SDA will result in initial traffic increases in Lutterworth town centre of 10% to 17%, and then claims that traffic will reduce by 28% by 2036! Lutterworth Town Council has undertaken an independent review of the plans and has been advised that there is no information in the public domain that supports this reduction. The Spine Road in the planning application is not being designed to take traffic from the A426 and will therefore not facilitate any relief for Lutterworth Town Centre. The AQMA will not benefit, and the requirements of the Local Plan will not have been satisfied. Advice given to Lutterworth Town Council indicates that there is doubt that the pollutant concentrations within the AQMA have been appropriately modelled, and there is therefore doubt regarding conclusions that Air Quality will improve. Indeed, Harborough District Council's own independent report states that the Spine Road option that has been chosen is not the best solution to deal with the future traffic demands of the area, and Harborough's own Land Contamination and Air Quality Officer reports that in order to improve the air quality in Lutterworth, the Spine Road must be designated as the A426, and a weight restriction must be placed on the main road through the centre of Lutterworth. None of these options are included within the planning application, and there is no indication whatsoever of any actions being undertaken by the promoter or Harborough District Council to comply with the Local Plan in this respect.
- 4.5.21 While Lutterworth Town Council understands the pressures to provide additional housing and has concerns around the provision of facilities, the plans focus entirely on the new development and ignore the impacts on the existing town. There is an opportunity for this development to have a significantly positive impact on the locality, yet this opportunity is being ignored by both Leicestershire County Council and Harborough District Council.
- 4.5.22 *Lutterworth Town Council Comments on Additional Information*
Lutterworth Town Council has reviewed the revised application and has also reviewed a simultaneous application relating to the East of Lutterworth Strategic Development Area, specifically 19/00250/OUT. The reason for this is that there are matters in the latter application that directly affect the application from Aldi.

4.5.23 Appendix B3 - A4303 / A426 Frank Whittle - 19/00250/OUT

This document details the proposed revision to the Frank Whittle junction, replacing the roundabout with a four-way, traffic-light controlled junction. As this is adjacent to the land associated with the Aldi application, it is particularly relevant. Diagram 60578868-LESDA-TP004-0000 in conjunction with diagram 60578868-LESDA-TP004-0002 show the following:

- From the direction of the M1, and within 25m of turning right towards Lutterworth at the revised traffic light-controlled junction, the two lanes of traffic from the junction merge with traffic from a priority-controlled filter lane leading from the direction of Magna Park. The effect will be that two lanes of traffic that are attempting to merge in to one lane will then be impacted by a third flow.
- Within a further 50m, traffic from these three lanes filters down to a single lane, however at this point there is then a right-hand filter lane leading to St Johns Business Park. This will cause traffic to slow as vehicles enter the filter lane, potentially causing traffic congestion back to the point of the junction with the filter lane.
- Within a further 25m, traffic will now be turning right out of St Johns Business Park, something that is not allowed at present due to the risk of accidents.
- Within the next 25m, this traffic will encounter the Aldi turning, with traffic potentially turning across the flow from both left and right.
- Based on a speed of 30mph, and from the point that vehicles enter the A426 headed towards Lutterworth, vehicles will be negotiating the merging of traffic from the filter lane from Magna Park, the merging of traffic to a single lane, the slowing impact of traffic moving to the St John Business Park filter lane, the negotiation of traffic turning right out of St Johns, and the cross flow traffic relating to Aldi, all within 8.7 seconds.

4.5.24 We note that the Road Safety Audit relating to the SDA identifies a number of issues with the junction proposals, some of which are mentioned above. These include the risk of injury due to head on collisions between vehicles turning right out of St Johns Business Park. Further, the RSA states under Problem 4.02(B) (page 11) that the new junction on the opposite side of Rugby Road from the Travelodge, (the Aldi junction) is not included as part of the Stage 1 RSA, however the Audit Team was concerned that this junction was located too close to the Travelodge (St Johns) junction, potentially leading to head on collisions due to the confluence of vehicles from each of the junctions.

4.5.25 Finally, other than a Transport Assessment submitted on 24th April 2019, we can find no evidence of a Road Safety Audit carried out on behalf of the Aldi application, and absolutely no reference to potential highway issues as a result of the combination of this application and the planning application for the East of Lutterworth SDA. We therefore have to assume that this application is made in isolation, and ignores any impact of other, linked planning applications. We feel that this is short sighted to say the least.

4.5.26 We repeat our previous point that the application continues to be in breach of the Local Plan, which provides for a maximum of 1,000 sqm of convenience retail space within the bounds of the SDA. Regardless of how much Aldi reduce their floorspace by, the present location is outside the SDA, and therefore remains wholly in contravention of the Local Plan.

4.5.27 *Lutterworth Town Council Comments on Construction Management Plan*

The Construction Traffic Management Plan, published in February 2019, covers the proposals for the management and routing of construction traffic throughout the lifetime of the development period. This was followed in October 2019 with a Traffic Management Plan which also covers plans for the routing of public traffic while the development is being built.

4.5.28 This document details the comments that Lutterworth Town Council have to make regarding the proposals.

Site Location, Existing Uses and Proposed Development

- This map shows a 7.5 tonne weight limit for Construction Traffic on the Leicester Road between the Whittle Roundabout and Bill Crane Way, indicating that construction traffic will not be routed through the town

- However, the map also shows that permission for Special Construction Activity is given between the Whittle Roundabout and the centre of Lutterworth, with the route then following the line of the Gilmorton Road. This allows vehicles in excess of 7.5 tonnes to travel north through Lutterworth as far as the Gilmorton Road, and then along it, no doubt to provide for the works at the northern end of the Spine Road.

- o COMMENT - Effectively, this will over-ride the 7.5 tonne weight limit, as there will be no way for members of the public to determine the purposes of the construction traffic in Lutterworth town centre, and there is no evidence within the plan of proposals to increase enforcement measures.

- The plan suggests that all construction vehicles will need to approach from the south, or if from the north this would have to be via the M1.

- o COMMENT - How will construction traffic from the north be prevented from entering Lutterworth along the A426?

4.5.29 Construction Phase

- Construction is expected to commence in 2020, with spine road completion in 2024, and SDA completion in 2037

- Site hours of operation will be

- o Monday to Friday - 07:00 to 19:00

- o Saturday - 08:00 to 13:00

- o Sunday and Bank Holiday - no working

- o These hours can only be varied by agreement with HDC and LCC

- Vehicles delivering to the site are expected to be standard articulated vehicles

- o 16m total in length

- "Haul route" and off-line construction will use rigid, 6-wheel tipper vehicles of 26 tonne gvwt, in a 6x2 or a 6x4 configuration

- The peak construction year has been identified as 2021

- o This will see work on the spine road and the wider SDA

- o There will be 150 construction vehicles per day on a 1-way flow, meaning 300 vehicle movements per day

- o This equates to 25 vehicle movements per hour, assuming that they are flat phased across the 12-hour working day

- o The movement of construction plant vehicles is in addition to these figures

- Calculation of staff trips to the site are based on an even spread between the hours of 06:00 and 09:00, and 16:00 and 19:00

- o AM / PM peak - 30 HGV's per hour, and 62 LGV's per hour (including cars)

- o All parking will be accommodated on site

- o COMMENT - inevitably this will increase traffic within Lutterworth, indeed the Local Plan indication was in the region of 17%. What will be done to mitigate this given that Lutterworth is already an AQMA?

4.5.30 Site Operational Details

- Main access to site will be off the A4304, on the Market Harborough side of the M1 Junction 20.

- o However, the plan states that in order to build the bridge across the River Swift, there will need to be access from the north. This will require construction vehicles travelling through Lutterworth from the south, along the Gilmorton

Road, accessing the site, and then travelling south through the site to the River Swift.

- o COMMENT - Given the distance of travel and the impact upon the town centre, we would propose that a temporary bridge is provided over the River Swift to allow this traffic to access the site from the south. If the army can bridge rivers from one side, I'm sure that the developers could do the same!

- HGV's to and from the M6 are expected to use the A426 to get to the A4304.

- o COMMENT - Therefore, Gibbet Roundabout and the A426 past Cotesbach will be impacted by the daily and peak time increases in traffic

- o COMMENT - Consideration needs to be given to the concentration and density of traffic at the A4304 site entrance. Need to establish the access area on site at this point to ensure that construction traffic does not queue back on the A4304 causing gridlock at the M1 junction.

4.5.31 Proposed Mitigation Measures

- The developer will provide routes which vehicles (construction and site staff) need to take when accessing and leaving the site. These routes will avoid Walcote, North Kilworth, Kimcote and Gilmorton. Maps will be provided to all drivers.

- Vehicle delivery times will be pre-arranged and scheduled in order to avoid congestion.

- Deliveries of construction materials will be arranged outside of peak traffic times

- Prior to commencement, a dilapidations survey of the local road network will be undertaken in order to provide a benchmark against which any damage due to construction vehicles can be measured. The initial survey will take place approximately 2 weeks before the commencement of site vehicle movements. The final survey will take place 2 weeks after the final completion of the development, proposed to be year 2037.

- Road cleaning and sweeping will be arranged as required. Hoses and brushes will be available on site for the manual cleaning of vehicle wheels. If excessive mud is deposited on the highway then road sweeping / cleaning will be instituted on a frequency driven by the significance of the deposits.

- o COMMENT - Given that the access to the site is through one entrance on the A4304, it can be assumed that this will also be the main area where road cleaning will be necessary. It is not unreasonable to request a more detailed and committed plan, requiring road cleaning at least twice a day, especially due to the volume and frequency of traffic going past the entrance.

- Construction lighting will be installed for the duration of the project however will be directed away from sensitive receptors and will be in a quantity necessary to avoid tall, wide beam lighting.

- o COMMENT - What are considered to be sensitive receptors? Will the lighting only be switched on during working hours?

- PRow's have been identified within the site plan, and provision of crossing points and footpath diversion will be considered in order to ensure the safety of all non-motorised traffic.

- o COMMENT - Experience from other developments tells us that the provision of alternative routes must be accompanied by a commitment that the surfacing is suitable for all users and is capable of being sustained even during bad weather. This is a very long project and it would be very easy for the developer to discourage use of PRow's.

- A Construction Travel plan will be formulated that will promote the use of car sharing for site employees.

- o COMMENT - We would like to see details of how this is likely to be achieved

- A Community Liaison Officer will be appointed to manage the relationship between developer and the public. This would form the route of all communications between the two.

o COMMENT - Lutterworth Town Council request that they are included as a stakeholder in this process and are considered as one of the key points of communication. LTC will likely be the contact point for residents with queries and complaints, so it is important that viable communication links are set up from the start. Further, it is essential that complaints are seen to be actively resolved, and so we would want to see an escalation procedure in place should issues remain outstanding.

4.5.32 *Lutterworth Town Council Comments on Traffic Management Plan*

The Traffic Management Plan states that an understanding of the requirements of "customer" road users has to be developed further.

o COMMENT - The suggestion from the first point in the table is that there would be a 7.5 tonne weight limit applied through all of Lutterworth - this needs confirming.

4.5.33 The plan recognises that certain roads will need to be closed during the project, specifically the M1, M1 J20 slip roads and roundabout, A4304, A426 and Gilmorton Road, and specific dates and details will be released once the programme is finalised. Specific reasons for closure are then detailed, as below:

- Work will generally take place on a Monday to Friday basis during the day, although night and weekend work is not precluded.

o COMMENT - Given that this is deemed an appropriate diversion for both north and southbound traffic, we need to ensure that Lutterworth is protected by a weight limit being placed on the A426 at the Whittle Roundabout, and also north of Lutterworth to prevent southbound diverted traffic from entering Lutterworth. Without this there is nothing to stop diverted traffic from taking a quicker route to Leicester through Lutterworth, in the same way that existing through traffic uses the town. Without this, it would be impossible to enforce - how do you tell a driver diverted from the M1 that he can't use Lutterworth as a route, and then allow an identical vehicle from Rugby to travel through the town? If this can be done, and is successful, there is no reason why it could not be made a permanent feature in terms of diversions off the M1, and would indeed provide HDC with a solution to their current problem of how to comply with Local Plan Policy L1, Section 6, if they refuse to enforce use of the spine road as an alternative to Lutterworth town centre.

- The scope of traffic management works is then detailed, and further clarity is given on the routing of works and construction traffic.

o COMMENT - There is an opportunity to minimise the impact on the local area by changing the requirements for traffic arriving from the M6. While access to the site via the A426 from the Gibbet Roundabout is obviously the quicker and more direct route, surely the sensible option is to direct the traffic to the Magna Park Roundabout, and it can then access the site using the A4304, a dual carriageway designed to take volume movements of HGV's, thus avoiding the impact around Cotesbach that could otherwise see long queues into and out of Lutterworth.

4.5.34 OVERALL COMMENT - Some consideration has been given to the traffic impacts on Lutterworth, however there are a number of areas where this needs to be significantly improved. The relative adhoc nature of traffic diversions, which could see M1 HGV traffic diverted away from Lutterworth, while A426 HGV traffic is still allowed to go through means that the entire diversion process is open to abuse. Securing a 7.5 tonne weight limit for the A426 for the duration of the development, with traffic either diverted on to the M1 or along the A4304 and A5 to the M69, would ensure that the diversion process cannot be abused.

4.5.35 *Misterton and Walcote Parish Council*

Broadly support the provision of housing and community facilities but have concerns with the application as submitted.

- 4.5.36 The spine road will provide little relief to traffic congestion in Lutterworth and consequently no improvements in air quality.
- 4.5.37 Access from the A4304 via two traffic light controlled junctions is likely to create excessive delay along the A4304 towards Lutterworth. Traffic from Lutterworth travelling east along the A4304 may experience substantial delays due to the number of light controlled junctions along a short section of road. Light controlled junctions on the A426 will not encourage traffic to avoid Lutterworth town centre.
- 4.5.38 Housing is shown close to the SSSI, development should be further away from Misterton marshes and Thornbury Spinney.
- 4.5.39 Consideration should be given to land upstream of the development specific conditions for its protection should be attached to any approval
- 4.5.40 The setting of Misterton church should be protected by conditions.
- 4.5.41 Access to Misterton will cause unnecessary disruption and damage to the parkland landscape.
- 4.5.42 Development of the land to the south of the A4304 is unnecessary given existing allocations. If developed, there could be a detrimental impact on the quality of life due to noise and light pollution. The size of units should be limited to provide local rather than strategic facilities.
- 4.5.43 Any benefits arising from the development will be lost without the above points being addressed.
- 4.5.44 *Gilmorton Parish Council*
The parish council does not wish to see Gilmorton Road closed to traffic as it would increase traffic in Gilmorton village. At the initial consultation stage, it was stated traffic calming would be provided in Gilmorton village the parish council would wish to see this confirmed
- 4.5.45 *Cotesbach Parish Council (NB these comments were submitted prior to the modifications to the Local Plan and its adoption)*
Junctions along the A426 will be significantly affected and no mitigation has been proposed. Gibbet Hill roundabout, junction of the A426 and A5, will be over capacity even with the improvements required by the development of Magna Park.
- 4.5.46 The spine road no longer provides the potential benefits of reducing traffic through Lutterworth to better align with and deliver the proposed Lutterworth master plan. The spine road will not act as a much-needed bypass. This will not support the Local Plan vision to improve air quality
- 4.5.47 The inclusion of further B8 warehousing contradicts the Local Plan.
- 4.5.48 A commitment should be made to decentralised energy, specifically district heating. This would meet the local plan vision for decentralised energy provision.
- 4.5.49 The parish council would wish to see the village protected from the impact of significant traffic increase by;
- Acoustic barrier along the A426 parallel to the village;
 - Speed limit along the A426 reduced to 50 mph and enforced by average speed cameras; and

- Improved signage warning of pedestrians crossing to access local footpaths and speed warning signs highlighting the presence of pedestrians and cyclists.

4.5.50 *Claybrooke Magna Parish Council*

The lack of infrastructure not the housing is the cause of concern.

- 4.5.51 The Parish Council has been told there is no bypass but the advantages of traffic management and air quality would not be delivered.
- 4.5.52 HDC has declared a climate emergency. The parish council need to see in detail what this means for the development in terms of conditions for green spaces, eco housing, sustainable public transport, electric charging points etc. Unless this agenda is embedded throughout the development planning process the declaration of an emergency is, at best, disingenuous.
- 4.5.53 There is concern about the provision of services. There is a need for additional GP and dentistry services, education and policing.
- 4.5.54 Object to the inclusion of additional warehousing there is already overprovision at Magna Park. The Parish Council want to see significant investment in Lutterworth and the surrounding villages in accordance with the issues identified.
- 4.5.55 The Parish Council are also keen to see much more meaningful public engagement on this significant development along with the provision of clear and detailed information that evidences an integrated and holistic proposal.

6. Other Interested Bodies

4.6.1 *Urban Design Group*

The spine road creates a divided community with the road having a design speed of 30/40 mph. The proposal does not meet the requirements of the NPPF in that the following requirements are not met;

- opportunities to promote cycling, walking and public transport usage;
- patterns of movement, streets, parking etc. and other transport considerations are integral to the design of schemes and contribute to making high quality places; and
- provide high quality walking, cycling routes

- 4.6.2 The proposal does not meet the requirements of the Planning Practice Guidance, PPG, in that planning should promote safe connected and efficient streets, the user hierarchy should be applied to streets with the most vulnerable, pedestrians, being the most important and motor vehicles being given least priority. Streets should be functional, attractive, safe public spaces not just an engineering solution. The streets should reflect urban design quality as well as traffic management and should accommodate both movement and activities which use the space

- 4.6.3 The proposals fail to meet the requirements of the Leicestershire County Council Strategic Plan in respect of;

- Wellbeing and opportunity;
- Keeping people safe; and
- Great communities

The proposals do not meet the requirements of the District Council's Corporate Delivery Plan. It will not create a place that is;

- Enterprising and vibrant;
- Healthy, inclusive and engaging community; and
- Inclusive, proactive and efficient

The speed of vehicles travelling along the spine road at the speed limit will be a considerable hazard to children.

4.6.4 Urban Design Group (Comments received following April deferral)

These are fundamental details which we ask to be considered before this application goes to the Harborough Planning committee for final determination.

4.6.5 Because it is publicly owned land, the process of granting the relevant permissions must be totally transparent. We understand that there was a possibility that a bypass road could have been constructed immediately adjacent to the M1 which would have removed much of the risk to pedestrians, children, elderly people and cyclists from through traffic, though we understand that this would have incurred additional costs, and would have reduced the profitability of the scheme.

1. The Urban Design Group Executive raised fundamental issues that the design of the development did not comply with current government planning policy: the National Planning Policy Framework, the Planning Practice Guidance. We do not believe that these issues have been addressed.
2. The Highway Authority asserts that the Spine Road has been designed according to Manual for Streets 2 principles. It is our view that the Spine Road has not been designed to the principles of Manual for Streets 2, but is a hybrid of:
 - the withdrawn Design Bulletin 32,
 - the withdrawn LTN 2/95, and
 - the Design Manual for Roads and Bridges – guidance on the design of All Purpose Trunk Roads and Motorways, guidance that is not intended for use in the design of urban streets.
3. Professionals are bound by their own professional codes of conduct, in the case of Highways....
 - always acting with due skill, care and diligence with proper regard for professional standards;
 - perform services only in areas of their current competence;
 - keep their knowledge and skills up to date and assist the development of appropriate highways and transportation knowledge and skills in others;
 - not knowingly misleading anyone, or allowing others to be misled, about professional and technical matters;
 - presenting and reviewing professional and technical evidence, theory and interpretation honestly, accurately and without bias;

Breach of a code may entail loss of professional indemnity and public liability insurance.

4. The Road Safety Audit has assessed the Spine Road as a road, not as an urban street
 - a. The terms of reference of the Audit are as described in the GG119 'Road Safety Audit'. The advice issued in GG119 applies to trunk road and motorway highway improvement schemes. Not to urban streets.
 - b. The Road Safety Audit makes no mention of Manual for Streets 1 or 2; but does refer to the Design Manual for Roads and Bridges, and to the withdrawn Local Transport Note 2/95
 - c. The Road Safety Audit identifies a problem relating to pedestrians walking on to the M1 and the possibility of catastrophic events occurring; it makes no mention of the presence of a school on the spine road, and the foreseeability of children crossing the road away from the crossings;
 - d. The crossings have been assessed against standards in the Design Manual for Roads and Bridges, rather than Manual for Streets 1 and 2, or the current Department for Transport Traffic Signs Manual Chapter 6.
 - e. *GG 119 specifies that "5.3 The needs of all road users shall be assessed when undertaking the RSA."* This specification, in our view, has not been

discharged. There appears to be no mention in the Road Safety Audit of children, or people who have protected characteristics listed under the Equality Act 2010, including disabled and elderly people. The designers of the spine road and the highway authority are under a duty to have due regard to their needs, as required under the Public Sector Equality Duty, and under the Common Law.

- f. The Road Safety Audit makes no mention of the design speed and speed limits.
- g. The speed limits, and the implicit design speed of the spine road have been set at well above the threshold for fatal injuries. Younger children are unable to judge speeds of oncoming traffic in excess of 20mph.
 - i. It is foreseeable that children will seek to cross the road informally, away from the crossings.
 - ii. It is foreseeable that children will make errors of judgement, they are known to lack capacity
 - iii. It is foreseeable that serious or fatal injuries would result from impact at the speeds authorised by the highway authority and enabled by the spine road design speed.
5. Education Authorities can bear some liability for accidents caused by its pupils in the highway (see Carmarthen County Council vs Lewis 1955).
6. Highway Authorities owe a duty to all road users (whether careful or negligent) to use reasonable care in the manner in which they exercise their powers when they create and maintain the highway. Ref Yetkin vs Newham 2010, and Section 39 of the Road Traffic Act 1988.
7. Both planning and highway authorities are bound by the Wednesbury principles.

4.6.6 *Welford Action Group*

I write on behalf of Welford Action Group. The group was formed in November 2001 and has campaigned since then on traffic issues that are likely to have an impact on the A5199 at Welford.

- 4.6.7 Planning officers will be familiar with the unique issues on the A5199 at Welford:
 - Despite its road classification, Welford has narrow carriageways, below 6m total width for the majority of the village
 - On-street parking necessitated by Grade II listed properties without parking provision
A village shop and Post Office with limited parking provision, requiring further on-street parking
 - Growth in freight traffic from Bruntingthorpe Proving Ground and Pebble Hall facilities, resulting in extremely limited additional capacity at peak times. Two HGV's are unable to pass each other without one or both mount the pedestrian pavement for significant stretches of the village street.
- 4.6.8 We find ourselves unable to adequately assess the traffic impact of the plans on our community as there has been no study of these impacts to the East or South of the site. This is a considerable flaw in the, otherwise exhaustive, plans and leaves open the likely consequences for communities in Leicestershire and neighbouring counties.
- 4.6.9 Without real impact studies there can be no adequate mitigation or assessment of the true costs required to make a full judgement on the viability of the site.
- 4.6.10 We strongly believe that a full impact study would identify that the daily flows through villages to the East of the site and between the site and J1 of the A14, via the A5199 at Welford, would significantly increase and that at peak times, when congestion at J20

of the M1 is at its peak, further increases of traffic through Welford would bring the A5199 to a standstill. The resulting impact on air quality and potential danger to pedestrians of vehicles mounting the pavement on the narrowest stretches would be an unacceptable risk to residents and drivers.

4.6.11 No thought seems to have been given to the additional impact of increased HGV traffic on neighbouring communities with an additional (minimum of) "13000sq m of storage or distribution" and the required mitigation cost and management of those additional traffic movements within and outside of Leicestershire.

4.6.12 We find it shocking that a scheme of such magnitude would not consider and seek to resolve the obvious impacts on neighbouring communities in the South. For that reason we must object to the application as it stands in the strongest terms possible.

b) Local Community Comments in relation to initial consultation

1. Objections

4.3 134 letters were distributed to individual properties adjoining and adjacent to the application site. The application was also advertised in the local press (Harborough Mail) and through the posting of approximately 20 site notices in the vicinity of the application site. Officers note that several of the representations are very detailed and whilst regard has been had to these in assessing this application, it is impractical to copy these verbatim and therefore a summary of the key points is provided below.

4.4 163 objections have been received, predominantly from the local area, raising the issues set out in **Figure 6**.

<p><i>Issues of Principle raised through representations</i></p>	<ul style="list-style-type: none"> • The proposed development is overlarge compared to the existing size of Lutterworth • The local plan has not followed the Inspector's recommendation about the location of the leisure centre • Public support required by the local plan cannot be demonstrated • There is no proven need for additional warehousing • The need for additional housing has not been clearly demonstrated • New development should be distributed more evenly across the district • There is sufficient brownfield land to accommodate the development of 400,000 houses across England • There is no strategic overview which takes into account development in the surrounding area • 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. • 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.
--	---

	<ul style="list-style-type: none"> • In 2018 Lutterworth had an estimated population size of 10,854. These new dwellings will increase the population by roughly 5,500, an increase of over 50% • Strongly object do you not think you have took enough of our country side • I think it makes much more sense to create a new village in its own right with all the necessary infrastructure to support it, ideally in between Lutterworth and Market Harborough, so anything not catered for would be split between these towns, or even between Lutterworth and Broughton Astley.
<i>Heritage issues raised through representations</i>	<ul style="list-style-type: none"> • None received
<i>Infrastructure issues raised through representations</i>	<ul style="list-style-type: none"> • Existing schools and doctors' practices are at capacity • Provision of a doctors' "practice" has largely been removed from the local plan • Impact on the highway of the lack of provision of a doctors' surgery and relocation of the leisure centre has not been taken into account • There is no guarantee that the facilities set out within the local plan i.e. shops, pubs etc. will be provided as they are subject to an operator being willing to take them on and subject to market demand. Similar considerations apply to a doctors' practice. The NHS have requested section 106 funding to extend existing facilities therefore the proposed facility will not happen. • The provision of the first primary school at 300 occupations is too late given that the existing schools are at capacity. This provision needs to be brought forward • There is no clarity about secondary school provision • With the likelihood of a further 2000 + new builds being developed what impact will this many new homes have on the NHS ? If there are no plans to build a new surgery exclusively for Lutterworth East then will the two surgeries within Lutterworth itself have the capacity to accept such a huge volume in new registrations ? • What Lutterworth needs is what Harborough has, St Luke's. Locals from Lutterworth deserve the same facilities • Rather than building two new primary schools in Lutterworth East why doesn't one the proposed sites to develop a school gets used to build a new surgery instead ? • This development proposes two primary schools, but nothing else, how will Lutterworth be able to cope with upwards of 10000 extra people using its facilities, I think it would be a disaster for the town. • There continually is no mention of health or dental facilities.
<i>Traffic issues raised through representations</i>	<ul style="list-style-type: none"> • The closure of Gilmorton Road will lead to longer journeys. • By not providing a bypass there will not be an improvement in the quality of the town, where additional free car parking should be provided to encourage people to visit and spend more time

	<ul style="list-style-type: none"> • Existing employees at Magna Park car share to get to work, providing housing close by would result in this declining • There will be an increase in traffic • The spine road is not a bypass • Congestion which happens when the M1 motorway is closed will be made worse due to the additional traffic created by this development and the expansion of Magna Park • Car parking should be provided close to the crossings over the M1 motorway • The proposed spine road is not an attractive option sufficient to encourage traffic not to travel along the existing A426 • If Lutterworth East is to be well connected to the existing town Gilmorton Road should remain open to all vehicular traffic • The spine road needs to be delivered early in the process the suggested 1200 homes will result in traffic chaos • The spine road should be designated the A426 to ensure it is identified as the main route • Gilmorton Road should be closed as per the application once the spine road is completed • The creation of a new junction 20A to the M1 south of Countesthorpe, both south and north bound traffic would access the M1 here rather than at junction 20 as at present. • The second proposal is that access to the development is from Ullesthorpe Road from the A426, the spine road would need to be extended to meet Ullesthorpe Road, a new roundabout would be needed at the junction of the A426 and Ullesthorpe Road. • Ullesthorpe Road crosses the M1 using an existing bridge. This route would remove the need for a new road bridge and junction close to the existing Gloster Road junction. A weight restriction through the town would ensure the new road was used. • Are the changes to the A426, Bill Crane Way, Gloster Road junction because of an increase in traffic including traffic from the new development turning south to pass through the town centre? • If implemented as suggested this scheme would not require the traffic light controlled junction at the A426, Bill Crane Way, Gloster Road junction. • The proposed signalised junction at the A426, Gloster Road, Bill Crane Way junction would lead to potential delay for residents leaving Gloster Road. Gloster Road is a no through road, increased queuing along a road which was not designed to accommodate this would result in residents driveways' being blocked by queuing traffic • A roundabout with improved pedestrian crossing would be a better solution. If this is not acceptable improved pedestrian crossing should be included as part of a traffic light controlled junction • 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 (<i>Walcote</i>)
--	--

	<p>would not increase! This does not seem feasible or realistic at all.</p> <ul style="list-style-type: none"> • Getting out of the village (<i>Walcote</i>) 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!
<i>Design / Masterplan issues raised through representations</i>	<ul style="list-style-type: none"> • The location of the employment land has not met the local plan Inspector's comments about it not creating severance between the new development and Lutterworth. The spine road creates a line of severance between the two communities. The employment should be relocated to the south of the A4304 • The provision of additional warehousing is contrary to policy BE2 of the local plan. The warehouse provision is simply to fund the M1 junction improvements. This site should be used to relocate the employment development within the main body of the site • The proposed spine road does not provide the promised "Eastern Relief Road" there will not be the reduction in traffic in Lutterworth which would have reduced noise and improved air quality. The master plan has to demonstrate how the development would reduce or remove the flow of HGVs • The spine road would open up other areas for development • The spine road should be located adjacent to the M1 which would be more likely to act as a bypass • The failure to solve the problem of traffic through Lutterworth Town centre 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. • 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. • Lutterworth was originally promised a larger road.
<i>Air Quality issues raised through representations</i>	<ul style="list-style-type: none"> • The pollution issues from the town centre will be moved out to this area. How will traffic speeds be controlled along the spine road as there are residents with children living nearby • Anyone looking at the proposals afresh would 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

	<p>are surely be necessary . We could see no such measures in the proposals.</p> <ul style="list-style-type: none"> • 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. • The spine road is no alternative for a bypass and this is a one off opportunity to build one - the response of the Leader of the MHDC that the M1 is our bypass does not deserve comment only ridicule a clueless idiot.
<i>Noise issues raised through representations</i>	<ul style="list-style-type: none"> • The development would have a detrimental impact on the setting of Misterton and Walcote, due to noise and disruption during construction. Following completion there would be noise and light pollution and more vehicle movements would be detrimental to air quality • The proposed development will exacerbate existing noise issues • The spine road will add to the existing levels of noise from the M1 can noise barriers be investigated and implemented? • 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. • Unless the M1 is given an acoustic tunnel then the continuous noise in Lutterworth East would be intolerable
<i>Visual Impact issues raised through representations</i>	<ul style="list-style-type: none"> • The embankment to the bridge needs to be screened including planting of semi-mature trees
<i>Residential Amenity issues raised through representations</i>	<ul style="list-style-type: none"> • The impact of the M1 on the quality of life for the new residents especially noise and air quality. The “relief road” will make this worse directing vehicles through the site • The proposed work at the junction of the A426 and Bill Crane Way will move the junction closer to residential property resulting in a loss of privacy and increased noise and disturbance • Traffic queuing at the lights will result in a loss of privacy, traffic disruption, noise and disturbance from waiting cars • The grass verges at Bill Crane Way should be preserved and additional planting should take place to protect privacy • There will be an adverse impact during the construction of the relief road as a result of dust, noise and fumes. When the road is in operation the noise, pollution, fumes and the loss of privacy due to the elevation of the road will all be detrimental • The proximity of the spine road to properties in Gloster Road, the distance of the road varies between 100m at its maximum at the western end to 50-60m at its closest at the eastern end. The spine road rises from west to east with a maximum

	<p>elevation of 5m. this will result in a loss of privacy as properties would be easily visible to traffic on the spine road</p> <ul style="list-style-type: none"> • Residents have concerns about security as their gardens will adjoin the spine road across an area of open land. At night the road is likely to be less well used and this are wold therefore not be overlooked • During construction residents enjoyment of their properties will be impacted due to noise etc.
<i>Ecology issues raised through representations</i>	<ul style="list-style-type: none"> • There is a loss of habitat and associated wildlife • There is no scheme for the protection of the SSSI
<i>Public transport issues raised through representations</i>	<ul style="list-style-type: none"> • Public transport is poor at present
<i>Flooding issues raised through representations</i>	<ul style="list-style-type: none"> • The river Swift floods into the flood plain during the winter • With the recent extreme wet weather, we all saw the site flooded to a large extend and the surrounding areas were also hit pretty hard with the excess water.
<i>General issues raised through representations</i>	<ul style="list-style-type: none"> • A change of economic climate would leave the development "half empty" • There has been insufficient consultation with residents or medical services • There will be a loss or rural open space • The land is largely owned by the Leicestershire County Council there is no assurance that the revenue gained from the development will be spent locally • The construction of the "relief road" will make it easier to bypass the town centre which will be detrimental to local businesses • The additional population will require additional facilities which are likely to be built on the outskirts detracting from Lutterworth town centre. If new facilities are not provided residents will travel to other nearby shopping centres • There is a potential conflict of interest as the Leicestershire County Council is both the developer and the local highway authority • There is a loss of productive farmland, sufficient brown field sites should be available • There will be a change in the character of Lutterworth from a rural market town to a dormitory town • There will be change in the character of the community due to local authorities attempting to reduce housing waiting list by purchasing houses outside the major conurbations • The road slopes steeply close to the crossing points of the M1 motorway which would discourage walking • The development should have its own name, the development will change the character of Lutterworth and the areas should have individual identities

	<ul style="list-style-type: none"> • To stop Lutterworth becoming just another commuter town their needs to be positive efforts toward community development and work to make the town more attractive. This needs to be delivered early in the process • Construction traffic should not use Gilmorton Road • Lighting the spine road will result in disturbance to residents at night. Two points are made, does the road need to be lit given that the M1 is not or can smart lights be used which turn off • Who will be responsible for managing the existing hedgerow • 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?! • Please consider your decision carefully and vote against the planning application as there has been sufficient development around Lutterworth in the past few years. • 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 • The whole thing stinks of massive greed over good sense. Well done UHL for stopping this for the moment at least. • Update the planning documents to acknowledge the existence of Gloster Road. You know, like you acknowledge our existence for council tax collection... It's impossible to view and assess how badly you're proposing to spoil my neighbourhood if the existence of Gloster Road is not visible on any of the plans. • Coronavirus has shown us that we should concentrate on producing our own foodstuffs, so we should be protecting our farmland and encouraging farming. Our carbon footprint must be reduced. • I feel that every objection made by the public has no value. Voices will not be heard. Councilors from other wards within the Harborough District can visit the site but what for ? This will not affect either one of them personally. The people this will have an impact on is those from Lutterworth itself and it's the opinions of those that needs to be taken into account. • Town is big enough already, this will devalue my property • The local council has lost all credibility with people who live in and around Lutterworth. Harborough District Council doesn't care about those who live in the west of the district and it would never countenance developments of this vast scale in or around Market Harborough. • Given this is County Council land I am sure it will go through on the nod!
--	--

Figure 6: Objection Issues raised through consultation with local residents

5. Planning Policy Considerations

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the provisions of the development plan (hereafter referred to as the 'DP') (this is the statutory presumption), unless material considerations indicate otherwise.

a) Development Plan

- 5.2 Section 38(3) (b) of the 2004 Act defines the DP as the DP documents (taken as a whole) that have been adopted or approved in that area.

- 5.3 The DP for Harborough comprises:

- The Harborough District Local Plan adopted April 2019
- Made Neighbourhood Plans.

- 5.4 Material considerations include any consideration relevant in the circumstances which has a bearing on the use or development of land. The other material considerations to be taken into account in considering the merits of these applications include the National Planning Policy Framework and the National Planning Policy Guidance, together with responses from consultees and representations received from all other interested parties in relation to material planning matters.

○ *Harborough Local Plan*

- 5.5 The Local Plan (hereafter referred to as the 'HLP') was adopted on April 30th 2019 and covers the period from 2011 to 2031. The Local Plan identifies 14 objectives as being central to the delivery of the vision for the District and are the guiding principles for the policies set out in the Local Plan. The 14 objectives set out below are intended to address the strategic priorities, deliver the Local Plan Vision and deal with the key issues. Of the 14 objectives, the majority are relevant to the consideration of this application to varying extents

Objective 1. Housing: Meet the housing requirements of the District in full by providing a range of market and affordable housing types, tenures and sizes in appropriate and sustainable locations to meet local needs. Recognise the specific accommodation requirements of the young and the elderly populations, including starter homes to help first time buyers, shared ownership and rented housing to help those who cannot afford to buy, and specialist housing such as sheltered and extra care accommodation.

Objective 2. Employment: Promote sustainable economic growth by facilitating the sustainable growth of businesses, fostering new local enterprise and helping to create more jobs that meet local employment needs. Contribute to reducing the need for out commuting and thereby help to increase the sustainability and self-containment of communities, while encouraging the development of a vibrant, diverse and sustainable business community.

Objective 3. Location of development: Locate new development in sustainable locations that respect the environmental capacity of the local area. Encourage the appropriate and efficient re-use of previously developed land and buildings where such re-use achieves the objectives of sustainable development.

Objective 4. Infrastructure: Support local communities and maintain a high quality of life by ensuring that new development delivers the necessary infrastructure including that relating to health, education, security, culture, transport, open space, recreation, water supply and treatment, power, waste and telecommunications (incorporating high speed broadband connectivity).

Objective 5. Protection of local services: Protect, enhance and, where appropriate, secure the provision of additional accessible community services and local facilities, supporting innovation in their delivery across the District.

Objective 6. Natural environment: Protect, maintain, restore and enhance the quality, diversity, character, local distinctiveness, biodiversity and geodiversity of the natural environment, creating links between wildlife sites ensuring that open countryside is protected against insensitive and sporadic development, the characteristics of the local landscape are respected and the unnecessary loss or sterilisation of natural resources is prevented.

Objective 7. Historic environment: Protect and enhance the character, distinctiveness and historic significance of settlements and their wider landscape and townscape settings, thereby recognising the important contribution that heritage assets and their settings make to securing a high quality public realm and supporting tourism and the economy.

Objective 8. Town/village centres: Support and enhance the vitality and viability of market town and larger village centres as places for shopping, leisure, cultural, commercial and community activities, thereby recognising and embracing their valued role as the hearts of their communities. This will be achieved by encouraging retail, leisure and commercial development in appropriate locations and at appropriate scales.

Objective 9. Design: Ensure that new development is of high quality and sustainable design which reflects local character and distinctiveness, provides attractive, healthy and safe environments, respects residential amenity and promotes sustainable behaviours including renewable energy technologies, and waste reduction.

Objective 10. Transport: Provide greater opportunities to reduce car use, thereby reducing the impacts of road traffic on local communities, the environment and air quality, by locating development where there is good access to jobs, services and facilities, and by supporting improvements in public transport, walking and cycling networks and facilities.

Objective 11. Flood risk: Locate new development in areas which will not put life or property at risk of flooding and build associated resilience by requiring the use of appropriate sustainable drainage systems in new developments and allowing for the provision of infrastructure associated with minimising flood risk, including in relation to future risk from climate change.

Objective 12. Environmental impact: Minimise the environmental impact of development and its vulnerability to the impacts of climate change, by reducing pollution and waste as much as possible, maximising water and energy efficiency, and promoting the use of low carbon, renewable energy, and other alternative technologies, with sustainable construction methods.

Objective 13. Tourism and Culture: Promote the sustainable growth of tourism, cultural activities and access to the countryside for the benefit of both residents and visitors. Enable the interpretation of the cultural assets of the District in order to enrich people's experiences.

Objective 14: Neighbourhood Planning: Encourage and support communities to make decisions at the local level through the preparation of neighbourhood plans and facilitate this process by setting out a clear strategic framework.

5.6 Policy SS1 sets out the spatial strategy for Harborough which is to manage planned growth to direct development to appropriate locations, in accordance with the settlement hierarchy.

5.7 Local Plan Policies GD1 to GD9 are general development policies.

- GD1 reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).
- GD2 sets out where in addition to sites allocated by the Local Plan and neighbourhood plans, development will be permitted within and adjoining the existing or committed built up area of Market Harborough, Key Centres, the

Leicester Principal Urban Area (PUA), Rural Centres and Selected Rural Villages.

- GD5 states that development should be located and designed in such a way that it is sensitive to its landscape setting and landscape character.
- GD8 Good design in development sets out that Development will be permitted where it achieves a high standard of design, including meeting criteria set out.
- GD9 sets out Minerals Safeguarding Areas

5.8 Local Plan Policies H1 – H6 relate to Housing:

- H1 sets out that:
“In addition to delivery of existing commitments and completions and the allowance for windfalls, land for a minimum of 3,975 new homes will be provided during the plan period to 2031 in the following locations:
 1. at Scraftoft about 1,200 dwellings in a Strategic Development Area on land north of Scraftoft, in accordance with Policy SC1;
 2. at Market Harborough a minimum of 1,078 dwellings, in the following allocations:
 - a. Overstone Park - about 600 dwellings in accordance with Policy MH1;
 - b. East of Blackberry Grange, Northampton Road - about 350 dwellings in accordance with Policy MH2;
 - c. Burnmill Farm - a maximum of 128 dwellings in accordance with Policy MH3;
 3. at Lutterworth about 1,260 dwellings in a Strategic Development Area on land east of Lutterworth, in accordance with Policy L1;
 4. at Fleckney about 130 dwellings, in an allocation: land at Arnesby Road in accordance with Policy F1;
 5. at the following other Rural Centres, a minimum of:
 - a. Billesdon -10;
 - b. Houghton on the Hill - 20;
 6. at the following Selected Rural Villages, a minimum of:
 - a. Bitteswell - 30,
 - b. Church and East Langton - 30,
 - c. the Claybrookes - 12,
 - d. Dunton Bassett - 40,
 - e. Hallaton - 30,
 - f. Lubenham - 5,
 - g. Medbourne - 30,
 - h. South Kilworth - 19,
 - i. Swinford - 31,
 - j. Tilton on the Hill - 35,
 - k. Tugby - 15.
- H2 sets out what Affordable Housing is required.
 - H4 sets out that the provision of well-designed specialist forms of accommodation in appropriate locations will be supported, taking into account housing needs.
 - H5 Housing density, mix and standards includes new housing development will be permitted where, amongst other things,
 - it makes efficient use of land;
 - provides a mix of house types that is informed by up to date evidence of housing need;
 - on sites capable of providing 100 dwellings or more, should meet the accessible and adaptable standards in Building Regulations;

- self-build and custom build housing will be sought on housing allocations capable of providing 250 or more dwellings.

5.9 Local Plan Policies BE1 to BE5 relate to Business and employment.

- BE1 states locations that in addition to the delivery of existing commitments, a minimum of 59 hectares for office B1(a) and (b), industrial B1(c) and B2, and storage and distribution B8 will be provided and where rural economic development will be permitted.
- BE2 states locations that, in addition to existing provision, will accommodate up to 700,000sq.m. of non rail-served Strategic Distribution.
- BE3 sets policy for existing employment areas.

5.10 Local Plan Policies RT1 – RT4 relate to retail, town centres and tourism.

- RT1 provides for additional retail provision will be made for a minimum of 4,300 sq.m (gross) of convenience floorspace and a minimum of 10,100 sq.m(gross) of comparison floorspace. It includes Market Harborough and East of Lutterworth allocations.
- RT4 Tourism and leisure sets out policy to maximise and tourism and leisure opportunities for visitors and residents

5.11 Local Plan Policies HC1 – HC3 relates to Heritage and community assets.

- HC1 sets out that Development affecting heritage assets and their settings will a. be appraised in accordance with national policy; and be permitted where it protects, conserves or enhances the significance, character, appearance and setting of the asset, including where possible better revealing the significance of the asset and enabling its interpretation. It includes that where proposed development would lead to less than substantial harm to the significance of a designated heritage asset and/or its setting, this harm will be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In addition, it includes that development within or affecting a Conservation Area will be permitted where it preserves or enhances the character or appearance of the Conservation Area, including local design and materials
- HC2 sets where development will be permitted at existing community facilities; for new facilities and which would result in the loss of existing community facilities.
- HC3 sets outs policy for public houses, post offices and village shops and includes when development involving the loss of an existing public house, post office or village shop selling primarily convenience goods will be permitted.

5.12 Local Plan Policies GI1 – GI5 sets out Green infrastructure policy. GI1 provides for Green infrastructure networks.

- GI2 sets out the District's open space, sport and recreation facilities and any future additional facilities provided as part of new development will be safeguarded and enhanced through improvements to their quality and use.
- GI3 Cemeteries sets out ways the Council will ensure sufficient burial provision continues to be provided in the District.
- GI4 provides for Local Green Spaces and that the construction of new buildings on Local Green Space will not be permitted other than where appropriate.
- GI5 Biodiversity and geodiversity includes for nationally and locally designated biodiversity sites to be safeguarded.

5.13 Local Plan Policies CC1 – CC4 relate to climate change.

- CC1 relates to Major development and Strategic Development Areas.

- CC3 manages flood risk
- CC4 provides for major development sustainable drainage.

5.14 Local Plan Policies IN1 – IN4 relate to Infrastructure.

- IN1 includes that major development will be permitted where there is, or will be when needed, sufficient infrastructure capacity to support and meet all the requirements arising from it.
- IN2 provides for sustainable transport.
- IN3 Electronic connectivity includes that major development will only be permitted where adequate broadband infrastructure is to be made available to all residents and/or users of the development, and should incorporate a bespoke duct network, designed and implemented in cooperation with a recognised network provider, and where viable, a fibre to the premises (FTTP) solution.
- IN4 states water resources will be protected and water services provided and what development will be permitted in respect of this.

5.15 Part C of the Local Plan “Places and Sites” contains Policy L1 which is relevant to this application. Policy L1 states:

1. Land to the east of Lutterworth, as identified on the Policies Map, is allocated as a Strategic Development Area (SDA).
2. This new neighbourhood will be developed comprehensively in accordance with a masterplan, including delivery and phasing arrangements, to be prepared in accordance with masterplanning requirements set out in Appendix L and informed by key design principles, an independent design review and community consultation. This masterplan will be incorporated into a Supplementary Planning Document and/or an outline planning application and supporting section 106 agreement.
3. The masterplan will guide the creation of a high quality sustainable urban extension to Lutterworth and an attractive environment for living, working and recreation. It will address and overcome the issue of community severance resulting from the presence of the M1, to create a sustainable urban extension which is permeable and well-connected to Lutterworth via legible walking and cycling routes with good natural surveillance. It will provide for:

Housing

- a. about 2,750 dwellings of which about 1,260 dwellings will meet housing requirements in the plan period and the remaining dwellings will meet requirements after 2031, all to be located east of the M1 and north of the A4304;
- b. affordable and specialist housing in accordance with Policies H2 and H4;
- c. a mix of house types, including serviced plots for self-build and custom homes, as appropriate, and housing standards in accordance with Policy H5;
- d. a range of housing densities, with higher densities located near the proposed local centre and along the spine road and lower densities towards the rural boundaries to the north, east and south of the site;

Business and employment

- e. 13 hectares of storage and distribution (B8) uses on land to the south of the A4304, subject to:
 - i. access from the A4304 that is separate from that to the rest of the SDA to the north; and
 - ii. a comprehensive landscaping scheme planted in advance so as to provide adequate screening of the development by the time of completion;
- f. about 10 hectares of business uses within Use Class Orders B1 and B2;

Community facilities

- g. two 2 form entry primary schools to be provided in parallel with the progress of housing development, with at least a one form entry primary school to be open the first September before the completion of 300 dwellings, or at a specified date whichever is the later, having regard to the relevant policy of the Local Education Authority;
- h. appropriate contributions towards secondary education provision if necessary;
- i. a neighbourhood centre as a social and retail hub for the new community to be provided in accordance with a phasing plan to be agreed with the Local Planning Authority, to include some or all of the following:
 - i. a supermarket or shops to meet local convenience needs;
 - ii. a public house/café;
 - iii. a doctors' surgery;
 - iv. a community hall; and
 - v. other community facilities or upgrade of existing facilities;
- j. a multifunctional green infrastructure network, including:
 - i. greenways for walking, cycling and wheelchair users;
 - ii. a community park containing outdoor sports facilities to be provided before completion of 300 dwellings or as otherwise agreed by the Council;
 - iii. natural and semi-natural greenspace (including the existing woodland and Misterton Marshes SSSI which is to be protected as non-accessible open space);
 - iv. measures to minimise potential visual impact on nearby heritage assets and their setting, in accordance with Policy HC1;
 - v. a cemetery (in accordance with Policy GI3) and allotments;
 - vi. local public open space, including equipped play space and multi-use games areas, in accordance with Policy GI2 and a phasing plan to be agreed with the Local Planning Authority;
- k. safeguard land for a potential new leisure centre to serve Lutterworth;

Highways and transportation

- l. access to be taken from separate junctions on the A4304 to serve the southern part of the main site and the employment uses to the south of the A4304, from Gilmorton Road, and from the A426 to serve the northern part of the site;
- m. a spine road providing a clear legible route between the A426 north of Lutterworth and the A4304 east of M1 junction 20, including a bridge over the M1 motorway and a link to the A426 to be constructed before the completion of 1,250 dwellings;
- n. a workable, legible, and easily navigable hierarchy of interconnected primary and secondary streets and shared surface lanes that provide high quality, safe and direct routes within permeable development in accordance with Policy IN2 and the following:
 - i. County Highway Authority's adopted highway standards;
 - ii. sensitive design of the street environment, avoiding 'over engineering' and minimising signage and street clutter;
 - iii. sympathetic traffic calming measures and carefully devised road alignments to help reduce vehicle speeds and create a safe environment;
- o. a minimum of 5 crossings which provide dedicated walking and cycling connections into Lutterworth across the M1, forming part of a network of legible, direct, safe and attractive routes, which will all be well-lit, surfaced, with good natural surveillance and provide connections to Lutterworth town centre, the local centre and employment uses within the SDA, and to existing

cycle routes, bridleways and footpaths, including the National Cycle Network, in accordance with Policy IN2;

- p. a regular and frequent bus service to all parts of the SDA as they are developed to meet the needs of the community and employees, together with convenient bus stops and real-time information to encourage its use;
- q. travel plans and green travel packages that provide an attractive alternative to private car use for residents of and employees in the new development in accordance with Policy IN2;
- r. in addition to junctions on the A4304 and A426 to serve the site, the following offsite highways improvements, the construction of which shall be co-ordinated and timed to minimise disruption to the strategic and local road network:
 - i. traffic signals and other necessary improvements to junction 20 on the M1;
 - ii. necessary improvements to the junction of the A426 with the A4303 south of Lutterworth (the 'Frank Whittle roundabout');
 - iii. necessary improvements to the junction of the A426 with Bill Crane Way;
- s. a parking strategy, including cycle parking, and servicing for each development parcel to determine the location of parked cars to ensure that they can be accommodated without dominating the built environment (and having regard to Leicestershire County Council Highway Design Guide);

Environment

- t. conservation, enhancement and adequate mitigation of any impact on the Misterton Marshes SSSI in accordance with a methodology to be agreed by Natural England before the development commences; and
 - u. protection and enhancement of heritage assets and their settings, including the grade II* listed Church of St Leonard at Misterton and grade I listed Church of St Mary, Lutterworth and non-designated heritage assets. The master plan will be informed by a heritage impact assessment, which must form the basis for approaches to design, scale and layout of development. Green space, such as a community park, should be provided in the southern part of the site together with height restrictions on buildings in the southern part of the site, in order to protect the setting of the Church of St Leonard. The proposed new access road should be routed to have regard to any undesignated archaeology and minimise its impact on all heritage assets, particularly the inter-visibility between the Church of St Leonard and the Church of St Mary;
 - v. sustainable drainage and flood storage measures to be agreed with the Environment Agency and Lead Local Flood Authority to prevent flooding downstream in accordance with Policy CC3 and CC4 and to ensure no adverse impact by flooding on the hydrology which underpins the health of the SSSI;
 - w. facilities for recycling and waste collection, including concealed bin storage;
 - x. consideration of the feasibility of providing decentralised renewable energy in accordance with Policy CC2;
 - y. noise and air quality mitigation measures for proposed dwellings adjoining the M1 to the satisfaction of the Council, and no moderate or worse adverse impact upon air quality within the Lutterworth Air Quality Management Area; and
 - z. structural planting along the northern, eastern and southern boundaries to provide a sympathetic urban-rural transition and relate well to surrounding countryside.
4. The area shown on the Policies Map is safeguarded for the provision of the northern access to the site from the A426 via a new bridge over the M1 motorway.

5. Appropriate traffic management and public realm improvements in Lutterworth town centre to facilitate the movement of pedestrians and cyclists, particularly across High Street will be agreed and provided for through the planning application and accompanying agreements.
 6. Following completion of the spine road, in partnership with County Highway Authority and the SDA promoters, the Council will develop traffic management measures that remove or minimise the passage of heavy goods vehicles through the centre of Lutterworth, as part of the implementation of an effective air quality mitigation strategy for the Air Quality Management Area in Lutterworth town centre.
- 5.16 Appendix L sets out the requirements for the preparation of Masterplans which includes;
- Masterplans will be expected (proportionate to the scale of development) to:
1. create a strong sense of place, ensuring the proposed development makes a positive contribution to local character and distinctiveness;
 2. include an indicative housing layout and design code that reflect local distinctiveness and create a distinctive environment, incorporating landmark features or points of focus, such as public squares, pocket parks, prominent buildings, street trees and public art;
 3. require high standards of urban design and architecture that respect the character of the landscape and heritage of adjacent and nearby settlements and built development;
 4. plan for integrated development, providing for a mix of housing that addresses the range of local housing needs, and encourages community cohesion;
 5. make effective use of the site through the application of appropriate densities in terms of scale, height and massing, and its relationship to adjoining buildings and landscape;
 6. propose appropriate boundary treatment that reflects the urban to rural transition;
 7. reduce the need for car use and encourage sustainable modes of travel, including provision for public transport, cycle routes, footpaths and bridleways;
 8. create a network of permeable and interconnected streets and public spaces;
 9. include measures to mitigate the traffic impacts of the proposed development on the strategic and local road networks;
 10. provide for timely delivery of physical infrastructure, including sewage connections and fibre optic broadband;
 11. ensure appropriate and timely provision of community facilities to serve the new development (e.g. local shops, community halls, schools and health facilities); and
 12. include a phasing and implementation plan.
- *Neighbourhood Plans*
- 5.17 Made Neighbourhood Plans are part of the Development Plan (see above). The District currently has 20 'made' Neighbourhood Plans (April 2019). None of these are relevant to the application.

b) Statutory Duties and Material Planning Considerations

- *Planning (Listed Buildings and Conservation Areas) Act 1990*
- 5.18 Sections 66 & 72 impose a duty on Local Planning Authorities to pay special regard/attention to Listed Buildings/ heritage assets and Conservation Areas, including setting, when considering whether to grant planning permission for development. For Listed Buildings/assets, the Local Planning Authority shall "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Section 66) and for Conservation

Areas “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” (Section 72).

- *Public Sector Equality Duty*
- 5.19 Section 149 of the Public Sector Equality Act 2010, introduced a public sector equality duty that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- *The National Planning Policy Framework*
- 5.20 The National Planning Policy Framework (hereafter referred to as ‘The Framework’) was most recently published in February 2019. What are considered to be the relevant sections are set out below in the order they appear in the document
- 5.21 The overarching policy objective of the Framework is the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: economic, social and environmental (paragraph 8). These are mutually dependent and in order to achieve sustainable development economic, environmental and social gains should be sought jointly and simultaneously through the planning system (paragraph 10). The presumption in favour of sustainable development is at the heart of the Framework.
- 5.22 The Framework indicates that where development accords with an up to date DP it should be approved (paragraph 11). The weight to be accorded to development plans depends on whether they are up to date. The ability of the Local Planning Authority (hereafter referred to as the ‘LPA’) to demonstrate a 5 year housing land supply is relevant to this issue and this is discussed in more detail below.
- 5.23 Paragraph 11 of the Framework states Plans and decisions should apply a presumption in favour of sustainable development. For **decision-taking** this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) 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:
 - i. 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
 - ii. 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.

Footnote 7 states: This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

- 5.24 The Framework advises LPAs to approach decision-taking in a positive way to foster the delivery of sustainable development (paragraph 38) and seek to approve applications for sustainable development where possible
- 5.25 Paragraph 47 reiterates Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which requires all applications to be determined in accordance with the DP unless there are material considerations which indicate otherwise and advises the Framework is a material consideration in planning decisions.
- 5.26 Paragraph 55 advises planning conditions should be kept to a minimum and imposed only where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects
- 5.27 In respect of planning obligations, the Framework (56) advises that these should only be used where it is not possible to address unacceptable impacts through a planning condition. They should, in addition, meet all of the following tests, which mirror those in the Community Infrastructure Levy Regulations 2010:
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.
- 5.28 Paragraph 57 makes reference to viability and states:
‘Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.’
- 5.29 Paragraph 59 sets out the Government’s key housing objective, which is “to boost significantly the supply of housing”.
- 5.30 Paragraph 67 sets out how LPAs should understand land available through a strategic housing land availability assessment.
- 5.31 Paragraph 72 states the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities.
- 5.32 Paragraph 98 seeks to protect and enhance public rights of way and access
- 5.33 Paragraph 109 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
- 5.34 Paragraph 110 states that developments should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport

- 5.35 Paragraph 124 states good design is a key aspect of sustainable development creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.
- 5.36 Paragraph 127 advises that decisions should 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.
- 5.37 Paragraph 128 states applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 5.38 Paragraph 153 to support the move to a low carbon future, new development should comply with adopted local plan policies on the requirements for decentralised energy supply and seek to minimise energy consumption.
- 5.39 Paragraph 163 advises that in determining planning applications consideration should be given to ensuring flood risk is not increased elsewhere.
- 5.40 Paragraph 170-172 address the protection and enhancement of the natural and local environment
- 5.41 Paragraph 175-176 advises LPAs when determining planning “to conserve and enhance biodiversity”.
- 5.42 Paragraph 180 provides that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location.
- 5.43 Paragraph 192 in determining applications, LPA’s should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - paragraph 131 the desirability of new development making a positive contribution to local character and distinctiveness
- 5.44 Paragraph 193 advises that great weight should be given to the asset’s conservation when considering the impact of a proposed development on the significance of a designated heritage asset. The more important the designated asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance..
- 5.45 Paragraph 194 states any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Substantial harm to grade II listed buildings should be exceptional and to grade I listed buildings should be wholly exceptional.
- 5.46 Paragraph 195 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and

- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 5.47 Paragraph 196 advises that 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 securing its optimum viable use.
- *Noise Policy Statement for England 2010 (NPSE)*
- 5.48 The vision of the NPSE is to promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development. The aim of the NPSE is that, through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:
- avoid significant adverse impacts on health and quality of life;
 - mitigate and minimise adverse impacts on health and quality of life; and
 - where possible, contribute to the improvement of health and quality of life.
- 5.49 The intention is that the NPSE should apply to all types of noise apart from noise in the workplace (occupational noise). For the purposes of the NPSE, “noise” includes:
- “environmental noise” which includes noise from transportation sources;
 - “neighbour noise” which includes noise from inside and outside people’s homes; and
 - “neighbourhood noise” which includes noise arising from within the community such as industrial and entertainment premises, trade and business premises, construction sites and noise in the street.
- 5.50 The application of the NPSE should mean that noise is properly taken into account at the appropriate time. In the past, the opportunity for the cost effective management of noise has often been missed because the noise implications of a particular policy, development or other activity have not been considered at an early enough stage.
- 5.51 In addition, the application of the NPSE should enable noise to be considered alongside other relevant issues and not to be considered in isolation. In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications.
- 5.52 The NPSE applies three concepts to the impact of noise these are;
- NOEL – No Observed Effect Level, this is the level below which no effect can be detected, there is no detectable effect on health and quality of life due to the noise.
 - LOAEL – Lowest Observed Adverse Effect Level, this is the level above which adverse effects on health and quality of life can be detected.
 - SOAEL – Significant Observed Adverse Effect Level, this extends the above concepts to include a level above which significant adverse effects on health and quality of life occur.
- 5.53 The first aim of the NPSE is to avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development. The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development.

- 5.54 The second aim of the NPSE is to mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development. The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.
- 5.55 The third aim of the NPSE is to, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development. This aim seeks, where possible, to positively improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development, recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.
- *Planning Practice Guidance*
- 5.56 The Planning Practice Guidance (hereafter referred to as the PPG) complements The Framework.
- 5.57 Set out below are the topic areas contained within the PPG that are of most relevance to the consideration of the proposal:
- Design
 - Design and Climate Change
 - Air Quality
 - Housing and Economic Development Needs
 - Natural Environment
 - Heritage
 - Renewable and Low Carbon Energy
 - Noise
- *National Design Guide*
- 5.58 This guide (published in October 2019) illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. The Design Guide states that the long-standing, fundamental principles for good design are that it is: fit for purpose; durable; and brings delight. It is relatively straightforward to define and assess these qualities for a building.
- 5.59 The Framework sets out that achieving high quality places and buildings is fundamental to the planning and development process. It also leads to improvements in the quality of existing environments. The National Planning Policy Framework expands upon the fundamental principles of good design to define what is expected for well-designed places and explain how planning policies and decisions should support this.
- 5.60 The Framework is supported by a suite of planning practice guidance that is relevant to both design quality and quality in delivery. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities. It also includes people at different

stages of life and with different abilities – children, young people, adults, families and older people, both able-bodied and disabled.

- 5.61 The National Design Guide 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. It is based on national planning policy, practice guidance and objectives for good design as set out in the National Planning Policy Framework. Specific, detailed and measurable criteria for good design are most appropriately set out at the local level. They may take the form of local authority design guides, or design guidance or design codes prepared by applicants to accompany planning applications.

c) Other Relevant Documents

- *Community Infrastructure Levy Regulations*
- 5.62 The Community Infrastructure Levy (hereafter referred to as 'CIL') is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities to help deliver infrastructure to support the development of their area.
- 5.63 Regulation 122 of the CIL Regulations 2010 provides that to be capable of being a material consideration in the determination of a planning application obligations should be:-
 - necessary to make the development acceptable in planning terms
 - directly related to the development
 - fairly and reasonably related in scale and kind to the development
- *Circular 11/95 Annex A - Use of Conditions in Planning Permission*
- 5.64 Although publication of the PPG cancelled Circular 11/95, Appendix A on model conditions has been retained. These conditions are not exhaustive and do not cover every situation where a condition may be imposed. Their applicability will need to be considered in each case against the tests in paragraph 206 of the Framework and the guidance on the use of planning conditions in the PPG.
- *ProPG: Planning and Noise (Professional Practice Guidance on Planning and Noise)*
- 5.65 This Professional Practice Guidance on Planning and Noise (ProPG) has been produced to provide practitioners with guidance on a recommended approach to the management of noise within the planning system in England. The National Planning Policy Framework (NPPF) encourages improved standards of design. The Chartered Institute of Environmental Health (CIEH), Institute of Acoustics (IOA) and the Association of Noise Consultants (ANC) have worked together to produce this guidance which encourages better acoustic design for new residential development and aims to protect people from the harmful effects of noise.
- 5.66 Good acoustic design is about more than the numbers. It is a holistic design process that creates places that are both comfortable and attractive to live in, where acoustics is considered integral to the living environment. Good acoustic design can involve, for example, careful site layouts and better orientation of rooms within dwellings. Good acoustic design does not mean "gold plating" or significantly increasing costs. This guidance seeks to encourage and promote design outcomes that are proportionate and reasonable in the particular circumstances of each development site.
- 5.67 The Working Group recognises that whilst current Government planning and noise policy and guidance sets clear objectives it does not prescribe specific numerical acoustics standards and it allows a range of different approaches to be used. The

Working Group believes that the approach encouraged by this ProPG will be suitable in the majority of situations likely to be encountered in practice. The use of this guidance will result in a more consistent approach which should help enable the speedier delivery of new homes. The recommended approach detailed in this guidance includes a framework to enable situations where noise is not an issue to be clearly determined, and to help identify the extent of risk at noisier sites. Higher development costs should invariably be anticipated in those areas exposed to high levels of noise that may be harmful or otherwise unacceptable. The recommended approach provides opportunities to incorporate effective design interventions that will enable residential development to proceed in areas that might otherwise have been considered unsuitable. Inevitably, there may be some situations where it is not appropriate to build new dwellings. Even in those situations, this guide will assist as it encourages early identification of the risk of refusal and supports early decision making – thereby avoiding unnecessary development and design costs.

- 5.68 This guidance is aimed at practitioners rather than the general public and some, though not expert, knowledge of planning and acoustics principles is assumed. The document draws upon legislation, guidance and standards that were current at the time of publication.
- 5.69 *Section 2* outlines a recommended approach to the management of noise with respect to new residential development within the planning system. The approach involves an initial, and relatively simple, risk assessment of the site to determine the likely importance of noise issues. A more detailed second stage includes a systematic assessment of relevant aspects of the development proposal supported by an Acoustic Design Statement.
- 5.70 The primary goal of this ProPG is to assist the delivery of sustainable development by promoting good health and wellbeing through the effective management of noise. It seeks to do that through encouraging a good acoustic design process in and around proposed new residential development having regard to national policy on planning and noise. This chapter describes the recommended approach for new residential development that would be exposed predominantly to noise from existing transport sources (noting that good professional practice should have regard to any reasonably foreseeable changes in existing and/or new sources of noise). The recommended approach is also considered suitable where some industrial or commercial noise contributes to the acoustic environment provided that it is “not dominant”
- 5.71 This ProPG advocates a systematic, proportionate, risk based, 2-stage, approach. The approach encourages early consideration of noise issues, facilitates straightforward accelerated decision making for lower risk sites, and assists proper consideration of noise issues where the acoustic environment is challenging. It is envisaged that following the guidance contained in this document will increase the likelihood of success of planning applications for new residential development, yet it also provides a clear basis for recommending refusal of new housing development on noise grounds where necessary.
- 5.72 The two sequential stages of the overall approach are:
- Stage 1 – an initial noise risk assessment of the proposed development site; and
 - Stage 2 – a systematic consideration of four key elements.
- 5.73 The four key elements to be undertaken in parallel during Stage 2 of the recommended approach are:
- Element 1 – demonstrating a “Good Acoustic Design Process”;

- Element 2 – observing internal “Noise Level Guidelines”;
- Element 3 – undertaking an “External Amenity Area Noise Assessment”; and
- Element 4 – consideration of “Other Relevant Issues”.

- 5.74 The approach is underpinned by the preparation and delivery of an “Acoustic Design Statement” (ADS). An ADS for a site assessed as high risk should be more detailed than for a site assessed as low risk. An ADS should not be necessary for a site assessed as negligible risk. Having followed this approach to its end, it is envisaged that noise practitioners will then have a choice of one of four possible recommendations to present to the decision maker. In simple terms the choice of recommendation is as follows: grant without conditions, grant with conditions, “avoid” or “prevent”.
- *A Sense of Place (Design Guidelines for development near high voltage overhead lines): National Grid*
- 5.75 The ‘Sense of Place’ Design Guidelines have been developed by National Grid in partnership with David Lock Associates to address the issues associated with developing sites crossed by, or in the vicinity of, pylons and high voltage overhead lines. They specifically relate to the existing high voltage overhead lines (275kV and 400kV) operated by National Grid, but could in certain circumstances also apply to lower voltage overhead lines on steel pylons (132kV and below) operated by the local distribution companies.
- *Active Design: Planning for health and wellbeing through sport and physical activity (Sport England and Public Health England, October 2015)*
- 5.76 Active Design has been commissioned by Sport England to take a fresh look at the opportunities to encourage and promote sport and physical activity through the design and layout of our built environment, supporting a step change towards healthier and more active lifestyles. Building upon the foundations set by the original guidance, published by Sport England in March 2007, Active Design provides up to date guidance to assist all parties engaged in shaping our existing and future built environments to maximise opportunities for communities to be naturally active as part of their daily life. Active Design is Sport England’s contribution to the wider debate on developing healthy communities.
- 5.77 Active Design is rooted in Sport England’s aims and objectives to promote the role of sport and physical activity in creating healthy and sustainable communities. Clear linkages are made to other sources of guidance from partners promoting this agenda across a broad spectrum of interests including planning, design, health, transport and sport. Active Design is a key guidance document for Sport England intended to unify health, design and planning agendas by providing guidance to create the right conditions and environments for individuals and communities to lead active and healthy lifestyles.
- 5.78 Drawing from the three key Active Design objectives of Accessibility, Amenity and Awareness, Ten Active Design Principles have been identified. These focus on those ingredients of cities, towns and villages that offer neighbourhoods and communities the widest opportunities to promote participation of all members of society in sport and physical activity. Practical case studies and pointers to best practice are set out to inspire and encourage those engaged in preparing plans and development proposals (e.g. town planners, transport planners, developers, neighbourhood plan-making bodies), along with others who can influence this agenda, including health professionals. These are also to help facilitate collaborative working between planning and health to provide more active and healthier environments. The development of Active Design has been subject to consultation with a group of key stakeholders, and is formally supported by Public Health England.

- *Leicestershire Planning Obligations Policy (July 2019)*
- 5.79 The purpose of the planning system is to contribute to the achievement of sustainable development. The County Council has an important role in this process, not only as a planning authority, but as a provider of physical and social infrastructure that contributes to economic and social wellbeing that helps make development sustainable. The purpose of this planning obligations policy document is to explain the requirements for, and the approach to, the type and level of infrastructure the County Council will seek through planning obligations given by applicants (usually developers) applying to Leicestershire district councils as Local Planning Authorities (LPAs) or to the County Council for planning permission to make it acceptable in planning terms. This builds upon the policy requirement set out within each individual LPAs development plans. The main types of infrastructure required by the County Council typically include Schools, Roads and transportation, Social care, Libraries, Waste management facilities.
- *Leicestershire Local Transport Plan*
- 5.80 The 3rd Leicestershire Local Transport Plan (LTP3) covers the period 2011-2026. It sets out the transport vision and longer term strategy for the County and identifies priorities and objectives to help deliver the vision. Objectives include tackling congestion, improving access to facilities for all, reducing the impact of transport on the environment, and improving road safety.
- 5.81 The LTP3 focuses, in particular, on the need to tackle congestion by increasing the use of public transport, walking and cycling with less growth in car mileage. This would be achieved by improving access to facilities including employment, education, health care and food shops.
- *Leicestershire County Council Highways Design Guide*
- 5.82 The Leicestershire Highway Design Guide deals with highways and transportation infrastructure for new developments
- *Highway Works and Adoption*
- 5.83 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development.
- *Strategic Housing Land Availability Assessment*
- 5.84 The Strategic Housing Land Availability Assessment (hereafter referred to as the 'SHLAA') identifies Sites within the District with potential for housing; assesses their housing potential in terms of suitability, availability and achievability and assesses when they are likely to be delivered
- *Housing Land Supply Statement*
- 5.85 Due to the fact that The Council now has a Local Plan, it now produces annual (rather than bi-annual) monitoring reports on the level of housing supply within the District. These reports include a five year housing land supply calculation and a housing trajectory for the remainder of the DP period. The latest report of 26th June 2019 covers the period from 1st April 2019 to 31st March 2024 and demonstrates a housing supply of 7.04 years.

- *Harborough Playing Pitch Strategy 2018*
- 5.86 Harborough District Council has prepared the Playing Pitch Strategy (HDPPS) for the period up to 2031. This means the lifespan of the Strategy fits with that of the emerging Local Plan. Sport England recommends that the Playing Pitch Strategy is reviewed and updated every 3 to 5 years to ensure it is still relevant.
- 5.87 The HDPPS follows the Sport England methodology set out in their Playing Pitch Strategy Guidance 2013. Its production has involved:
 - The local clubs and leagues;
 - Sport England;
 - The Football Association at both regional and county level (Leicestershire and Rutland County FA);
 - The England and Wales Cricket Board;
 - Leicestershire County Cricket Community team;
 - The Rugby Football Union;
 - England Hockey;
 - Rounders England; and
 - Harborough District Council.

Additionally, the sports of outdoor tennis, bowls and netball have been assessed in the report as these are considered to be active sports in the District. However, these are separate from the main HDPPS as they are not covered by Sport England Guidance.
- 5.88 A key driver for the production of the Strategy is to deliver an evidence base which can support the application of planning policy set out in the adopted Harborough Local Plan. The Strategy will help the Council and its partners to:
 - Understand provision needs now and in the future;
 - Determine planning applications;
 - Ensure that the management and maintenance of sports facilities is appropriate and sustainable;
 - Prioritise local authority capital and revenue investment, including S106 and any future Community Infrastructure Levy (CIL);
 - Prioritise and support bids for external funding to assist in the delivery of sporting infrastructure;
 - Identify the role of the education sector in supporting the delivery of community sporting facilities; and
 - Contribute to the aims and objectives of improving health and well-being, and increasing participation in sport.
- 5.89 The Strategy has two key objectives:
 - Objective 1 - To protect the existing supply of playing pitch facilities, outdoor tennis courts and bowls greens, where they are needed for meeting current or future needs.
 - Objective 2 - Secure tenure and access to sites for clubs through a range of solutions and partnership agreements and maximise community use of education sites where there is demand.
- *Built Facilities Strategy 2019 (Draft)*
- 5.90 This draft Sports Facilities Strategy forecasts the future needs for sport and recreation up to 2031 and takes into account the housing requirements in the recently adopted Harborough Local Plan 2011-2031 (Harborough District Council, 2019). The Strategy is currently intended to be adopted in Autumn 2020.
- 5.91 It is intended to be a complementary strategy to the Harborough District Playing Pitch Strategy 2018 (Harborough District Council, 2018) which forms part of the Local Plan

evidence base and has already proven valuable in guiding local priorities, investment and policies.

- 5.92 When adopted, it is intended that the strategy will not only inform planning documents and development management decisions by the Council, but also recreation infrastructure planning by the partners, and to support funding bids by both the Council and other providers. Due to the draft nature of the Strategy, full weight should not currently be given to it in the decision making process.
- *Harborough District Open Spaces Strategy 2016 to 2021*
- 5.93 This strategy has been written to inform all those people who live, work and visit Harborough District about how we want to improve and develop open spaces. The Strategy takes account of all green spaces of public value, whether owned by Harborough District Council or in private ownership; however it must be acknowledged that its greatest influence can be over those open spaces owned by Harborough District Council or managed by partner organisations. This is a strategic level document and does not consider the maintenance and management of individual open spaces. It will influence how the Council manages and secures the future of open spaces in its ownership, and how we will work in partnership with others to create new open space in the future.
- *Harborough District Cemetery and Burial Strategy (December 2016)*
- 5.94 This Harborough District Burial Land Need and Provision Study has been prepared by Enzygo Ltd for Harborough District Council (HDC) to inform the Council's Local Development Framework and Local Plan. The purpose of the study is to provide evidence to inform future planning policies and site allocations, relevant to burial land needs and provision. The study also considers the requirement for land for cremation ashes, and will inform policies relevant to this.
- *Harborough District Landscape Character Assessment and Landscape Capacity Study (Sept 2007)*
- 5.95 This Assessment included an identification of Landscape Character Areas across the District. The detail of the report is considered further in **Section 6** of this report.
- *Lutterworth and Broughton Astley Landscape Character Assessment and Landscape Capacity Study (December 2011)*
- 5.96 This Assessment built upon and refined previous landscape character, sensitivity and capacity work carried out by The Landscape Partnership in 2007 for the land around Lutterworth. The assessment provided a detailed landscape sensitivity/capacity of the area. The detail of the report is considered further in **Section 6** of this report.
- *Preliminary Landscape Assessment of Alternative Strategic Development Areas on behalf of Harborough District Council (2016)*
- 5.97 This report was prepared on behalf of Harborough District Council (HDC) by The Landscape Partnership (TLP) to provide a Preliminary Landscape Assessment of three Alternative Strategic Development Areas (SDAs) within Harborough District as part of the formulation of the Local Plan. The aim of the study is to compare the landscape impacts of the potential SDAs being considered as part of the new Local Plan and to inform the selection of a preferred option. Whilst this is clearly an evidential report for the Local Plan, the evidence within it in relation to the application site is still relevant to the consideration of the application.
- 5.98 As part of this work, an assessment of the existing landscape around each SDA and a comparison of the likely landscape impacts of development was commissioned by

Harborough District Council. The brief required the following should be addressed for each SDA:

- General sensitivity of local landscape;
- An indication of the capacity of the landscape of each SDA. This should indicate areas where development would have most negative impacts and whether these are mitigatable in any way;
- Impact of SDA on settlement and landscape setting; and
- Main mitigation considerations for each SDA.

5.99 It was an important part of the brief that the findings for each SDA were comparable to enable a relative ranking of the SDAs in terms of sensitivity and negative impacts, taking into account potential mitigation. The study includes the following stages:

- Review of baseline site constraints;
- Site visit to assess main landscape and visual characteristics of areas/SDAs;
- Identification of opportunities/constraints;
- Report to include introduction, methodology, landscape character background, assessment of landscape/features/characteristics and overview comparison of the 3 SDAs;
- Supporting maps/drawings/photographs as appropriate.

○ *Supplementary Planning Guidance*

5.100 A series of guidance notes were adopted as Supplementary Planning Guidance (hereafter referred to as 'SPG') to the Harborough District Local Plan in March 2003. They cover a range of topics relating to layout and design issues. Council agreed (19th December 2011) to retain the said SPGs and link them to CS policies as applicable, until a new Supplementary Planning Document is produced. The relevant SPGs are:

- SPG 1 – Design Principles to be applied in Harborough District
- SPG 2 – Residential Development – Major Housing Sites
- SPG 7 – Industrial and Commercial Layout and Design
- SPG 9 – Landscape and New Development
- SPG 10 – Trees and Development
- SPG 11 – Hedges and Development
- SPG 12 – Lighting in the Town and Country
- SPG 19 – Development and Flood Risk

○ *Planning Obligations Developer Guidance Note*

5.101 The Planning Obligations Supplementary Planning Document (SPD) was adopted September 2016 and published January 2017. It sets out the range of infrastructure, services and facilities that the Council will normally seek to secure via planning obligations in relation to development proposals within the District.

5.102 The SPD advises if the requirement for developer contributions or for the provision of infrastructure result in viability concerns being raised it will be the responsibility of the applicant to provide an independent financial viability assessment to substantiate the situation. If the assessment is accepted as reasonable the Council may request lower contributions for a particular Site provided that the benefits of developing the Site outweigh the loss of the developer contribution.

5.103 There are two supporting documents associated with this SPD:

- Provision for Open Space, Sport and Recreation 2015 which provides details of the arrangements for assessing contributions to open space; and
- Assessment of Local Community Provision and Developer Contributions (October 2010) which provides additional evidence to support the case for developer contributions to local indoor community and sports facilities.

- *HDC Self-Build and Custom Housebuilding Corporate Policy (May 2020)*
- 5.104 The government considers that self-build and custom housebuilding can play a crucial role in increasing housing supply and housing choice, as part of a wider package of measures to secure greater diversity in the housing market as well as helping deliver the homes people want. As a result, the Council is keen to support the delivery of self-build and custom build plots in suitable locations across the District.
- 5.105 The [National Planning Policy Framework](#) (NPPF, 2019) makes it clear that as part of boosting the supply of homes, it is important that the needs of groups with specific housing requirements are addressed. One of these groups is people wishing to commission or build their own homes.
- 5.106 This Corporate Policy sets out the Council's strategy in relation to self-build and custom housebuilding. It explains how the Council will meet its obligations to give suitable development permission for self-build and custom housebuilding plots and to consider the Register when carrying its planning, housing, landowning and regeneration functions with the aim of assisting to meet the needs of those wishing to build their own homes.

d) **Additional Information**

- *Appeal Decisions*
- 5.107 Within the main body of the reports reference is made to appeal decisions and to High Court judgements and recovered secretary of state decisions. Whilst every application is considered on individual merit, appeal decisions and judgements are helpful in demonstrating the weight to be applied to material considerations and the correct interpretation of planning policy.
- *Vision and Priorities for the District of Harborough*
- 5.108 The Council adopted a vision and four priorities in February 2014. Approving sustainable developments is one way in which the vision and priorities can be achieved.

6. Officer Assessment

a) **Principle of Development**

- 6.1 The Council is currently able to demonstrate a 5 year supply of deliverable sites for housing (7.04 Years on 31 March 2019) and Harborough District Council currently has an up to date adopted development plan. As such, full weight should be afforded to the development plan policies in the Planning balance.
- 6.2 The application site is located outside the existing built up area of Lutterworth and as such, is currently a 'greenfield' site, however, it does form the area covered by Policy L1 in the Local HLP (See **Figure 7**). Policy L1 is derived from Policy SS1 which (in terms of housing provision) states that:
 - “The spatial strategy for Harborough District to 2031 is to:
 - 1. manage planned growth to direct development to appropriate locations, in accordance with the following settlement hierarchy:
 - a. (part of) the Leicester Principal Urban Area: Scraptoft, Thurnby and Bushby;
 - b. Sub-regional Centre: Market Harborough;
 - c. Key Centres: Lutterworth, Broughton Astley;.....

2. enable housing and commercial development, during the period 2011- 2031, including:

a. Housing: provision of land for a minimum of 12,800 dwellings (Use Class C3), including:

i. about 8,792 dwellings already completed or committed, including through planning permissions, resolutions to grant permission and allocations in made neighbourhood plans;

ii. about 1,260 dwellings in a strategic development area (SDA) on land east of Lutterworth;

Additionally, Policy H1 states:

“In addition to delivery of existing commitments and completions and the allowance for windfalls, land for a minimum of 3,975 new homes will be provided during the plan period to 2031 in the following locations:

3. *at Lutterworth about 1,260 dwellings in a Strategic Development Area on land east of Lutterworth, in accordance with Policy L1;”*

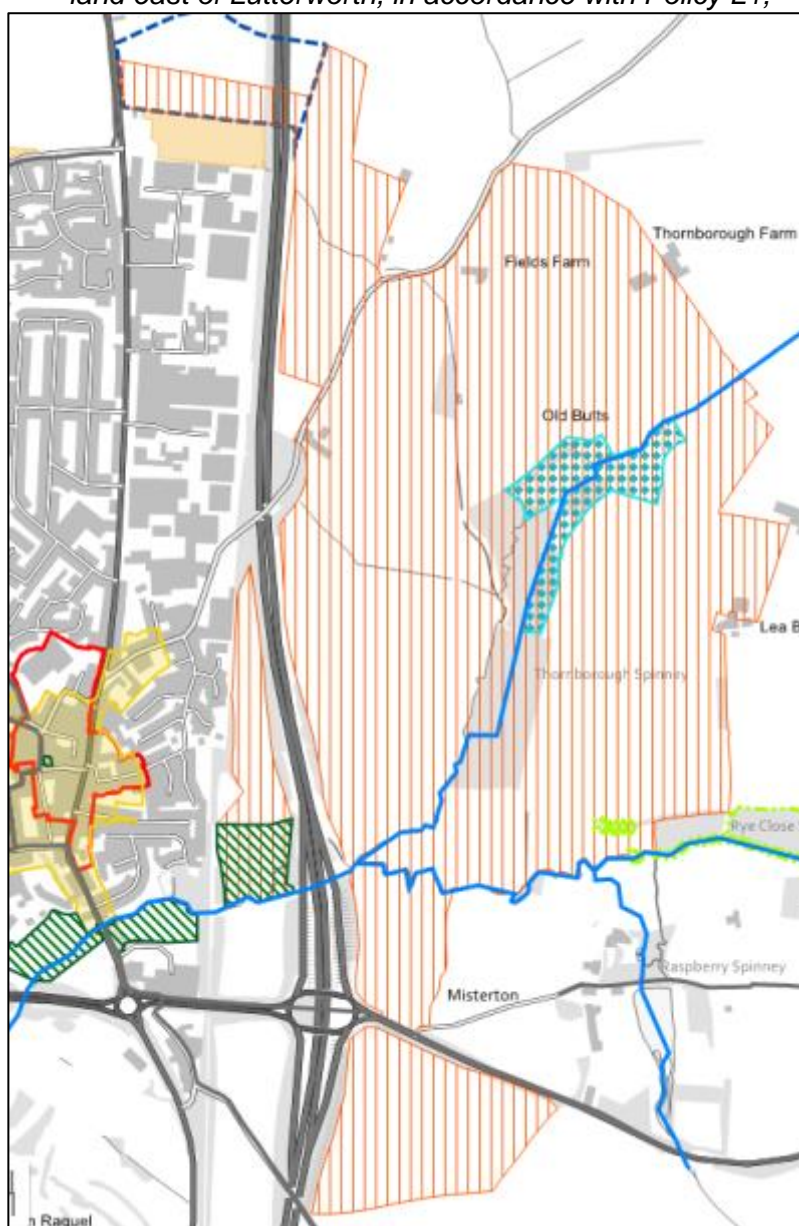


Figure 7: Local Plan Proposals map of site

- 6.3 As stated above, Policy L1 reflects Policy SS1, and in terms of the provision of employment land SS1 states that:

“The spatial strategy for Harborough District to 2031 is to:

2. enable housing and commercial development, during the period 2011- 2031, including:
 - b. Business: safeguard important existing employment areas, identify sites to meet future economic development needs and replace losses in the stock of employment land for offices (B1(a) and (b)), industry (B1(c) and B2) and non-strategic storage and distribution (B8) as follows:
 - i. about 18.3ha of employment land already completed or committed, including through planning applications, resolutions to grant permissions and allocations in made neighbourhood plans;
 - ii. *about 23ha of employment land in the East of Lutterworth SDA;*
 - iii. about 35.5ha of employment land on other sites allocated in this Local Plan.
 - c. Strategic storage and distribution: safeguard existing provision at Magna Park and enable additional development for non rail-served strategic storage and distribution (Class B8) uses as follows:
 - i. 380,000sqm already committed on two sites through planning applications; and
 - ii. 320,000sqm on land North and West of Magna Park in accordance with Policy BE2.3.”

Additionally, Policy BE1 states

1. Scale and Distribution

In addition to the delivery of existing commitments, a minimum of 59ha for office B1(a) and (b), industrial B1(c) and B2, and storage and distribution B8 will be provided in the following locations:

- a. at Market Harborough, a minimum of 24ha including the following allocations:
 - i. Land at Airfield Farm (North West Market Harborough SDA) – approximately 13ha in accordance with Policy MH4.
 - ii. Airfield Business Park, Leicester Road - approximately 6ha in accordance with Policy MH5;
 - iii. Compass Point Business Park, Northampton Road - approximately 5ha in accordance with Policy MH6;
- b. at Lutterworth, a minimum of 26ha including the following allocations:
 - i. *about 10ha of business use within Use Class Orders B1 and B2 as part of the East of Lutterworth Strategic Development Area (SDA) in accordance with Policy L1;*
 - ii. *13ha of storage and distribution within Use Class Orders B8 on land to the south of the A4304 as part of the East of Lutterworth SDA, in accordance with Policy L1;*
 - iii. Land south of Lutterworth Road/Coventry Road - about 3ha in accordance with Policy L2.
- c. Land off Marlborough Drive, Fleckney - about 3ha in accordance with Policy F2.
- d. Land south and west of Priory Business Park, The Kibworths - about 6ha in accordance with Policy K1.

- 6.4 Concerns have been raised by Lutterworth Town Council LTC through representations that there is no requirement for additional provision B8 land. It is stated by LTC that:

“Policy BE2 provides for a further 700,000sqm of warehousing at Magna Park, stating that this figure is the limit of additional warehousing in the district and is

already allocated to specific sites. However, this planning application proposes to build more warehousing adjacent to the A4304.”

Policy BE2 relates to “Strategic Distribution”, and states that any provision on the sites defined within the Policy (mainly Magna Park and the associated new development sites) shall be for units of at least 9,000sqm. Policy L1 is explicit in stating that employment land provision at Lutterworth East shall be for offices, light industrial facilities and non-strategic distribution centres, with further explanation within Policy BE1. Policy BE2 does not relate to the Lutterworth East Policy (L1). At present, the application does not propose any size of building, however, the 13ha site to the south of the A4304 could potentially accommodate a building of more than 9,000sqm, which would then place it within the “strategic distribution” category. As such, and to ensure compliance with Policy SS1 and BE1, a condition is recommended restricting the maximum floor space of any unit on B8 development parcel to the south of the A4304 (see **Appendix A - Condition 20**)

- 6.5 On the basis of the above, the key site specific policy of the development plan is policy L1 as it is the policy specifically formulated to provide a framework for the consideration of development on this site.
- 6.6 Policy L1 is set out in full in **Section 5 of this report**.
- 6.7 The application site (see **Figure 8**) is broadly the same as the site allocation area (see **Figure 7**). As such it is considered that the proposal is in accordance with Criterion 1 of Policy L1. The application submission has been accompanied by a detailed Masterplan. This Masterplan has been through a rigorous process of assessment by consultees, an independent design review panel and also the general public. **Section 3 part d and Chapter 9 of this section** of this report sets out this process. As such it is considered that the proposal is in accordance with Criterion 2 of Policy L1.
- 6.8 Criterion 3 contains 26 separate requirements (a number of which have further sub-requirements) which can be grouped into the following five sub-headings
- Housing
 - Business and Employment
 - Community Facilities
 - Highways and Transportation
 - Environment
- The housing criteria will be assessed later in this section of the report as well as in **Chapters 9 and 10 of this Section** of the report. The Business and Employment criteria in the Policy will be assessed later in this section of the report as well as in **Chapter 10 of this Section** of this report. Community Facilities issues will be assessed in **Chapters 9, 10 and 11 and part c of this Section**. The highways and transportation criteria will be looked at in **Chapters 3, 9, 11 and 14 and part c of this Section**. Finally, the Environment criteria will be assessed in **Chapters 1, 2, 4, 5, 6, 7, 9 and 14 of this Section**.
- 6.9 The proposals include a link from the site, over the M1 to the A426 in the location indicated on the Local Plan Policies Map. As such it is considered that the proposal is in accordance with Criterion 4 of Policy L1. Criterion 5 will be assessed in **Chapters 3 and 14 and part c of this Section**. Criterion 6 will be assessed in **Chapter 7 of this Section**.

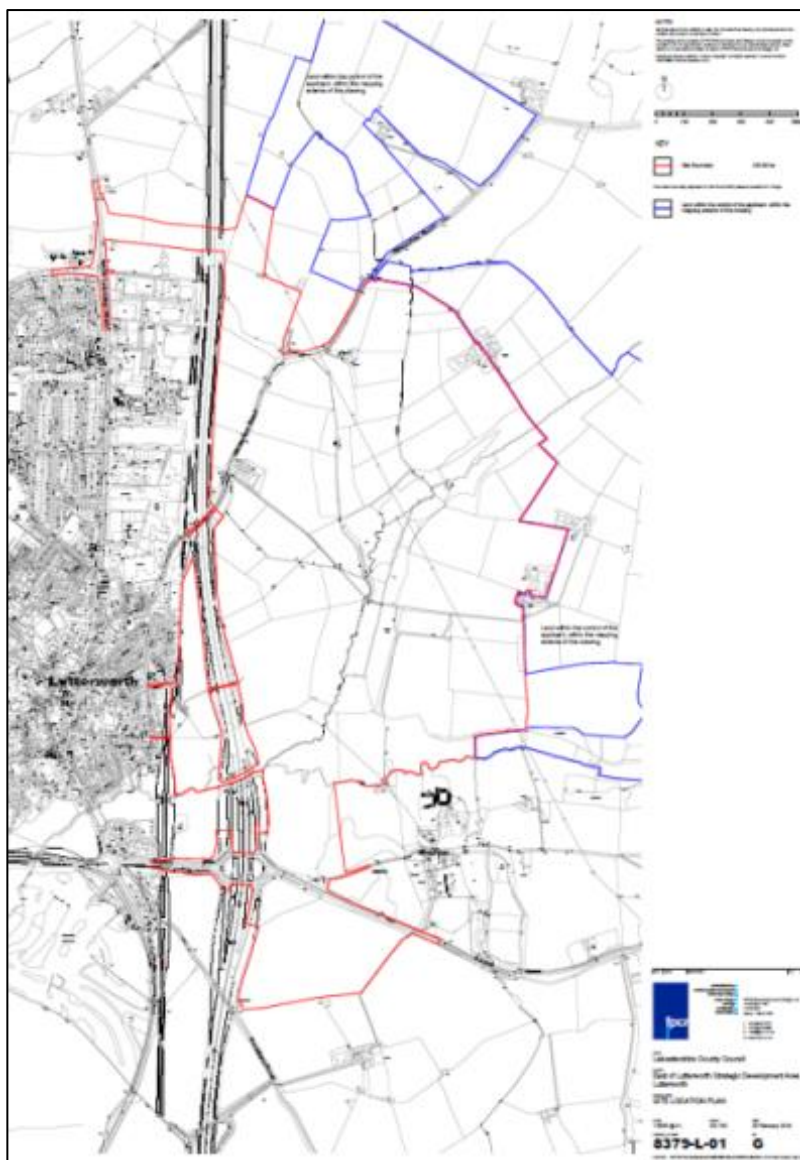


Figure 8: Application site boundary plan

6.10 Policy L1 of the Harborough District Local Plan contains a specific criterion with regards the provision of housing. Criteria 3a states:

“3. The masterplan will guide the creation of a high quality sustainable urban extension to Lutterworth and an attractive environment for living, working and recreation. It will address and overcome the issue of community severance resulting from the presence of the M1, to create a sustainable urban extension which is permeable and well-connected to Lutterworth via legible walking and cycling routes with good natural surveillance. It will provide for:

- a. about 2,750 dwellings of which about 1,260 dwellings will meet housing requirements in the plan period and the remaining dwellings will meet requirements after 2031, all to be located east of the M1 and north of the A4304;”*

It is therefore considered that the proposal, which provides for up to 2,750 dwellings (with a requirement of 40% Affordable Housing provision as part of the S106 agreement), of which the applicants aim to be able to deliver approximately 1,700 to the market during the plan period, is in accordance with Criteria 3a of Policy L1. With regards Housing mix on the site, due to the long term nature of the build out of the development, it is not recommended to tie the housing mix on site to current need as

it is anticipated that this could change over the course of the build out. In light of this, a condition (see **Appendix A – Condition 57**) is recommended requiring the housing mix on each phase to be in accordance with the 2017 HEDNA, or the relevant Housing Needs assessment of the time. Table 55 of the 2017 HEDNA (see **Figure 9**) sets out the current suggested mix for Market Housing in the Harborough District. There is also a requirement within Policies L1 and H1 for the site to provide serviced plots for self build and custom homes. More detail on the Council's approach to Self-Build provision is included in the recently adopted Self-Build and Custom Housebuilding Policy Corporate Policy (May 2020). Harborough District Council maintain an up to date Self Build register which, as of 31st March contains 64 registrations of interest. There are currently 5 plots permitted within the District which can help meet that requirement, which leaves a residual need of 59 plots. Of these, 27 have indicated an interest in a plot in Lutterworth. It is therefore considered reasonable to require 15 serviced plots self and custom build to be made available as part of the development to help meet the need identified and to ensure compliance with Policies L1 and H1 of the Harborough District Local Plan. A Condition is recommended to ensure that these are provided for (see **Appendix A – Condition 56**).

	1-bedroom	2-bedrooms	3-bedrooms	4+ bedrooms
Leicester	0-10%	20-30%	45-55%	10-20%
Blaby	0-10%	25-35%	50-60%	5-15%
Charnwood	0-10%	25-35%	45-55%	10-20%
Harborough	0-10%	25-35%	35-45%	15-25%
Hinckley & Bosworth	0-10%	35-45%	45-55%	5-15%
Melton	0-10%	25-35%	45-55%	5-15%
NWL	0-10%	30-40%	45-55%	10-20%
Oadby & Wigston	0-10%	30-40%	45-55%	5-15%

Figure 9: Suggested Market Housing mix across Leicestershire

- 6.11 Policy L1 of the Harborough District Local Plan also contains specific criterion with regards the provision of employment land. Criteria 3e and 3f state:

“e. 13ha of storage and distribution (B8) uses on land to the south of the A4304, subject to:

- i. access from the A4304 that is separate from that to the rest of the SDA to the north; and*
- ii. a comprehensive landscaping scheme planted in advance so as to provide adequate screening of the development by the time of completion;*

f. about 10ha of business uses within Use Class Orders B1 and B2;”

The parameters plan submitted in support of the application indicates the provision 4 of distinct areas of employment land. There are two located to the north of the Gilmorton Road (see **Figure 10**), one located between the M1, A4304 and the Spine Road (see **Figure 11**), and one located immediately south of the A4304 (see **Figure 11**).

- 6.12 The land parcel to the south of the A4304 measures 13ha in size and is accessed direct from the A4304 from an independent access from that of the Spine Road junction. The combination of the three B1 and B2 parcels measures 8.5ha. It is therefore considered that the proposals are in accordance with Criteria 3e(i) and 3f of Policy L1. Criterion 3e(ii) requires the provision of a comprehensive landscaping scheme to be planted in advance so as to provide adequate screening of the development by the time of completion. Whilst the Policy does not state what the landscaping should be provided in advance of, it is reasonable to assume that it means “in advance of development of this parcel”. In order to achieve the requirements of the policy a condition is

recommended requiring the submission of a strategic landscaping plan to ensure that planting required to screen the development is implemented as soon as possible.



Figures 10 and 11: Parameters Plan extracts indicating provision of employment land

- 6.13 On the basis of the above, it is considered that the proposals will have a major beneficial impact upon housing delivery for the District and would therefore accord with Policies SS1, H1 and L1 of the Harborough District Local Plan in this respect. Furthermore, it is also considered that the proposals will have a moderate beneficial impact upon the delivery of employment land for the District and would therefore accord with Policies SS1, BE1 and L1 of the Harborough District Local Plan in this respect.

b) Sustainability Considerations

- 6.14 The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and LPA's are encouraged to approach decision taking in a sustainable way to foster sustainable development.
- 6.15 The Framework requires LPAs to grant planning permission for sustainable development. Para.8 of the NPPF states: "Achieving sustainable development means that the planning system has three overarching objectives".
- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - **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
 - **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.
- 6.16 The conformity of the proposed development to the criteria for sustainability is considered throughout the remainder of this report.

- 6.17 On the basis of the above, Officers conclude that maximum weight should be accorded to the up to date policies contained within the HLP.

b) Planning Considerations

- 6.18 The detail of the proposed development will be considered under the following headings:

1. Heritage and Archaeology	Page 99
2. Ecology and Biodiversity	Page 122
3. Highways	Page 126
4. Landscape and Visual Impact	Page 149
5. Noise	Page 162
6. Drainage and Hydrology	Page 170
7. Air Quality	Page 176
8. Residential Amenity	Page 180
9. Design	Page 199
10. Socio-Economics	Page 221
11. Footpaths	Page 226
12. Agriculture and Soils	Page 227
13. Contamination	Page 230
14. Other matters	Page 231

1. Heritage and Archaeology

- 6.1.1 The ES contains a chapter on Archaeology (Chapter 10) which was prepared by the Archaeology Collective Ltd and a chapter (Chapter 11) on Heritage which was prepared by The Heritage Collective UK Ltd.

- 6.1.2 To the south of the site beyond its boundary is the Grade II* listed Church of St. Leonard at Misterton. To the west of the site in Lutterworth is the Grade I listed Church of St. Mary Lutterworth. To the west of the site within Lutterworth is the Grade II* listed Ladywood Works. Within Lutterworth is a conservation area the boundaries of which are shown in **Figure 12**. To the south of the site, beyond the site boundary, is a Bowl Barrow which is a Scheduled Ancient Monument. Within the site are non-designated assets in the form of archaeology.

o Heritage Legislation / Policy

- 6.1.3 Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 places a duty on a local planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses (sections 16 and 66). Likewise, Section 72 of the same Act places a requirement on a local planning authority in relation to development in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.1.4 The Court of Appeal decision in the case of Barnwell vs East Northamptonshire DC 2014 made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.

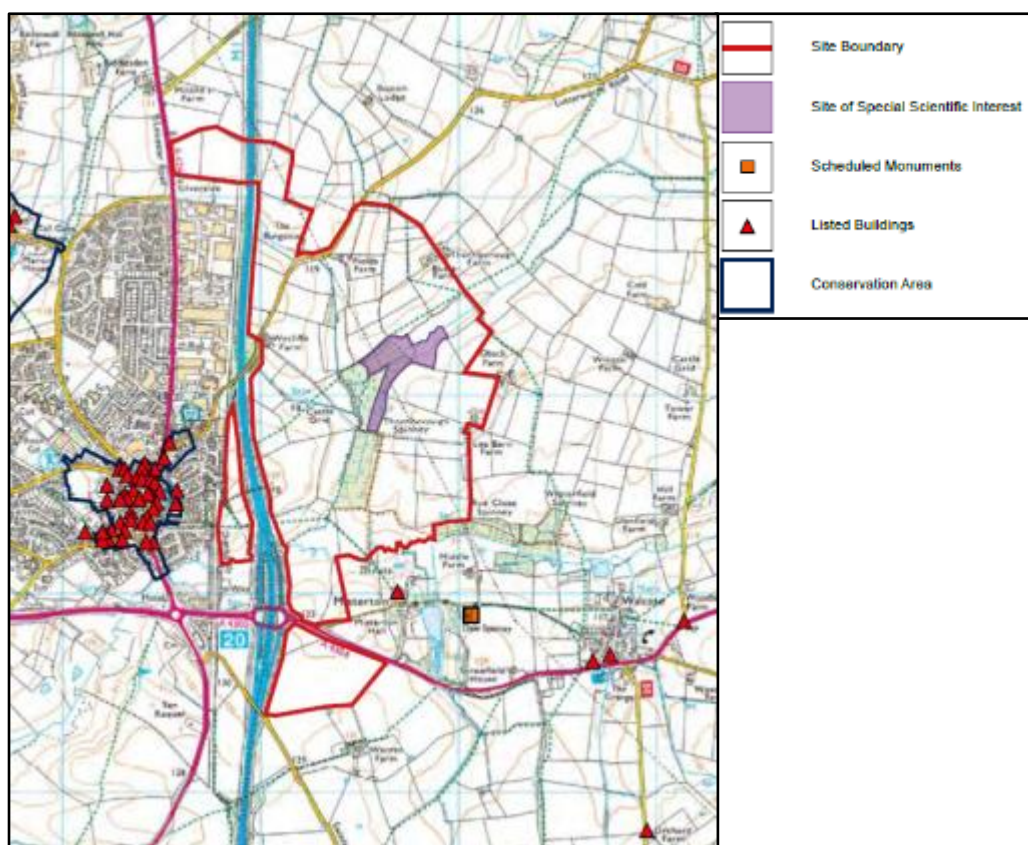


Figure 12: Location of Heritage Assets

- 6.1.5 The Ancient Monuments and Archaeological Areas Act 1979 provides for a consenting regime in respect of works to SAMs but it does not provide any statutory protection for their setting. SAM's are however designated heritage assets for the purposes of the NPPF and the protection of their significance is governed by its policies. There is a strong presumption in favour of the preservation of all designated heritage assets.
- 6.1.6 Local plan policies HC1 "Built Heritage" and L1 are the relevant DP policies. Protecting and enhancing the historic environment is an important component of the Framework's drive to achieve sustainable development. The policy for the conservation of heritage assets in a manner appropriate to their significance is set out in Paragraphs 185-199 of the Framework.
- 6.1.7 Chapter 12 of the NPPF outlines how LPA's should determine applications that affect the historic environment. Paragraphs 185 and 192 state that LPAs should take account of the desirability of new development making a positive contribution to local character and distinctiveness, as well as opportunities to draw on the contribution made by the historic environment to the character of a place. The positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality, should be taken into account in decision taking.
- 6.1.8 Paragraph 189 states that LPAs should require applicants for planning permission to describe the significance of any affected assets (including their setting), providing a level of detail appropriate to their significance, using appropriate expertise to do so where necessary.
- 6.1.9 Para 190 states that LPAs 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 account of the available evidence and any

necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

6.1.10 Paragraph 192 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.1.11 Paragraph 193 advises that great weight should be given to the asset's conservation when considering the impact of a proposed development on the significance of a designated heritage asset. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The more important the designated asset, the greater the weight should be. Paragraph 194 recognises that significance can be harmed or lost through alteration or destruction of the designated heritage asset or development within its setting and as heritage assets are irreplaceable, it advises that any harm or loss should require clear and convincing justification

6.1.12 Paragraph 195 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

6.1.13 Paragraph 196 advises that 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.

6.1.14 Paragraph 197 refers specifically to non-designated heritage and requires a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 198 provides that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking reasonable steps to ensure that the new development will proceed after the loss has occurred.

6.1.15 Paragraph 199 states that Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

6.1.16 Paragraph 200 states that LPAs should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets “to enhance or better reveal their significance”; and states that proposals that “preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably”.

6.1.17 The PPG states:

- the significance of a heritage asset derives not only from the asset’s physical presence, but also from its setting.
- the harm to a heritage asset’s significance may arise from development within its setting.
- that public benefits could be anything that delivers economic, social or environmental progress and they may include heritage benefits, such as: sustaining or enhancing the significance of a heritage asset and the contribution of its setting.

6.1.18 Policy L1 of the Harborough District Local Plan contains specific criteria relating to the protection of the historic environment. Criteria 3j and 3u state:

“j. a multifunctional green infrastructure network, including:

iv. measures to minimise potential visual impact on nearby heritage assets and their setting, in accordance with Policy HC1;

u. protection and enhancement of heritage assets and their settings, including the grade II listed Church of St Leonard at Misterton and grade I listed Church of St Mary, Lutterworth and non-designated heritage assets. The master plan will be informed by a heritage impact assessment, which must form the basis for approaches to design, scale and layout of development. Green space, such as a community park, should be provided in the southern part of the site together with height restrictions on buildings in the southern part of the site, in order to protect the setting of the Church of St Leonard. The proposed new access road should be routed to have regard to any undesignated archaeology and minimise its impact on all heritage assets, particularly the inter-visibility between the Church of St Leonard and the Church of St Mary;”*

○ *Assessment of Impacts upon Designated Heritage Assets (Built Heritage)*

6.1.19 Chapter 11 of the ES assesses the effects of the development on built heritage receptors. The receptors are defined as buildings or structures and or above ground structures that can be described as heritage assets. The sensitivity of these assets is defined as set out in **Figure 13**.

6.1.20 The assessment has been carried out in accordance with the principles set out in Historic England’s Good Advice in Planning Note 3 which gives guidance on the assessment of setting and expands upon the approach set out in the NPPF referred to in Paragraph 6.1.10 This first part of the chapter gives detailed consideration to the advice contained in the aforementioned HE publication.

6.1.21 Consideration of setting will most usually include consideration of views. The guidance draws a distinction between views that contribute to heritage significance and those which are valued for other reasons. The guidance makes it clear that setting is not a heritage asset; its importance lies in the extent that it contributes to the significance of the heritage asset or the ability to appreciate that significance. It is recognised that setting can change over time.

Sensitivity Criteria Guide	
High	Built heritage assets of the highest significance (NPPF 194(b)): scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites.
Medium	Other designated built heritage assets (i.e. excluding those listed above): grade II listed buildings, grade II registered parks and gardens, and conservation areas.
Low	Non-designated built heritage assets, such as locally listed buildings.

Figure 13: Sensitivity appraisal of Heritage Assets

- 6.1.22 HE's guidance addresses church spires and towers and amongst other considerations advises on the need to consider whether the inter-visibility for example between two church spires is a major component of setting rather than just an incidental element within the wider landscape.
- 6.1.23 The ES sets out in detail the EH guidance on how to carry out an assessment including the factors to be taken into account. The ES also contains the fifteen point checklist set out in the guidance. The ES also examines the opportunities to minimise harm. The minimisation of harm may be by design, screening, although screening may be intrusive.
- 6.1.24 The ES sets out all the heritage assets in the study area (see **Figure 12**) including listed buildings, scheduled ancient monuments and conservation areas. For three of the listed buildings in close proximity to the site, the Church of St. Leonard Misterton, the Church of St. Mary Lutterworth and the Lady Wood Works, key aspects of the buildings' significance are examined;
1. Archaeological interest;
 2. Artistic interest;
 3. Architectural interest;
 4. Historic interest; and
 5. Contribution of the site to the significance of the building.
- 6.1.25 Policy L1 of the adopted Local Plan at criterion u makes specific reference to the protection and enhancement of heritage assets and their settings. The designated heritage assets of the Grade II* listed St. Leonard's church Misterton, Grade 1 listed St. Mary's church Lutterworth and non-designated assets are referenced. The criterion states;
- “ protection and enhancement of heritage assets and their settings, including the grade II* listed Church of St. Leonard at Misterton and grade I listed Church of St. Mary, Lutterworth and non-designated heritage assets. The master plan will be informed by a heritage impact assessment, which must form the basis for*

approaches to design, scale and layout of development. Green space, such as a community park, should be provided in the southern part of the site together with height restrictions on buildings in the southern part of the site, in order to protect the setting of the Church of St. Leonard. The proposed new access road should be routed to have regard to any undesignated archaeology and minimise its impact on all heritage assets, particularly the inter-visibility between the Church of St. Leonard and the Church of St. Mary;”

6.1.26 The policy in the Local Plan reflects the Statement of Common Ground that was agreed between HE and the Council at the time of the preparation of the Local Plan. The policy makes particular reference to measures to protect the setting of the Church of St. Leonard’s including the provision of green space and the restriction of building heights in the southern part of the site. The new access road being routed having regard to undesignated archaeology and *minimising* its impact on all heritage assets particularly the inter-visibility between the Church of St. Leonard’s and the church of St. Mary. This recognises that the new access road will have some impact on heritage assets, both designated and undesignated.

6.1.27 There are three designated heritage assets to consider. The Grade II* listed church of St. Leonard’s, Misterton, the Grade 1 listed Church of St. Mary, Lutterworth and the Grade II* listed Lady Wood Works, Lutterworth and the Lutterworth Conservation Area. The non-designated assets including archaeology are referred to in this report.

6.1.28 As part of preparing the Local Plan the Council commissioned a Heritage Statement and in the light of HE’s response to its consultation on the planning application the Council commissioned a Heritage Review. These two documents, together with the Built Heritage Assessment and the views of Historic England and other consultees have informed the analysis of the issues.

○ *Assessment of Significance and Contribution of Setting to that significance*

6.1.29 The Church of St. Leonard Misterton Grade II*. The significance of the church is assessed against the NPPF glossary definition of significance with reference to heritage assets and the guidance on “significance” contained in the Planning Practice Guidance. Regard has also been had to Historic England’s Good Practice Advice notes.

- Archaeological; the fabric of the church and the church yard will contain evidence of its use and changes to the building over time.
- Artistic interest; this is contained within the carved decoration and architectural features.
- Architectural interest; as a church of medieval origin with much retained fabric it is a good example of its type. The building also retains internal features.

6.1.30 Historic interest; the early origins of the building and the intact nature of the fabric indicate historic interest. It is a significant historic feature linking the medieval origins of Misterton to the present day. It is unusual in that Misterton is a hamlet and the church is one of some stature. Within the village it is spatially and visually associated with Misterton Hall, the rectory and the main east / west route.

○ *Impacts of development upon Significance of Setting*

6.1.31 Through the Local Plan process, the key impacts of the development on heritage assets that were identified were the setting of the Church of St. Leonard and the inter-visibility of the churches of St. Mary, Lutterworth and the Church of St. Leonard. Through the Local Plan process the creation of a green space in the form of a park between St. Leonard’s church and the development was proposed to reduce the impact

of the development on the setting of the church; the inter-visibility of the two churches would be preserved by restricting the height of the development.

- 6.1.32 In its response to the planning application HE has made reference to the impact of the proposed spine road on the setting of St. Leonard's church and the inter-visibility of St. Mary's church and St. Leonard's church. This impact also has to be considered in the context of the proposed employment site.
- 6.1.33 In the first instance it is proposed to analyse the impact of the proposed route of the spine road on the heritage assets identified and then assess the impact of the alternative routes on the same assets.
- 6.1.34 At the southern end of the site the route of the proposed spine road runs northwards from a new junction with the A4304 some 170m east of junction 20 of the M1 motorway and 15m east of the existing Chapel Lane. Chapel Lane will be rerouted at its western end because of its close proximity to the spine road. The route runs northwards down the southern slope of the river Swift valley, crosses the Swift on a bridge some 180m long, standing above the valley bottom by some 6.5m to the top of the parapets. This ensures that there is 2.5m headroom under the bridge to allow pedestrians and cyclists to pass under it. The spine road then runs northwards up the northern valley slope of the Swift valley. The spine road crests the ridge and then runs generally northwards through the site. The proposed route lies some 230m east of the M1 motorway and 350m west of St. Leonard's church. Additional landscaping is proposed to mitigate against the visual impact of the road.
- 6.1.35 Because of the way it generally follows the slope of the existing ground on its approach to the bridge, the road itself will not impact on the inter-visibility between St. Mary and St. Leonard's churches. The bridge itself stands 6.5m above the valley floor. This is below the ground level on which both St. Mary's (altitude of 126m AOD) and St. Leonard's (119m AOD) stand. The structure will be visible, but this impact will be reduced over time as the mitigating landscaping becomes established. The movement of vehicles along the road will be visible, but this will not materially restrict the inter-visibility between the two churches.
- 6.1.36 The local plan identifies a need for employment development as part of the overall scheme, the submitted master plan identifies an area in the south west corner of the site for delivering part of this requirement. The site measures in the region of 2.4 ha. It is proposed that the height of the buildings will be limited to 8.5m, this is to help preserve the inter-visibility between the church of St. Leonard and the church of St. Mary. Given the ground level of this part of the site and the elevation of St. Mary's tower this will be retained. The development of the employment site will reduce the general openness and rural appearance of this area but realistically, that would be the consequence however the development were masterplanned. The employment site will be seen as part of the development which includes the M1 motorway.
- 6.1.37 The second issue is the reduction in the countryside setting of St. Leonard's church. The spine road will have two impacts. There is the physical appearance of the highway and second, the movement of vehicles along it. The road will be viewed in the context of the M1 motorway which is an intrusive feature in the landscape both visually and because of the noise arising from it. In this context the distance from the church yard, the limited nature of the physical structure of the road and the proposed mitigation need to be taken into consideration.

- *Contribution of setting to significance.*
- 6.1.38 Until the 1960's and the construction of the M1 motorway, the church stood in a parkland landscape of trees and hedgerows. When viewed from the south, Lutterworth Road, and along Chapel Lane, the church is hidden by existing trees. It is from the north, looking south, and the west that there are more open views.
- 6.1.39 From the church yard there are glimpsed views of the tower of St. Mary's Lutterworth. In the 18th century there would have been a stronger relationship between the church of St. Leonard and the church of St. Mary, with a more obvious association and inter-visibility. This has been reduced in more recent times due to the growth of trees in the area, the construction of the M1 motorway and the tree planting along the boundaries of the motorway.
- 6.1.40 From the footpaths to the north and in an arc extending west to the M1 motorway, the rural setting of the church can be appreciated. However, the appreciation is diminished by the presence of the M1 motorway and in particular the traffic noise. The church and its spire, from a distance the most prominent feature, rise above the surrounding trees although this is not a dramatic statement within the landscape. In this context the spire has to compete with electricity pylons and, in the background, wind turbines.
- 6.1.41 From certain points when looking south, the tower of St Mary's Lutterworth and the spire of St. Leonard's can be seen. In the past the relationship of the two may have been a more obvious feature within the landscape.
- *Assessment*
- 6.1.42 Whilst there is some measure of agreement between the applicant and HE, there are clearly areas of disagreement. Both parties recognise that there is some harm to the heritage asset, St. Leonard's Church. Where there is a divergence of opinion relates in particular to the location of the spine road and its impact on the setting of St. Leonard's Church. In order to reconcile these two positions, the Council commissioned its own Heritage Review from consultants who have advised the Council on similar issues in respect of the local plan. The review examined the evidence supporting the views put forward by the applicant and HE
- 6.1.43 This Critique has found no issues with the methodology applied by the Applicant. However, there does appear to be a potential discrepancy between the conclusions of the Appendix and ES Chapter. In relation to HE's comments, it has found the advice provided by HE to have been consistent, although it finds that they do not provide an adequate rationale as to why the visibility of the spine road is considered to be 'very harmful'
- 6.1.44 In conclusion, whilst there is considerable agreement between the two parties, this review substantially agrees with the findings of the Applicant, in that some limited harm to St. Leonard's Church will occur. In the absence of a detailed rationale from HE, their request for the spine road to be amended appears unjustified. The information submitted by the Applicant suggests that the changes brought about by the introduction of the spine road will only result in limited harm to St. Leonard's Church, and the alternatives would result in a comparable effect (see the assessment of alternatives below). In the absence of clear evidence to the contrary, the Council's adviser's review considers the findings of the Applicant's heritage assessment to be sound.
- 6.1.45 The report concludes that whilst both the Applicant and HE have identified some degree of harm in relation to the Grade II* Listed St. Leonard's Church, this is within the 'less than substantial harm' threshold in the context of the NPPF. In such instances,

the harm will need to be weighed against the public benefits of the proposed development, giving that harm considerable importance and weight.

6.1.46 HE submitted two responses to the consultations about the planning application. The original to the application as submitted and the second in the light of additional information submitted by the applicant in response to the issues raised in the original response.

6.1.47 The response raised three broad issues, the spine road, development west of the spine road and layout. HE in their initial response expressed the view that;

“The proposed spine road would cut through the landscape to the west of St. Leonard’s Church and would be raised on a bridge to prevent flooding and allow cycles to pass underneath. This would be an eye-catching alien feature in the rural landscape and would detract from the important aspects of the setting of St. Leonard’s Church.”

and

“We are familiar with other developments that have moved the spine road for the development closer to the motorway to reduce the divisions of the landscape, group the infrastructure associated noise and visual impact together all of which reduced its impact on the historic environment”

6.1.48 The crux of the objection appears to be that the totality of the rural setting between the M1 motorway and the Church of St. Leonard will be subdivided and therefore diminished to an unsatisfactory extent.

6.1.49 The Heritage Review commissioned by the District Council comments at para 5.7 that:

“Later in this response, HE raises a further sensitivity relating to the two churches, stressing the importance of the ‘open fields that divide them’. This highlights a further potential sensitivity in the context of the setting of the Church. HE goes on to suggest the spine road would ‘be an eye-catching alien feature in the rural landscape and would detract from the important aspects of the setting of St Leonard’s Church’. Whilst HE considers this to be ‘very harmful’ they do not appear to acknowledge that the current setting of the Church includes the M1 Motorway. Furthermore, the visualisations provided as part of the ES (Appendix A12) appear to suggest that the spine road will initially be only partially visible and will be effectively screened by proposed planting over time.”

6.1.50 The requirement of the Local Plan policy is set out in **Para 6.1.18**. This emphasises the inter-visibility of the Church of St. Leonard and the Church of St. Mary. The supplied visuals demonstrate that this would be protected. For the reasons set out later the other options for the siting of the spine road do not have any lesser impact than the preferred option. Additionally, the proposed landscaping will mitigate the visual appearance of the road.

6.1.51 The second issues raised by HE relates to the proposed business park to the west of the spine road. It is proposed that the heights of these buildings be limited to 8.5m, similar to residential properties. It was originally proposed that this part of the site be developed for residential use. There appears to be an assumption that residential uses would be houses and therefore have a lesser mass, the buildings could be terraces or flats which would have a greater mass. In terms of the overall massing of the buildings this is a matter that can be controlled through the approval of any reserved matters application whereby the mass of the development can be limited.

6.1.52 The submitted visuals show that due to the topography the views of the business park are limited, and the proposed height restriction protects the inter-visibility of the two

churches. There is the opportunity through the reserved matters application to limit the mass of individual buildings and therefore the impact on the openness of the area.

- 6.1.53 Third is the impact of the development at the southern end of the site beyond the ridge line. In particular this refers to the proposal for a changing room associated with the proposed playing fields. Again, the location of this building is only shown as being indicative. Through the determination of a reserved matters application the location and massing of the building to minimise its impact and prevent development extending beyond the ridge line can be agreed.

- *Assessment of Alternative Spine Road Routeings.*

- 6.1.54 Criterion u of policy L1 of the Harborough Local Plan makes specific reference to the routing of the spine road;

“The proposed new access road should be routed to have regard to any undesignated archaeology and minimise its impact on all heritage assets, particularly the inter-visibility between the Church of St. Leonard and the Church of St. Mary”

To this end the applicant examined four alternative routes, including the preferred option.

- 6.1.55 Historic England have expressed concerns regarding the adequacy of the applicants' Assessment of Alternatives and expressed the view that the option chosen does not minimise the impact on the significance of the church. The site is allocated in the Local Plan, with a requirement for a Spine Road to form a legible route between the A426 and the A4304, and in particular, between Gilmorton Road and the A4304. Given the technical requirements of highways design, the options for where this route could be provided are limited, particularly given that the junction of the Spine Road and the A4304 is fixed due to its proximity to the M1 J20.

- 6.1.56 Underlying Historic England's objection is the judgment that the road would be less intrusive if it were routed closer to the M1 motorway. This routing would concentrate the highway features more closely together and both the physical infrastructure and moving vehicles would be seen in a closer context to each other. The Spine Road routing options and their comparative effects on the designated heritage assets are as follows.

Option 1

- 6.1.57 As part of this option (see **Figure 14**), the southern extent of the Spine Road just to the north of the junction with the A4304, crosses an area of known non-designated archaeology identified by the Geophysical Survey and trial trenching. Whilst *all* Options cross this to some extent, the applicants have asserted that this Option crosses *more* of the area of archaeology and also crosses a denser part of it, thus resulting in a greater degree of harm to the buried non-designated archaeological resource at this point. Further north from here it then again crosses an area of known non-designated archaeology identified by the geophysical survey.

- 6.1.58 With regards to built heritage assets, in both tested views from the Footpath (i.e. the wireframes from W1 and W2, a section of Spine Road), Option 1 would be seen in the distance, relatively prominent along the upper part of the Swift valley, just below the horizon line. Although both the M1 motorway and the Spine Road follow the same alignment, the Spine Road is on higher ground whereas the M1 is in a cutting, and the trees on the embankment can be seen (the M1 being identified mainly through noise and the movement of vehicles).



Figure 14: Option 1 sketch plan

- 6.1.59 The Spine Road would not be visually related to the M1 motorway but separate from it. The only place where there is a visual convergence of the Spine Road and the M1 motorway is at a small area where moving vehicles would be seen on both, and the presence of these would be similar, regardless of which road the vehicles are on. Although only a relatively small part of the Spine Road is seen, distant from the church, as it would pass through the built up area of the employment site it would, erode some of the rural nature of its wider setting this would be to the lower end of less than substantial harm.

Option 2

- 6.1.60 As part of this option (see **Figure 15**), the southern extent of the Spine Road just to the north of the junction with the A4304, crosses the same area of known non-designated archaeology as Option 1, but avoids the more northerly area of archaeology. This option avoids the area of known archaeology going into an area identified by the geophysical survey as containing less archaeology.
- 6.1.61 With regards to built heritage assets, in both tested views, a section of the Spine Road can be seen in the distance, relatively prominent along the upper part of the Swift valley. Although the M1 motorway and the Spine Road are broadly in the same area, the Spine Road – similar to Option 1 – is on higher ground whereas the M1 motorway is in a cutting. The Spine Road is not visually related to the M1 motorway but separate from it. The only place where there is a visual convergence of the spine road and the M1 motorway is over a small area where moving vehicles would be seen on both, and the presence of these would be similar regardless of which road the vehicles are on. Although only a relatively small part of the Spine Road is seen, distant from the church,

as it would pass through the built up area of the employment site it would, erode some of the rural nature of its wider setting this would be to the lower end of less than substantial harm



Figure 15: Option 2 sketch plan

Option 3

- 6.1.62 As part of this option (see **Figure 16**), the southern extent of the Spine Road just to the north of the junction with the A4304 crosses the same area of known non-designated archaeology as Options 1 and 2 albeit at a different angle. From the geophysical survey it would appear that the level of archaeology impact would be similar to Options 1 and 2 at this point. Similar to Option 2, this option avoids the more northerly area of archaeology, instead just clipping part of feature E19, in the process avoiding the area of known archaeology going into an area identified by the geophysical survey as containing less archaeology
- 6.1.63 With regards to built heritage assets, in both tested views, a section of the Spine Road can be seen in the distance, relatively prominent along the upper part of the Swift valley. The spine road is not visually related to the M1 motorway. The only place where there is a visual convergence of the spine road and the M1 motorway is at a small area where moving vehicles would be seen on both, and the presence of these would be similar regardless of which road the vehicles are on. Although only a relatively small part of the Spine Road is seen, distant from the church, as it would run parallel to the built up area of the employment site along its eastern and northern edges it would, erode some of the rural nature of its wider setting this would be to the lower end of less than substantial harm, to the setting of St. Leonard's church



Figure 16: Option 3 sketch plan

Option 4

- 6.1.64 As part of this option (see **Figure 17**), the southern extent of road just to the north of the junction with the A4304 avoids much of the non-designated archaeology which the other Options cross at this point, by extending up the eastern side of it. Similar to Options 2 and 3, this Option avoids the more northerly area of archaeology, instead just clipping part of a smaller feature, in the process going into an area identified by the geophysical survey as containing less archaeology. Consequently, from an archaeological point of view this is the applicants preferred option as it results in the least impact to the buried archaeological resource. The proposed Spine Road (Option 4) *avoids* the more important areas of archaeology within the site and thus the least impact and potential harm on archaeology.
- 6.1.65 With regards to built heritage assets, in both tested views, a small section of the Spine Road can be seen in the distance, across the Swift Valley intersecting the valley. The Spine Road is not visually related to the M1 motorway. Because it is closer than the views above, the vehicles are slightly larger, though the visible extent of the spine road across which they can be seen is smaller. Although only a small part of the spine road is seen, distant from the church, it would to a small degree erode some of the rural nature of its wider setting.
- 6.1.66 The category of the effect in all options would be broadly the same, as in all options there would be a degree of erosion of the rural nature of the wider setting of the church. None of the options demonstrate a visual convergence of the Spine Road and the M1 motorway, and there is no discernible benefit in routing the Spine Road alongside the M1 motorway. In all options, the road and the vehicles on it are distant from the church, and in all of the views the experience of a church, set on the edge of a rural hamlet on the upper slope of the river valley remains. In all options there would be a slight erosion of the wider rural context. In Options 1 and 2 the vehicles and the road are further

away, but more prominently sited on higher ground, and a longer stretch of the Spine Road would be seen. In Option 3 the road is set slightly lower, but it comes closer to the viewer and a relatively large section of it remains visible. Option 4 contains the smallest visible section, and the least visual disruption of the views being located within the lower part of the site and the Swift valley. Although this Option is the closest to Misterton, it is still some considerable distance away from the church and the two are spatially, visually and experientially separate and removed from each other. On balance, the applicants are of the opinion that Option 4 is preferable given its smallest degree of visual intrusion, both in terms of the length of road visible and in terms of the stretch of road in which moving vehicles would draw the eye.



Figure 17: Option 4 sketch plan

6.1.67 HE appears to be expressing the view that the wrong option has been chosen as it does not minimise the impact on the setting of the St. Leonard's church. With all the options the southern section of the road is the same. It is the option for routing the road through or around the employment site that will then allow it to run adjacent to the M1 motorway until it either continues alongside the motorway or runs through the built-up area of the site. These alternatives will result in the road passing along a more prominent part of the site, albeit through a built development and then along a more prominent and elevated section of the site, next to the M1. The option chosen allows the road to run through the lower part of the site where it is possible to mitigate its impact by landscaping. The proposed road will have an impact on the setting of the church with each of the possible options. The impact of each will be different but equal, but with mitigation the preferred option is less intrusive and offers the best opportunity to mitigate its impact.

○ *Analysis*

6.1.68 The development would not have any impact on the physical fabric of the building of the Church of St. Leonard.

6.1.69 The development will affect the setting of St. Leonard's, there is the new crossing of the river Swift and the associated highway works, the buildings forming the new employment site and the planting proposed to mitigate the impact of the development and the overall change in the character of the hinterland. These are impacts which would be the consequence of any sensible development under policy L1. The impact of the employment site can be mitigated by restricting the height of the buildings and their footprint. It is not considered that the development will adversely affect the inter-visibility between the churches of St. Leonard and St. Mary.

6.1.70 The crossing of the river Swift and the associated road leading from the A4304 across the bridge and continuing northward into the site will intrude into what is an area of countryside, albeit bounded to the west by the M1 motorway the extent of this area will be reduced and vehicles will be seen passing closer to the church this is a distance of 350m. This will be mitigated by the proposed landscaping which will allow glimpsed views of the spine road, traffic and the business park. The construction of the business park and the spine road will reduce and sub-divide the existing rural setting of the church. Because of the distances involved the effect of the mitigation it is considered that the harm falls in the middle of the scale of less than substantial harm. The applicant's analysis of the comparative effects of the alternative route options is considered sound and is accepted. It therefore follows that the route chosen has minimised the impact of the link road on the heritage assets as required by Policy L1 criterion u.

6.1.71 Paragraph 196 of the NPPF requires that less than substantial harm should be weighed against the public benefits of the development, paragraph 197 requires that similar considerations apply to non-designated heritage assets. In balancing these matters this has to be done in the context of a recently adopted local plan. For the reasons set out in paragraph

6.1.72 The proposal complies with the requirements of the adopted policy. The public benefits of the development are the delivery of much needed new homes, the economic advantages arising from the proposal and the delivery of the adopted local plan, there being no less harmful alternative.

6.1.73 The Church of St. Mary. Lutterworth (Grade I Listed).

In the context of the NPPF Glossary definition of significance the church has significance for the following reasons:

- Archaeological; the fabric of the Church and the church yard will contain evidence of its use and changes to the building over time.
- Artistic interest; this is contained within the carved decoration and architectural features.
- Architectural interest; as a church of medieval origin with much retained fabric, it is a good example of its type. The building also retains internal features.
- Historic interest; the early origins of the building and the intact nature of the fabric indicate historic interest. The church is the oldest building in Lutterworth and although it stands to the side of the heart of the town it occupies a prominent place and forms a dominating structure.

6.1.74 Two 19th century engravings show the tower of St. Mary's in the distance when viewed from St. Leonard's Misterton. At the time there were fewer trees and intervening

features in the landscape between the two churches. The treed boundary of the M1 motorway would not have existed. In this context the prominent features of the church tower and spire are close enough to have been visible from each other and visually associated. At the time, prominent vertical features in the landscape were fewer compared with today with the power lines and wind turbines more prominent.

6.1.75 St. Mary's Church stands on higher ground within the settlement. Originally, Lutterworth consisted of a ribbon of development along High Street. It was only later that the settlement expanded northwards and more recently eastwards originally towards the railway and now the eastern boundary is defined by the M1 motorway.

6.1.76 In its present context, surrounded by buildings, the church is best appreciated from close to. The townscape context reveals the evolution of the setting of the church. It now sits within the developed area of Lutterworth, rather than on the fringes with the town having grown up around it in close proximity to the church building. It is in this context that the church forms an important local landmark. Because of the built-up nature of the Lutterworth, St Leonard's spire is only visible from the church tower not the town.

6.1.77 When considering the view westward from Misterton towards Lutterworth, the tower breaks the skyline and for that reason has a degree of prominence. However, today it is viewed above the trees lining the M1 motorway and with the M1 in the middle-distance moving vehicles provide a visual distraction. These features combine to reduce its visual prominence.

6.1.78 Because of the location of the church in Lutterworth, the built-up nature of the church's setting, and the distances involved the spine road will have no direct impact upon the setting of the church. Turning to the inter-visibility between the two churches. For the reasons set out earlier the views from St. Mary's towards St. Leonard's are from the tower of the church itself. The proposed spine road and its associated traffic will be visible within the setting of St. Leonard's albeit foiled to an extent by the landscaping. The road will not restrict the views between the two churches when viewed from the west

6.1.79 The key issue is the relationship between the church of St. Mary's and St. Leonards. Previously the relationship between the two churches from St. Leonard's church has been discussed. It is from the elevated position of the St. Mary's church tower that the relationship between the two churches is most obvious. From this position the proposed industrial units will be visible beyond the M1 motorway as will the spine road. The spine road will be a linear feature defined by the mitigating landscaping. This feature will divide the openness of the space between the two churches but this would be the case irrespective of its alignment. Having said this, linear features in the form of hedgerows are a common one in this landscape. The inter-visibility of the two churches would not be affected. There would be a change in the character of the space between the two churches but from this particular point of view it would be limited and falls at the lower end of less than substantial harm

6.1.80 The Ladywood Works Grade II*

The buildings themselves are of limited architectural quality. It is the use of the buildings and their association with Sir Frank Whittle and the invention of the jet engine, that establishes their significance.

6.1.81 As constructed originally, the Works were constructed hard to the boundary of the railway line. The Works were not constructed with any particular reference to the wider landscape setting. The M1 motorway now runs north / south across the land

immediately to the east of the works. The building now stands in an industrial commercial area which has no experiential relationship with the surrounding countryside or the application site.

6.1.82 Lutterworth Conservation Area

The Lutterworth conservation area was originally designated in 1972 its boundaries were later amended in 2005. The conservation area is centred along the historic core of the town which bounds the A426, High Street, to the north the conservation area extends along Gilmorton Road and the proceeding south the eastern boundary includes part of Station Road and Misterton Road it then follows the A426 until it reaches the river Swift which is the southern boundary. To the west the boundary extends along Woodmarket and then runs north encompassing the cricket ground. **See Figure 12**

6.1.83 The conservation area is in excess of 400m west of the application site. Because of the topography of the area the ground falls and then rises between the town and the application site, with the town sanding at 123m AOD the M1 at 126m AOD with the site at 122m AOD the site of St. Mary's stands above the level of the surrounding countryside views towards the application site are limited.

6.1.84 The conservation area derives its significance from its position within the town, the historic street pattern and historic buildings. The conservation area is not experienced in relation to the application site nor the surrounding countryside.

6.1.85 Assessment of Impacts upon Designated Heritage Assets (Scheduled Ancient Monument)

Reference has previously been made to the Bowl Barrow at Misterton (see **Figure 18**). This lies to the south east of the application site, about 200m beyond the application site boundary. The development will have no direct impact on the feature. There is no direct impact of the spine road on the setting of the Scheduled Ancient Monument, because of the relative position of the road and the intervening buildings being retained, the road will only have a minor impact on the broader setting of the monument.

6.1.86 There will be an indirect effect on the setting of the monument in that the broader rural setting of the monument will be reduced due to the development overall, this impact is considered to be at the lowest end of the less than substantial harm.

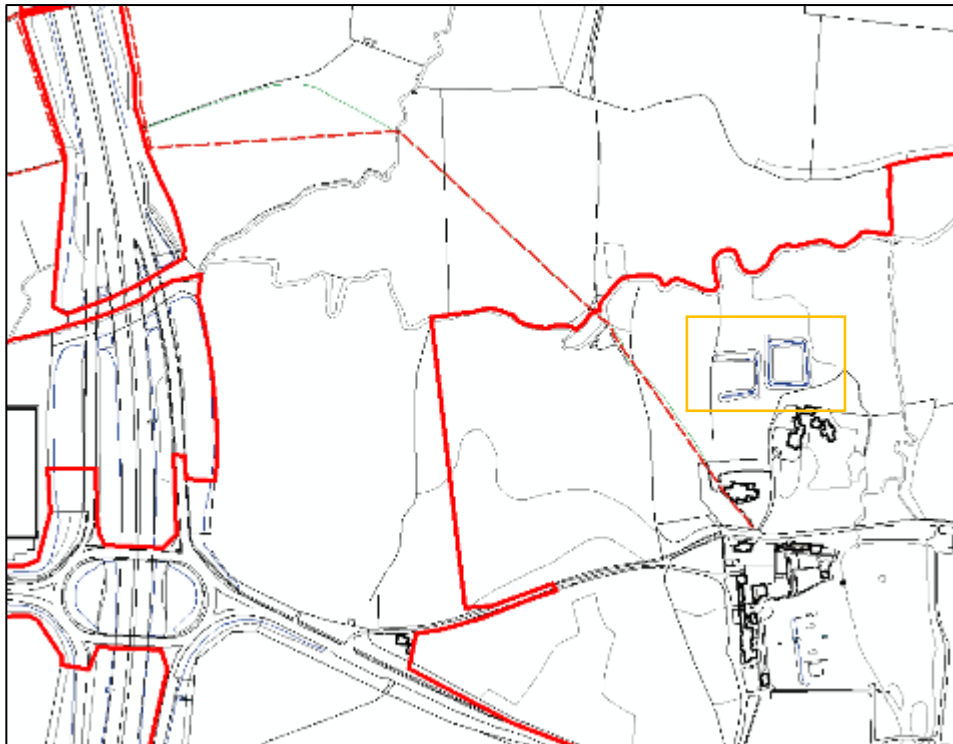


Figure 18: Ground features to south of site

6.1.87 Non-Designated Heritage Assets

There are a number of assets which, whilst not designated nationally, need to be considered. These are discussed below.

6.1.88 The Gate House and Park Lodge (see **Figures 19 & 20**). These are a pair of gate houses which serve Misterton Hall. Both the buildings are built in a vernacular revival style with modern extensions. The western most gate house faces Chapel Lane as part of the proposed development, its access will be changed, Chapel Lane being closed in part with a revised access using the spine road and re-joining Chapel Lane further to the east. This will result in the relationship between Chapel Lane, Misterton Hall and the Gate House being weakened. The Gate House to the east is adjacent to the A4304 but set back from it and faces the access to Misterton Hall. The proposed access to the employment land to the south of the A4304 will change the appearance of the A4304. The impact on this Gate House will be less because it is set back from the road.



Figure 19: Park Lodge



Figure 20: The Gate House

- 6.1.89 The Old Rectory (see **Figure 21**) stands in the village of Misterton to the north east of the Church of St. Leonard. The building dates from the mid-nineteenth century and is in a similar style to the Gate Houses. It has been in a number of uses and was listed in 1977. Because of the loss of original fabric as a result of the various alterations it was delisted in 2016. The building lies outside the application site, its setting will be changed but only marginally.
- 6.1.90 The spine road will have a limited impact on the setting. The rectory is bounded by well-established tree and shrub planting. The spine road will be some 460m to the west at this distance the road is seen in the context of the M1 motorway which is in a more elevated position than the spine road.



Figure 21: The Old Rectory

- 6.1.91 Misterton Hall, the hall sits to the south of Chapel Lane and north of the A4304 almost due south of St. Leonard's church. The building is orientated on a north / south axis and is bounded by well-established tree belts and is not listed. The main impacts of the development are to the west of the hall, with the changes being the new junction with the A4304, the spine road and in excess of 400m to the proposed business park. There will be no direct impact on the hall but its rural setting will be diminished.
- 6.1.92 To the south-west, south of the south of the A4304, is the site for proposed storage and distribution uses. Because of the existing tree belts and hedgerows, the distance to the development and the existing road this proposed development will have a limited impact on the setting of the hall
- 6.1.93 A number of farmsteads within and surrounding the site (see **Figure 22**) follow a model design which seems to have been used by the County Council. The farms of particular interest are:
- Butts Farm (within the site)
 - Thornborough Farm (immediately adjacent to the site)
 - Lea Barn Farm (immediately adjacent to the site)
 - Oback Farm (immediately adjacent to the site)
 - Tower Farm (approximately 1km to east of site)
 - Hill Farm (approximately 1km to east of site)
 - Glenfield Farm (approximately 1km to east of site)

- Windmill Farm (approximately 3.5km to east of site)
- Model Farm (approximately 3.25km to east of site)



Figure 22: Adjacent “County” Farms

6.1.94 The model followed at all of these farms consists of a farm house of rectangular plan (of slightly different sizes) with a pyramidal roof and an L-shaped range of farm buildings (again of slightly different sizes) which are a mix of single and two storey elements. Of the 9 “model” farms, 4 are grouped in two sets of twin farms (Butts Farm & Thornborough Farm (see **Figures 23a & 23b**) and Hill Farm & Glenfield Farm (see **Figure 24**)). This conjoining further adds to the group narrative. Whilst of themselves, the farms are not of great interest, it is their number in such close proximity and the use of a model design which gives them some interest. These farm complexes will either be lost (Butts Farm) as a result of demolition or will lose their context (Thornborough Farm, Lea Farm and Oback Farm) because of the development of the farm holding. Furthermore, the fact that Butts Farm is one half of a twin farm complex, its loss in particular would add to harm to this group asset.

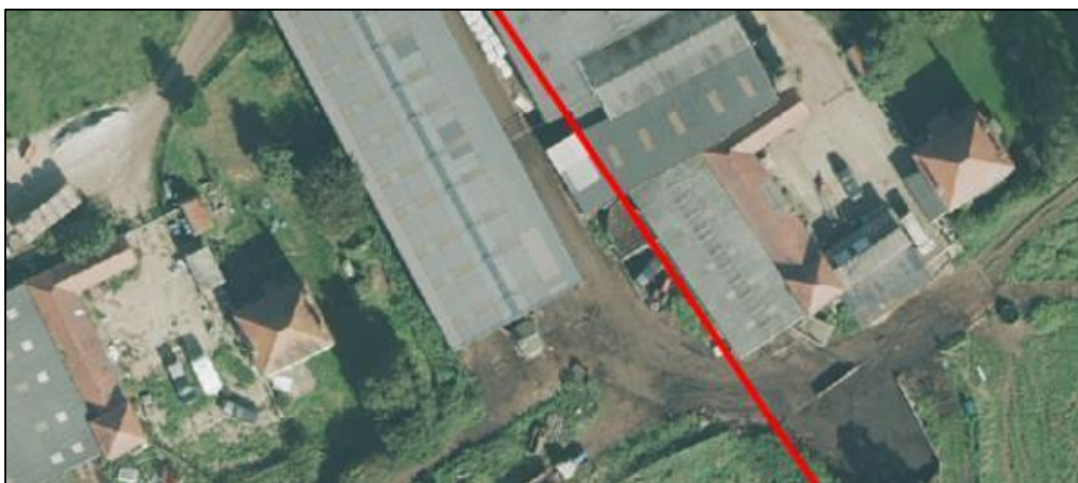


Figure 23a: Aerial image of Butts Farm and Thornborough Farm



Figure 23b: Butts Farm and Thornborough Farm



Figure 24: Hill Farm and Glenfield Farm

6.1.95 That Butts Farm is indicated on the plan to be demolished does not automatically mean that the buildings have to be demolished if the planning application is approved. The approval would allow for their demolition, if the end developer of the parcel within which they are located wishes to do so. If the developer wishes to retain the buildings and develop the site around them, this would also be possible, this is discussed in more detail in **Chapter 8** of this Section of the report.

6.1.96 It is considered that the impact of the proposal upon non designated heritage assets is not significant.

6.1.97 In relation to the farmsteads, it is for their group value that they are of significance. Given the location of the farmsteads the impact of the proposed spine road will be limited. Development of the site will result in the loss of the agricultural operations which are currently taking place the farm buildings will lose the context in which they currently operate. These impacts are the inevitable consequence of the allocated development. The impact on agriculture is referred to in section 12 of this report

6.1.98 Assessment of Impacts upon Archaeological Assets

The ES contains an assessment of the impact of the development on archaeology this

summarises the desk-based assessment which is contained in the appendices accompanying the ES and geophysical assessment of the site. Following consultation with the Leicestershire County Council Archaeologist, a programme of trial trenching was carried out, the outcome of this is reported in the Supplementary Archaeological Note completed in July 2019, this has been further supplemented by a report on trenching work which could not take place earlier with the remainder of the site, as the land was not accessible, this further report was received in September 2019.

High	Nationally designated archaeological areas including scheduled monuments. Nationally designated historic landscapes, including and designated areas associated with globally important activities, innovations or people. World Heritage Sites
Medium	Designated or non-designated historic assets that have exceptional qualities or associations. Designated special historic landscapes and areas on local registers for their regional or local significance. Archaeological remains and areas on local registers for their regional or local significance.
Low	Designated or undesignated assets of local importance poorly preserved with limited value. Unlisted buildings of modest quality in their fabric, townscape of limited historic integrity, and robust undesignated historic landscapes that have intangible cultural heritage associations of local significance.

Figure 25: Sensitivity of Archaeology

6.1.99 The area of the study was agreed with Historic England. The area of study for designated assets of archaeological interest is three kilometres from the site boundary and for non-designated assets one kilometre from the site boundary. The assessment is essentially a desk-based study using existing records and carried out in accordance with the Chartered Institute for Archaeologists Code of Conduct and the same Institute's guidance on desk based assessments. This is in the absence of specific guidance from HE or in national planning guidance. The sensitivity of different forms of archaeology to development are set out in the table at **Figure 25**.

6.1.100 There are no scheduled monuments within the site, three monuments were identified in the wider study area at Gilmorton, Cotes de Val and the closest the Bowl Barrow, referred to previously, at Misterton. The geophysical survey identified eight areas of archaeological potential, four of these areas indicated greater activity than previous surveys had identified. The areas of activity are settlement trackways and round barrows dating from the late pre-historic and early Romano-British period. There are also some anomalies attributed to medieval agriculture.

6.1.101 There are six broad historical periods identified in the assessment. For each period, it identifies the importance of any potential finds between, very high, high, medium or low and the potential for making such finds. For most of the site, in relation to the Early Prehistoric, Late Prehistoric, Roman, Early Medieval and Medieval periods, the opportunity for finds is considered low. The assessment considers a smaller sub area

of the site, this extends southwards from the northern boundary of the River Swift to the south of the A4304. For the late pre-historic and Roman periods the chance of finding remains of medium importance is considered high.

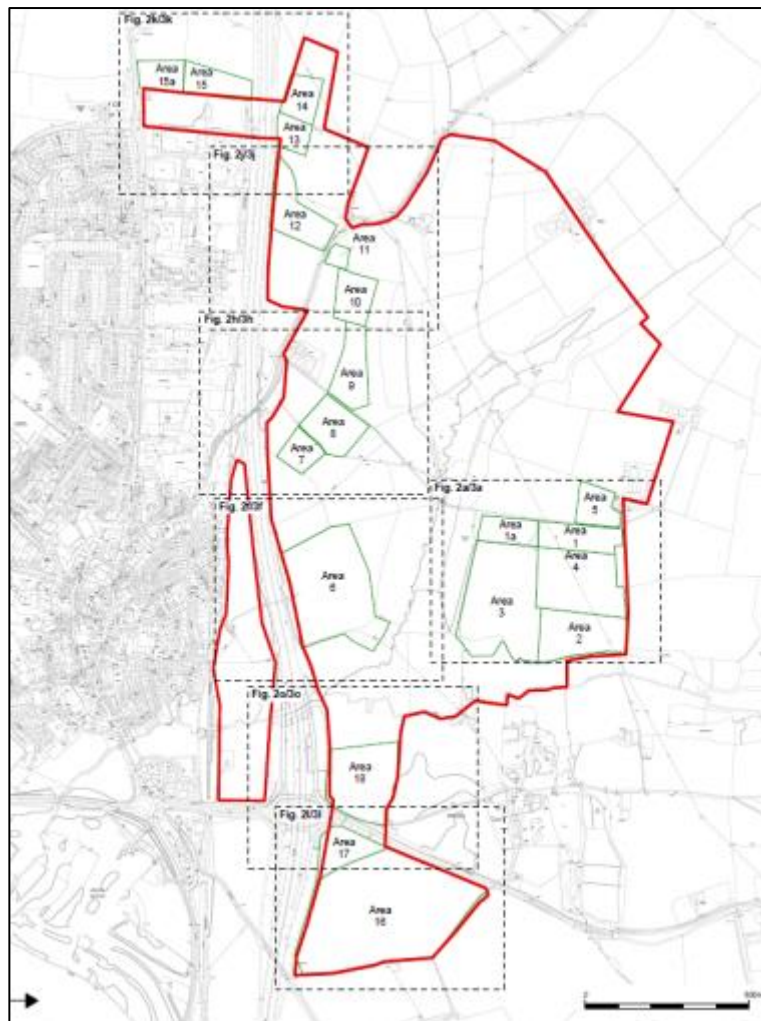


Figure 26: Areas of Archaeological Interest

6.1.102 The construction phase is most likely to cause damage to archaeological remains. The mitigation would be to carry out trial trenching and recording and reporting of any finds, it is this course of action that was recommended by the LCC Archaeologist. There are no potential effects in the operational phase as the impacts would have been mitigated during the construction phase.

6.1.103 In the light of the studies submitted and as has been referred to, the LCC Archaeologist recommended a programme of trial trenching. The outcome of this was reported in an archaeological evaluation which informed the Supplementary Archaeological Note. One hundred and seventy-one trial trenches were investigated in accordance with a Written Scheme of Investigation agreed with the LCC Archaeologist. Three broad areas were investigated which are shown with others at **Figure 26**.

- Zone 1 The features within the site, ditches and enclosures which were dated to Middle Iron Age to Roman which has moved the earlier period of occupation to late Bronze Age early Iron Age. The ridge and furrow yielded medieval remains.
- Zone 2. Some enclosures associated with animal husbandry supporting late

Bronze Age to early Iron Age with some Roman period use.

- Zone 3. Agricultural enclosures and fields which suggest an origin no earlier than Roman but perhaps Anglo Saxon / early Medieval

6.1.104 The report concludes that the remains in Zone One, cattle enclosures and domestic enclosures, are of the greatest value within the site, but that they are of no more than regional significance. The cattle enclosures are of local importance. Within Zone Two, the cattle enclosures are of local importance. Within Zone Three the remains are of local importance as are the agricultural enclosures. The note concludes that none of the archaeology is of national importance and therefore is not an impediment to development. Any further archaeological work could therefore be dealt with by condition (see **Appendix A - Conditions 10 & 11**).

6.1.105 On the basis on the above, it is considered that the impact of the proposal upon interests of archaeological importance is not significant.

○ *Conclusion*

6.1.106 It is concluded that the development complies with policy L1 of the Local Plan that the layout of the development has protected the significance of the designated heritage assets to the extent possible given the inevitable consequences of any development which accords with the quantitative requirements of the policy and the routeing of the link road has minimised the harm to all heritage assets.

2. Ecology (Flora & Fauna) and Biodiversity

6.2.1 The ES includes a chapter on Ecology (Chapter 6), which has been informed by a detailed Ecological Appraisal. FPCR Environment and Design Ltd was commissioned by the applicants to undertake an Ecological Assessment of the Proposed Development. Chapter 6 of the Environmental Statement (ES) addresses the potential effects of the Proposed Development on Ecology and Nature Conservation, having due regard to both the physical proposals, recommended mitigation measures and ecological features included within the scheme design proposals.

○ *Ecology and Biodiversity Legislation / Policy*

6.2.2 Chapter 15 of The Framework is concerned with “Conserving and enhancing the natural environment”. Paragraph 170 establishes some general principles of particular note are the following sub-sections;

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) 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 of trees and woodland;

6.2.3 Paragraph 175 sets out the principles to be applied when making planning decisions. Of particular relevance is sub-section b:

- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- 6.2.4 The NPPG offers guidance on the natural environment with reference to inter alia “Biodiversity, geodiversity and ecosystems”. The guidance states
“Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its 25 Year Environment Plan. Guidance on the law concerning designated sites and protected species is published separately because its application is wider than planning. In applying this, the aim should be to fulfil statutory obligations in a way that minimises delays and burdens.
- 6.2.5 The guidance makes reference to specific questions to be considered when applying the NPPF. The questions relate to the following areas:
- Information, including ES and its contents;
 - Avoidance, avoiding significant harm;
 - Mitigation, the minimisation of significant harm; and
 - Compensation, where significant harm cannot be avoided can it be minimised.
- The NPPG goes on to make reference to net gain which refers to measurable improvements.
- 6.2.6 Policy L1 of the Harborough District Local Plan contains a specific criterion with regards to the protection of the ecology and bio-diversity in the surrounding area. Criteria 3t states:
“3. conservation, enhancement and adequate mitigation of any impact on the Misterton Marshes SSSI in accordance with a methodology to be agreed by Natural England before the development commences;”
- *Assessment of Impacts*
- 6.2.7 The Environmental Statement (ES) includes an assessment of the nature conservation interest of the site and as part of the assessment the following surveys have been undertaken;
- An ecological appraisal;
 - Misterton marshes SSSI survey report;
 - Bat Survey;
 - Great Crested Newt Survey;
 - Reptile survey;
 - Breeding Bird Survey;
 - Winter Bird Survey;
 - White Clawed Crayfish Survey;
 - Aboricultural Assessment; and
 - Invertebrate Survey.
- 6.2.8 The ES explains that the site predominantly comprises improved cattle grazing grassland intensively farmed arable fields divided by hedgerows. The River Swift flows westward through the site with tributaries flowing southward through the Misterton Marshes Site of Special Scientific Interest (SSSI) and Thornborough Spinney.
- 6.2.9 The Misterton Marshes SSSI, hereafter referred to as the SSSI, is a site of national nature conservation importance. The SSSI was designated in 1986 and covers an area in the region of 6.9ha. It comprises fern communities and base rich marsh habitats an alluvial deposit adjacent to the River Swift. At the time of designation the

SSSI supported a diverse fen breeding bird community. The SSSI comprises a series of habitats of Principal Importance and that cumulates as an assemblage of habitats of National Level Importance.

6.2.10 To the west of the SSSI is a field of similar botanic composition. It is under a similar management scheme to the SSSI and is recovering. As such it has potential to complement the SSSI habitats and is identified as of District Level Importance.

6.2.11 The River Swift flows through the site. Water courses provide a source of water, a connectivity corridor and support several protected species. Consequently it is identified as of County Level Importance for nature conservation. Hedgerows, trees and smaller areas of woodland comprise areas of Local Level Importance or Site Level Importance.

6.2.12 Overall the ES concludes that the construction phase of the development with appropriate management conditions will have a negligible impact. The residual effects after the development is completed have been identified as a mix of minor adverse and major beneficial. The adverse impacts are the result of the

- Loss of trees and hedgerows;
- A small loss of marsh area, not part of the SSSI and
- The culverting of short stretches of water course, not the River Swift.

The major beneficial effects result from;

- Increase in diversity of habitat and their long-term management;
- An increase in pond and open water resulting from the use of SUDS;
- An increase in bat roosting opportunities;
- An increase in water vole habitat; and
- Additional habitat along the River Swift through the community park.

6.2.13 Natural England have raised no objection to the proposal subject to appropriate mitigation being secured (see **Appendix A - Condition 8**). The SSSI is identified as an area in need of mitigation in particular;

- Reinstatement of the hydrological regime in place at the time the SSSI was notified;
- A surface water drainage scheme that disposes of water using SUDS and which ensures that water levels are maintained to support the plant communities in the SSSI;
- Long term habitat management; and
- Mitigation measures to prevent bird disturbance by residents and pets.

6.2.14 Planning Ecology at the Leicestershire County Council have made a number of comments. The ecologist concurs with the findings of the ES in respect of the most sensitive areas and the types of protected species. The response comments on the master plan and commends the retention of wildlife corridors, the avoidance of the best habitat and confining development to areas of low ecological value. The risks associated with the development to hydrology and increased human activity are noted. It is also recognised that the development represents opportunities, a large proportion of the higher quality habitat is in an unfavourable condition and a comprehensive landscape and ecological management plan should bring about benefits.

6.2.15 Four areas of concern have been identified:

- The proximity of the spine road to a Great Crested Newt pond may require further mitigation;
- The construction of the River Swift crossing may adversely affect protected species using the river;

- The findings of the invertebrate study have not been fed into the road design; and
- The badger report has not been seen.

In the light of the above a holding objection was submitted by LCC Ecology until such time that more satisfactory information is received.

6.2.16 Subsequent to the above, the applicant has submitted additional information to address the issues identified above, the Leicestershire County Council Planning Ecologist has commented;

- The Barn Owl and Great Crested Newt mitigation strategies are satisfactory;
- The SSSI management principles are acceptable subject to hydrological monitoring;
- Agreement to a management plan for the SSSI;
- The agreement of Natural England to the above points
- Grazing is the key management tool for the SSSI preferably sheep alternatively by small hardy cattle a way of achieving suitable grazing needs to be agreed; and
- Public access to the SSSI cannot be allowed and ways of restricting public access need to be agreed.

The Ecologist has recommended conditions as have Natural England which, along with the additional information submitted, address the initial concerns raised. (see **Appendix A - Condition 9**).

○ *Cumulative Ecology and Bio-diversity Effects*

6.2.17 Appendix A1 of Volume 2 of the ES contains a “Cumulative Effects – Projects for Consideration” plan. These include the expansion of Magna Park and the upgrading of the M1 to a Smart Motorway. Officers would agree with the scope of projects that should be considered cumulatively with the development. There are no identified schemes which would have a cumulative impact upon the Ecology and Bio-diversity of the surrounding area.

6.2.18 As set out in **Para 3.43 of this report**, the decision of HDC’s Planning Committee on the 12th May 2020 to resolve to grant consent for a new supermarket on Rugby Road, Lutterworth, adjacent to the Whittle Roundabout, resulted in the need for this to be addressed as part of an updated Cumulative Impact Assessment. This additional work was carried out by the applicants, and also assessed the new sites at Lutterworth Road in Gilmorton and De Verdon Road, Lutterworth as well as the Rugby Road site. Officers agree with the scope of the additional projects that should be considered cumulatively with the development. It has been concluded that the cumulative impact of these additional projects does not alter the previous assessment in terms of Air Quality, and as such, there would be no residual adverse cumulative impact.

6.2.19 Notwithstanding this, Natural England have raised concerns that the additional information now supplied provides further analysis of the impact of increased air emissions including the predicted pollutant concentrations at sensitive ecological receptors. NE acknowledge that the Framework Travel Plan submitted in support of the application sets out outline measures to reduce private car journeys by encouraging more sustainable modes of transport which would reduce emissions on these sensitive receptor sites. They also note the additional information on air quality does not consider the removal of the existing agricultural sources of nitrogen within the study area. The further consideration of these two factors may show that the level of nitrogen at sensitive ecological receptors may be predicted to be within acceptable levels. As such, NE have suggested that confirmation should be sought that the predicted emissions affecting the SSSI could be satisfactorily reduced or whether

further mitigation would be required. **Appendix A – Condition 60** has been recommended to ensure that this is addressed.

- *Summary*

- 6.2.20 On the basis of the above, Officers consider that the outline planning application has demonstrated that the development can be designed to minimise the impact on ecology and biodiversity and the mitigation proposed would have long term benefits through habitat creation, improvement and appropriate management of the green infrastructure. It is therefore considered that the proposals will have a minor beneficial impact upon ecology and bio-diversity and would therefore accord with Policies GI5 and L1 of the Harborough District Local Plan in this respect.

3. Highways

- 6.3.1 The ES includes a chapter on Transport (Chapter 13), which was informed by a Transport Assessment (hereafter referred to as a 'TA') and a Travel Plan (hereafter referred to as 'TP') both undertaken by AECOM. There have been several iterations of the TA in response to comments provided and subsequent discussions with both the Highways Agency (HA) and the County Highway Authority (hereafter referred to as 'CHA').

- *Highways Policy*

- 6.3.2 Policy L1 of the Harborough District Local Plan contains specific criteria with regards to securing satisfactory access and the protection of the highway network. Criterion 3l, 3m, 3n, 3p, 2q, 3r and 3s state:

- "3. l. *access to be taken from separate junctions on the A4304 to serve the southern part of the main site and the employment uses to the south of the A4304, from Gilmorton Road, and from the A426 to serve the northern part of the site;*
- m. *a spine road providing a clear legible route between the A426 north of Lutterworth and the A4304 east of M1 junction 20, including a bridge over the M1 motorway and a link to the A426 to be constructed before the completion of 1,250 dwellings;*
- n. *a workable, legible, and easily navigable hierarchy of interconnected primary and secondary streets and shared surface lanes that provide high quality, safe and direct routes within permeable development in accordance with Policy IN2 and the following:*
- i. *County Highway Authority's adopted highway standards;*
 - ii. *sensitive design of the street environment, avoiding 'over engineering' and minimising signage and street clutter;*
 - iii. *sympathetic traffic calming measures and carefully devised road alignments to help reduce vehicle speeds and create a safe environment;*
- p. *a regular and frequent bus service to all parts of the SDA as they are developed to meet the needs of the community and employees, together with convenient bus stops and real-time information to encourage its use;*
- q. *travel plans and green travel packages that provide an attractive alternative to private car use for residents of and employees in the new development in accordance with Policy IN2;*
- r. *in addition to junctions on the A4304 and A426 to serve the site, the following offsite highways improvements, the construction of which shall be co-ordinated and timed to minimise disruption to the strategic and local road network:*
- i. *traffic signals and other necessary improvements to junction 20 on the M1;*

- ii. *necessary improvements to the junction of the A426 with the A4303 south of Lutterworth (the 'Frank Whittle roundabout');*
- iii. *necessary improvements to the junction of the A426 with Bill Crane Way;*
- s. *a parking strategy, including cycle parking, and servicing for each development parcel to determine the location of parked cars to ensure that they can be accommodated without dominating the built environment (and having regard to Leicestershire County Council Highway Design Guide);"*

6.3.3 Additionally, Criteria 5 & 6 of Policy L1 state:

- 5. *"Appropriate traffic management and public realm improvements in Lutterworth town centre to facilitate the movement of pedestrians and cyclists, particularly across High Street will be agreed and provided for through the planning application and accompanying agreements."*
- 6. *"Following completion of the spine road, in partnership with County Highway Authority and the SDA promoters, the Council will develop traffic management measures that remove or minimise the passage of heavy goods vehicles through the centre of Lutterworth, as part of the implementation of an effective air quality mitigation strategy for the Air Quality Management Area in Lutterworth town centre."*

6.3.4 Other relevant Highways Policy and Guidance is set out in **Section 5** of this report.

- *Access proposals*

6.3.5 The SDA development will have three access points from the local road network, they are as follows:

- Southern employment development junction with the A4304 Lutterworth Road;
- Spine Road Junction with the A4304 Lutterworth Road; and
- Spine Road Junction with the A426 Leicester Road.

The development will also have a mid-point connection with Gilmorton Road via a new junction with the Spine Road. It is proposed to close the Gilmorton Road bridge over the M1 for general traffic and to convert it into a sustainable transport corridor.

6.3.6 The Spine Road would be a single carriageway with 6.75m width and 3m wide shared footway / cycleways on both sides of the carriageway. The road would run through the heart of the development, connecting the A4304 Lutterworth Road with A426 Leicester Road. The road would be approximately 1,900m in length, featuring several junctions for the development parcels access points, in addition to two junctions at the central area, in vicinity of the primary school and the community hub.

6.3.7 The road will start, at its southern end, with a new signalised junction with the A4304 Lutterworth Road east of the M1 Junction 20. The Spine Road would connect with Gilmorton Road via a new roundabout junction and then continue north parallel to the M1. A new bridge structure over the M1 would then connect with the A426 Leicester Road via a new signalised junction to the north of Bill Crane Way. The proposed category for the Spine Road, based on the Leicestershire Highways Design Guide, is a 'street'. It is proposed that the Spine Road would have two sections with 40mph at both ends of the Spine Road (southern and northern end) and a lower speed limit of 30mph along the central section adjacent to the central primary school and the community hub.

6.3.8 The two sections of the Spine Road with 40mph speed limit are proposed to be from the A426 Leicester Road to Gilmorton Road and from the proposed Swift Valley community park to the A4304 Lutterworth Road. The Spine Road at these sections

would comprise a 6.75m carriageway with two 3m wide shared cycle/footway on both sides of the carriageway. **Figure 27** shows the proposed street cross-section.

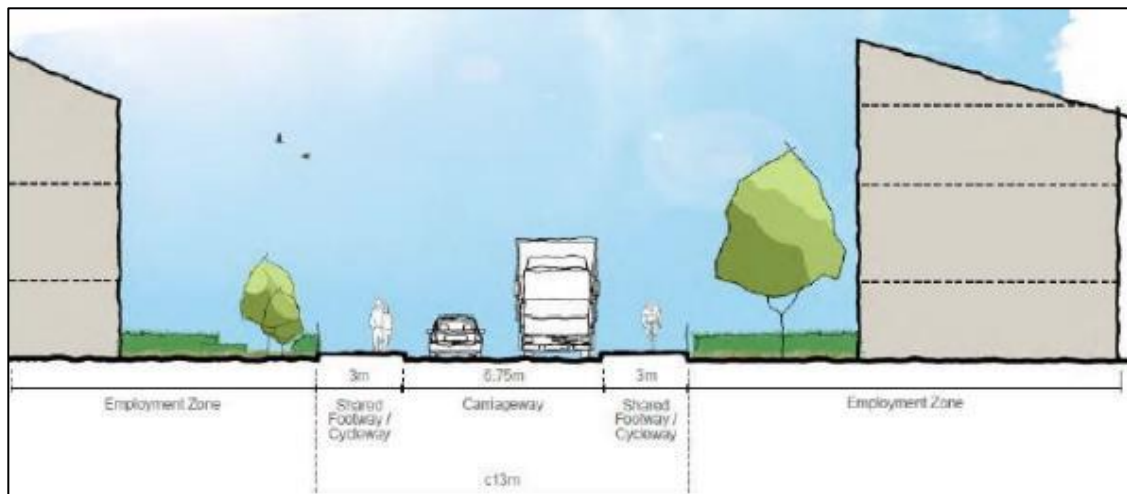


Figure 27: Cross Section of 40mph section of Spine Road

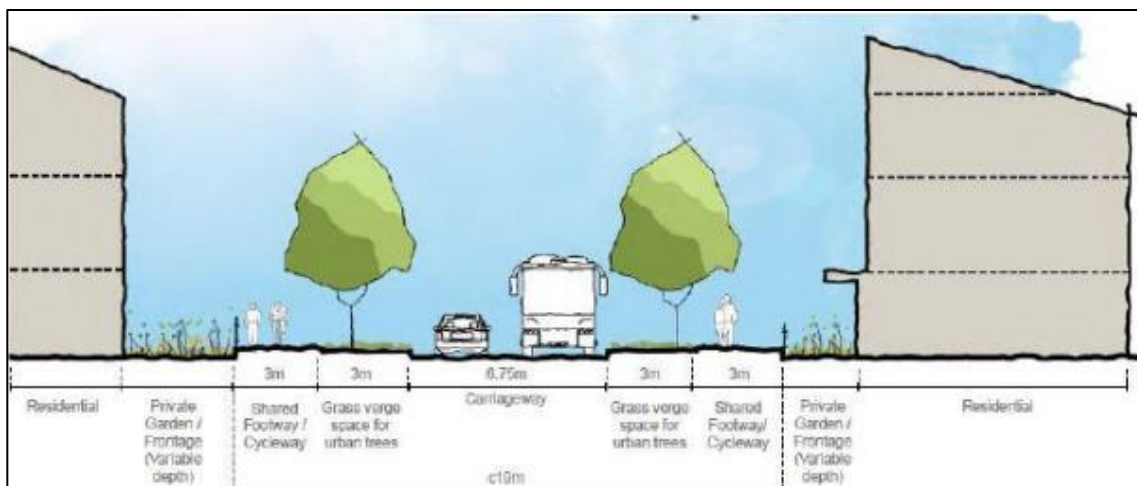


Figure 28: Cross Section of 30mph section of Spine Road

- 6.3.9 The section between the new Gilmorton Road roundabout with the Spine Road and the proposed Swift Valley community park would be designed with a 30mph speed limit. The carriageway would comprise a 6.75m carriageway, 3m wide grass verges on both sides of the carriageway and a 3m wide shared cycle/footway also on both sides. The Spine Road would provide several pedestrian crossing points, in addition to local access junctions which will be in a priority control form. **Figure 28** shows the proposed street in cross-section.
- 6.3.10 A new signalised junction on the A426 Leicester Road will be constructed (see **Figure 29**). This will connect the northern extent of the Spine Road to the existing highway network. The junction will include widening of the A426 in the vicinity of the junction to provide additional traffic capacity at the junction and will include cycle and pedestrian facilities.

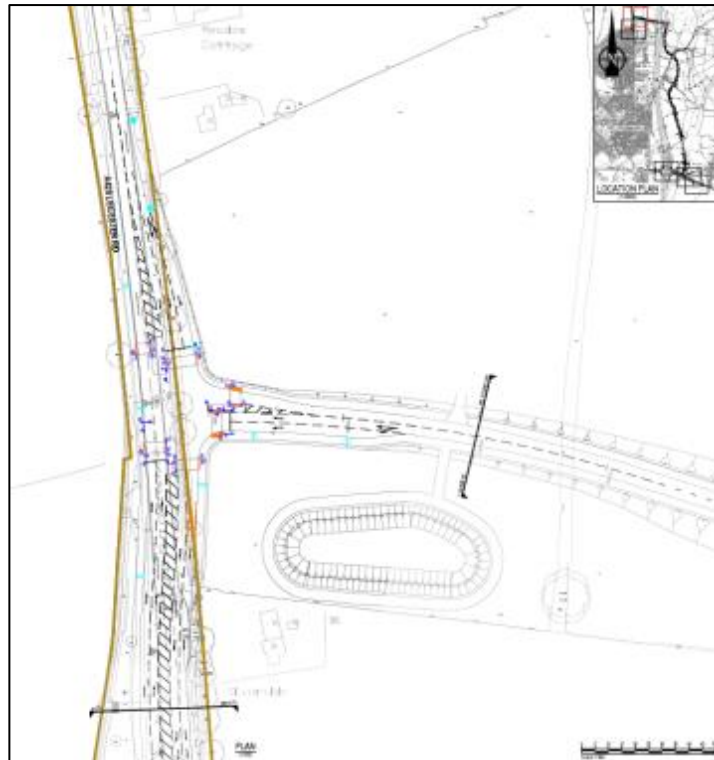


Figure 29: Proposed A426 Junction

6.3.11 Spine Road from the A426 to Gilmorton Road

The section of the Spine Road between the A426 and Gilmorton Road is designed as a 40mph route. This part of the Spine Road would provide access to the proposed B1-B2 employment uses to the north and west of Gilmorton Road. The Spine Road would comprise a 6.7m wide single carriageway with a 3m wide footway/cycleway on each side of the carriageway. This section of the Spine Road would include earthworks, a new bridge over the M1, a new '2 arm' roundabout immediately east of the M1, and a new '4 arm' roundabout where the Spine Road connects with the existing Gilmorton Road.

6.3.12 Road Bridge over the M1 Motorway

The proposed M1 crossing comprises a single span bridge, comprising a steel/concrete composite fully integral deck with full height abutments. A clear span of approximately 42m is proposed providing an appropriate width for inspections and the allowance for the future provision of the 'smart motorway'. A minimum headroom of 5.3m from the M1 carriageway to will be provided in accordance with national standards.

6.3.13 Gilmorton Road

Where the Spine Road meets Gilmorton Road a new '4 arm' roundabout junction is proposed. The roundabout is to be designed predominately off-line to Gilmorton Road to minimise disruption to traffic during construction. As a consequence, and to provide appropriate approach geometry, part of Gilmorton Road would be re-aligned to the east of the junction.

6.3.14 The Proposed Development includes closure of the Gilmorton Road bridge for general vehicular use and converting this it into a sustainable transport corridor for bus, pedestrian and cyclist use only. However, this will only occur once the Spine Road – to include the A426 junction and the M1 Motorway bridge – is completed and operational.

6.3.15 Spine Road from Gilmorton Road to the proposed Swift Valley Community Park

The section between the new Gilmorton Road roundabout and the edge of the proposed Swift Valley Community Park (see **Figure 30**) is designed as a 30mph route. This part of the Spine Road would provide access to the western part of the development (Wycliffe Fields). It provides access into a proposed Neighbourhood Centre – hereafter referred to as the Community Hub - and a proposed primary school.



Figure 30: Proposed Spine Road

6.3.16 The Spine Road would comprise a 6.7m wide single carriageway, 3m wide grass verges on each side of the carriageway that allow for the planting of street trees, bus shelters and street furniture. Alongside each verge would be a 3m wide footway-cycleway. The Spine Road is designed with a crossing points for the site's Public Footpaths as well as the development's proposed Greenways (existing permissive routes upgraded and/or new walking and cycling routes). The crossing points would be indicated by 25mm high raised tables with contrasting material palette to the carriageway and bound by chamfered kerbing.

6.3.17 The Spine Road includes the detailed design of 2 signalised junctions: one to the north of the Community Hub and one to the south of the primary school. These would connect with the Main Street that forms part of the outline proposals.

6.3.18 Spine Road from Swift Valley Community Park to A4304

The section between the edge of the proposed Swift Valley Community Park and the A4304 is designed as a 40mph route. The Spine Road comprises a 6.7m wide single

carriageway and a 3m wide footway-cycleways on each side of the carriageway. This section includes earthworks, The Main Street, which is part of the outline element of the application, connects with the Spine Road. The Main Street provides access around the eastern parts of development and will be designed as a public bus route.

6.3.19 Road Bridge over the River Swift and floodplain

The River Swift bridge (see **Figure 31**) will comprise a deck with five spans, bridging the River Swift flood plain. The total span of the structure would be 18.20 metres. The deck of the road bridge is 5m above ground level. A minimum headroom of 2.5m from ground level to the bridge soffit will be provided to allow adequate clearance for the provision of pedestrian/cycle movement under the structure, with overall deck construction including road surface of between 2.1m to 2.5m deep. The bridge includes a metal parapet at 1.5 high.

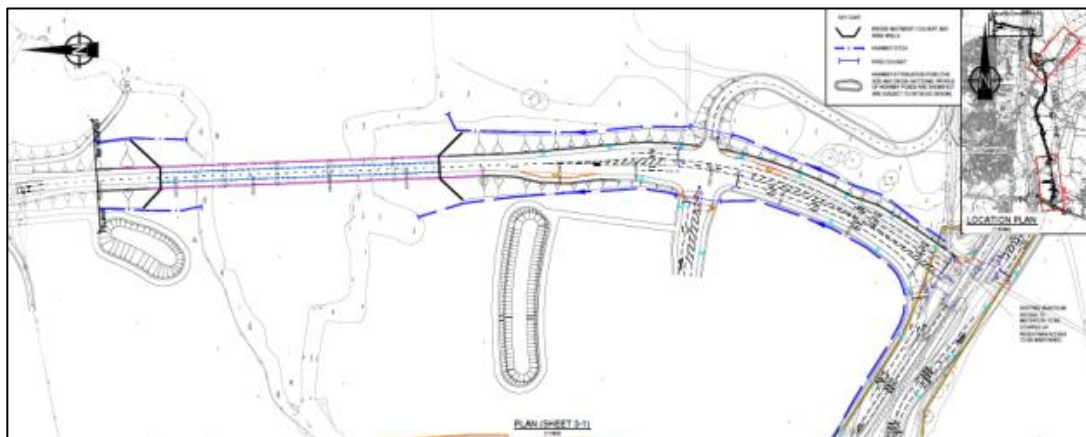


Figure 31: Proposed river crossing and Chapel Lane junction

6.3.20 A4304 Junction

A new signalised junction is proposed on the A4304 (Lutterworth Road) to access the Spine Road from the south (see **Figure 32**). The junction will include widening of the existing road to provide additional traffic capacity at the junction, integration with both the M1 J20 and proposed employment access to the south. The junction accommodates cycle and pedestrian facilities.

6.3.21 Chapel Lane Junction

The existing access to Chapel Lane from the A4304 will be closed off to vehicular traffic (cycle and pedestrian access will be maintained). A new priority junction provided on the Spine Road, north of the proposed junction with the A4304, will connect with Chapel Lane via a new section of road. Access will be maintained to Park Lodge (see **Figure 32**).

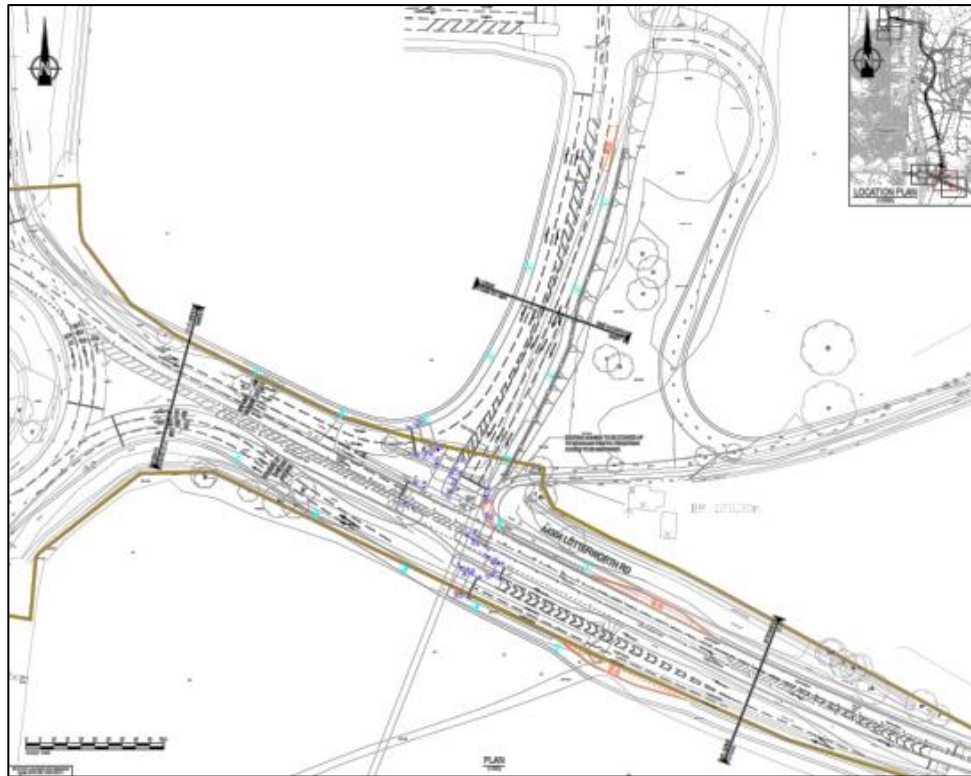


Figure 32: Proposed A4304 junction with Spine Road

6.3.22 Access to the Proposed Employment Land south of the A4304

This will comprise a new signalised junction on the A4304 to provide access to the proposed employment area to the south (see **Figure 33**). The junction will include widening in the vicinity of the junction to provide additional traffic capacity at the junction, integration with the proposed Spine Road junction, and will include cycle and pedestrian facilities.

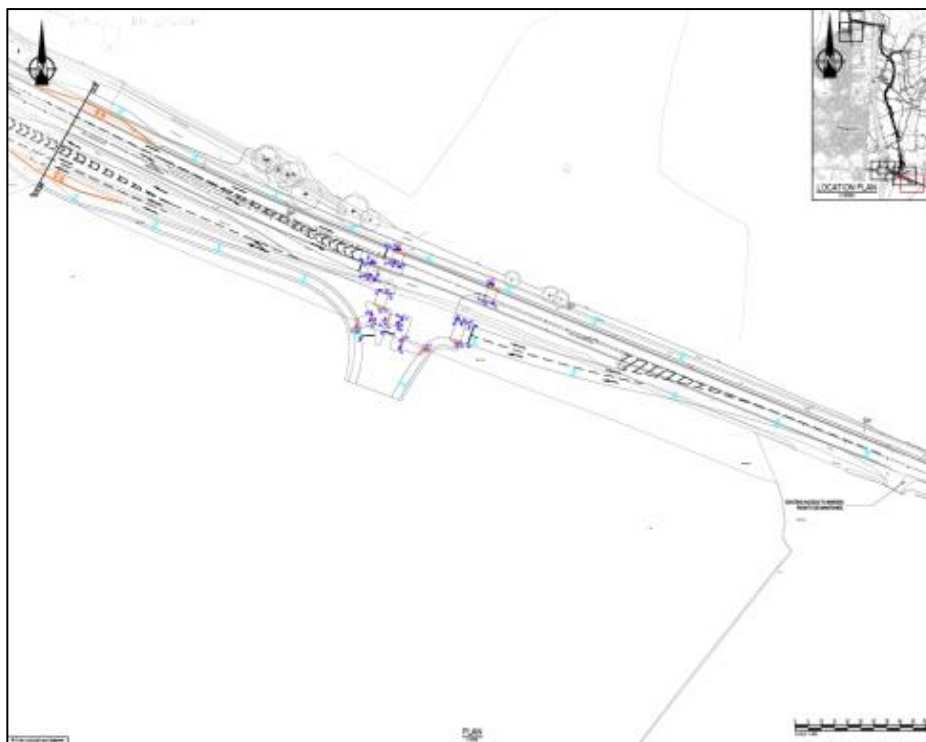


Figure 33: Proposed A4303 junction with southern site access

- *Proposed Off-site Highways works*
- 6.3.23 In addition to the junction improvements outlined above, the application proposes further off site highways works. These include the following:
- M1 Junction 20 – The proposed improvement at this junction includes:
 - full signalisation with pedestrian crossing facilities on the northern side;
 - widening the A4303 approach to 3 lanes;
 - widening the A4304 approach to 3 lanes;
 - adding one lane at the eastern circulatory; and
 - adding one lane at the western circulatory.
 - Bill Crane Way / A426 Leicester Road – The proposed improvement at this junction includes full signalisation for all four arms, with pedestrian crossings at all approaches.
 - Gilmorton Road Bridge – This route will be altered to use solely for buses, cyclists and pedestrians.
 - Further off site works at junctions may be required at a later date as the development progresses, conditions for works to be carried out by the applicant in the highway or for works to be carried out by the relevant highway authority a suitable clause in the Section 106 Agreement are recommended.
- 6.3.24 Gilmorton Road will provide access between the development area and Lutterworth town centre using the existing bridge over the M1. Due to the potential scale of traffic impact on the town centre, it is proposed that the bridge section of the road prohibits general traffic use and instead is used solely for buses, cyclists, equestrians and pedestrians. Under this arrangement, traffic from the development area and villages to the north east wishing to access the town centre and M1 Junction 20 would do so via the Spine Road. Modifications to the bridge would be required to convert Gilmorton Road bridge to a ‘sustainable transport corridor’.
- 6.3.25 Options for the sustainable transport corridor have been investigated by the applicant, with the preferred option being as follows:
- “Option 2 Narrow the carriageway, while maintaining a minimum road width of 3m and provide a continuous footway on either the north side or south side, and move the crash barrier towards the kerb and remove the hedge to provide a minimum shared footway and cycle width of 4.5m. Buses to be scheduled so that eastbound and westbound buses do not use the bridge at the same time (i.e. shuttle working), with traffic signals and detectors at both ends to ensure safety. Buses would use the carriageway and cycles would share the footway. The length of the single carriageway for shuttle working would be around 250m including the ramp on the west side to/from the bridge and the bridge itself. The road section would have a 20 or 30mph speed limit. If the shared footway/cycleway is on the south side...”*
- This option has since been further developed with more details in terms of the design and the operational method, taking into consideration all aspects such as safety, feasibility and layout design.
- *Existing Highways Network*
- 6.3.26 The application site benefits from a central location within the UK and has connections to the motorway network with Junction 20 of the M1 immediately adjacent to the south west of the application site, and Junction 19 of the M1 (and its interchange with the M6 and A14) reachable in less than 10 minutes.
- 6.3.27 Junction 20 is an un-signalised grade-separated roundabout which would be accessed via the A4304 Lutterworth Road. The DfT’s Road Investment Strategy 1 (RIS1) 2015-

2020 has committed to upgrade the M1 between Junction 13 and Junction 19 to a 'smart motorway'. Whereas the section between Junction 19 and Junction 23a is intended to be upgraded to 'smart motorway' as part of RIS2, which is due to cover the period 2020 to 2025.

- 6.3.28 To the west of the M1 Junction 20, the A4303 Lutterworth Road / Coventry Road connects the M1 to the A5. The A5 is located to the west of the development site and runs in a north-west to south-east direction and provides access to the M69 in the north. The M69 provides a connection between Leicester in the north and Coventry in the south. The junction of the A4303 Lutterworth Road with A426 Rugby Road, known as Frank Whittle junction, forms the main southern access into Lutterworth town centre. The A4303 / A426 junction is an unsignalised roundabout junction. The A426 Rugby Road also provides access to the M6 (Junction 1) approximately 5.1km to the south of the development site.

- 6.3.29 The A4303 Lutterworth / Coventry Road is a dual 2-lane carriageway which runs east-west to the south of Lutterworth and connects the M1 (Junction 20) in the east with the A5 to the west. The route provides access to both Lutterworth town centre and the Magna Park industrial estate. In proximity to the development site the road is subject to the national speed limit. To the east of the M1, the A4304 provides a connection into the residential areas of Walcote, Kilworth, and Market Harborough. Further east it provides a connection with the A6. The A4304 is a single 2-lane carriageway route.

- 6.3.30 Running through the site, Gilmorton Road connects the village of Gilmorton with Lutterworth town centre. The route passes over the M1 and connects to the A426 Leicester Road at a priority junction (with right turn harbourage). In proximity to the development site, Gilmorton Road is subject to the national speed limit.

- 6.3.31 The A426 High Street / Leicester Road is the main north-south route through Lutterworth and effectively forms the town high street. A western "bypass" (Brookfield Road – Bitteswell Road – Bill Crane Way) has been developed over a number of years to provide an alternative route between the A426 and A4303. To the east of the M1 Junction 20, Chapel Lane runs in a north-east to south-west direction connecting the A4304 Lutterworth Road with Misterton. This is a narrow track providing local access to Misterton only.

- 6.3.32 The proposed site contains several farm accesses, such as the access off Gilmorton Road to Misterton Fields Farm. Another farm access running at the south of the proposed site connects the farm to the west of Misterton with land to the west of the M1 via a farm access bridge.
 - *Assessment of Impact on the Strategic Highway Network*

- 6.3.33 When first consulted on the formal planning application in March 2019, Highways England issued a holding response to the application, due to outstanding issues having been identified with regard to the Transport Assessment (TA) dated February 2019, design, sustainable transport modes, construction traffic, safety, lighting, drainage and geotechnical matters.

- 6.3.34 Since then, HiE have been liaising with the applicant and their transport consultants in order to progress the issues identified to allow the applicant time to submit the information required. These discussions concluded with an agreement between the applicant and Highways England that highway improvement schemes will be required at Junction 20 and Junction 21 of the M1, and A5/A426 Gibbet Hill roundabout to accommodate the impact of the development on the Strategic Road Network in line

with Circular 02/2013. The improvement works at M1 J20 and J21 as submitted by the Applicant are anticipated to be constructed by the applicant after entering into a s278 agreement with Highways England.

- 6.3.35 However, for improvements identified for A5/A426 Gibbet Hill roundabout, it has been agreed that the applicant will pay the full cost of the scheme to Highways England. The implementation of the scheme required to mitigate the impact of the development at this location will then be managed by Highways England through this payment, and any works within the Local Highway Authority boundary will be coordinated between Highways England and Local Highway Authority through agreements under the Highways Act 1980.
- 6.3.36 The cost for this scheme can be secured by HDC on behalf of Highways England by including a suitable clause in the s106 agreement that will be entered into by the applicant with the LPA. The clause will contain an obligation on the part of the applicant to pay the cost for implementing the improvement works to the A5/A426 Gibbet Hill roundabout as generally shown on AECOM drawing number ACM-GEN-456517-DE-C-016 Rev 04 together with an additional sum to cover relevant costs prior to implementation e.g. those associated with agreeing the design, supervision and Road Safety Audits 1-4. Once collected by the LPA, these funds will then need to be transferred to Highways England. On the basis of the above, the Highways Agency removed its Direction to withhold determining the application and has recommended conditions on any approval.
- 6.3.37 Warwickshire Highway Authority previously raised concerns over the impact the development proposals would have on the Gibbet Hill junction of the A5/A426 and at Junction 1 of the M6. Following a review of the modelling, WCC are satisfied that the development traffic would not have a severe impact at M6 junction 1, and in further consideration of the development traffic impacts at the A5/A426 Gibbet Hill junction it is concluded that whilst the junction improvement proposed would not provide a junction with future spare capacity, it does mitigate for the impact of the development traffic and that is in accordance with the requirements set out in National Policy and Guidance.
- 6.3.38 WCC have received confirmation from Highways England that they will be delivering an improvement scheme at the A5/A426 Gibbet Hill junction. HiE's preference is to take a strategic approach to deliver a scheme that addresses the capacity requirements for strategic development sites in the area, that provides for the strategic function of the road network in this area and minimises the impact on the network that the delivery of multiple schemes in the same location would have. Therefore it is accepted that whilst the submitted scheme is sufficient to mitigate for the development traffic under consideration for this planning application, a s106 contribution, together with other s106 contributions already held and others that may be secured, will enable the delivery of a more effective junction improvement scheme, and construction of that scheme will have less of an impact on the operation of the network.
- *Assessment of Impact on the Local Highway Network*
- 6.3.39 The LHA have provided a substantive response to this application and a copy of their full comments is attached at **Appendix C** which have been accepted in informing the recommendation in this report. However, a summary of their comments is provided below.
- 6.3.40 The proposed Spine Road provides an alternative link between the A426 and the A4304 offering a degree of route choice. The analysis undertaken by the applicant details the percentage of traffic using the Spine Road as follows: through traffic as 5%

(northbound) and 23% (southbound) in the AM peak, and 20% (northbound) and 18% (southbound) of total traffic in the PM peak. Whilst this suggests in the region of a fifth of the traffic using the Spine Road is through traffic with neither an origin nor destination within the proposed development site, the primary purpose of the Spine Road is to provide development access and it is not intended to be a bypass for Lutterworth Town Centre consistent with Policy L1 of Harborough District Council's adopted Local Plan.

- 6.3.41 The design of the Spine Road is an essential consideration in ensuring that it does not create a barrier for pedestrian and cyclist movements to Lutterworth. The absence of appropriate crossing provision, a Spine Road design which is not fully integrated into the design of the development, or an over-engineered Spine Road would all run the risk of creating further severance both within the new development and with the existing town. The Spine Road is proposed to be a 6.75m width carriageway with 3m wide shared footway-cycleway provision on both sides. The design includes internal junctions to enable access to the development parcels. As requested by the LHA, these junction designs are accompanied by required assessment details including full justification of their design.
- 6.3.42 The Spine Road has been designed in line with Manual for Streets 2 principles. This approach is considered acceptable to the LHA and is understood to be in line with the Local Plan Policy L1. The LHA recognises that a careful balance must be sought in the design of the proposed Spine Road to ensure it caters for the respective needs of all highway users. Careful planning will also be required at the relevant Reserved Matters stage to develop site masterplan and layout proposals, appropriate frontage development and well-planned pedestrian and cyclist connectivity to integrate the Spine Road into the development and with the existing town located to the west of the M1 motorway.
- 6.3.43 The proposed access and off-site highway works would lead to the removal of existing highway laybys on the A4304 and A4303 in the vicinity of the proposed Spine Road access and Frank Whittle junction. The Applicant has monitored the existing use of the laybys and confirmed the ongoing requirement of this valuable highway provision. The Applicant has incorporated the provision of replacement laybys as part of the access and off-site mitigation strategy. These would be secured by planning condition/obligation which requires their delivery before the removal of the existing laybys (See **Appendix A - Condition 37**).
- 6.3.44 The LHA understands that the applicant has submitted detailed proposals for the provision of non-motorised user (NMU) connections as part of the northern access and Spine Road connection from the A426 and as part of the M1 J20 and southern access and Spine Road connection works. The remaining three required NMU connections are submitted as conceptual designs at this stage. In the absence of final scheme proposals, appropriately worded conditions have been included (See **Appendix A - Condition 22**).
- 6.3.45 A scheme for the downgrading of the Gilmorton Road bridge to restrict access to use by buses, cyclists, pedestrians and equestrians is required to be submitted for review and implementation prior to the occupation of the 650th dwelling or a vehicular connection from the Spine Road onto Gilmorton Road. Schemes for two additional points of NMU connectivity to Lutterworth Town Centre are required and available for use prior to the occupation of any part of the development site north of the A4304. The conceptual proposals have indicated these could utilise the M1 farm overbridge and M1 J20 underpass.

6.3.46 Personal Injury Collision (PIC) data has been obtained by the Applicant from Leicestershire County Council for the most recently available five-year period (2014 – 2018). Following receipt of this information the Applicant has undertaken a year on year assessment and review to determine any year on year trend or pattern and with regard to the recorded severity of incidents. Further cluster analysis has then been undertaken to seek to identify any incident hotspots and identification of any underlying concern that may require intervention. Finally, fatal incidents have been considered specifically and comparisons drawn with available national statistics. The approach undertaken is considered acceptable to the LHA. The scope of assessment undertaken to date is as detailed below in **Figure 34**.

6.3.47 The PIC study area has been extended from that which had been submitted previously, notably to the east of the M1 motorway to the villages of Gilmorton and Walcote. The scope of the presented PIC study area is now considered acceptable to the LHA. The LHA have also reviewed the assessment undertaken and conclusions drawn as set out in the submitted Transport Assessment Supplementary Report (TASR). The LHA would raise no objection to the conclusions drawn by the Applicant and would not seek to resist the development proposal on highway safety grounds.

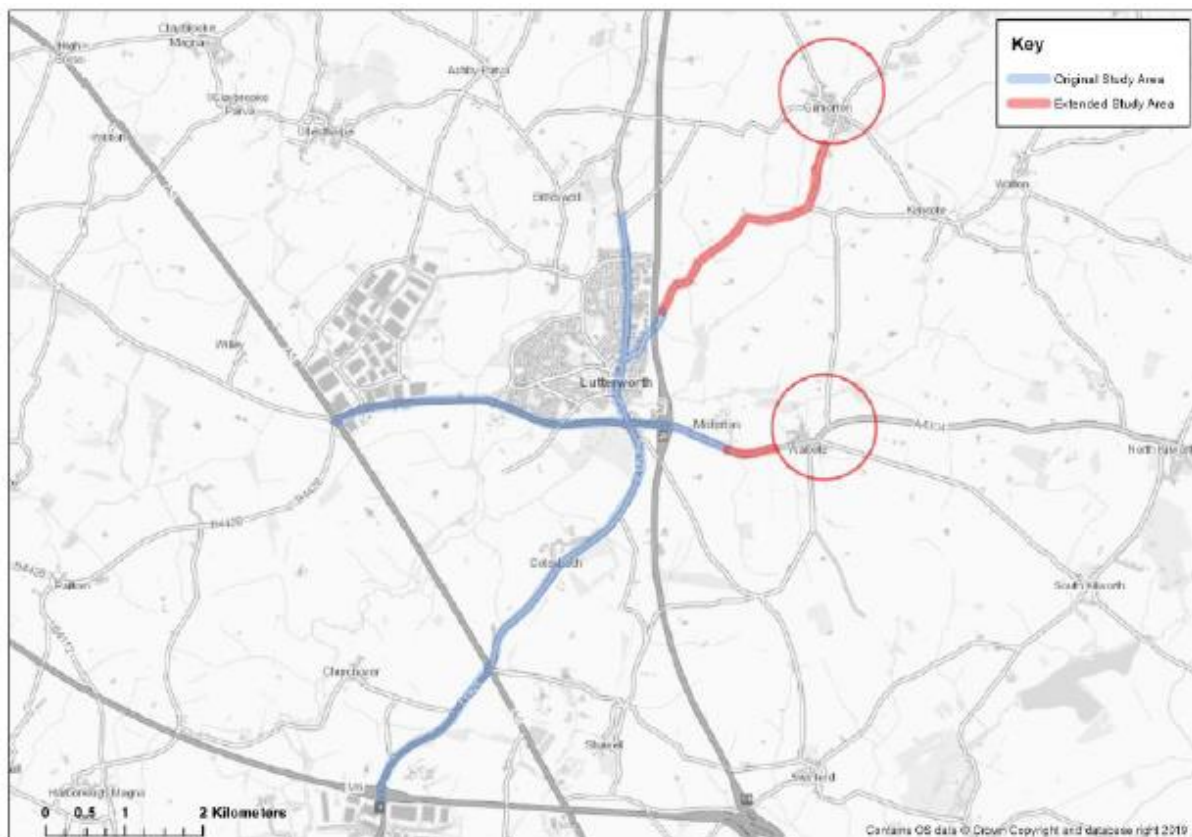


Figure 34: Scope of PIC data analysis

6.3.48 The highway and transportation implications of large development sites are tested using a strategic transport model due to the complex and interrelated transport issues. Following strategic assessment, more refined detailed analysis can be undertaken to understand and address the specific impacts of development on the network. The modelling approach taken by the Applicant is summarised below:

- Strategic Modelling: undertaken using the Leicester and Leicestershire Integrated Transport Model (LLITM); this is particularly important given how local roads and junctions can be sensitive to variation in traffic flow;

- Microsimulation and Local Junction Testing: This analysis has been undertaken using industry standard software. Where required and appropriate, highway mitigation and improvements can be developed and refined; and
- Following clarification of a preferred highway mitigation strategy, the strategic transport modelling can be undertaken again to determine the effectiveness of the strategy proposed and understand any wider impacts of the development and mitigation strategy.

6.3.49 The Applicant has predicted trip distribution for the development utilising a parent zone approach. A set of existing LLITM zones with similar characteristics to the development proposals were used to ensure a reasonable trip distribution was applied for the new trips generated and subsequently assigned to the network. Through this approach the distribution of development traffic on the network takes account of the mode of travel associated with each land-use. For example, the movement of HGVs will 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 highway network by each mode can be isolated and analysed. Trips associated with the development are further segmented by their many different purposes i.e. work commuting trips, educational trips, leisure trips etc. Principally, this approach is used to better represent real life driver behaviour and choice through the modelling process. The approach taken is considered acceptable to the LHA. The LLITM model then assigns the traffic onto the network. Whilst for most destinations there are a number of alternative routes which can be used, the optimal route is selected by the model based on time, journey cost, congestion and delay. This replicates driver behaviour.

6.3.50 In order to assess the impact of the development proposal on the highway network, scenarios with and without development have been considered for the following forecast years:

- 2021 – opening year
- 2026 – opening year + 5 years
- 2031 – opening year + 10 years
- 2036 – full development scenario

The Applicant has undertaken a detailed assessment of the referenced forecast years including comparisons drawn with the ‘without development scenario’ to determine impacts of the development. The assessment also considers the phased impact of development up to 2036 by which time it is anticipated the full development would be built out. Whilst this testing assists in demonstrating the development impact over time, it also provides a detailed evidence base to enable the determination of suitable trigger points for highway infrastructure and mitigation. The LHA response principally considers the overall impact of the development in the 2036 modelled year

6.3.51 Following review of the development impact within the study area in the 2036 AM and PM peak hours the following key observations can be made:

- General increase in traffic flows on the network with the exceptions of Coventry Road, Bitteswell Road, A4304 Lutterworth Road, the A426 and Gilmorton Road in Lutterworth town centre. This overall traffic relief is likely to be as a result of the closure of Gilmorton Road bridge to private motor vehicles, provision of the spine road as an alternative route, and the consequential rerouting of traffic.
- Increase in traffic on routes toward Bitteswell and along Bill Crane Way to the northbound A426, which utilises the development spine road.
- Increase in vehicles travelling along Gilmorton Road to the Gilmorton village area. A decrease in vehicles travelling westbound along the A4304 to the M1 Junction 20. Despite this decrease, the modelling shows 115 and 29 second delays at junctions along the A4304 corridor.

- Increase in delays at Frank Whittle, A5/A426 and Bill Crane Way junctions.
- Increase in delays at M1 J20 which impacts vehicles on the southbound off slip.
- Overall increase in trips travelling along the A4303/A4304 corridor interacting with the Frank Whittle, M1 J20 and spine road access junctions. The operation of this part of the network is a key consideration and has been subject to further assessment by the Applicant through the use of microsimulation modelling.

6.3.52 The following junctions were identified for further, detailed assessment:

1) M1 Junction 20

The results indicate that the junction operates within capacity in the 2036 baseline. As a result of the development impact the junction would operate over its operational capacity with significant queuing. A mitigation strategy has therefore been proposed by the Applicant for M1 J20 which includes signalisation of the junction, additional east and westbound entry lanes and additional circulatory lanes. Following review the proposed improvement scheme at M1 J20 is considered acceptable. **Appendix A - Condition 30** secures the improvement works required prior to first occupation of the development.

2) A5 / A426 / Gibbet Lane Roundabout

The baseline testing for this junction includes the Magna Park committed mitigation scheme. In the 2036 baseline scenario the results show that the junction would operate over its capacity with further deterioration in the 2036 with development scenario. In order to mitigate the impact of the proposed development at this junction, a scheme has been developed by Highways England.

3) A426 / A4303 Frank Whittle Roundabout

The baseline testing for this junction is based upon the recently completed improvement scheme. In the 2036 baseline scenario the results show that the junction would be approaching its operational capacity during the AM peak on the A4303 Lutterworth Road east arm. However, in the 2036 with development scenario the junction is shown to be operating close to capacity in the AM peak and overcapacity in the PM peak. The Applicant has put forward a mitigation proposal comprising a signalised crossroads. This arrangement would also require the provision of a signalised right turn for the warehouse development recently built between the Frank Whittle junction and M1 J20. Whilst the testing undertaken would appear to show that an improvement scheme is necessary to mitigate the vehicular impact of the proposed development at the Frank Whittle junction, the LHA has concerns over the mitigation solution currently proposed. Principally these concerns relate to highway safety, network and traffic management and deliverability of a scheme which requires the acquisition of third-party land. On this basis the LHA have requested a contribution in lieu of the works. The timing for this payment must also enable the works to be delivered in time to mitigate the severe modelled impact of the development.

4) A4303 Lutterworth Road / Coventry Road

The results indicate that the junction operates within capacity in the 2036 baseline. As a result of the development impact the junction would operate close to its operational capacity with queuing developing on the Coventry Road north arm in both AM and PM peaks.

5) A4303 Coventry Road / Hunter Boulevard

The results indicate that the junction operates within capacity in the 2036 baseline. As a result of the development impact the junction would operate close to its operational capacity with queuing developing on the A4303 Coventry Road west arm in the AM peak.

6) A5 / A4303 Coventry Road / Coal Pit Lane

The results indicate that the junction would be approaching operational capacity in the 2036 baseline in both the AM and PM peaks. As a result of the development impact the junction will reach operational capacity during the AM peak with Coal Pit Lane becoming fully saturated and A5 north and B4027 Lutterworth Road approaching capacity. During the PM peak, both A4303 Coventry Road and B4027 Lutterworth Road are shown to be approaching capacity.

7) A5 / Mere Lane Roundabout

The Applicant has tested the A5 / Mere Lane junction as a roundabout junction (as existing). The results indicate that the junction is predicted to operate within capacity both in the 2036 baseline and with development scenarios.

8) A426 / Gilmorton Road

Further to the LHA's initial comments, the Applicant undertook further strategic testing to understand the phased impact of the development on the highway network. Specifically, this testing was undertaken to identify an appropriate trigger point for provision of the full development Spine Road. A key finding of this assessment identified 650 dwellings and vehicular connection of the Spine Road onto Gilmorton Road as key thresholds to the performance of the A426 / Gilmorton Road junction. **Appendix A - Condition 44** limits the quantum of development allowed prior to the full Spine Road being delivered and in the absence of suitable alternative mitigation in the interim.

9) Bill Crane Way / A426 Leicester Road

As part of the access strategy for the northern connection of the Spine Road onto the A426 Leicester Road, the Applicant has proposed to signalise the Bill Crane Way / A426 Leicester Road junction. In addition to these works the existing bus stop on the A426, north of Gloster Road will also need relocating and a separate condition is advised below to enable these works (See **Appendix A - Condition 43**). The Applicant's assessment demonstrates that the existing junction arrangement for Bill Crane Way / A426 will operate over its operational capacity with excess queuing in the 2021 baseline scenario. In the 2036 with development and with junction improvement schemes scenario, the testing indicates that the junction would operate within its operational capacity.

10) Ashby Lane / Cauldwell Lane / Ullesthorpe Road

The Applicant's testing demonstrates that the junction is forecast to operate within its operational capacity in the 2036 forecast year in both the with and without development scenarios.

11) A426 / Cauldwell Lane / Ullesthorpe Road

The applicant's testing demonstrates that the junction is forecast to operate within its operational capacity in the 2036 forecast year in both the with and without development scenarios.

12) Main Street / Kimcote Road / Lutterworth Road

The results indicate that the junction is predicted to operate within capacity in the 2036 baseline. As a result of the development impact the junction would operate over its operational capacity in the 2036 with development in the PM peak. Mitigation is discussed in **Para 6.3.53**.

13) Kimcote Road / Mill Lane

The Applicant's testing demonstrates that the junction is forecast to operate within its operational capacity in the 2036 forecast year in both the with and without development scenarios.

14) Lutterworth Road / Gilmorton Road / Walton Road

The Applicant's testing demonstrates that the junction is forecast to operate within its operational capacity in the 2036 forecast year in both the with and without development scenarios.

15) Kimcote Road / Gurney Lane / Walton Road

The Applicant's testing demonstrates that the junction is forecast to operate within its operational capacity in the 2036 forecast year in both the with and without development scenarios.

- 6.3.53 As identified in the initial LLITM assessment the development proposal was reported to show a significant increase in vehicular traffic routing toward Gilmorton. Constraints to the existing junction layouts within the village limit the potential for physical and capacity improvements. Could such improvements be delivered, they may also encourage more traffic to use these routes leading to an increased impact. Consequently the Applicant has considered approaches to redistribute traffic back onto more suitable roads. The Applicant proposes to monitor the future performance of these junctions and the highway impact associated with the proposed development over time and to implement a scheme of traffic calming if required. Whilst a potential traffic calming mitigation scheme has been produced to identify measures which could be considered, the final scheme would be developed in consultation with the relevant authorities, following engagement with local communities and dependent on the outcome and results of the monitoring undertaken. Appropriately worded S106 obligations have been requested to enable this necessary monitoring and potential highway mitigation.
- 6.3.54 The Applicant summarises in Transport Assessment Supplementary Report 2 that the development trip (i.e. trips generated by the development) distribution patterns remain similar to those associated with the 'with development' (i.e. existing trips combined with those generated by the development) scenario. The Applicant goes on to consider the changes in delay observed when considering the impact of the with mitigation scenario. Notably, in the AM peak there is an increase in delay of 72 seconds on the A426 Rugby Road approach to the proposed junction improvement at Frank Whittle. There is a decrease in delay of 112 seconds on the A4304 approach to M1 J20 and 82 seconds on the M1 southbound off slip with small increases in delay observed on the circulatory carriageway of M1 J20. The same pattern is observed in the PM peak with regard to the M1 southbound off slip seeing a decrease in delay of 23 seconds along with small increases in delay on the M1 J20 circulatory. Minor increases in delay of around 10 seconds are observed on Bill Crane Way and the A426 at the junction with Bill Crane Way.
- 6.3.55 The Applicant concludes that the impact of the development can be accommodated on the local and strategic highway network, given the implementation of the identified package of mitigation. The LHA notes the greatest increase in delay is associated with the Frank Whittle junction improvement proposed by the Applicant. The LHA have requested a s106 contribution be secured in lieu of the proposed Frank Whittle junction improvement to deliver an alternative scheme.
- 6.3.56 It should be noted, that alongside Landscape and Noise matters, a significant level of the objections received from the local community, parish councils and Lutterworth

Town Council concern the traffic implications of a development of this scale. These concerns are fully appreciated and the LHA have considered all issues and concerns raised.

○ *Existing Public Transport facilities*

- 6.3.57 There are six bus services running within Lutterworth using the town centre loop between High Street, Church Street, George Street and Market Street as the main hub. **Figure 35** shows the bus service network within Lutterworth. There are two bus services running in the vicinity of the proposed site. Bus service 661 runs between Lutterworth and Peatling Parva via Gilmorton Road and bus service 58 runs between Lutterworth and Market Harborough via the A4304 Lutterworth Road to the south of the proposed development site.

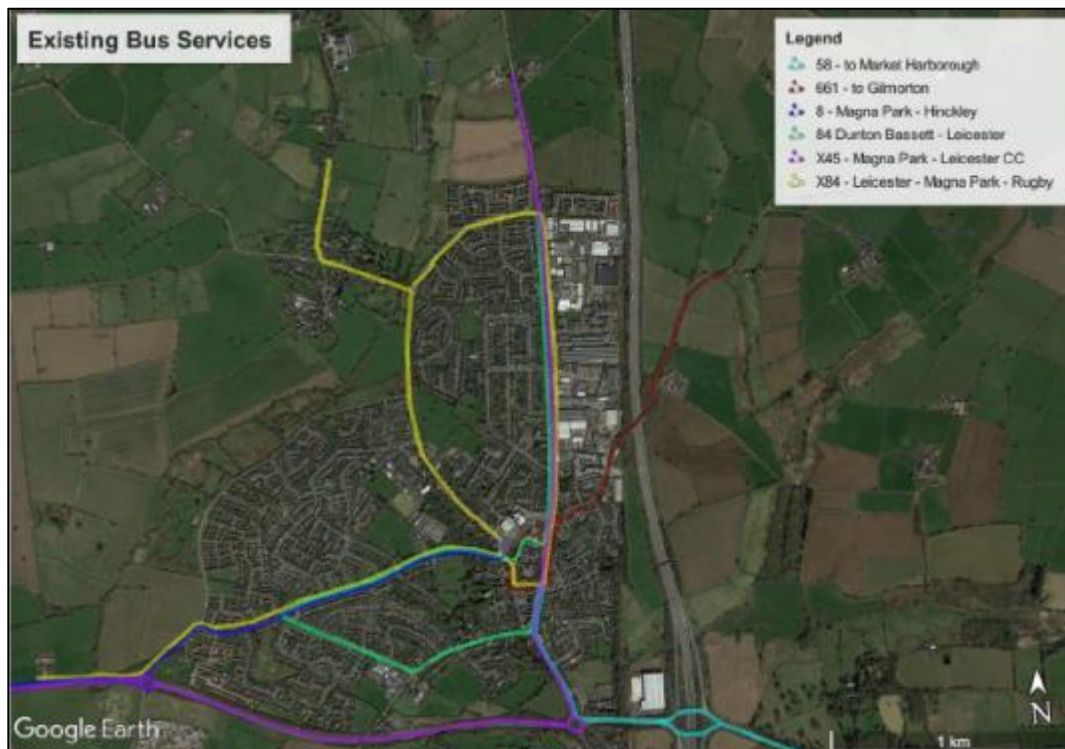


Figure 35: Lutterworth Bus services

○ *Proposed Public Transport facilities*

- 6.3.58 Policy L1 of the Harborough District Local Plan contains a specific criterion in respect of the provision of the public transport. Criteria 3p states:

“3. p. a regular and frequent bus service to all parts of the SDA as they are developed to meet the needs of the community and employees, together with convenient bus stops and real-time information to encourage its use;

- 6.3.59 With the absence of a railway station in Lutterworth, bus services are the only form of public transport. As set out above, Lutterworth is currently served by several bus services. With consideration to the proposed development scale and its land use mix, the applicants have agreed with LCC that there is a need to provide a convenient and reliable bus service to serve the proposed development. The TA submitted in support of this application proposes the following service diversion / new services to support the development:

- Extension of bus service 84 (Dunton Bassett – Leicester)
- Extension of bus service 8 (Magna Park – Hinckley)
- Dedicated shuttle service between the development and Lutterworth town centre

These are set out in **Figure 36**. Discussions will need to be held between various parties (developer, LCC Highways and bus operators) on what bus routes and services will be provided and the phasing of their implementation.

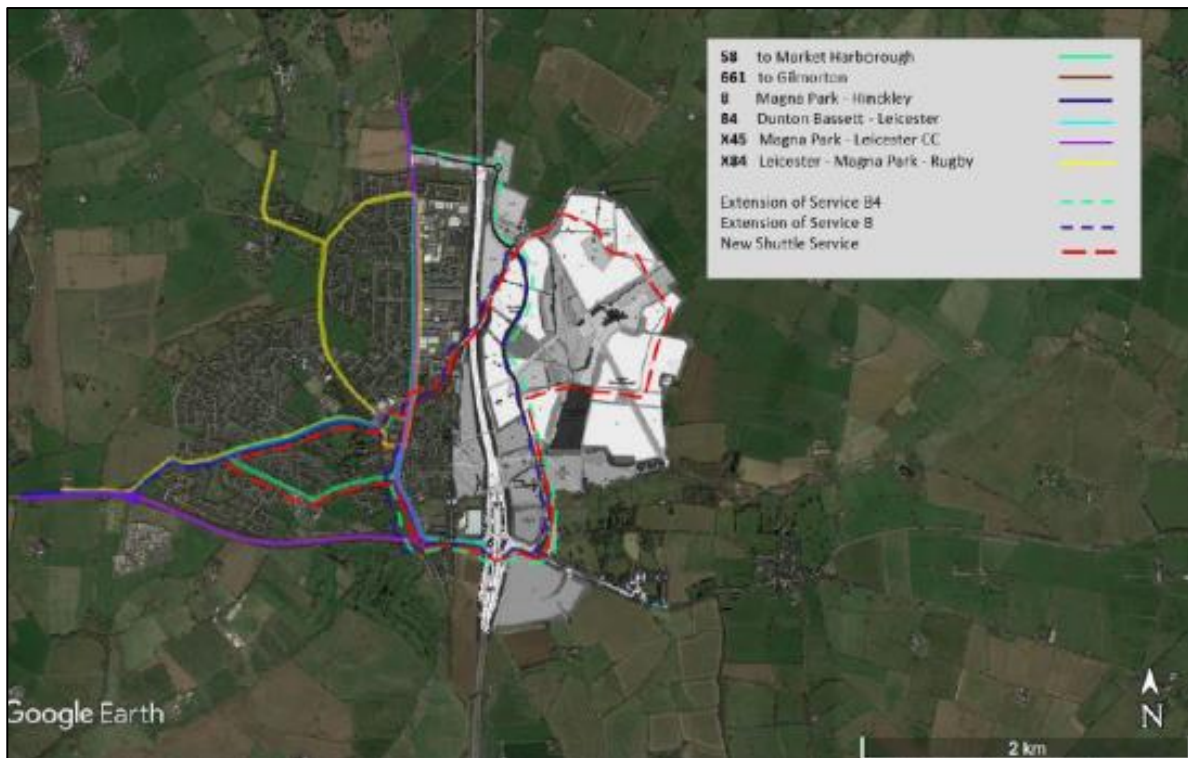


Figure 36: Proposed Bus route alterations

- 6.3.60 The Applicant has reviewed existing public transport service provision in Lutterworth. Given the scale and mix of land use proposed and the essential policy requirement for high quality public transport provision to support and make acceptable in planning terms a sustainable urban extension such as Lutterworth SDA, the Applicant has identified a variety of public transport options which could be explored further.
- 6.3.61 The LHA understands these proposals broadly include extensions to existing services and/or an additional shuttle service linking the new development to the town centre of Lutterworth. The LHA would advise that the general principles currently proposed to provide access to essential services in Lutterworth town centre are acceptable. The finer detail and mechanism as to how this is actioned and the timing and phasing of provision of services will be subject to further assessment and investigation by the Applicant in liaison with relevant stakeholders. The LHA would therefore advise at this stage that its preference would be for the developer to provide / procure services in line with the LHA's minimum service level specification. **Condition 49** secures this.
- 6.3.62 The Applicant has prepared a Framework Travel Plan to accompany the submitted application. Following development of the site wide Framework Travel Plan the Applicant has identified the need for future phases and occupiers to sign up to the overarching principles of a framework document for the whole site, but develop and provide more detailed individual Travel Plans specific to the individual unit(s). This approach is welcomed by the LHA and accepted.
- 6.3.63 The submitted Framework Travel Plan identifies a number of measures to promote and encourage use of walking, cycling and public transport. These would be developed further by an appointed Travel Plan Coordinator and in liaison with the LHA. This

approach is acceptable to the LHA. A suitably worded condition (See **Appendix A - Condition 48**) and contribution below would enable the implementation and monitoring of these Travel Plans and associated measures.

- *Pedestrian and cycle facilities*
- 6.3.64 Policy L1 of the Harborough District Local Plan contains specific criteria with regards to the provision of pedestrian and cycling facilities. Criterion 3o and 3s state:
- “3. o. *a minimum of 5 crossings which provide dedicated walking and cycling connections into Lutterworth across the M1, forming part of a network of legible, direct, safe and attractive routes, which will all be well-lit, surfaced, with good natural surveillance and provide connections to Lutterworth town centre, the local centre and employment uses within the SDA, and to existing cycle routes, bridleways and footpaths, including the National Cycle Network, in accordance with Policy IN2;*
 - s. *a parking strategy, including cycle parking, and servicing for each development parcel to determine the location of parked cars to ensure that they can be accommodated without dominating the built environment (and having regard to Leicestershire County Council Highway Design Guide);”*

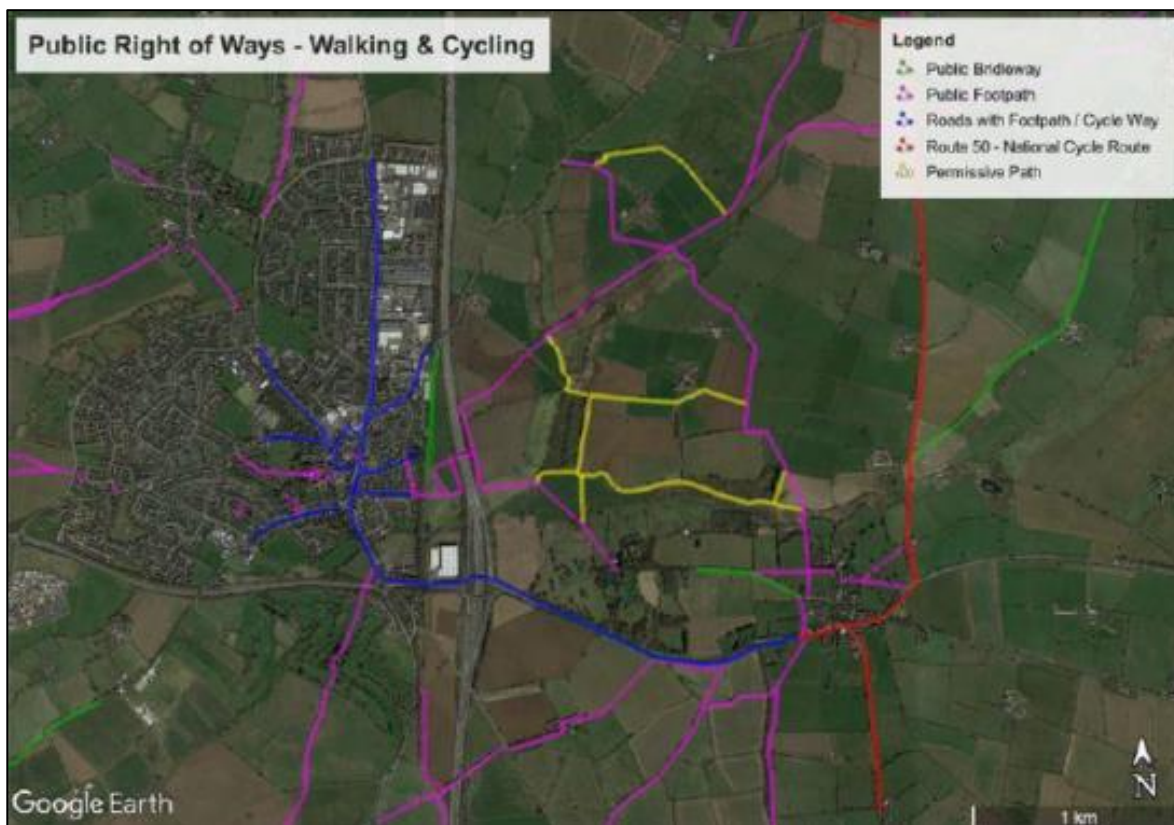


Figure 37: Existing cycle and pedestrian links between Lutterworth and the application site

6.3.65 The application site and Lutterworth town centre are separated by the M1. There are currently four crossings of this route:

- Gilmorton Road, which runs north-east to south-west from the village of Gilmorton;
- a farm access bridge which crosses the M1 to the south of Gilmorton Road;
- underpass to the north of Junction 20; and
- M1 Junction 20.

Gilmorton Road is a single-two lane road without footpath facilities across the M1. The farm access bridge connects footpaths on either side of the M1. There is an informal

point of crossing which runs underneath the Junction 20 north facing slip roads, which is used by leisure pedestrians to cross the M1. There is also an off-road shared cycle/footway running along the northern edge of the A4304 Lutterworth Road that continues (at uncontrolled crossing points) across the northern slip roads of the M1 (Junction 20). **Figure 37** shows the Public Rights of Ways (PROWs) as identified by LCC's website, in addition to footpaths/cycleways which are provided on local roads.

- 6.3.66 There are several cycle routes around the proposed development site. Route 50 of the National Cycle Network runs through Gilmorton village to the east of the site and connects to National Cycle Route 6 close to Willoughby Waterleys approximately 7.5km to the north of the development site. **Figure 37** shows the cycle routes surrounding the site and within Lutterworth town centre. These are mainly categorised as recommended routes and off-road surfaced / unsurfaced, with an off-road route running along the A4304 towards the south of the proposed development site providing a connection to Walcote to the east and Lutterworth to the west.
- 6.3.67 At present, the only realistic pedestrian and cycle opportunities to travel from the proposed development site to the employment opportunities, services and facilities in Lutterworth are the existing farm access bridge and via the Gilmorton Road bridge. The existing underpass does not offer a direct link, currently has a number of blockages and the ground conditions can make the route impassable. The J20 route again does not currently offer a direct link, and is very underused, in all likelihood due to the proximity of the route to the busy junction and the lack of crossing control.
- 6.3.68 The routes leading to / from these links are intended for leisure use and, as a minimum these would need upgrading to make them more usable and a realistic opportunity to encourage walking and cycling from the development site. As the sustainable connectivity between the proposed development site and Lutterworth is a critical factor, taking into consideration the M1 acting as barrier to movement, there is a need to provide good quality connections across the M1 to facilitate high integration between the west and east of Lutterworth. This is demonstrated by the requirement in Policy L1 of the Harborough District Local plan for a minimum of 5 dedicated pedestrian and cycle crossing points to ensure that severance of the development from Lutterworth is minimised as far as possible.
- 6.3.69 Detailed Public Rights of Way (PROW) proposals have been submitted at this stage where PROW cross the proposed Spine Road. The proposed Spine Road is crossed by two Public Rights of Way, designated Y57 and Y97. Y57 is proposed to cross the Spine Road on its existing alignment and connect into the pedestrian and cycle route being provided alongside the Spine Road. The proposal is considered acceptable to the LHA. Y97 would be crossed by a raised section of the Spine Road carriageway leading to the bridge over the River Swift. It is proposed to move the footpath and raise it to the level of the proposed carriageway. The rise should avoid steps or excessive sloping. The crossing is at a point where traffic would be subject to a 30mph speed limit. In addition, a controlled crossing is proposed to be provided. The path would also link into the footway/cycleway being provided next to the carriageway on both sides. As such, both Y97 and Y57 will be linked by the path provided. The proposal is considered acceptable to the LHA.
- 6.3.70 The development proposes to provide a walking and cycling network within the site itself with five points of crossing on the M1, as shown on the development connectivity plan in **Figure 38**. It is proposed to provide/improve crossing points over the M1 at five locations as following:
1. Provision of a shared footway/cycleway along both sides of the Spine Road and connecting over the M1 to the A426 north of Lutterworth town centre;

6.3.72 The Applicant has produced a Walking, Cycling & Horse-Riding assessment (WCHA) and conceptual proposals which are indicated on the submitted masterplan. The Applicant has also undertaken to review the report and proposals as the phasing and design of the development is developed further. The plan and report sets out proposals, including a recognition that the area will fundamentally change as a consequence of the proposed development. In the absence of a detailed survey and assessment of the wider PROW network beyond the redline boundary a suitably worded condition is recommended (See **Appendix A - Condition 51**) to ensure that this necessary assessment is undertaken and any identified mitigation proposals delivered. This assessment will need to include connections to Misterton and Walcote. The LHA is aware of the aspirations of Misterton and Walcote Parish Council for a signalised pedestrian crossing to be installed on the A4304. At this stage it has not been identified that a crossing in this location is necessary to make the development acceptable in planning terms. However, this further assessment may identify the need for wider mitigation measures.

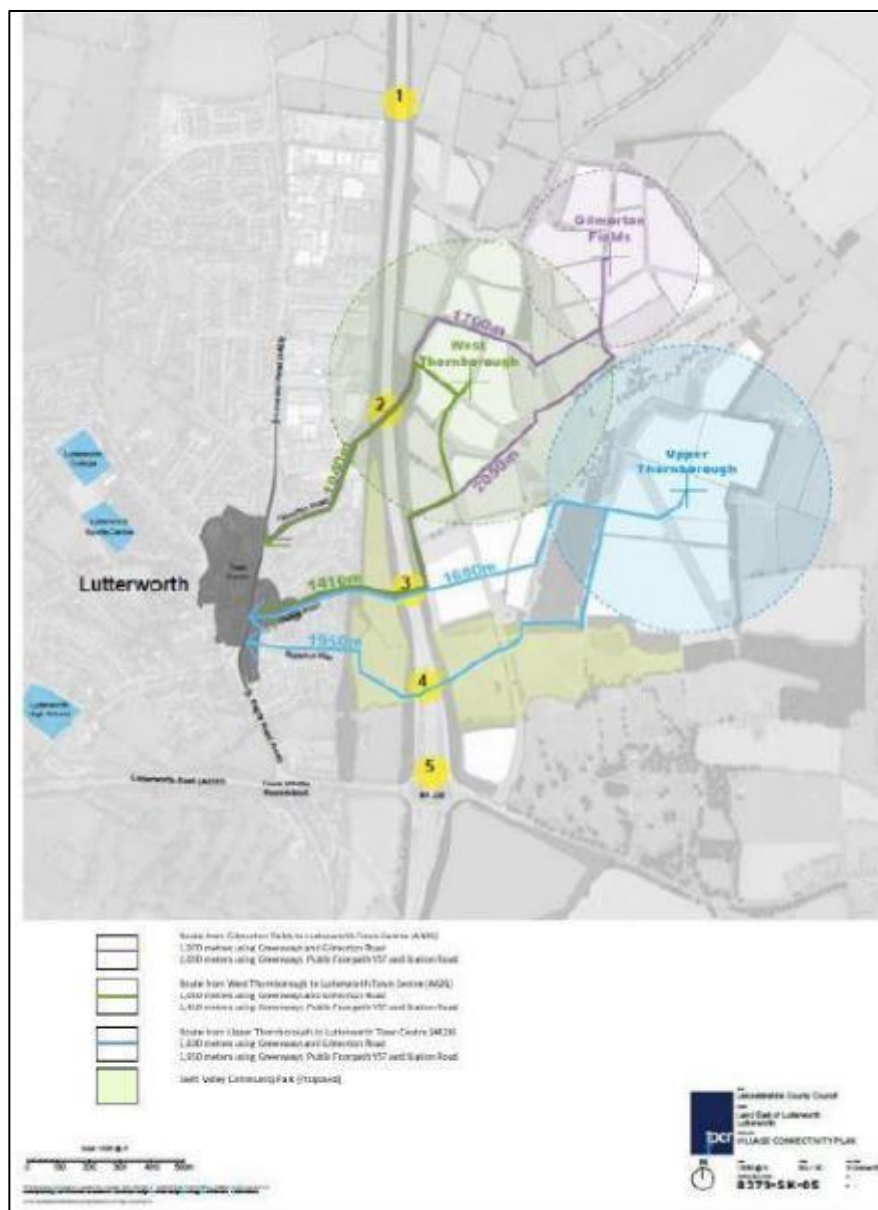


Figure 39: Assessment of distances from development to Lutterworth Town Centre

- *Outline Construction Traffic Method Statement*
- 6.3.73 The Applicant has submitted an Outline Construction Traffic Management Plan which seeks to identify the likely impacts associated with the construction of the development on the local highway network, communities and the environment. The LHA recognises that this will remain a live and evolving document and will require updating and refreshing during the lifetime of the project and as individual development parcels come forward and specific impacts and requirements are known. Whilst the contents of this document are noted and the sentiments welcomed in general terms, a revised Construction Traffic Management Plan, including as a minimum final details and proposals for the routeing of construction traffic, wheel cleansing facilities, location of construction compounds, construction access, vehicle parking facilities, and a timetable for their provision will need to be submitted for approval. The LHA understands the Applicant's wishes to access the development site via temporary construction accesses, and not the proposed permanent accesses. Therefore, **Appendix A - Conditions 39 & 40** require details of these temporary accesses to be submitted. Furthermore, **Appendix A - Condition 6** requires the submission of a detailed Construction Traffic Method Statement for each phase of the development.
- *Cumulative Highway Network Effects*
- 6.3.74 Appendix A1 of Volume 2 of the ES contains a "Cumulative Effects – Projects for Consideration" plan. These include the expansion of Magna Park and the upgrading of the M1 to a Smart Motorway. Officers would agree with the scope of projects that should be considered cumulatively with the development. The assumptions for modelling these developments were agreed with both LCC Highways and Highways England to appropriately take them into consideration during the development assessment. It has been concluded that the cumulative impact at the majority of the modelled junctions would be Negligible, however there would be a Minor Adverse impact at the following junctions:
- A4303 Lutterworth Road / Hunter Boulevard roundabout
 - A426 Leicester Road / Cauldwell Lane / Ullesthorpe Road priority junction
 - Kimcote Road / Lutterworth Road priority junction (in Gilmorton)
 - Kimcote Road / Mill Lane (in Gilmorton)
- It was also concluded that there would be a Minor Beneficial cumulative impact upon the A5 / Mere Lane priority junction.
- 6.3.75 As set out in **Para 3.43 of this report**, the decision of HDC's Planning Committee on the 12th May 2020 to resolve to grant consent for a new supermarket on Rugby Road, Lutterworth, adjacent to the Whittle Roundabout, resulted in the need for this to be addressed as part of an updated Cumulative Impact Assessment. This additional work was carried out by the applicants, and also assessed the new sites at Lutterworth Road, Gilmorton and De Verdon Road in Lutterworth and as well as the Rugby Road site. Officers agree with the scope of the additional projects that should be considered cumulatively with the development. The assumptions for modelling these developments were agreed with both LCC Highways and Highways England to appropriately take them into consideration during the development assessment. It has been concluded that the cumulative impact at the majority of the additional developments would be Negligible.
- 6.3.76 As part of the consideration of both this application and the Rugby Road food store application, concerns were raised through representations about the potential conflict between the new junction to serve the food store and the proposed alterations to the Whittle Roundabout. As part of the additional work carried out by the applicants, they have assessed these issues and have concluded that both schemes can operate satisfactorily together.

- *Summary*
- 6.3.77 The development proposes a new Spine Road, which will be a street connecting the A426 Leicester Road to the north and the A4304 Lutterworth to the south, with a new mid-point junction with Gilmorton Road. It is also proposed to convert the Gilmorton Road bridge over the M1 into a sustainable transport corridor, to carry only buses, pedestrians and cyclists. The proposed development includes for bus service diversion and enhancement to serve the development, in addition to a new shuttle service connecting it with Lutterworth town centre. It is also proposed to provide an extensive walking and cycling network within the development site in addition to the provision / enhancement of five M1 crossings to improve connectivity to and from Lutterworth. The development proposal includes capacity improvements for M1 Junction 20 and the Bill Crane Way junction with the A426 Leicester Road.
- 6.3.78 The submitted TA has undertaken a robust assessment of the development. The base year 2018 junction assessments show that all of the junctions are performing within their operational capacity with the exception of the roundabout of the A5/A426 Rugby Road / Gibbet Lane. This junction showed that during the AM peak hour both the Rugby Road and A426 south arms are approaching their capacity, whereas during the PM peak hour the A426 south arm has reached its capacity with significant queues.
- 6.3.79 As part of the TA, both 2021 opening year and 2036 design year forecast scenario were tested. In all junction assessments of these scenarios, the impact of proposed development traffic is forecast to be negligible/minimal. The TA Supplementary Report discusses the 2026 and 2031 interim years scenarios as was requested by LCC HDM. These scenarios have investigated the phased impact of the development and would indicate the trigger points of the off-site mitigation measures.
- 6.3.80 The introduction of the Spine Road in conjunction with the proposal of converting Gilmorton Road Bridge into sustainable transport corridor would provide the opportunity to reduce the traffic travelling through Lutterworth town centre. All of the forecasts assume no traffic management measures within the town centre, which if implemented could possibly provide further relief by encouraging some through traffic to use the Spine Road.
- 6.3.81 The benefits of the increased connectivity of public rights of way is a material consideration in the determination of the application. Whilst it is acknowledged that the proposal will inevitably result in increased traffic flows, subject to the required mitigation, the increased traffic flows would not result in a significant impact upon the surrounding highway network. Furthermore, improvements to existing junctions in the area, coupled with improvements to foot and cycleways in the locality will result in a highway gain. It is therefore considered that the proposals will have a minor beneficial impact upon the highway network and would therefore accord with Policies GD8, IN2 and L1 of the Harborough District Local Plan in this respect.

4. Landscape and Visual Impact

- 6.4.1 The ES contains a chapter (Chapter 12) on Landscape and Visual Impact which was prepared by FPCR Environment and Design Ltd.
- 6.4.2 The ES confirms that the Site does not lie within any nationally designated landscapes (e.g. Area of Outstanding Natural Beauty or National Park).
- *Landscape Policy*
- 6.4.3 Policy L1 of the Harborough District Local Plan contains a specific criterion with regards to the protection of the landscape in the surrounding area. Criteria 3z states:

- “3. The masterplan will guide the creation of a high quality sustainable urban extension to Lutterworth and an attractive environment for living, working and recreation. It will address and overcome the issue of community severance resulting from the presence of the M1, to create a sustainable urban extension which is permeable and well-connected to Lutterworth via legible walking and cycling routes with good natural surveillance. It will provide for:
- z. structural planting along the northern, eastern and southern boundaries to provide a sympathetic urban-rural transition and relate well to surrounding countryside.”

6.4.4 Other relevant Landscape Policy and Guidance is set out in **Section 5** of this report.

- *Landscape Character*
- 6.4.5 The ES highlights the majority of the Site as falling within the “Lutterworth Lowlands” landscape character area as identified by the Council’s Landscape Character Assessment (prepared by The Landscape Partnership (hereafter referred to as ‘TLP’), 2007) (see **Figures 40 and 41**).

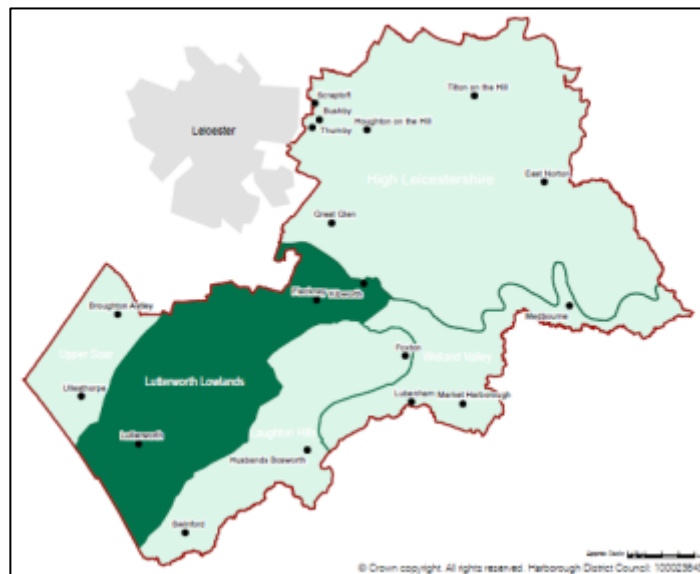


Figure 40: Landscape Character Assessment Map (District Wide)

- 6.4.6 The Lutterworth Lowlands is an area of predominantly open, gently rolling pasture. Regular, medium sized fields are divided by mature hedgerows that appear to be declining in extent in places. There is little woodland of any significant size within the character area and where it does feature, it appears to be concentrated around the parkland estates towards the north of the area. The area is characterised by open views across the flatter expanses of the area. Lutterworth, in the south of the area, is the area’s main town with the expanding villages of Fleckney and Kibworth towards the north east of the area.
- 6.4.7 The M1 motorway runs north to south parallel with the A426 and divides the character area towards the west, passing Lutterworth. The motorway acts as a significant barrier across the landscape in visual, noise and connectivity terms. A series of bridges along the M1 and A426 connect the otherwise separated segments and provide continued links along the A4303/A4304 towards Market Harborough and other local routes. A network of minor roads runs through the Lutterworth Lowlands connecting the larger settlements with the spread of villages and farms scattered across the area. Traffic noise generated by the larger roads is locally intrusive.

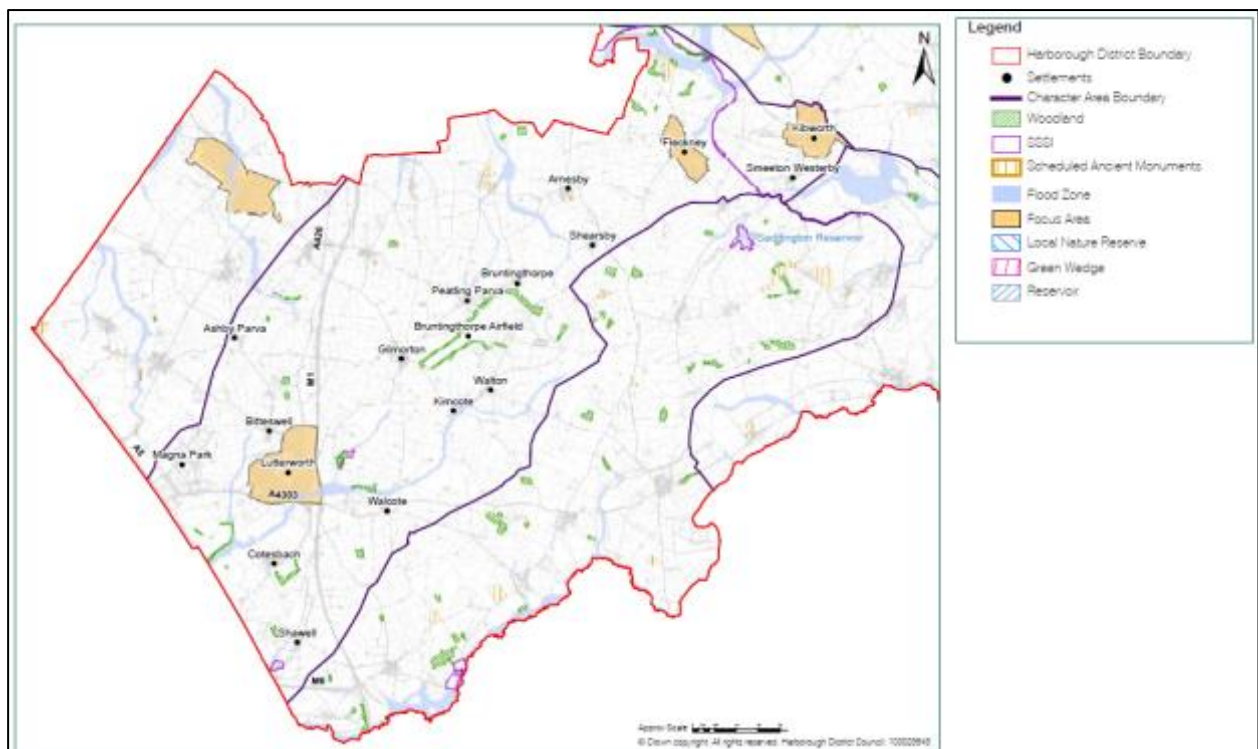


Figure 41: Landscape Character Assessment Map (Upper Soar and Lutterworth Lowlands)

6.4.8 Other significant developments within the area include Magna Park Distribution Park; a locally visually prominent warehousing and distribution centre to the west of Lutterworth, along the A5. The current layout is relatively successfully screened by woodland planting around the boundary. To the north east around Dunton Bassett sand and gravel extraction occurs in the generally open and flat landscape. There is also a large quarry near Shawell.

6.4.9 The key characteristics of the Lutterworth Lowlands LLCA are:

- Open and relatively flat, to gently rolling area
- Lack of large woodland areas
- Farming is predominantly grazing
- Scattering of small villages with larger settlements of Kibworth and Fleckney to the north and Lutterworth to the south
- Contains Bruntingthorpe Airfield
- The M1 and the A426 run through the area
- Contains Magna Park Distribution Park to the west of Lutterworth

6.4.10 Lutterworth is also subject to a more detailed “focus area” section within the LCA. Within this it is stated that the relatively flat landform and open nature of the arable fields to the north of Lutterworth provide views along the approach road of the A426 towards the perimeters of Lutterworth. The northern settlement edge of Lutterworth is contained by Bill Crane Way with properties facing out across the open arable land that falls away to the west. Running parallel with the A426 is a dismantled railway alongside the M1 creating an enclosed parcel of land to the north of an existing industrial warehouse area. The dismantled railway has created a vegetation belt running along the western edge of the M1.

6.4.11 The eastern edge of Lutterworth is defined by the M1 and the dismantled railway, restricting the extent of development. Further to the south, adjacent to the east of

Lutterworth the land falls away to the south, distant views open up into the countryside with partial enclosure on the higher points beyond the ridgeline.

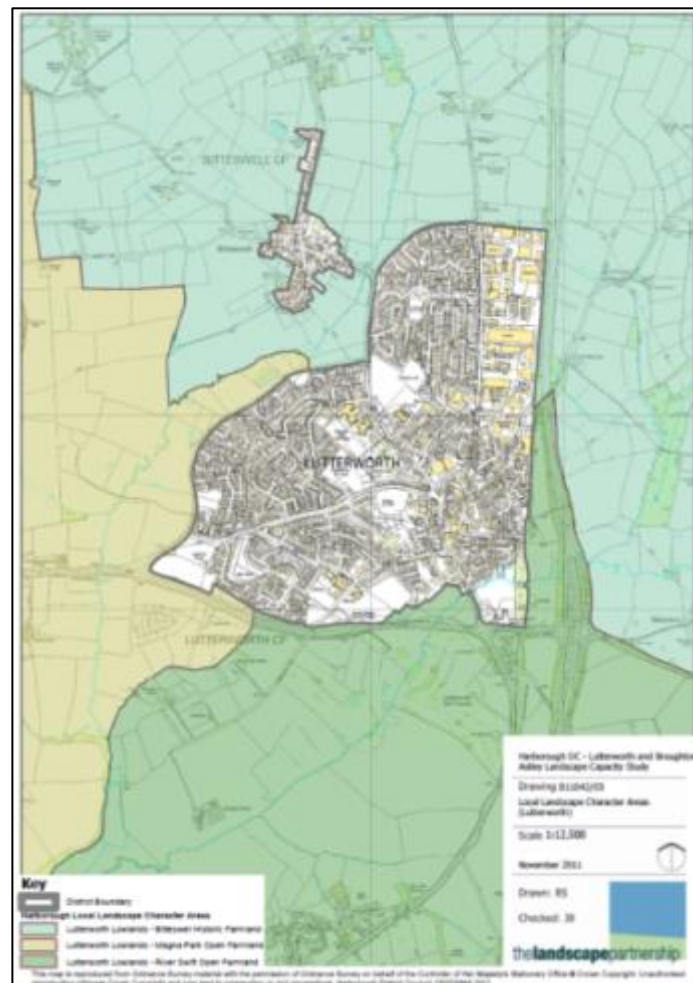


Figure 42: Lutterworth and Broughton Astley Landscape Character Areas

6.4.12 The 2011 Lutterworth and Broughton Astley Landscape Character Assessment and Landscape Capacity Study looked at the area in more detail. As part of this assessment, it was considered that the area within which the application site falls should be classed as the Lutterworth Lowlands – Bitteswell Historic Farmland character area (see **Figure 42**). Within this it is stated that key characteristics of the area include:

- Gently sloping landform in a series of distinctive valleys³
- Predominantly pastoral farmland, grazed by sheep with some cattle³
- Frequent ridge and furrow, particularly around Bitteswell
- Small to medium scale woodland blocks throughout area creating a treed appearance³
- Hedgerows well maintained, medium to low, with hedgerow trees mainly ash and oak³
- Numerous brooks and rivers, often originating from springs within the area³
- M1 corridor and associated vegetation that mainly runs through area in cutting³
- Cross valley views

and that the distinctive features of the area are:

- Bitteswell Brook

³ Feature of particular relevance to application site

- Bitteswell Hall Park
- Area of parkland with varied tree species adjacent to The Lodge, Bitteswell
- Bitteswell Graveyard
- Thornborough Spinney³
- Views of Bitteswell church
- Dismantled Railway Line³

6.4.13 Further to the above, in 2016 a “Preliminary Landscape Assessment of Alternative Strategic Development Areas” was carried out with by TLP on behalf of HDC in respect of the sites for allocation as part of the evidence base for the now adopted Local Plan. This assessment looked in detail at the current application site, breaking it down into 3 main sub areas (see **Figure 43**).

6.4.14 The central core of the application site is focused around a network of gently sloping tributary valleys. The core of the site (Area A) includes a central Y shaped valley which leads south to the River Swift, which flows, from east to west through the site. The site typically varies between 130 to 110m AOD with soft ridges present to the north-east and south of the site(see **Figure 43**). This pattern of landform is typical of the wider landscape character area of the Lutterworth Lowlands. Sub-Areas B and C are located on slightly more elevated land around 130m AOD and are more gently sloping plateaux in character.



Figure 43: Plan of site assessed as part of Preliminary Landscape Assessment including sub areas

- 6.4.15 There is generally a good network of hedgerows, typically medium to tall in height. The condition of hedges tends to be stronger where they support livestock and pasture. Hedgerow trees are present throughout the area to the variable levels of concentration and are predominately ash. In some locations, field boundaries comprise post and wire fences or are unmarked for example to the south-west of Lea Barn Farm. There is one large area of woodland to the centre of the site at Thornborough Spinney. This contains both areas of conifers, poplars and mixed deciduous planting of varying ages and maturity. Other woodland features within the area comprise a number of small copses, riparian tree cover along the River Swift and some linear belts of tree cover along the main roads. The latter category includes planting along the cutting and embankments of the M1 to the western boundary of the site and also along the A4304 corridor to the south.
- 6.4.16 Within the application site land use is predominantly a mix of arable and pasture. Pasture is present throughout the area but tends to dominate in the lower lying valley floor with arable more prevalent on areas of higher ground. Misterton Marshes SSSI is located to the centre of the site and partially overlaps with Thornborough Spinney. This provides further variation to the land use and includes areas of fen, marsh swamp and neutral grassland and is currently being managed by grazing. The scale of Sub-Areas, A and B is typically medium with a variety in pattern and texture due to the combination of arable and pasture and areas of woodland and copses. Sub-Area C is relatively larger in scale.
- 6.4.17 Buildings on the application site comprise isolated agricultural farmsteads including Wycliffe Farm, Fields Farm, Butts Farm and Lea Barn Farm. All these farmsteads date from the 20th century and have limited architectural and heritage value. They typically comprise a modest modern farmhouse with a number of associated barns and outbuildings of average to poor character. The only pre-existing farmstead is Oback Farm, which is located just outside the site boundary to the east. There are few built landmarks within the site. However, St Leonard's Church at Misterton to the southeast of the site on rising ground, represents a typical parish church with a Leicestershire spire, which is visible from the southern part of the site. The tower of St Mary's Lutterworth is also visible in a number of views throughout the site and represents one of the few built features that can be perceived within Lutterworth from the site.
- 6.4.18 The M1 forms a strong man-made feature and physical boundary to the main part of the application site with marked embankments, cuttings and Junction 20. A linear arrangement of high voltage electricity cables and supporting pylons runs from south-east to the north-west across Sub-Area A. This represents a constraint to development.
- *Landscape Capacity*
- 6.4.19 With respect to the capacity of the landscape to accommodate development, the 2007 LCA states that the area as a whole has a Medium to High capacity for development. The Lutterworth Lowlands character area represents a changing landscape with many recent developments around the fringes of existing settlements.
- 6.4.20 The 2016 Preliminary Landscape Assessment of the site assessed the capacity for the site to accommodate development. Sub-Area C is considered to have a High Capacity to accommodate development. There are no designations affecting the site and the scenic value is considered to be moderate to low. Development in this Sub-Area would be isolated from Lutterworth, but is well contained and very well connected to the road network. Sub-Area B is considered to have a Medium - High Capacity to accommodate development. There are no designations affecting the site and the scenic value is considered to be moderate. Development in this Sub-Area would form a relatively natural extension to Lutterworth.

6.4.21 Sub-Area A is considered overall to have a Medium Landscape Capacity to accommodate a mixed development. The relatively higher levels of capacity are located on the higher and sloping ground closer to the M1 corridor and to the north-east of the Sub-Area. The central network of green infrastructure following the flood meadows of the River Swift and the tributary streams to the north have a low capacity for built development due to a combination of designated habitats, woodland cover and flood meadows. The location of the Misterton Marshes SSSI in the centre of the area means that a suitable buffer would be required to protect this resource.

○ *Landscape and Visual Impact*

6.4.22 A Landscape and Visual Impact Assessment (LVIA) formed part of the ES. The LVIA includes a methodology section, a description of the baseline, definitions for sensitivity, magnitude and then makes judgements of significance for impacts on both landscape and visual receptors arising from the proposals. It also includes measures to assess the nature of the effects i.e. whether they are positive or adverse.

6.4.23 The LPA commissioned TLP to review the LVIA undertaken by FPCR on behalf of the Applicant and submitted in support of the application. TLP's original review of the LVIA and application was submitted in May 2019. This was then updated and submitted in September 2019 to take into account the additional viewpoints submitted since the previous review.

○ *Assessment of Landscape Effects*

6.4.24 At a local level, the site lies within the 'Lutterworth Lowlands' district landscape character area and the sub character areas of 'Bitteswell Historic Farmland' and 'River Swift Open Farmland'; characteristics of which are demonstrated across the site and the local landscape. Features of particular landscape value such as the existing Thornborough Spinney, Misterton Marshes SSSI, high quality trees, River Swift corridor and tributaries, will be retained, this will meet the 'conserve' objective. The introduction of additional planting through the associated GI framework, proposed as part of the development, will result in an enhanced landscape character and open space network together with habitat creation which takes account of 'key issues' and the 'Focus Areas Assessment' for 'Lutterworth Lowlands' as well as supporting the landscape strategies for 'Bitteswell Historic Farmland' and 'River Swift Open Farmland' sub areas. Inter-visibility within the district character areas is unlikely to extend beyond 1km from the site perimeter and landscape effects are assessed as Minor Adverse-Negligible upon 'Lutterworth Lowlands' and, given the scale of the site area relative to the sub character area, Moderate-Minor Adverse upon the sub character areas at completion.

6.4.25 TLP largely agree with the findings of the LVIA in terms of the Year 1 effect but do make some comments on the proposals. With regards the Bitteswell Historic Farmland LLCA, the LVIA concludes that there would be a Moderate adverse effect, however, TLP conclude that it would be Major – Moderate adverse due to the fact that there will be an extensive effect on an area assessed as being of Moderate / High sensitivity.

6.4.26 Furthermore, in terms of the residual (15 year) effects, again, TLP largely agree with the findings of the LVIA, but do make some comments on the proposals. With regards to the Lutterworth Lowlands LCA, whilst the LVIA concludes that there will be a Negligible – Minor Beneficial impact, TLP consider the level of effect is likely to remain as Adverse or best Neutral. With regards to the Bitteswell Historic Farmland LLCA, whilst the LVIA concludes that there will be a Minor Adverse – Minor Beneficial impact, TLP consider level of effect is likely to be Moderate Adverse due to the fact that there will be an extensive effect on an area assessed as being of Moderate / High sensitivity.

With regards the site itself and its immediate context, whilst the LVIA concludes that there will be a Moderate – Minor adverse impact, TLP consider the magnitude of change will remain at Medium with Medium Adverse residual effect.

6.4.27 Whilst it is acknowledged that there will be a level of harm to the landscape caused by the development, this would predominantly be Minor to Moderate. This would be significant locally, however, the magnitude of harm would reduce over time as the landscape mitigation works establish. On the basis of this, it is considered that the proposal accords with Policy GD5

○ *Assessment of Visual Effects*

6.4.28 The LVIA has assessed the effect on views within the area through the use of 22 viewpoints (following a request by TLP for additional viewpoints) - some of which have been sub-divided (see **Figure 44**) including along rights of way and roads and from locations within the visual influence of the application site. The range of viewpoints was discussed and agreed between the applicant, HDC and TLP in advance of the application being submitted. The images and locations provide a comprehensive range of viewpoints to illustrate an appreciation of the main features of the site. Images are all taken in the winter months when the lack of foliage on trees allows more extensive and unrestricted views.

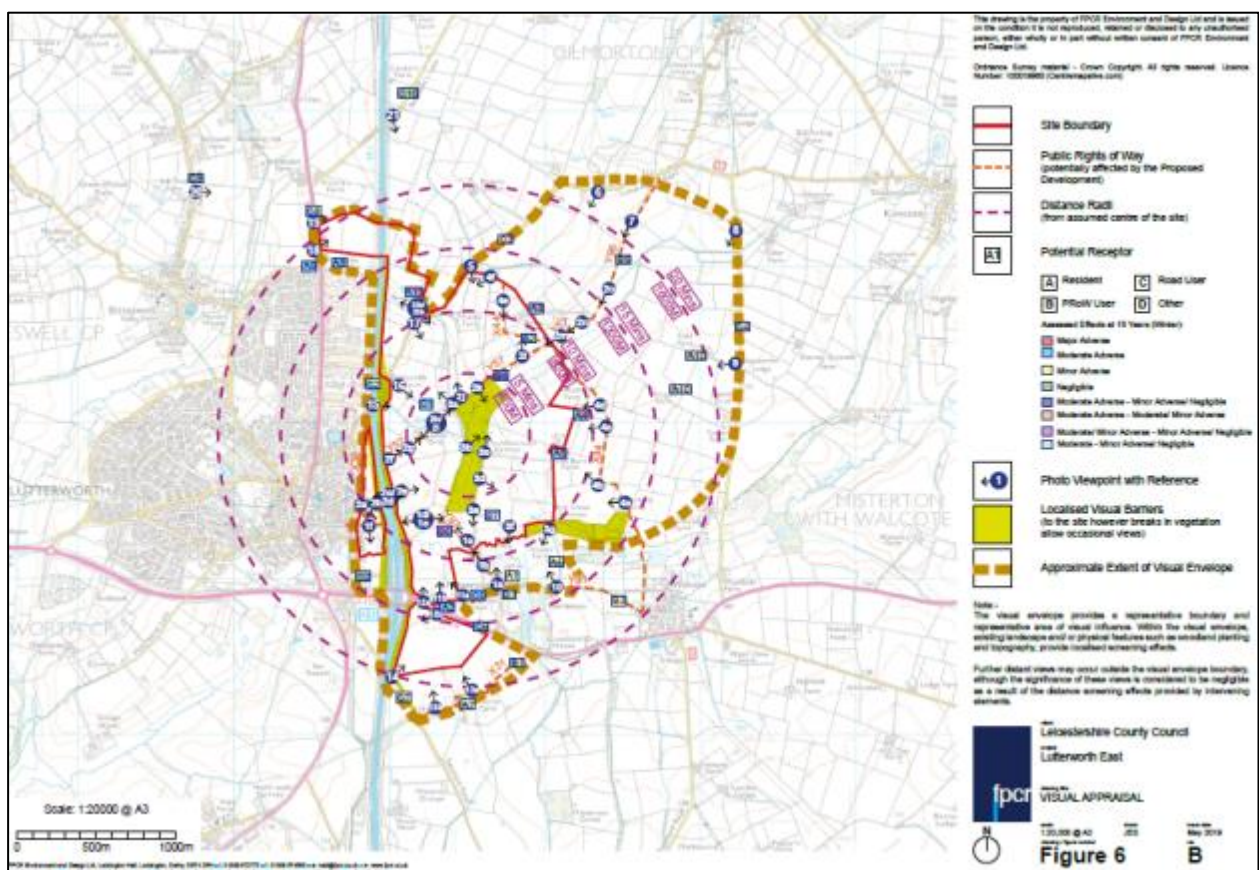


Figure 44: Photo Viewpoint Location Plan

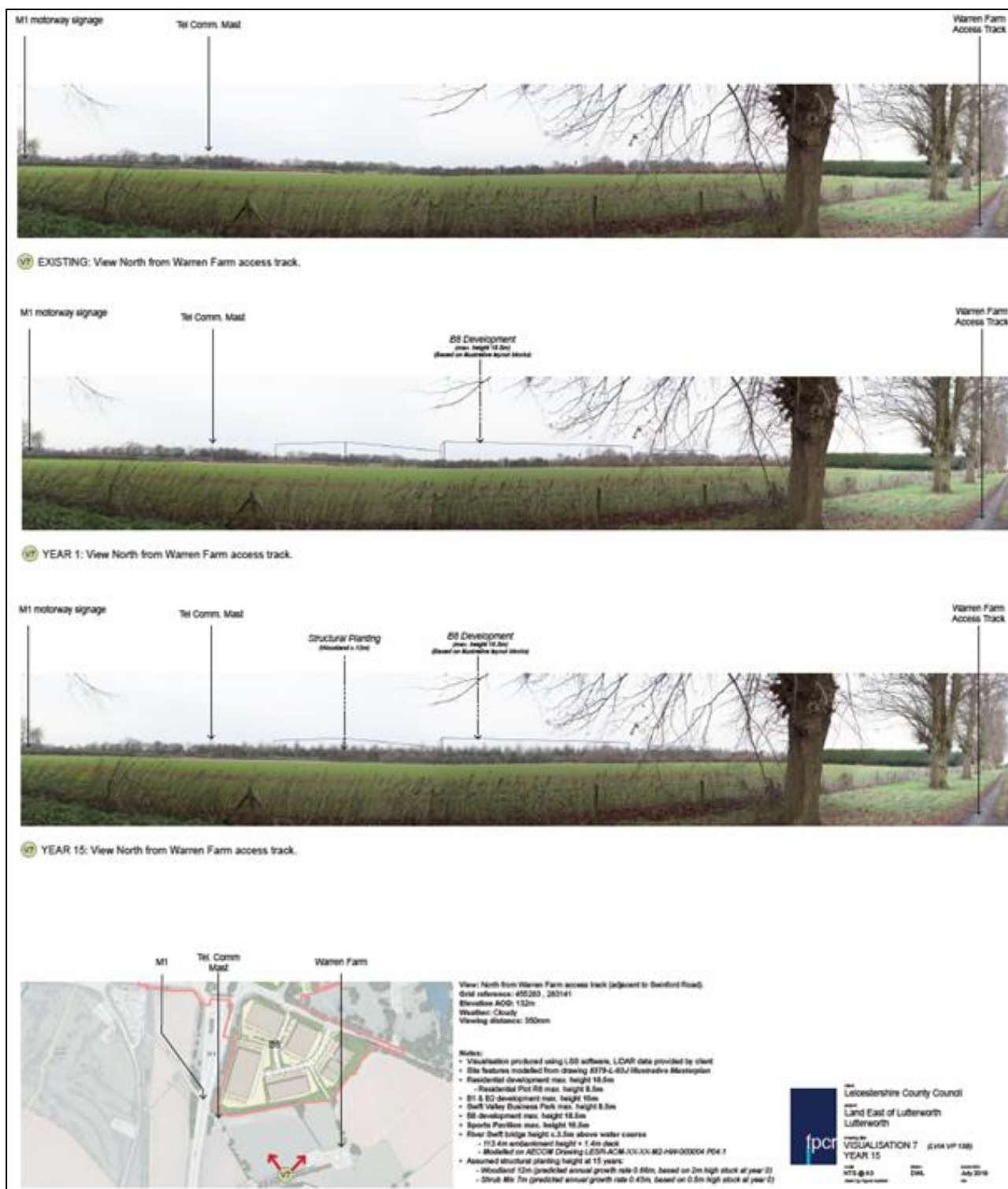
6.4.29 The LVIA provides a visual summary, which notes that most of the views of the site are limited to within approximately 1 km of the site and also notes there are relatively small number of individuals residual properties which would have significant visibility of the proposals. TLP generally agree with this summary, with exception of the need to include views from the residential development between the M1 and Leicester Road

(A426) to the north of Lutterworth where there would be views towards the spine road between where it passes over the M1 to the A426.

- 6.4.30 For each of the viewpoints identified, a judgement has been made with regards to sensitivity, magnitude of effect and significance of effect. TLP largely agree with the findings of the LVIA, but do make some comments on the proposals. In terms of the visual effects during construction, the LVIA identifies there would be some Major and Major-Moderate adverse effects during construction but that these will be localised and not permanent, this is accepted by TLP. The development will be phased and therefore, effects will take place on comparatively limited parts of the overall site at any given point in time.
- 6.4.31 The greatest effects are likely to be on users of rights-of-way which have high sensitivity and any retained residential properties within and to the perimeter of the site where there are open views to the construction activities. There may also be some significant visual effects beyond 1 km arising from the larger structures including the proposed B8 units to the south. The extent of these effects was assessed as part of the additional LVIA work submitted in July 2019.
- 6.4.32 With regards the Visual effects during the Operational phase of the development and the residual effects (15 years), TLP agree with many of the judgements of sensitivity, magnitude and effect with the following exceptions: TLP consider the magnitude of change is likely to be higher at Receptors:
- A1 (Moderate at Year 1, Moderate-Minor at year 15) See **Figure 45**),
 - A6 (Moderate), A8 (Moderate – Major at year 15),
 - A9 (Major at year 1, Major to Moderate at year 15),
 - B1 (Major to Moderate at year 1, Moderate at year 15),
 - B2 (Major at 15 years), B3 (Major to Moderate at year 1),
 - B4 (Major to Moderate at year 1 and year 15),
 - B6 (Major to Moderate at year 1 and year 15) (See **Figure 46**),
 - C5 (Major to Moderate at year 1),
 - C7 (Major to Moderate at year 1 and year 15) (See **Figure 47**),
 - D1 (Moderate at year 1, Moderate to Minor at year 15)



Figure 45: Existing, Year 1 and Year 15 views from footpath through Misterton Churchyard (Receptor A1)



6.4.34 The 'Smart Motorway' improvements are the only development identified within the cumulative effects study that are considered to result in any cumulative harm. The Smart Motorway improvements apply to the section of the M1 corridor immediately adjacent to the application site along its full extent north of junction 20, crossing the northernmost part of the site. It falls within the 'Lutterworth Lowlands' landscape character area and is split across both 'Bitteswell Historic Farmland' and 'River Swift Open Farmland' sub areas. There will be some inter-visibility with the proposed development where existing views are available; such as the southern part of the site east of the M1 and the northernmost part of the site which flanks the motorway, both of which lie within 'Bitteswell Historic Farmland' however this will be extremely limited in extent overall. The site area west of the M1 within 'River Swift Open Farmland' is well screened by boundary vegetation which largely prevents any inter-visibility with the motorway. Assuming that no substantial vegetation is removed to facilitate the SMART improvement works it is considered that there will be no cumulative effects upon 'River Swift Open Farmland' and no greater than a Negligible cumulative effect upon 'Bitteswell Historic Farmland' which will not be significant. Similarly, likely cumulative visual effects are considered to be Negligible overall.

○ *Summary*

6.4.35 The LVIA identifies a number of significant (Major or Major-Moderate) adverse effects on both landscape character and visual receptors both at Construction and Completion stages. However, the LVIA only identifies a few significant visual effects on a small number of isolated residential properties on the site perimeter at Year 15 – Residual Stage of the development. The LVIA does not identify any significant effects in the long-term effects at Year 15 on the existing landscape character of the site or visual receptors, such as use of public footpaths that pass through the site. TLP considers in this respect the LVIA under represents some of the longer-term effects that would arise from a major development of 2,750 homes. However, in TLP's opinion to acknowledge some local significant residual effects does not make an application/scheme unacceptable. Officers concur with this opinion.

6.4.36 In terms of effects on landscape character and site features the LVIA includes some locations where there would be beneficial effects, including on the local landscape character areas of the Lutterworth Lowlands, Bitteswell Historic Farmland and River Swift Open Farmland. However, it is noted that in respect of the site and immediate context the effects are still considered to be adverse in nature. It is not clear how an adverse effect on the application site and immediate area would deliver a beneficial effect on the wider landscape.

6.4.37 It is also noted that visual effects are identified as either adverse or negligible. In TLP's and Officers opinion the introduction of good design can result in either a balanced 'neutral' effect or indeed positive beneficial effects. In this respect the LVIA has taken a 'precautionary approach' in the assessment of effects on visual receptors.

6.4.38 Notwithstanding the differences in professional judgement regarding effects on some landscape and visual receptors TLP acknowledges the design intent shown within the Illustrative Masterplan and Parameter plan to provide a relatively high quantum of public open space and green infrastructure on the application site, which seeks to protect and enhance the character and appearance of the site, as far as is possible, when introducing a development of the scale proposed for the site.

6.4.39 Overall there would be a number of significant adverse effects arising from the proposals on both landscape character and visual receptors within the surrounding area. Bearing in mind the substantive scale of the overall development this significant effect is relatively localised and is likely to be expected in most greenfield locations.

The adverse effects would reduce over time with the delivery of a phased landscape planting scheme and the range of proposed green infrastructure enhancements which will help to provide a sympathetic urban – rural transition and which relate well to the surrounding countryside. The adverse effects on landscape character and visual receptors will need to be balanced against all the benefits of the proposal by the decision makers. However, in landscape and visual terms the scheme as proposed is not considered to be unacceptable.

- 6.4.40 It is therefore considered that the proposals assessed overall will have a moderate adverse impact upon the landscape of the surrounding area, but would accord with Policies GD5 and L1 of the Harborough District Local Plan in this respect.

5. Noise and Vibration

- 6.5.1 The ES includes a chapter (Chapter 15) on Noise. A Noise Assessment (NA) has been undertaken to survey existing noise levels at the Site and neighbouring, noise sensitive, locations. The Noise Assessment was prepared by AECOM. The NA considered the effect of operational activity noise, road traffic noise, and construction noise upon existing residential receivers due to the proposed development.

o Noise Policy

- 6.5.2 Policy L1 of the Harborough District Local Plan contains a specific criterion with regards to the noise environment on the development. Criteria 3y states:

“3. y. noise and air quality mitigation measures for proposed dwellings adjoining the M1 to the satisfaction of the Council, and no moderate or worse adverse impact upon air quality within the Lutterworth Air Quality Management Area;”

Other relevant noise Policy and guidance is set out in Section 5 of this report.

- 6.5.3 A noise survey was undertaken to help establish the existing background levels at the nearest noise sensitive locations to the proposed development site. These levels were used to set noise criteria at each of the assessment positions, which were chosen to represent these closest noise sensitivities.

- 6.5.4 Based on the guidance in BS5228 the criterion for the onset of potentially significant effects at high sensitivity receptors during construction is set at 75 dB_{LAeq,T} for normal daytime operations (07:00-18:00 weekdays and 08:00-13:00 Saturday). This is considered to be equivalent to the SOAEL, the LOAEL is set at 65 dB_{LAeq,T}. No works outside normal daytime hours are currently anticipated. All the closest buildings to the Site are understood to be residential in nature and are therefore classed as high sensitivity.

- 6.5.5 Noise rating limit criteria are proposed based on the guidance in BS4142. This standard describes methods for rating and assessing sound of an industrial and/or commercial nature. The method compares the rating level of the sound source under consideration with the background sound level in the vicinity of residential locations.

- 6.5.6 Importantly, BS4142 requires that the rating level of the sound source under assessment be considered in the context of the environment when defining the overall significance of the impact. In particular the assessment should consider whether the premises used for residential purposes will incorporate design measures that secure good internal and/or outdoor acoustic conditions, such as:

- o Façade insulation treatment;
- o Ventilation and/or cooling that will reduce the need to have windows open so as to provide rapid ventilation; and
- o Acoustic screening.

- 6.5.7 Other relevant Noise Policy and Guidance is set out in **Section 5** of this report.
- 6.5.8 Given the context of the existing receptors nearest the proposed employment areas having high background sound levels due to the M1 motorway, compliance with a rating level of no greater than 10dB below the background sound level outside noise sensitive receptors is considered by the applicants to be appropriate in this case.
- *Assessment of Impact*
- 6.5.9 Construction noise has the potential to cause an adverse noise impact at existing noise sensitive receptors. Construction noise is also likely to cause a noise impact at completed, occupied phases of the development whilst construction continues elsewhere on site. The level of impact cannot be determined until a construction programme has been finalised which will occur once a contractor has been appointed. At this stage, general requirements and guidance for the control of construction noise and vibration have been outlined.
- 6.5.10 The ES has identified that construction noise levels above 75dB are likely to be limited to construction activities that are in close proximity to existing residential properties such as at Gloster Road, The Bungalow, and Park Lodge. These receptors are either on or close to the boundary of the site and will therefore be in close proximity to the works at some point during the construction period. Any noise effects arising from construction activities would be controlled and reduced by the good practice processes as set out in a Construction & Environment Management Plan (CEMP). Anticipated measures to mitigate noise impacts include elements such as:
- Use of screening around the site perimeter, individual phases and individual items of plant;
 - Vehicles and mechanical plant used for the purpose of the works are to be fitted with effective silencers where appropriate;
 - Loading and unloading of vehicles and dismantling of equipment will be carried out in such a manner as to minimise noise and where practical will be conducted away from noise sensitive areas;
 - Noise emitting machinery which is required to run continuously will be housed in a suitable acoustically lined enclosure;
 - Threshold levels and a programme of noise monitoring will be prepared as part of the CEMP and agreed with HDC prior to the commencement of works on site;
 - The hours of work will comply with those specified by HDC.
 - Fixed and semi-fixed ancillary plant such as generators, compressors etc. which can be located away from receptors to be positioned so as to cause minimum noise disturbance.
 - Inherently quiet plant should be selected where appropriate;
 - Machines in intermittent use to be shut down in the intervening periods between work or throttled down to a minimum;
 - Adherence to the codes of practice for construction working and piling given in BS 5228 and the guidance given therein for minimising noise emissions from the Site;
 - Provision of rest periods during any prolonged noisy activities;
 - Prohibition of the use of stereos and radios on Site; and
 - Keeping local residents informed and provision of a contact name and number for any queries or complaints.
- 6.5.11 In accordance with modern working practices, the principles of 'best practicable means', would be used to reduce noise emissions throughout the demolition and construction works to a reasonable and practicable level.

- 6.5.12 Prior to the commencement of construction and demolition works, advice should be sought from HDC's Environmental and Public Protection Team to discuss proposed methods of working and measures to minimise disruption. The control of noise and vibration from demolition and construction would be incorporated into a site-specific Construction Environmental Management Plan (CEMP) and should include and/or specify routine noise and vibration management controls.
- 6.5.13 On the basis of the above, the effects of the development during the construction phase are judged to be of Moderate - Minor Adverse.
- 6.5.14 In terms of the operational effect of the development, the ES shows that the majority of the site currently has noise levels in excess of $L_{Aeq,16\text{hour}}$ 55 dB, with levels being well above 65 dB nearer the M1. In order to reduce noise level in the areas closest to the M1 motorway, mitigation in the form of a 4m high noise barrier (expected to be a combination of bund and barrier) along the boundary with the M1 was initially included as part of the proposal. The barrier will start at the northern most part of residential parcel R5 - as shown on the Parameters Plan - and continue south in parallel with the development boundary to the southernmost part of the proposed sports pitches.
- 6.5.15 Further investigation was subsequently carried out to determine the impact of changes to the noise barrier between the site and the M1 motorway. These changes have been adopted and will form part of the development design. The height of noise barrier along the boundary of Parcel R6 (between the site and the M1) is proposed to be increased by two metres, giving a total barrier height of 6m. The location of the barrier is shown a **Figure 48**. The site layout includes an offset between dwellings and the western boundary to account for the proposed barrier, which will comprise a bund, woodland planting and an acoustic fence.



Figure 48: Acoustic Barrier location

- 6.5.16 The additional assessment establishes that, with an increased barrier height of 6m, traffic noise levels at the worst-case receptor position are reduced by 3dB. This changes the risk of adverse noise levels (as per ProPG) during the daytime from high to medium. However, night time noise levels remain in the high category. It should be noted that the noise levels presented are for the worst case (i.e. noisiest) location, noise levels in other areas are likely to be lower. Furthermore, 'high' noise levels (as per the ProPG guidance) do not mean that a development is unacceptable on noise grounds, it means that further assessment is required. Across Parcel 6, the reduction in noise levels ranges between 0 to 4dB. The highest decreases are in the southwestern sections of Parcel R6 (i.e. close to the M1). Smaller reductions were observed towards the north west the parcel as ground heights drop below the height of the M1 in this area, meaning that the barrier does not significantly affect noise levels. The proposed increase in height of the noise barrier is therefore considered of benefit to the site. Details of other noise mitigation measures will need to be considered further at the detailed design stage in light of the improvement in noise levels the increase in barrier height represents.
- 6.5.17 As the residential development is within the outline element of the application, at this stage specific site layouts and building layouts have yet to be determined. During the detailed design of any subsequent Reserved Matters submission, consideration should be given to ensuring that external amenity areas are screened from the main roads. Private garden areas in general would need to be arranged so that they benefit from screening provided by buildings. In addition to the barrier, residential buildings will need to be arranged such that the first row facing the M1 provides a continuous row (or rows) of buildings to provide screening to the remainder of the site behind. Employment buildings on the B1 and B2 use areas would also provide screening to residential areas further east. It is considered by Officers that B1 and B2 uses in Parcels R6 and R8 would have also added screening to Parcel R9, the school and the community hub and would have been the preferable land use for these parcels rather than residential.
- 6.5.18 It is expected that building layout designs would need to be co-ordinated with acoustic modelling to ensure the buildings on peripheries of residential parcels are located appropriately to provide the maximum amount of screening. Where properties are not able to achieve acceptable noise levels in private garden areas, ProPG suggests residents should be provided with access to a nearby relatively quiet external amenity space, either for sole use by a limited group of residents, or in the form of a protected publicly accessible external amenity space (e.g. a public park or local green). Such detail will need to be included in any subsequent Reserved Matters submission for these parcels.
- 6.5.19 As specific site layouts and building layouts have yet to be determined, it has not been possible to predict sound levels at facades of individual buildings. There are also no details of house types, orientation, glazing areas, wall and roof constructions, etc. which are required in order to undertake detailed noise ingress calculations. This detail will be required to be submitted in support of any subsequent Reserved Matters submission.
- 6.5.20 Residential parcel R6 would contain the closest potential dwellings to the M1. As shown on the Parameters Plan the closest location of the M1 to residential properties could be approximately 40m east from the application boundary. Following implementation of a 4m noise barrier, the highest noise levels at this location are calculated to be approximately 70dB $L_{Aeq,16hour}$ and 65dB $L_{Aeq,8hour}$ at 1st floor height. As set out earlier in this report, the 4m barrier is now proposed to be increased in height to 6m, which will give a further 3dB reduction in noise levels. For residential properties that will be located further into the development, further away from the M1, they will have external

noise levels much lower than this due to screening provided by the intervening buildings.

- 6.5.21 L_{AFmax} noise levels also require consideration. L_{AFmax} values have not been measured at the closest potential residential locations to the M1 in parcel R6, however in this location L_{AFmax} values would not be significantly higher than the $L_{Aeq,T}$ values due to constant vehicle passes on the motorway. The highest L_{AFmax} levels measured at monitoring position M2 (Wycliffe Farm) were up to 72dB. This was measured next to the 60mph section of Gilmorton Road. As set out earlier in this report, the 4m barrier is now proposed to be increased in height to 6m, which will give a further 3dB reduction in noise levels. For those properties located further away and screened from the main roads, L_{AFmax} noise levels from existing roads would be considerably reduced.
- 6.5.22 For the worst case location for houses in parcel R6, which may have habitable rooms facing towards the M1, high performance glazing and attenuated ventilators would be required. In addition to this, roof/ceiling constructions would need to have increased acoustic performance to bedrooms. External walls would likely need to be of masonry construction as lightweight constructions are unlikely to provide sufficient sound insulation performance.
- 6.5.23 The indicative internal noise levels based on typical window dimensions are 30dB $L_{Aeq,8hour}$ in the bedroom and 35dB $L_{Aeq,16hour}$ in the living room. Typical L_{AFmax} values in bedrooms would also be below 45dB at night time. This therefore demonstrates that the recommended internal noise levels in the ProPG guidance can be achieved in the worst affected locations of proposed residential development, subject to the implementation of adequate mitigation.
- 6.5.24 The additional noise mitigation measures that could be included as part of the development comprise:
- The erection of noise barriers;
 - Ensuring the detailed layout for the scheme incorporates good acoustic design, such that dwellings are acoustically screened from nearby noise sources wherever possible;
 - Using a single aspect roof design that faces away from the M1;
 - Arranging the first row of house as a single row of terraces so that the maximum amount of screening is achieved to houses behind
 - The specification of suitable façade elements such that appropriate internal noise environments can be provided for future residents (acoustically upgraded glazing, ventilators etc.). This specification will also consider whether the acoustic strategy is compatible with any potential overheating issues which may exist on site;
 - Provision of acoustic screening for external amenity areas, where necessary;
 - If required, consideration may also be given to the internal layout of dwellings so that habitable rooms and external amenity can be located away from noise sources.
- 6.5.25 For those properties located close to the new Spine Road or Gilmorton Road, careful consideration will also need to be given to the sound insulation performance of the proposed glazing and ventilation options to ensure that appropriate internal ambient noise levels can be achieved. However, sound insulation requirements are not expected to be of the same level of requirement as those detailed above.
- 6.5.26 ProPG states that the potential noise impact during hot weather should be considered. In particular, once building layouts and design have been developed, where the scheme is to rely on open windows or ventilators to mitigate overheating and the internal noise level guidelines are likely to be exceeded, a more detailed assessment

should be carried out. This may include the alternative design measures considered to reduce noise impact; expected internal noise levels when windows or ventilators are open to provide relief from overheating; and an estimate of the amount of time that windows or ventilators are likely to be open to provide relief from overheating. This assessment is likely to require liaison with the energy consultants.

- 6.5.27 It can be expected that at most dwellings on residential areas nearer to the M1, it will not be possible to achieve acceptable internal noise levels with windows open even for relatively short periods of time. Therefore, alternative means of cooling will likely need to be incorporated into the house design in. Possible options include cooling by mechanical means or by natural means using attenuated louvered openings.
- 6.5.28 Noise predictions indicate that suitable internal noise levels can be achieved within the development through the implementation of appropriate mitigation measures. Consequently, the site is considered to be suitable for its proposed residential use.
- 6.5.29 The buildings in Parcels R6 and R8 as well as the B1 and B2 buildings to the north of Gilmorton Road will provide additional acoustic screening to dwellings to the east and can be designed so that noise levels within these dwellings meet the internal noise level criteria given in the ES. It is understood that this design intent will be carried through the detailed design stage and can be finalised and once full details of the development design are known.
- 6.5.30 Within the area of land for the proposed Wycliffe Fields Primary School - which is the closest of the two primary schools to the M1 - the background noise levels in 2036 are predicted to be up to 64dB $L_{Aeq,16hour}$. Such levels may preclude the use of open windows to provide natural ventilation on the most exposed elevations. Therefore, careful consideration of the building envelope and ventilation design would be needed. Guidance also requires that there are some areas where noise levels are below 55dB $L_{Aeq,16hour}$. The new educational buildings and associated outdoor teaching and play areas should be positioned and designed to ensure that the building provides sufficient screening to outdoor teaching areas.
- 6.5.31 The areas of the site that are allocated for B1 and B2 uses are directly adjacent to the M1. The ES indicates that daytime noise levels in these areas would be as high as 70dB $L_{Aeq,16hour}$. Though it would likely not be possible to use natural ventilation strategies that utilise open windows to ventilate sensitive spaces such as offices and meeting rooms, it would be possible to specify building envelopes that can provide sufficient sound insulation to meet the criteria with use of mechanical ventilation systems.
- 6.5.32 In order to reduce noise level in the development areas closest to the M1, mitigation in the form of a 6m high noise barrier (expected to be a combination of a 4m high bund and 2m high barrier) along part of the boundary with the M1 will be included as part of the proposal. During the detailed design stages consideration will be given to ensuring that external amenity areas are screened from the main roads. In addition, some of residential buildings on the western parts of Wycliffe Fields will need to be arranged to provide screening to the remainder of the built up areas to the east within the site. It is also expected that building layout and designs would need to co-ordinated with acoustic modelling to ensure the buildings on peripheries of residential lots are located appropriately to provide the maximum amount of screening and are designed to ensure that noise levels are acceptable. Conditions (see **Appendix A – Conditions 12 and 14**) is recommended so as to ensure that the impact of noise on new residents is mitigated as far as possible

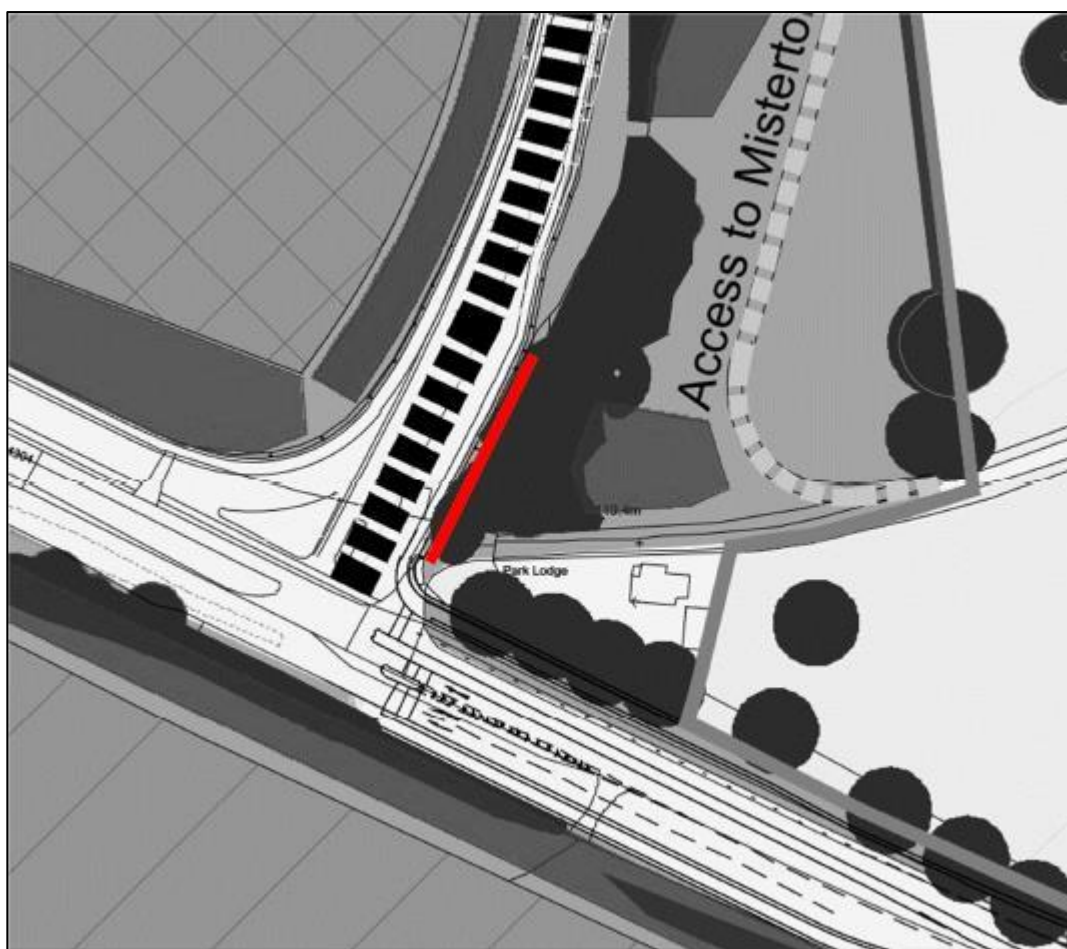


Figure 49: Proposed acoustic barrier at Park Lodge

- 6.5.33 An acoustic barrier is also proposed to protect Park Lodge (see **Figure 49**). The design of the barrier can be finalised at the detailed design stage. To provide the necessary acoustic screening, the barrier needs to be two metres high, imperforate and have a surface density greater than 10kg/m^2 . There is therefore some flexibility in terms of material used if necessary to mitigate the visual impact of the barrier. The ES chapter only seeks to demonstrate that there are technical solutions available to mitigate the impact of existing noise levels on the proposed dwellings. Suitable forms of noise mitigation were identified and therefore the site is considered suitable in principle for residential development. Specific details of the noise mitigation measures will be finalised at the detailed design stage. The mitigation design can be determined in liaison between the applicants and HDC's Environmental Health team where appropriate and conditions are recommended to ensure this (see **Appendix A - Condition 13**).
- 6.5.34 On the basis of the above, the effects at the operational stage are judged to by the ES to be Minor Adverse.
- 6.5.35 Provided the sufficient distance between piling and other vibration construction source locations and existing residential properties is sufficient, the residual vibration effect of the proposed development is classified by the ES as Minor Adverse and therefore is not considered to be significant. Following the implementation of the mitigation measures discussed in the ES the residual impact and consequential effect of construction noise on the nearby sensitive receptors is assessed as minor adverse and not considered to be significant. With the adoption of the threshold rating levels defined within the ES, together with the mitigation measures described, the residual impact of

the proposed Employment area (industrial and commercial) noise is assessed as Negligible and not considered to be significant.

○ *Cumulative Noise Effects*

- 6.5.36 Appendix A1 of Volume 2 of the ES contains a “Cumulative Effects – Projects for Consideration” plan. These include the expansion of Magna Park and the upgrading of the M1 to a Smart Motorway. Officers would agree with the scope of projects that should be considered cumulatively with the development. These are
- Land adjacent to Glebe Farm, Coventry Road, Lutterworth. Application 15/00865/OUT
 - Land at Mere Lane, Bittesby. Application 15/00919/FUL
 - Land north of Mere Lane, Bittesby 15/01531/OUT Hybrid Planning Application
 - The proposals for the ‘smart motorway’ improvements to the M1 within the vicinity of the site
- 6.5.37 The section of the M1 adjacent to the site (between junctions 19 and 23A) is planned to be upgraded to smart motorway within the scope of Roads Investments Strategy 2 (RIS2)⁴, for the period 2020 to 2025. The smart motorway upgrade has the potential to affect noise emissions from the M1 through construction and as it may entail changes in road alignment (by converting hard shoulder to a running lane), traffic speed and road surfacing. Construction noise and vibration emissions from the proposed ‘smart motorway’ works have the potential to result in cumulative impacts depending on what the work involves and whether the works are undertaken at the same time as the proposal. It is expected that the smart motorway improvement works would incorporate best available mitigation measures during their construction which would be expected to result in low impact with minor adverse effects which would be classed as not significant.
- 6.5.38 The potential impact of the smart motorway upgrade was factored into the results presented in the original ES with regards traffic speeds and flows. However, currently, details of the proposed road resurfacing and road alignment are not yet known. Using the guidance provided in Smart Motorways Programme and considering the change in road alignment (conversion of hard shoulder to running lane) it is estimated that the noise emissions of the M1 may reduce in the range of 0.5 to 2.9 dB depending on the number of the lanes and length of road to be resurfaced.
- 6.5.39 The 2036 traffic data provided for the traffic noise impact assessment includes the committed and proposed developments which will be in place by 2036, therefore, the impact assessment reported for long-term road traffic noise impacts already considers cumulative road traffic noise impacts. No other commercial developments have been identified in the immediate vicinity of the proposed development which would be likely to cause cumulative effects upon the identified sensitive receptors.
- 6.5.40 As set out in **Para 3.43 of this report**, the decision of HDC’s Planning Committee on the 12th May 2020 to resolve to grant consent for a new supermarket on Rugby Road, Lutterworth, adjacent to the Whittle Roundabout, resulted in the need for this to be addressed as part of an updated Cumulative Impact Assessment. This additional work was carried out by the applicants, and also assessed the new sites at De Verdon Road, Lutterworth and Lutterworth Road in Gilmorton as well as the Rugby Road site. Officers agree with the scope of the additional projects that should be considered cumulatively with the development. It has been concluded that the cumulative impact of these additional projects does not affect the previous assessment.

⁴ Department of Transport, Road Investment Strategy: for the 2015/16 – 2019/20 Road Period, 2015.

- *Summary*
- 6.5.41 The scheme is currently in Outline form, and as such, the finer detail of noise impact upon surrounding properties falls to be fully assessed as part of the consideration of any future Reserved Matters application. There is also scope for screening along the noise sensitive boundaries of the site as set out above and the recommended conditions address this. Given the distances involved, whilst it is inevitable that any development of the scale proposed would result in an increase in the background noise levels, the living conditions of existing residents would not be unduly affected by the development. Furthermore, it is considered that through careful consideration of design and layout of the residential parcels adjacent to the Motorway, the living conditions of future residents can be preserved as far as is possible given the location of the site downwind of a major noise source. The applicants ES concludes that the development will result in a minor adverse effect upon residents as a result of the development. Officers consider that this assessment somewhat underplays the impact on future residents of the development, particularly that of noise from the M1. Whilst it is accepted that the noise levels experienced by future residents can be mitigated against to an acceptable level, this is as a result of significant engineering solutions which will affect the living experience of residents of the properties closest to the M1. On the basis of this, Officers consider that the noise environment of some future residents will, with mitigation, be moderately adversely affected by noise. Notwithstanding this, it is acknowledged that with mitigation for the noise the proposed development accords with Policies GD8 and L1 of the Harborough District Local Plan in this respect, for the reasons set out above.

6. Drainage and Hydrology

- 6.6.1 The ES includes a chapter on flood risk and drainage (Chapter 8), which was prepared by Peter Brett Associates LLP and was informed by a detailed Flood Risk Assessment (FRA).
 - *Drainage Policy*
- 6.6.2 Policy L1 of the Harborough District Local Plan contains a specific criterion with regards to the
 - v. *sustainable drainage and flood storage measures to be agreed with the Environment Agency and Lead Local Flood Authority to prevent flooding downstream in accordance with Policy CC3 and CC4 and to ensure no adverse impact by flooding on the hydrology which underpins the health of the SSSI;*
- 6.6.3 Policy CC3 of the Harborough District Local Plan requires that development should take place in the areas of lowest risk of flooding;
 1. *New development should take place in the areas of lowest risk of flooding, including the potential future risk due to climate change. The Sequential Test, and, where necessary, the Exceptions Test should be used to assess the suitability of proposed development. Site-specific flood risk assessments of all sources of flood risk on the site and downstream of the site will be required as appropriate.*
 2. *Development should take place within Flood Zone 1, wherever possible. Within Flood Zone 1 a site-specific flood risk assessment will be required for proposals relating to:*
 - a. *major development;*
 - b. *land with critical drainage problems;*
 - c. *land at increased flood risk in the future; or*
 - d. *a more vulnerable use on land subject to other sources of flooding.*
 3. *All development proposals in Flood Zones 2 or 3 will require a site-specific flood risk assessment.*

4. *Development proposals subject to a site-specific flood risk assessment will only be permitted where:*
 - a. *the mitigation, flood management, flood resilience measures, and design requirements identified are satisfactorily addressed; and*
 - b. *the design incorporates flood resilience measures to allow for increased risk due to climate change.*
5. *Development in Flood Zone 3, unless meeting the Exceptions Test, will only be permitted as follows:*
 - a. *Flood Zone 3a: 'less vulnerable' uses, including retail and business uses (A and B Use Classes), agriculture and some non-residential institutions (Use Class D1) other than for health services, nurseries and education; and water compatible development;*
 - b. *Flood Zone 3b: water compatible development where appropriate; this zone will be safeguarded to ensure protection of the functional floodplain.*

6.6.4 Policy CC4 of the Harborough District Local Plan requires that development provides sustainable drainage systems (SuDS)

1. *All major development must incorporate sustainable drainage systems (SuDS).*
2. *Prior to the commencement of development, the responsibilities for management and maintenance in perpetuity of the SuDS must be agreed.*
3. *The design and layout of the SuDS, taking account of the hydrology of the site, will:*
 - a. *manage surface water close to its source and on the surface where reasonably practicable to do so;*
 - b. *use water as a resource, re-using it where practicable, and ensuring that any run-off does not negatively impact on the water quality of a nearby water body;*
 - c. *use features that enhance the site design and make an active contribution to making places for people;*
 - d. *incorporate surface water management features as multi-functional greenspace wherever possible;*
 - e. *provide for the re-naturalisation of modified water courses where practical;*
 - f. *be located away from land affected by contamination that may pose an additional risk to groundwater or other waterbodies;*
 - g. *demonstrate that the peak rate of run-off over the lifetime of the development, allowing for climate change, is no greater for the developed site than it was for the undeveloped site and reduced wherever possible; and*
 - h. *ensure that flooding would not occur to property in and adjacent to the development, in the event of an occurrence of a 1 in 100 year rainfall event (including an allowance for climate change) or in the event of local drainage system failure*

6.6.5 Other relevant Drainage and Flood Risk Policy and Guidance is set out in **Section 5** of this report.

6.6.6 The ES and FRA confirm that the large majority of the Site falls within Flood Zone 1 (low risk of flooding) as defined by the Environment Agency's (hereafter referred to as 'EA') flood maps, however, the areas of the site associated with the watercourse corridors lie within Flood Zone 3 (High probability of flooding) and 2. The extent of land classed as Flood Zone 3 and 2 is shown at **Figure 50**. The only built development which would be located in Zones 2 or 3 are roads and associated bridge structures. These types of development are classified as 'Less Vulnerable.'

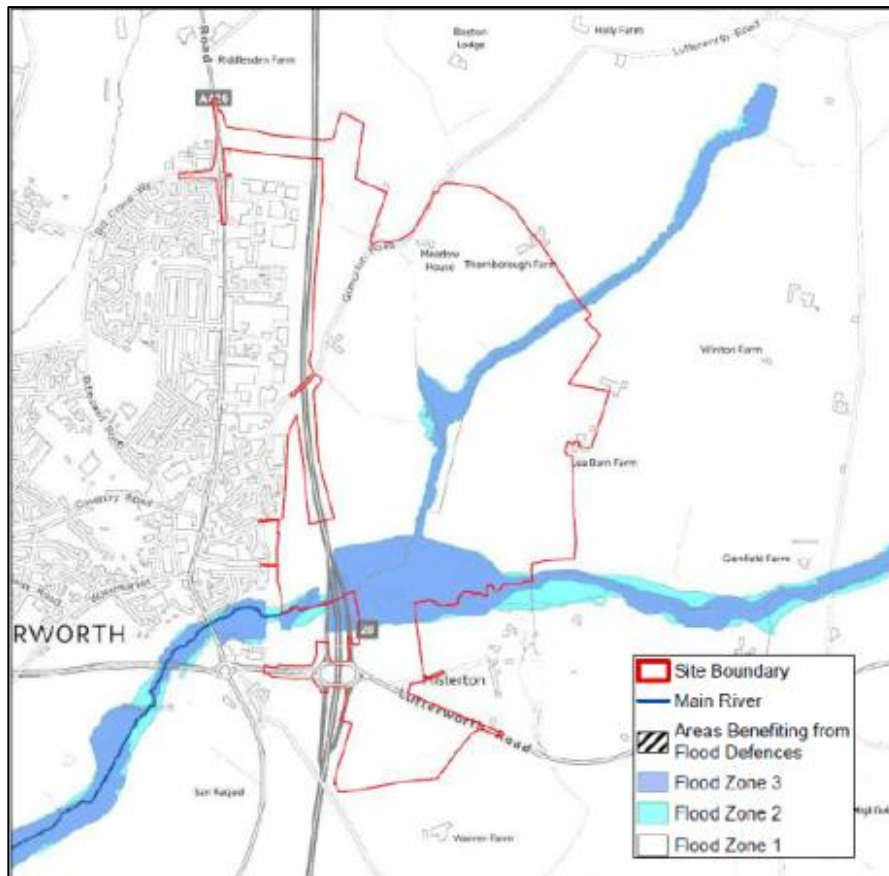


Figure 50: Environment Agency Flood Map for site

- *Assessment of Impacts*
- 6.6.7 Part of the River Swift flows in a westerly direction through the southern part of the site before flowing beneath the M1 motorway at the western site boundary. The River Swift is designated as an 'Ordinary Watercourse' through the site and becomes a 'Main River'1 immediately to the west of the M1. An unnamed tributary of the River Swift, located along the western edge of Thornborough Spinney, flows in a southerly direction towards its confluence with the River Swift, just upstream of the M1 motorway. This tributary watercourse is herein referred to as 'Tributary One'.
- 6.6.8 There are three smaller watercourses which confluence with Tributary One, described as follows:
 - An unnamed tributary of Tributary One, herein referred to as Tributary 'SSSI', flows in a predominantly southerly direction, through Misterton Marshes SSSI, the site, and woodland associated with Thornborough Spinney. This tributary flows in a westerly direction at its downstream extent and meets with Tributary One to the west of Thornborough Spinney.
 - An unnamed tributary of Tributary One, herein referred to as 'Tributary Two', flows in a south-easterly direction towards its confluence with Tributary One to the west of Thornborough Spinney.
 - An unnamed tributary of Tributary One, herein referred to as 'Tributary Three', flows in a south-easterly direction between the M1 motorway and Gilmorton Road. The watercourse is culverted beneath Gilmorton Road, downstream of which the watercourse flows in a southerly direction towards its confluence with Tributary One. Tributaries Two and Three confluence with Tributary One at the same location.

Figure 51 is a map showing the location of the watercourses described above.

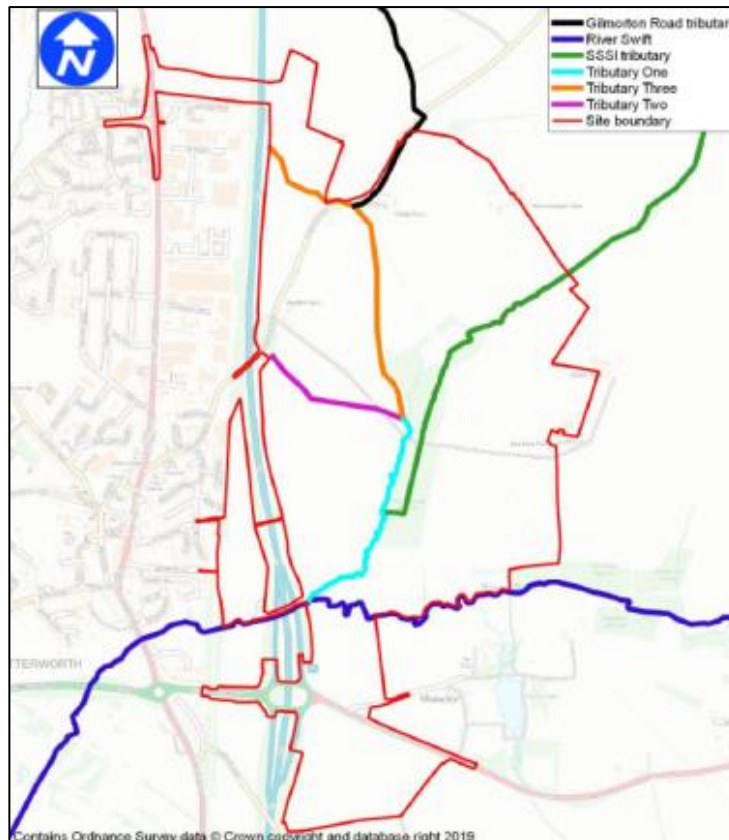


Figure 51: Watercourses plan of site

- 6.6.9 The LLFA has also identified another ordinary watercourse to the north of the site. This watercourse confluent with Tributary Three at the outfall of the culvert under Gilmorton Road. The watercourse takes the form of a highways ditch along the southern verge of Gilmorton Road but sections are also culverted upstream of the site.
- 6.6.10 A Site of Special Scientific Interest (SSSI) named Misterton Marshes, with a total area of approximately 6.77ha, is located within the site boundary. Misterton Marshes is designated as a lowland wetland area, with species rich grassland, new woodland, mature conifer plantation and wet woodland. The SSSI and land surrounding the SSSI in the valley of Tributary One is presently jointly managed under a ten year Higher Level Stewardship Scheme.
- 6.6.11 The watercourses within the site are retained within corridors of greenspace, whilst that part of the River Swift that falls within the site is located within the Swift Valley Country Park. All built development, excluding the Spine Road crossing of the River Swift, and SuDS features will be located outside of the maximum floodplain extent of the 1 in 100+70% CC (climate change) and 1 in 1,000 annual probability events.
- 6.6.12 The proposed Spine Road and bridge crossing of the River Swift and its tributary has been designed as a clear open span structure to ensure no detrimental impact on flood risk in the 1 in 100 year plus climate change allowance flood event. The development as proposed includes a sustainable drainage system (SuDS) which will control peak discharges from the built development and mimic the existing drainage regime.
- 6.6.13 The drainage strategy will take the form of series detention basins located outside of the 1 in 100 year plus climate change allowance floodplain. These features will attenuate surface water discharge that arises from the scheme and provide a pollution control function. They will be designed with wet grassland mixes and native

broadleaved tree/shrub planting to enhance biodiversity value. It is expected that these will occasionally store water in storm water events and in some locations include areas of retained water. For the most part they will be dry.

6.6.14 A condition is recommended to require the submission of a Construction Environmental Management Plan (CEMP) (see **Appendix A – Conditions 6, 8, 9 & 18**) prior to the commencement of development on any phase. The CEMP will include measures ensuring marked effects on flood risk and surface water drainage do not arise. It is considered that there will be Negligible effect on floodplain storage or conveyance during construction of the wider development. Temporary work in the floodplain is considered to have a Negligible effect on flood risk. Temporary work in the floodplain could also impact on construction workers and site users, although the successful implementation of the CEMP would result in this having a Minor Adverse effect on human health. An increase in surface water runoff due to an increase in impermeable surfacing, until the surface water drainage system is operational, would also be addressed within the CEMP and is therefore considered to have a temporary Minor Adverse effect.

6.6.15 As part of the Flood Risk Assessment (FRA) (see ES Volume 5) a strategy for managing surface water runoff has been developed so that there is no adverse effect on flood risk at the site or elsewhere. Opportunities for wider ecological and nature conservation benefits will occur through the Sustainable Drainage Systems (SuDS). With regards to determining the existing hydrology of the site, long-term surface water monitoring at five locations in and around Misterton Marshes SSSI (as agreed with Natural England) was undertaken in order to accurately establish the 'baseline' hydrological regime of the SSSI. The surface water monitoring equipment collected data from December 2018 onwards. Surface water data will continue to be collected every fifteen minutes over a minimum period of two years. This data collection has been requested by Natural England and methodology has been agreed (see **Appendix A - Condition 7**).

6.6.16 All built development, excluding the Spine Road crossing of the River Swift, and SuDS features will be located outside of the 1 in 100 year +70% climate change floodplain and 1 in 1,000 year annual probability events. The Spine Road crossing of the watercourses has been designed to include open span structures with minimal footings and embankments located in the floodplain. All watercourses within the site will be retained within areas of green space. The SSSI will be retained in its entirety. Finished floor levels of built development will be set to a minimum of 300mm above the 1 in 100 annual probability event, with 70% allowance for climate change. Overall residual effects of the development are judged to be Negligible.

6.6.17 The LLFA are satisfied with the FRA and Drainage Strategy and Flood Modelling Report and have no objections to the proposed development subject to suitably worded conditions relating to surface water and Flood Evacuation. (See **Appendix A - Conditions 7, 8, 23 and 24**)

○ *Assessment of Alternatives*

6.6.18 As part of the assessment of alternative, the applicants have investigated a range of different routes for the proposed spine road. The flood risk impact of these is set out below

6.6.19 Options 1 - 3

As part of these options (see **Figures 52 - 54**), The applicants claim that moving the Spine Road adjacent to the M1 would result in a larger open span crossing of the River Swift and its tributary as at the point of confluence i.e. river channel is wider here and

would need to be completely open span at this point. These Options are close to Motorway piers structure. With having two embankments adjacent to each other there is a potential effect on flood conveyance beneath structures adjacent to each other.



Figures 52 - 54: Options 1 - 3 sketch plan

6.6.20 Option 4



Figure 55: Option 4 sketch plan

As part of this option (see **Figure 55**), The applicants have stated that locating the Spine Road in its current position in the lowest part of the valley means that the

proposed crossing point of watercourses is where channels are narrower so the actual open span structure over the watercourses themselves would be smaller. As this Option is located around 150m upstream of M1 structure there would be no effect on flow conveyance on the basis that there would be no structures adjacent to each other.

- *Cumulative Drainage and Hydrology Effects*

6.6.21 Appendix A1 of Volume 2 of the ES contains a “Cumulative Effects – Projects for Consideration” plan. These include the expansion of Magna Park and the upgrading of the M1 to a Smart Motorway. Officers would agree with the scope of projects that should be considered cumulatively with the development. It is considered that due to the nature of the developments considered and/or their distance from the site, the potential cumulative effects resulting from these are Negligible. In accordance with national policy, other committed development schemes within the area will be required to incorporate measures to ensure that additional development does not have an adverse impact on flood risk or drainage. On this basis, these schemes will not increase flood risk elsewhere. The development as proposed will be categorised as ‘nil detriment’ in terms of drainage and flood risk related impacts. On this basis, there will be no cumulative effects within the local area and catchment of the River Swift.

- *Summary*

6.6.22 On the basis of the above, it is considered that the proposals will have a neutral impact upon hydrology and flood risk and would therefore accord with Policies CC3, CC4 and L1 of the Harborough District Local Plan in this respect.

7. Air Quality

6.7.1 The ES includes a Chapter on Air Quality (Chapter 14) which has been prepared by AECOM and was informed by an Air Quality Assessment which established existing air quality conditions at the Site, which were found to be good. The impact of the proposed development on air quality is particularly relevant given that there is an Air Quality Management Area (AQMA) in Lutterworth, this was designated in 2013 and covers the area shown at **Figure 56**. Whilst recent monitoring shows air quality is improving the proposed development may result in increased traffic flows or congestions which would have an adverse impact on the AQMA.

- *Air Quality Policy*

6.7.2 Chapter 15 ‘conserving and enhancing the natural environment’ of The Framework at Para181 makes reference to planning policies and decisions should:

“sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan”

At Para183 it goes on to state:

“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.”

- 6.7.3 The NPPG identifies a number of matters to be taken into account including consideration whether a development is likely to have an air quality impact in an area where air quality is known to be poor or where development is likely to impact on the implementation of air quality strategies. A number of particular matters are identified; a significant impact on traffic in terms of volume, congestion, or altering traffic composition.

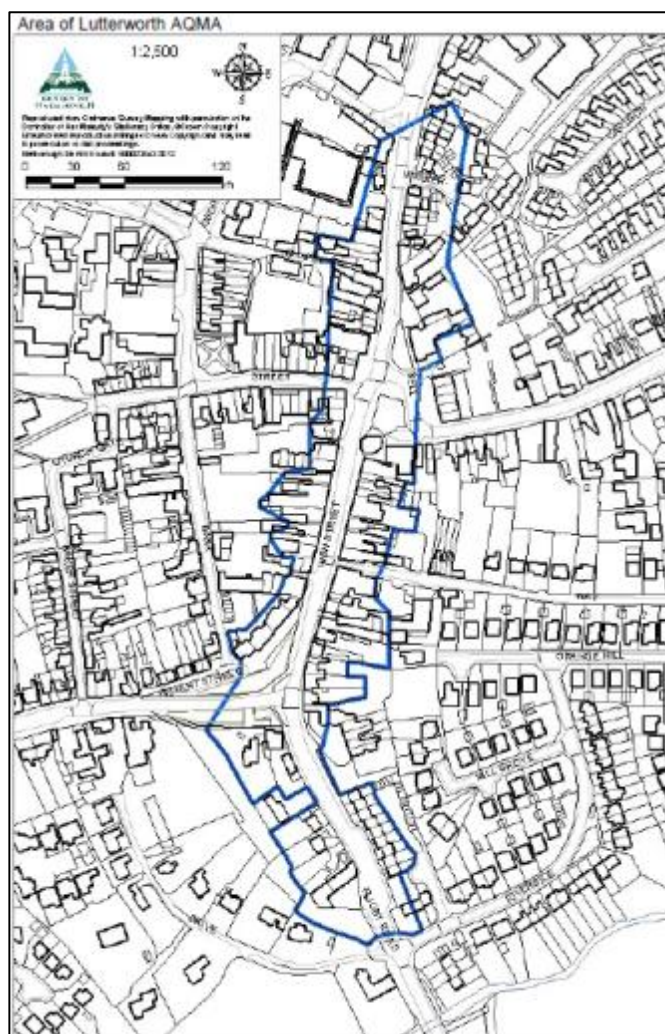


Figure 56: Air Quality Management Area Plan

- 6.7.4 A number of other factors including the creation of new sources of air pollution are also referred to, however, this is not considered relevant to this application. The guidance then sets out the need for and scope of an air quality assessment to accompany an application. The NPPG then goes on to consider how adverse impacts on air quality can be mitigated in the case of the current proposal of particular relevance are;

“promoting infrastructure to promote modes of transport with low impact on air quality;”

and

“contributing funding to measures, including those identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development.”

- 6.7.5 The National Air Quality Strategy was initially published in 2000 and sets values for key pollutants to help local authorities manage local air quality improvements. It is under these regulations that the AQMA in Lutterworth has been designated.

- 6.7.6 Policy L1 of the Harborough District Local Plan contains a specific criterion with regards to the protection of the air quality in the surrounding area. Criteria 3y states:
- “y. noise and air quality mitigation measures for proposed dwellings adjoining the M1 to the satisfaction of the Council, and no moderate or worse adverse impact upon air quality within the Lutterworth Air Quality Management Area;”*
- Criteria 6 states:
- “Following completion of the spine road, in partnership with County Highway Authority and the SDA promoters, the Council will develop traffic management measures that remove or minimise the passage of heavy goods vehicles through the centre of Lutterworth, as part of the implementation of an effective air quality mitigation strategy for the Air Quality Management Area in Lutterworth town centre”*
- 6.7.7 Under the requirements of the Environment Act an AQMA was declared in Lutterworth town centre. The original assessment was carried out in 2010 and the AQMA declared as there were exceedances of the annual mean air quality objective for nitrogen dioxide (NO₂). The boundaries of the area were reviewed in 2012 which resulted in the boundary of the AQMA being extended along Rugby Road to its junction with Riverside which was issued in 2013. The Air Quality Action Plan has implemented a gateway system which allows HGVs to pass through the town centre without having to stop and restart on the hill at the existing pelican crossing.
- *Assessment of Impacts*
- 6.7.8 The ES deals with the two issues affecting air quality traffic fumes and dust. In the interests of clarity within this report the matters will be dealt with individually. The ES sets out the monitoring that was necessary to establish the base line, the current situation, it identifies that the majority of the site has concentrations of NO₂ below the objective of 40µg/m³ referred to hereafter as “the objective”. There are, however, some locations on Leicester Road both inside and outside the AQMA that annual mean NO₂ concentrations are above the objective.
- 6.7.9 The air quality modelling has assessed a number of scenarios initially the existing situation has been modelled then the following have been assessed the construction phase, an interim stage including the impact of occupied development and construction and finally with the development complete and all mitigation in place. At the construction phase it is predicted that the greatest volume of HGV and LGV movements will be in the initial phase of construction of the spine road in 2021 with an average of 151 vehicle movements daily this would reduce to 43 in 2023. Numbers would remain relatively constant until 2031 when they would increase to 73, the number of HGVs would decline until the completion of the development in 2037. The consequence of these movements are that there are three properties in Market Street, Lutterworth and one in Gilmorton Road would suffer a mean annual increase in NO₂. This is at the 2021 peak of operations and would therefore be only temporary.
- 6.7.10 The ES then considers the air quality impact of the development at 2036, the completion of development and full occupation with all the proposed mitigation in place, see **para 6.3.50 of the Highway section of this report**. The model prediction is that there would be good air quality across the study area with no exceedances of the annual mean NO₂ objective. There are some locations where there are predicted to be increases in the mean annual NO₂ concentration, these are along the A4304 south of Misterton and off Gilmorton Road to the north of the proposed spine road. At both locations the NO₂ concentration would remain below the objective. There is one location in Lutterworth off Gilmorton Road where there is a predicted reduction in NO₂ concentrations.

6.7.11 The second impact of the development on air quality is dust, this is particularly so during the construction phase. Dust can arise from:

- Demolition;
- Earthworks, including the handling, working and storage of materials;
- Construction activities; and
- The transfer of dust making materials from the site onto the local road network.

Dust, or particulate matter, has a range of sizes. For the purpose of this discussion it is proposed that the impact of dust as used in the Institute of Air Quality Management:

“The Institute of Air Quality Management adopts a broad definition of dust that includes the potential for changes in airborne concentration, changes in deposition rates and the risk to human health and public amenity, when considering the significance of effects from emissions of fugitive particulate matter”....

as these are the most likely impacts on the local population. The ES then goes on to consider a range of impacts from the rate of deposition and its impact on a variety of building types (referred to as receptors) including residential, food retail and offices, put simply this looks at how quickly do surfaces get dusty through to how quickly do products become soiled and how often do air filters need cleaning. It also goes on to consider both the impact of dust deposition and the change in composition of the make-up of the dust on ecological sites and agricultural land and overall the relative sensitivity of the receptors.

6.7.12 There are no statutory standards relating to the assessment or control of nuisance dust. The ES considers that the adverse impact of dust emissions can be managed at the design stage i.e. reduce the amount of material that needs to be moved, carrying out activities away from sensitive receptors, if further mitigation is required it identifies a number of steps required to determine the mitigation required;

- identify the nature, duration and the location of activities being carried out;
- establish the risk of significant effects occurring as a result of these activities;
- review the proposed or embedded mitigation against good site practice;
- identify additional mitigation measures, if necessary, to reduce the risk of a significant adverse effect occurring at receptors; and
- summarise the overall effect of the works with respect to fugitive emissions of particulate matter and then report the significance of the effects

In order to ensure that dust emissions from the site are controlled, **Appendix A - Conditions 17 & 18** are recommended.

6.7.13 Part 6 of Policy L1 requires the Council to develop traffic management measures to remove or minimise the number of HGV's moving through Lutterworth Town Centre in conjunction with the SDA Promotors and the LHA following the completion of the Spine Road. Until such time that the Spine Road is complete and operational, it is not possible to assess the level of mitigation which will be required in the Town Centre. Furthermore, as the Policy puts the requirement on Harborough District Council and not the applicants, it would not be reasonable to impose a condition on the application, rather HDC are obliged, through the monitoring of the Local Plan, to address this issue at the appropriate time rather than through the current planning application

○ *Cumulative Air Quality Effects*

6.7.14 Appendix A1 of Volume 2 of the ES contains a “Cumulative Effects – Projects for Consideration” plan. These include the expansion of Magna Park and the upgrading of the M1 to a Smart Motorway. Officers would agree with the scope of projects that should be considered cumulatively with the development.

6.7.15 The air quality assessment for the proposed development utilises traffic data which would be generated by the committed developments projects. Therefore, the future baseline scenario used as part of the Air Quality assessment is considered to be a cumulative assessment, and as such, the cumulative impact of the developments has been included as part of the assessment of the impacts of the proposal. None of the identified projects introduce new sensitive residential, educational or medical facilities into an existing area so none of the projects are sensitive to air pollution themselves and has not been discussed further. All of the identified projects as well as the proposed development would need to adhere to a Construction Environmental Management Plan that would specify measures to reduce dust being tracked out of the site and would also advise routes that heavy good vehicles should travel on to and from the sites. Therefore, the cumulative effect during the construction phase (if all happen concurrently) would be Minor Adverse. As such, once the developments are complete, there would be no residual adverse cumulative effect.

6.7.16 As set out in **Para 3.43 of this report**, the decision of HDC's Planning Committee on the 12th May 2020 to resolve to grant consent for a new supermarket on Rugby Road, Lutterworth, adjacent to the Whittle Roundabout, resulted in the need for this to be addressed as part of an updated Cumulative Impact Assessment. This additional work was carried out by the applicants, and also assessed the new sites at Lutterworth Road in Gilmorton and De Verdon Road, Lutterworth as well as the Rugby Road site. As part of the additional work, the applicants also took the opportunity to correct some inaccuracies in the mathematics in the original assessment. Officers agree with the scope of the additional projects that should be considered cumulatively with the development. It has been concluded that the cumulative impact of these additional projects does not alter the previous assessment, and as such, there would be no residual adverse cumulative impact.

○ *Summary*

6.7.17 In light of the above, it is considered that subject to the mitigation set out, no significant Air Quality issues will occur as a result of the proposed development. Furthermore, the proposed development would not make a material difference to local air quality near to the proposed development, which would remain at a good standard. The proposed development would not make a material difference to the Lutterworth AQMA nor its future compliance with relevant NO² limit values. It is therefore considered that the proposals will have a neutral impact upon air quality and would therefore accord with Policies GD8 and L1 of the Harborough District Local Plan in this respect.

8. Residential Amenity

6.8.1 Paragraph 127 of the Framework seeks to ensure a high standard of amenity for all existing and future users and this is also reflected in LP Policy GD8.

○ *Assessment of Impacts*

6.8.2 Notwithstanding the detailed design of the Spine Road and associated junctions, the remainder of the proposed development is in outline form, and as such, the detailed design and layout of the development parcels is a Reserved Matter for later consideration, however, from the information provided it is possible to provide general observations on whether or not the amenity of existing residential areas/properties located adjacent to or within close proximity will be affected. The properties mainly affected by the proposals are as follows:

- Northern junction properties (10-16 (evens) & 13 – 21 (odds) Bluebell Place; 41 and 58 Poppy Road; 2 – 6 Marigold Place; 1, 2, 3, 5 & 7 Maxwell Way; 27 – 33 (odds) and 32 – 56 Douglas Bader Drive; 1 – 7 (odds) Gloster Road; The Wooden Bungalow, Leicester Road; and Silverside, Leicester Road)

- Northern Link road properties (Silverside, Leicester Road; 17 – 69 (odds) Gloster Road)
- Station access properties (Station Yard, Station Road; 1 Ryehill Avenue; and 11 – 14 Marylebone Drive)
- Bungalow Farm, Gilmorton Road
- Thornborough Farm, Misterton
- Oback Farm and Oback Cottage, Misterton
- Lea Barn Farm, Misterton
- Park Lodge, Misterton
- Warren Farm, Swinford Road, Walcote
- Meadow House, Gilmorton Road; Fields Farm, Gilmorton Road; Wycliffe Farm, Gilmorton Road; Butts Farm, Misterton (all to be demolished)

The impacts of the proposals on the above properties are assessed in detail below.

“Northern junction properties”

- 6.8.3 The northern junction of the spine road sits adjacent to new development at Gloster Road and Bluebell Place as well as the older properties of The Wooden Bungalow and Silverside, both on Leicester Road (see **Figures 57 and 59**). Part of the new junction will include improvements to the Bill Crane Way / A426 / Gloster Road junction, which will have further impacts upon residents on Douglas Bader Drive and the Poppy Road development (see **Figures 58 and 60**). It is unfortunate that the junction plans do not indicate the new development, however, it is nonetheless still possible to assess the impact of the proposals upon these properties. It is unlikely that any of these properties will experience any significant impact on the visual amenity currently experienced from the properties as a result of the new and improved junctions, other than additional street furniture, and the potential for queueing traffic where it is currently free-flowing.

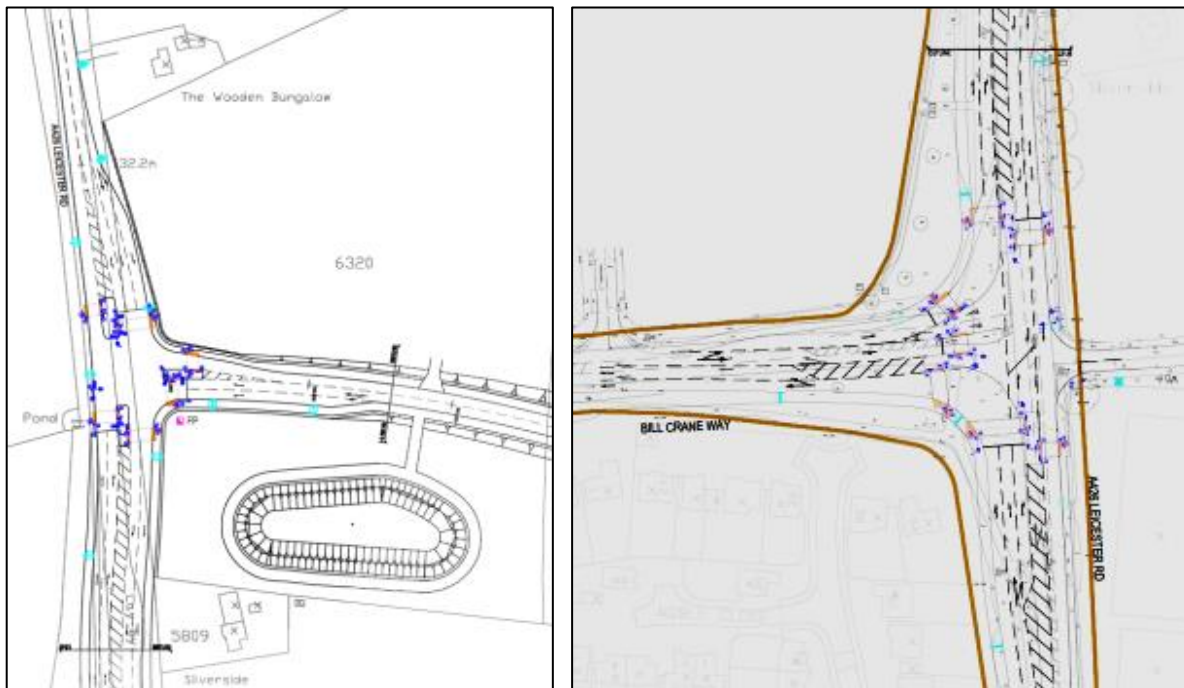


Figures 57 and 58: Aerial photos showing the “Northern Junction properties” in relation to the application site

- 6.8.4 The most likely change that will be experienced will be the change in the nature of traffic noise experienced at these properties due to the introduction of traffic lights at the junctions. The operation of the two junctions (i.e. A426 / Bill Crane Way and A426 / “Spine Road”) as one comprehensive junction should help to minimise queueing.

Likewise, the introduction of traffic lights to the A426 / Bill Crane Way junction should reduce peak queuing back along Bill Crane Way. As such, it is not considered that there will be any significantly harmful change to the noise environment in these areas as a result of the development

- 6.8.5 The other significant improvement that will occur as a result of the works to the junction is the introduction of traffic lights to the Gloster Road / A426 junction. Whilst this is not strictly a residential amenity issue, it will ease access and egress at this junction which will be of benefit to the residents of Gloster Road, Javelin Close and Meteor Close.



Figures 59 and 60: Plan of proposed northern junction and proposed A426 / Bill Crane Way improvements

'Northern Link road properties'



Figure 61: Aerial photo showing the "Northern Linkroad properties" in relation to the application site

- 6.8.6 Silverside, Leicester Road and 17 – 69 (odds) Gloster Road (see **Figure 61**) all share a boundary with the section of the site through which the connecting road from the A426, over the M1 to the main part of the site passes. In order to gain enough height to be able to satisfactorily bridge the M1, the road will be on an increasing embankment from shortly after the A426 junction (see **Figure 62**).

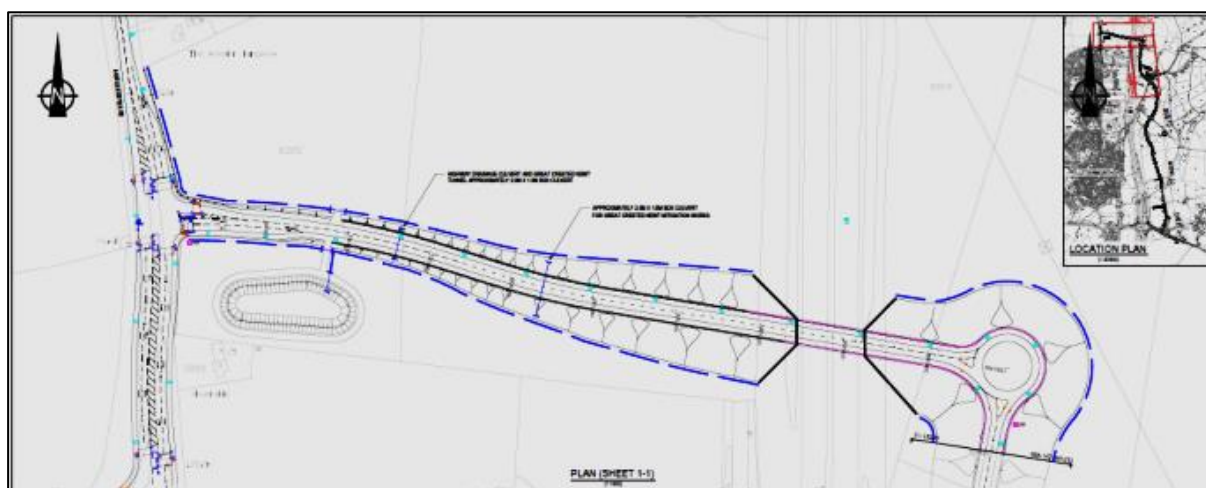


Figure 62: Plan of proposed road and embankment

- 6.8.7 A number of residents in properties on Gloster Road have raised concerns over the impact of the road, both as a result of the embankment, and also due to the increase in noise. In response to the issue of the embankment, Officers requested that the applicants produce a cross section through the site indicating the relationship of the dwellings with the embankment. This has been provided, indicating the relationship between the embankment and the houses at the easternmost end of Gloster Road, the point at which the embankment will be at its highest in order to bridge the M1 (see **Figure 63**).

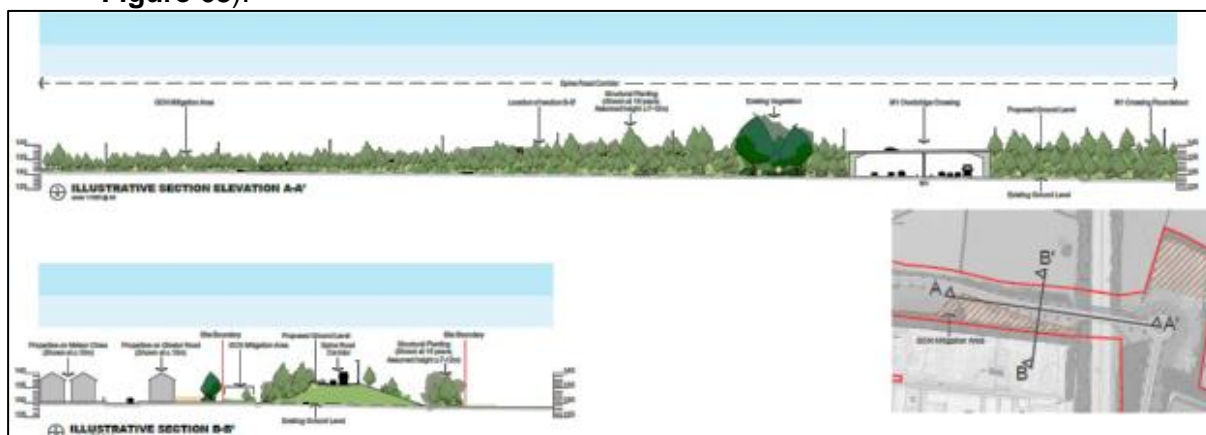


Figure 63: Cross sections of proposed road and embankment

- 6.8.8 As can be seen at **Figure 63**, there will be a significant change in levels between the Gloster Road properties and the spine road, with the finished road level being approximately 7m higher than the existing ground levels. There is a separation of approximately 30m from the rear of the properties on Gloster Road to the base of the embankment, and approximately 45m to the top of the embankment. The embankment will be planted with a mix of vegetation including shrubs and trees to visually soften its appearance. In light of this, whilst it is unarguable that the embankment will be visible from the rear of the properties in Gloster Road, and that it will result in a change of

outlook, it is not considered that the presence of the embankment will result in any significantly harmful loss of visual amenity to these residents.

- 6.8.9 In terms of the increase in noise experience experienced by these residents, it must be remembered that the Gloster Road development is situated between the M1 and the A426, with a long-standing industrial estate immediately to the south, and as such, already experiences relatively high background noise levels. It should be noted that the prevailing wind direction is from the south-west, and as such, road noise from the spine road will predominantly be taken away from the Gloster Road development. Given the existing noise environment experienced by residents on the development, and the mitigating factors outlined above, it is not considered that the spine road will result in any significantly harmful increase in noise levels experienced by existing residents. Additionally, HDC's EHO's have recommended a condition be imposed on any consent requiring reasonable noise levels to be met which will further protect the amenity of the residents of Gloster Road.

'Station access properties'

- 6.8.10 One of the requirements of Policy L1 of the Local Plan is that there is a minimum of 5 dedicated pedestrian and cycle routes from the development into Lutterworth. One of these, and the one most likely to require modification with potential impacts on neighbouring properties is the route under the railway line adjacent to the old station (see **Figure 64**).

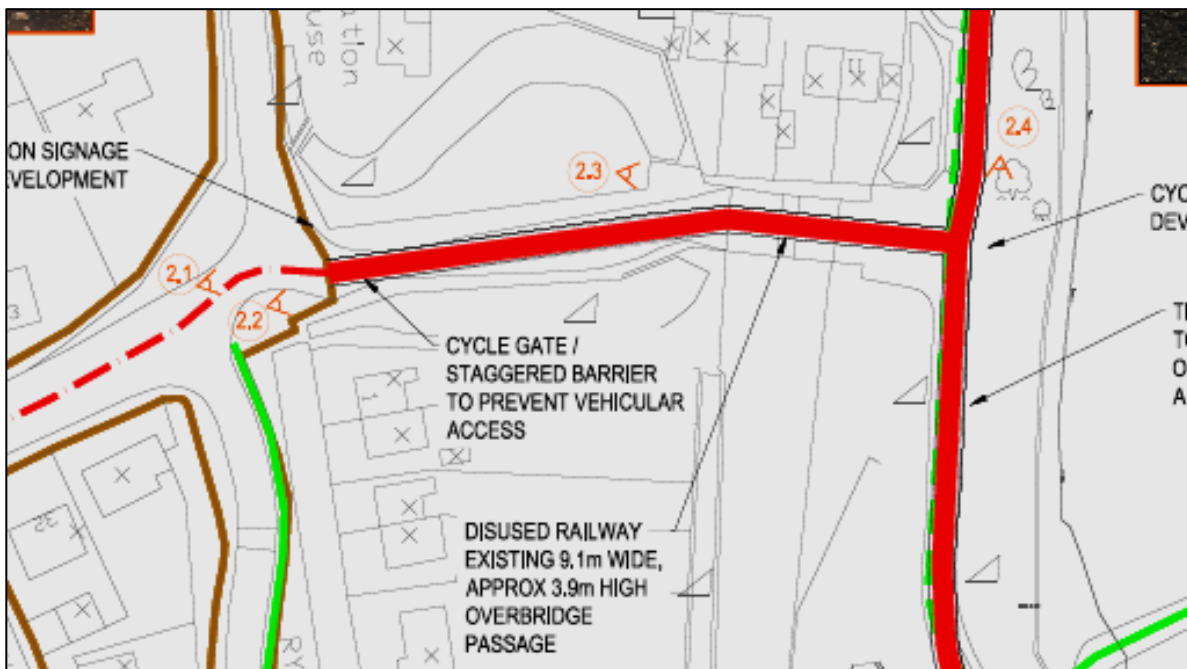


Figure 64: Plan of potential link from site to Station Road

- 6.8.11 **Figure 65** shows that there are 6 properties which share a boundary with this route, namely Station Yard, Station Road; 1 Ryehill Avenue; and 11 – 14 Marylebone Drive. Whilst the route isn't currently a definitive Public Right of Way, it is the former station approach, and is a reasonably well utilised link from Station Road to the Public Right of Way which runs to the east of the railway embankment.
- 6.8.12 The application does not propose a solution as to how the link would be created, rather it shows that such a link is possible, the detail of how to deliver the link will be secured by condition (see **Appendix A – Condition 25**). Notwithstanding this, given the fact that the route is already available to use, the proposal to intensify its use does not

introduce a new amenity issue to the surrounding properties. Station Yard and 1 Ryehill Avenue have significant boundary treatment which helps to screen the properties from the route. Furthermore, 11-14 Marylebone Drive are situated on far higher ground, effectively having been built on the railway embankment, the route as such would pass below the gardens of these properties. Additionally, Officers are of the opinion that, by creating a more user friendly environment, increasing the foot and cycle traffic through the railway overbridge, the proposal could have a positive benefit for residents in the locality by reducing the areas attractiveness for anti-social behaviour to occur and by increasing natural surveillance of the area.



Figure 65: Aerial photo showing the Station access properties in relation to the application site

'Bungalow Farm, Gilmorton Road'

- 6.8.13 Bungalow Farm is located to the east of northernmost employment parcel on the application site (see **Figure 66**). The bungalow is situated approximately 4m from the application site and 28m from the perimeter of the development parcel. **Figures 67 - 68** shows the relationship of the property with the application site and the development parcel.
- 6.8.14 No objections have been received from the residents of the property, however, this does not mean that there will be no impact upon the residential amenity of this property. However, given the fact that there is a significant landscape strip along the site boundary (approximately 12m in depth) and that the maximum building height stipulated on the parameters plan for this parcel is 12m, it is considered that any risk of an overbearing impact can be designed out of the scheme through securing a strong landscape buffer (see **Appendix A – Condition 9**) and the careful design and layout of the units within the development parcel.
- 6.8.15 Notwithstanding this, an informative note is recommended suggesting that this relationship be investigated in detail prior to the submission of any Reserved Matters application, and 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 (see **Appendix A – Informative Note 2**). Furthermore, careful consideration should be given to any Reserved Matters application with regards the hours of operation of any business occupying units adjacent to the boundary with Bungalow Farm.

6.8.16 Whilst it is accepted that the presence of the development will change the outlook from the property, it is not considered the proposal would have a significant adverse effect adverse impact upon the residential amenity of Bungalow Farm.



Figure 66: Aerial photo showing The Bungalow in relation to the application site



Figures 67 & 68: Proposed parameters and indicative layout of site adjacent to The Bungalow

'Thornborough Farm', Misterton

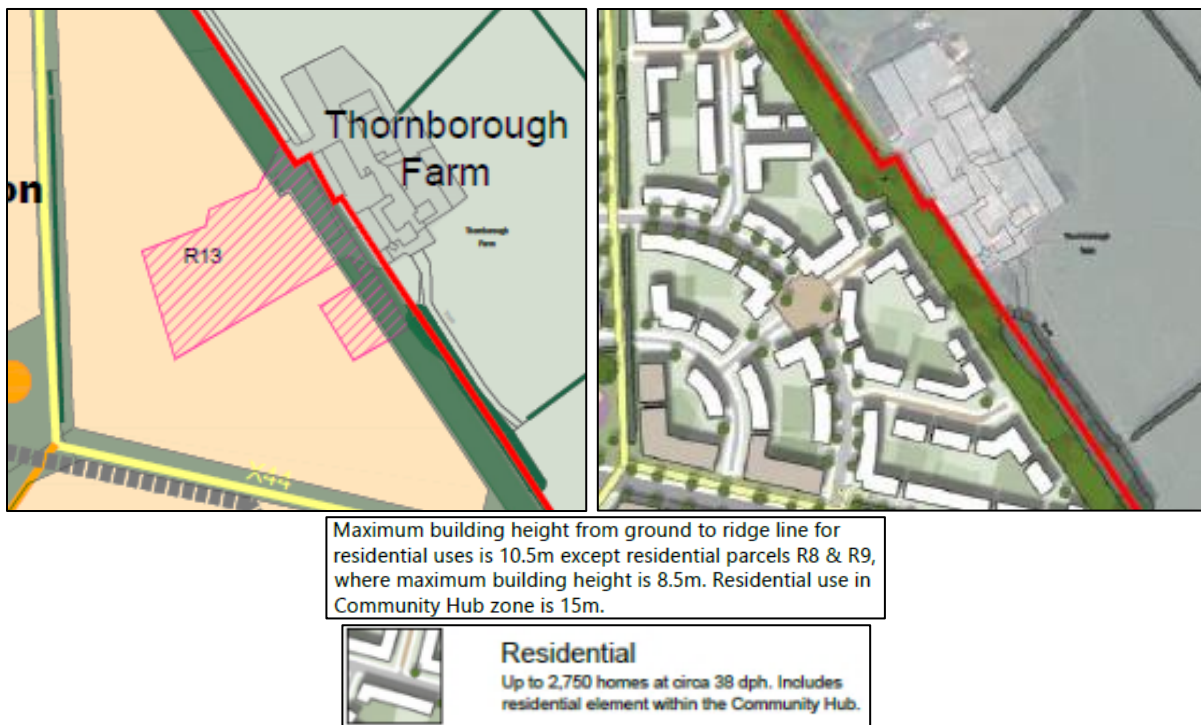
6.8.17 Thornborough Farm is located to the east of the site, adjacent to residential parcel R13 on the application site. The dwelling is situated approximately 28m from the application site and 49m from the perimeter of the development parcel with a 16m deep landscape strip along the boundary. There are agricultural buildings associated with the farm in the intervening area. **Figures 69 - 71** shows the relationship of the property with the application site and the development parcel.

6.8.18 The Parameters plan stipulates that the maximum building height in parcel R13 will be 10.5m. No objections have been received from the residents of the property, however, it does not follow that there will be no impact upon the residential amenity of this property. However, given the fact that there is a significant landscape strip along the site boundary (approximately 16m in depth) and the fact that the maximum building height stipulated on the parameters plan for this parcel is 10.5m, it is considered that

any risk of an overbearing impact can be designed out of the scheme through securing a strong landscape buffer (see **Appendix A – Condition 9**) and the careful design and layout of the units within the development parcel. Furthermore, the development would see the demolition of the adjoining farmstead which could be seen as a visual improvement on the outlook from the property.



Figure 69: Aerial photo showing Thornborough Farm in relation to the application site



Figures 70 & 71: Proposed parameters and indicative layout of site adjacent to Thornborough Farm

6.8.19 Consideration also needs to be given to future occupiers of the dwellings in parcel R13. Due to the proximity of the parcel to an operational farmstead, there is potential for complaints to be received from new residents about the operation of the farm which could subsequently impact upon the farm. Any Reserved Matters application should

demonstrate that this has been fully investigated and suitable mitigation has been incorporated into the design of the development so as to minimise the impact of the dwellings upon the operation of the farm (see **Appendix A – Informative Note 1**).

- 6.8.20 Whilst it is accepted that the presence of proposal will change the outlook from the property, it is not considered the proposal would have a significant adverse impact upon the residential amenity of Thornborough Farm.

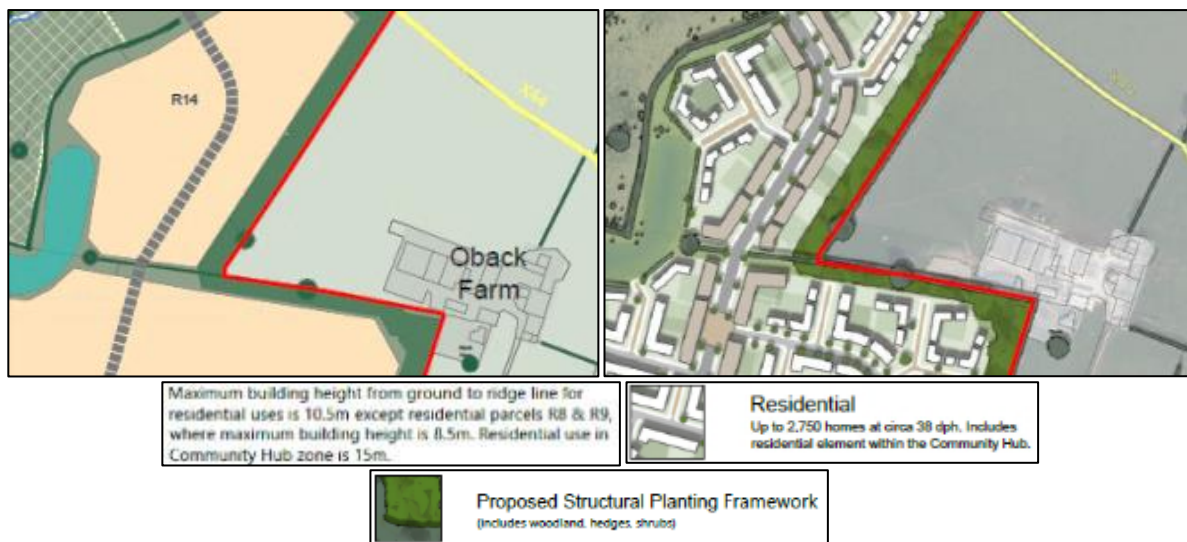
'Oback Farm' and 'Oback Cottage', Misterton

- 6.8.21 Oback Farm and Oback Cottage are located to the east of the site, adjacent to the north eastern corner of residential parcel R15 on the application site. Oback Farm is situated approximately 60m from the application site and 105m from the perimeter of the development parcel with a 43m deep landscape strip along the boundary. There are agricultural buildings associated to the farm in the intervening area. Oback Cottage is situated approximately 22m from the application site and 56m from the perimeter of the development parcel with a 30m deep landscape strip along the boundary. **Figures 72 - 74** shows the relationship of the property with the application site and the development parcel.



Figure 72: Aerial photo showing Oback Farm and Oback Cottage in relation to the application site

- 6.8.22 The Parameters plan stipulates that the maximum building height in parcel R15 will be 10.5m. No objections have been from the residents of the property, however, it does not follow that there will be no impact upon the residential amenity of this property. Notwithstanding this, given the fact that there is a significant landscape strip along the site boundary (approximately 30 – 40m in depth) and the fact that the maximum building height stipulated on the parameters plan for this parcel is 10.5m, it is considered that any risk of an overbearing impact can be designed out of the scheme through securing a strong landscape buffer (see **Appendix A – Condition 9**) and the careful design and layout of the units within the development parcel.
- 6.8.23 Consideration also needs to be given to future occupiers of the dwellings in parcel R15. Due to the proximity of the parcel to an operational farmstead, there is potential for complaints to be received from new residents about the operation of the farm which could subsequently impact upon the farm. Any Reserved Matters application should demonstrate that this has been fully investigated and suitable mitigation including through the siting of dwellings, has been incorporated into the design of the development so as to minimise the impact of the dwellings upon the operation of the farm (see **Appendix A – Informative Note 1**).



Figures 73 & 74: Proposed parameters and indicative layout of site adjacent to Oback Farm and Oback Cottage

6.8.24 Whilst it is accepted that the presence of proposal will change the outlook from the property, it is not considered the proposal would have a significantly adverse impact upon the residential amenity of Oback Farm and Oback Cottage.

'Lea Barn Farm', Misterton

6.8.25 Lea Barn Farm is located to the east of the site, surrounded on three sides by the southern end of residential parcel R15 on the application site. Lea Barn Farm (house) is situated between 20 and 50m from the perimeter of the development parcel with a landscape strip along the boundary which ranges between 10 and 20m in depth. **Figures 75 - 78** shows the relationship of the property with the application site and the development parcel.



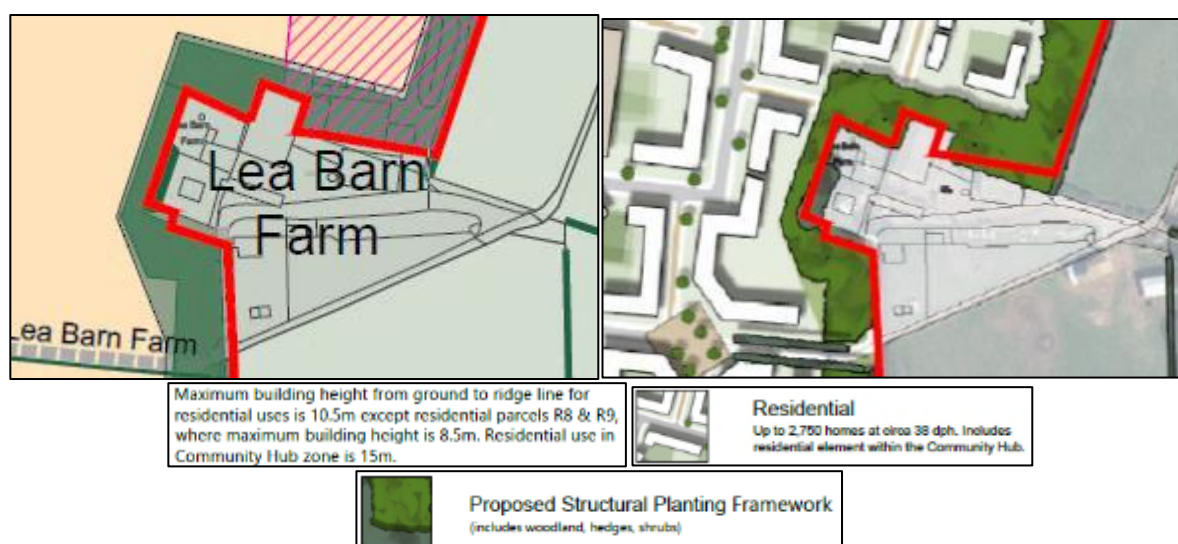
Figure 75: Aerial photo showing Lea Barn Farm in relation to the application site

6.8.26 The Parameters plan stipulates that the maximum building height in parcel R15 will be 10.5m. No objections have been from the residents of the property, however, it does not follow that there will be no impact upon the residential amenity of this property. Notwithstanding this, given the fact that there is a significant landscape strip along the site boundary and the fact that the maximum building height stipulated on the parameters plan for this parcel is 10.5m, it is considered that any risk of an overbearing impact can be designed out of the scheme through securing a strong landscape buffer

(see **Appendix A – Condition 9**) and the careful design and layout of the units within the development parcel.



Figure 76: Lea Barn Farm



Figures 77 & 78: Proposed parameters and indicative layout of site adjacent to Lea Barn Farm

- 6.8.27 Consideration also needs to be given to future occupiers of the dwellings in parcel R15. Due to the proximity of the parcel to an operational farmstead, there is potential for complaints to be received from new residents about the operation of the farm which could subsequently impact upon the farm. Any Reserved Matters application should demonstrate that this has been fully investigated and suitable mitigation including through the siting of dwellings, has been incorporated into the design of the development so as to minimise the impact of the dwellings upon the operation of the farm (see **Appendix A – Informative Note 1**). It should also be noted that the development will result in the loss of some of the current farm buildings, and any assessment should also take this into account.
- 6.8.28 Whilst it is accepted that the presence of proposal will change the outlook from the property, it is not considered the proposal would have a significant adverse impact upon the residential amenity of Lea Barn Farm.

'Park Lodge', Misterton

- 6.8.29 Park Lodge is located within the application site, in the south-eastern corner of the site where it adjoins the A4304. The dwelling is approximately 43m from the proposed A4304 / spine road junction, and 23m from the new, re-aligned Chapel Lane. Park Lodge is also situated adjacent to two development parcels, with the Swift Valley Business Park being approximately 85m from the property on the opposite side of the spine road with the southern employment site being approximately 69m to the south, on the opposite side of the A4304.



Figure 79: Aerial photo showing Park Lodge in relation to the application site

- 6.8.30 Both of these parcels have a landscape strip along their boundary which ranges between 14 and 19m in depth. Park Lodge also has significant boundary treatment to its boundary. **Figures 79 - 81** shows the relationship of the property with the application site and the development parcels whilst **Figures 82 & 83** set out the junction arrangements.
- 6.8.31 No objections have been received from the residents of the property, and it is understood that the applicants have purchased the property, however, it does not follow that there will be no impact upon the residential amenity of this property. Notwithstanding this, given the fact that there is a significant landscape strip along both of the development parcels and the fact that the maximum building height stipulated on the parameters plan for the Swift Valley Business Park parcel is 8.5m, it is not considered that there will be any overbearing impact as a result of this parcel. Likewise, there is a significant landscape buffer to the southern employment site, and whilst the maximum building height in this zone is 18.5m it is considered that any risk of an overbearing impact can be designed out of the scheme through securing a strong landscape buffer (see **Condition 9**) and the careful design and layout of the units within the development parcel.
- 6.8.32 In terms of the increase in noise experience experienced by these residents, it must be remembered that the Park Lodge is situated immediately adjacent to the A4304 and close to the M1, and as such, already experiences relatively high background noise levels. It should be noted that the prevailing wind direction is from the south-west, and as such, road noise from the spine road will predominantly be taken away from Park

Notes: Maximum building height from ground level to ridge line for B8 uses is 18.5m.
Maximum building height from ground level to ridge line for B1 use Swift Valley Business Park is 8.5m.

Employment

Proposed Structural Planting Framework
(includes woodland, hedges, shrubs)

Figures 82 & 83: Proposed junctions adjacent to Park Lodge

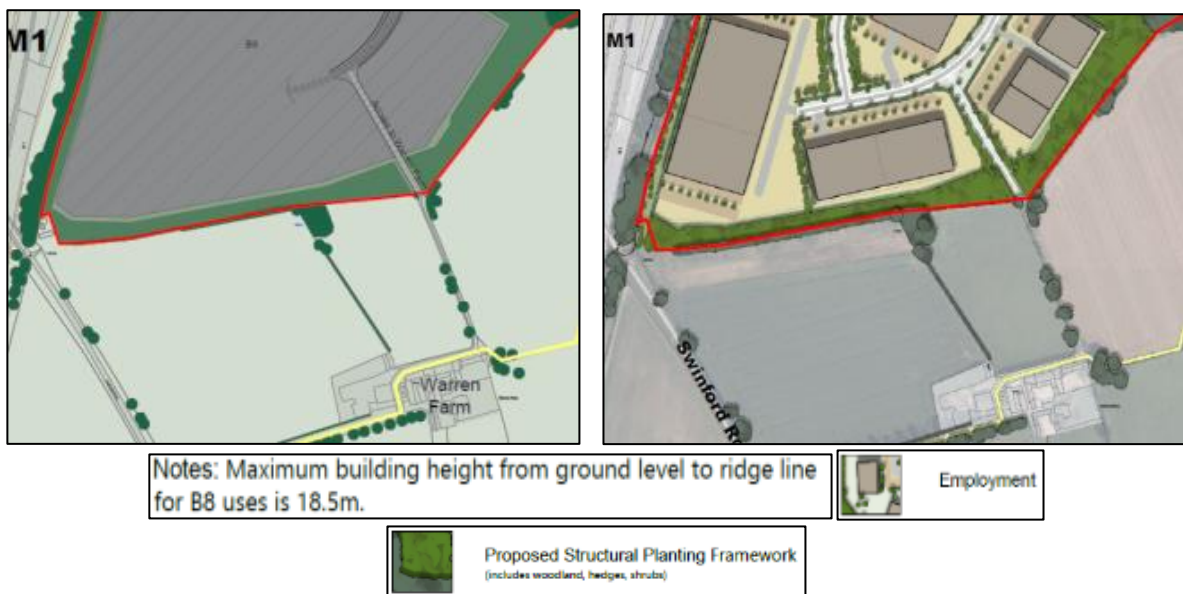
192

'Warren Farm', Swinford Road, Walcote

- 6.8.34 Warren Farm (house) is located to the south of the site, some 200m from the site boundary. The southern employment parcel has a landscape strip along the boundary which ranges between 18 and 40m in depth. **Figures 84 – 86** show the relationship of the property with the application site and the development parcel.



Figure 84: Aerial photo showing Warren Farm in relation to the application site



Figures 85 & 86: Proposed parameters of site adjacent to Warren Farm

- 6.8.35 Warren Farm House itself is situated on the southern side of the farm complex (see **Figure 87**) and is therefore largely screened from the development by existing farm buildings.
- 6.8.36 Following a request from the Council's landscape advisors, the applicants have produced a photomontage from the public right of way which passes through Warren Farm (see **Figure 88**). As can be seen, at 15 years after the development, the proposed buildings are largely screened from this vantage point. Given that existing buildings will further screen the site from the house itself, it is evident that there will be no impact upon the amenity of the resident of Warren Farm.



Figure 87: Layout of Warren Farm complex

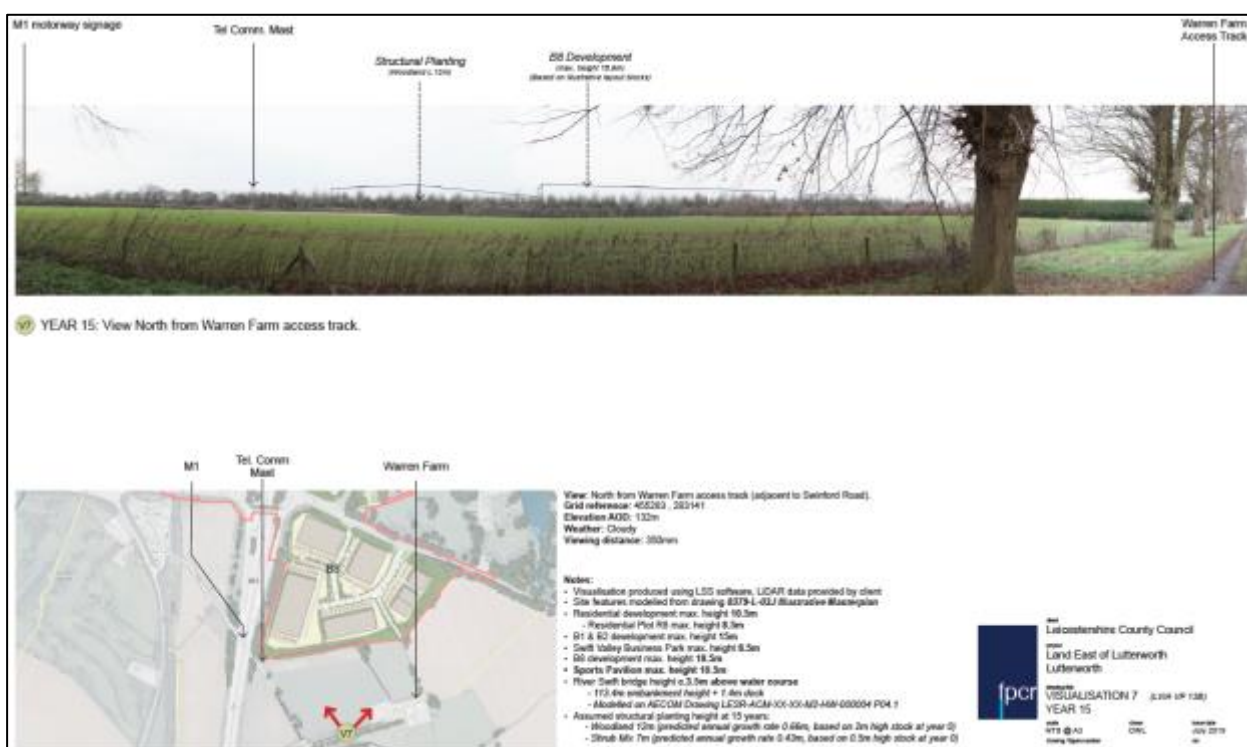


Figure 88: Photomontage from public footpath adjacent to Warren Farm

6.8.37 Whilst it is accepted that the presence of the proposed development will change the outlook from the approach to the property, it is not considered the proposal would have an adverse impact upon the residential amenity of Warren Farm.

Properties to be demolished

6.8.38 The application proposes the demolition of a number of buildings as indicated on the parameters plan (see **Figure 89**). These buildings are predominantly agricultural buildings such as barns, however, there are also 4 dwellings within the demolition areas, Meadow House, Gilmorton Road (see **Figures 90 and 91**); Fields Farm, Gilmorton Road (see **Figures 90 and 92**); Wycliffe Farm, Gilmorton Road (see **Figure 94**); and Butts Farm, Misterton (see **Figure 93**).

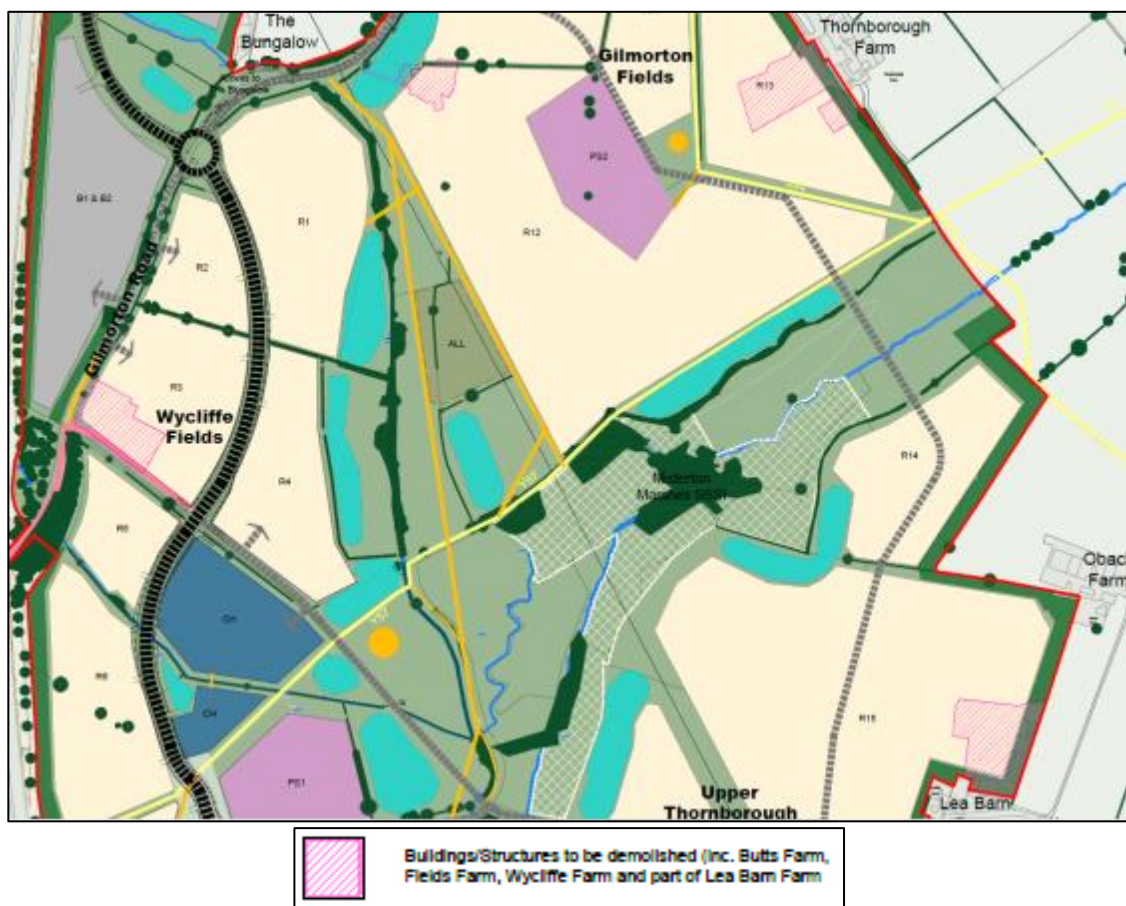


Figure 89: Extract of Parameters Plan indicating buildings to be demolished on the application site

6.8.39 The fact that these properties are indicated on the plan to be demolished does not mean that they will necessarily be demolished as part of the development if the planning application is approved. The approval would allow for their demolition, if the end developer of the parcel within which they are located wishes to demolish them. If the developer wishes to retain the buildings and develop the site around them, this would also be possible. As such, it is necessary to assess the potential impact of the proposal upon the above dwellings.

6.8.40 Meadow House and Fields Farm are located to the north of the site, adjacent to the Gilmorton Road (see **Figure 90**) and are the two properties which are most likely to be retained. Meadow House is a relatively recent barn conversion (see **Figure 91**) set within an enclosed curtilage area adjacent to Fields Farm. Fields Farm is a traditional farmhouse (see **Figure 92**). Neither of these properties are listed or considered to be non designated heritage assets.

6.8.41 The Parameters plan stipulates that the maximum building height in parcel R12 will be 10.5m. Given the fact that, if retained, the properties would be incorporated into the residential development, it is considered that any risk of a potential overbearing impact can be designed out of the scheme through the careful design and layout of the units within the development parcel.



Figure 90: Aerial photo showing Meadow House and Fields Farm in relation to the application site



Figure 91: Meadow House

6.8.42 Butts Farm (see **Figures 93 and 95**) is a building in the style of Local Authority Farm house with associated outbuildings as well as a number of other farm buildings. The farmhouse and outbuildings are relatively good examples of Local Authority farm houses of their era, a complex which is repeated at Thornborough Farm, and with similar dwellings at Oback Farm and Lea Barn Farm. As with Meadow House and Fields Farm, Butts Farm and its outbuildings are not listed or considered to be non designated heritage assets.

6.8.43 However, Officers are of the opinion that the retention of Butts Farm and its outbuildings would add to the intrinsic character of the site and would certainly aid in the place making of the development. As such, it is appropriate that the LPA assess the impact of any new development upon the residential amenity of the properties in the event that they are retained.



Figure 92: Fields Farm



Figures 93 & 94: Aerial photos showing Butts Farm and Wycliffe and in relation to the application site

6.8.44 The Parameters plan stipulates that the maximum building height in parcel R13 will be 10.5m. Given the fact that, if retained, the properties would be incorporated into the residential development, it is considered that any potential overbearing impact can be designed out of the scheme through the careful design and layout of the units within the development parcel.

6.8.45 Wycliffe Farm is located to the north of the site, adjacent to Gilmorton Road and would be one of the first parts of the site that would be seen when travelling from Lutterworth along Gilmorton Road (see **Figures 96 & 97**). The property is a relatively non-descript farm house with associated outbuildings as well as a number of other farm buildings. Of the dwellings indicated to be demolished, Wycliffe Farm has the least architectural qualities and its loss to the scheme would not be considered to be detrimental to the quality of the scheme. Coupled with the fact that the property occupies what is likely to be a key plot adjacent to two significant routes in and round the site, Officers do not

feel consider it likely that any future developer would choose to retain this property as part of their scheme. As such, it is not deemed necessary to consider the impact upon the residential amenity of this property.



Figure 95: Butts Farm



Figure 96: Wycliffe Farm

6.8.46 During construction there would be some adverse impacts on residential amenity. However, a planning condition is recommended requiring the submission of a Construction Management Plan to be approved and implemented (see **Appendix A – Conditions 17 & 18**). The Plan would contain good practice measures to limit the disturbance and inconvenience that may arise when building works are undertaken. In addition to planning controls, the Environmental Protection Act provides a variety of safeguards in respect of noise, air and light pollution.



Figure 97: Wycliffe Farm

- *Cumulative Residential Amenity Effects*
- 6.8.47 Appendix A1 of Volume 2 of the ES contains a “Cumulative Effects – Projects for Consideration” plan. These include the expansion of Magna Park and the upgrading of the M1 to a Smart Motorway. Officers would agree with the scope of projects that should be considered cumulatively with the development. There are no identified schemes which would have a cumulative impact upon the residential amenity of any of the properties assessed in this chapter of this report.

- *Summary*
- 6.8.48 On the basis of the above, Officers consider that there will be no significant adverse effect on the residential amenity of the neighbouring properties. It is therefore considered that the proposals will have no significant adverse effect upon residential amenity and would therefore accord with Policy GD8 of the Harborough District Local Plan.

9. Design

- 6.9.1 The application has been supported by a Design and Access Statement (DAS) which was prepared by FPCR Environment and Design Ltd. The DAS sets out the context of the site and the evolution of the proposals. Notwithstanding the fact that the layout and appearance of the buildings within the proposed development is a Reserved Matter, the Parameters Plan submitted sets out parameters for the development and demonstrates how the site could be developed (see **Figure 99**).

- *Design Policy*
- 6.9.2 Policy L1 of the Harborough District Local Plan contains specific criteria with regards to the provision high quality design within the development. In addition to Criterion 2 which has already been assessed earlier in this report, Criteria 3d 3j, 3o 3w and 3z state:
- “3. j. a multifunctional green infrastructure network, including:
- i. greenways for walking, cycling and wheelchair users;
 - ii. a community park containing outdoor sports facilities to be provided before completion of 300 dwellings or as otherwise agreed by the Council;
 - iii. natural and semi-natural greenspace (including the existing woodland and Misterton Marshes SSSI which is to be protected as non-accessible open space);

- iv. measures to minimise potential visual impact on nearby heritage assets and their setting, in accordance with Policy HC1;
- v. a cemetery (in accordance with Policy GI3) and allotments;
- vi. local public open space, including equipped play space and multi-use games areas, in accordance with Policy GI2 and a phasing plan to be agreed with the Local Planning Authority;
- o. a minimum of 5 crossings which provide dedicated walking and cycling connections into Lutterworth across the M1, forming part of a network of legible, direct, safe and attractive routes, which will all be well-lit, surfaced, with good natural surveillance and provide connections to Lutterworth town centre, the local centre and employment uses within the SDA, and to existing cycle routes, bridleways and footpaths, including the National Cycle Network, in accordance with Policy IN2;
- w. facilities for recycling and waste collection, including concealed bin storage;
- z. structural planting along the northern, eastern and southern boundaries to provide a sympathetic urban-rural transition and relate well to surrounding countryside."

6.9.3 Reference has also been made in **Section 5** of this report to Appendix L of the Local Plan and its advice on the preparation of masterplans. Other relevant Design Policy and Guidance is set out in **Section 5** of this report.

- o *Design Vision*

6.9.4 As part of the DAS submitted by the applicant in support of the application, there is a Design Vision, which sets out how the applicants envisage that the development will embed itself into the surrounding area. It states:

"East of Lutterworth will deliver a vibrant high-quality place for modern 21st century living. It will comprise three distinct 'villages': Wycliffe Fields, Upper Thornborough and Gilmorton Fields, that will be focussed around an extensive central core of green space that expands upon the natural assets of Misterton Marshes and the River Swift valley. Underpinned by a framework of high quality well-designed streets that are safe, direct and easy to access, each 'village' provides the opportunity for 'character areas', and keynote buildings and spaces; a mix of market and affordable housing; distinct architectural and landscape themes, the use of modern, contemporary and locally distinct buildings, the provision of tree-lined streets, public parks and walking and cycling routes, and the opportunity for community ownership of buildings and green spaces. The development would embrace good urban design principles such as: walkable neighbourhoods with access to local shopping, employment, education, health care, open space and recreation facilities; an integrated and accessible transport system to include direct walking and cycling routes to Lutterworth; the use of high quality and imaginative building designs; and generous green space linked to the wider natural environment. Green infrastructure and recreation will be at the forefront to create a healthy and vibrant new place."

- o *Design Engagement and Evolution*

6.9.5 The applicant has carried out a range of stakeholder involvement with statutory consultees during the pre-application process. This has included meetings and discussions with Highways England, Environment Agency, Natural England, Historic England and Lutterworth Town Council. In addition, regular meetings have been held with officers from LCC and HDC on the Proposed Development, in particular on the design and function of the Spine Road.

- 6.9.6 Engagement has included a Stakeholder Design Workshop (20 September 2018). The Workshop, which was attended by Lutterworth Town Council and Officers of HDC amongst others, included presentations on the technical work that had been produced. This included explaining the site's opportunities and constraints and the land uses requirements contained within the Local Plan. The workshop also included discussions by the attendees on the emerging development proposals' Outline Concept, which had been developed into a Consultation Masterplan. Some of the key points were:
1. The Spine Road should be designed to alleviate traffic from Lutterworth town centre;
 2. The relocation of the Community Hub (Neighbourhood Centre) nearer the central part of the Spine Road should be explored;
 3. The potential isolated character of the development parcel south of the River Swift.;
 4. Improved connectivity to Lutterworth town centre by exploring the existing routes over and under the M1;
 5. The need for comprehensive walking and cycling routes within the development.
 6. Access into and out of Chapel Lane, Misterton; and
 7. The form and function of Gilmorton Road.
- 6.9.7 A Public Consultation Event took place on the 21-22 September 2018. Some of the key points that came out of this point of view were:
1. Traffic movement and flows in and around the site to include effects on Lutterworth.
 2. The design of the Spine Road and its benefits to Lutterworth Town centre
 3. The provision and need for schools (primary and secondary), retail and health facilities;
 4. The mix and type of new homes; and
 5. Phasing and delivery.
- 6.9.8 The plans that were considered by the Local Plan Inspector showed the site's relationship with Lutterworth town centre, in terms of distance and how existing routes across the M1 provide good access between the site and the town. A series of connectivity sketches were developed to illustrate the strategy for crossing the M1 using Gilmorton Road, the Public Footpath/Bridge and the permissive route along the Swift. Additional crossing points would be created by the new Spine Road bridge and upgraded pedestrian/cycle routes across the M1 Junction 20 bridge.
- 6.9.9 Following changes to the masterplan to reflect the Inspector's recommendations and that of the Stakeholder and Public Consultation Event, the emerging masterplan was analysed as part of an Independent Design Review (13 November 2019). Some of the key points that came out of the review included:
1. The alignment of the Spine Road within the site i.e. whether it should be located closer to the M1;
 2. The overall design of the Spine Road corridor from an urban design perspective and, in particular, how it would function for residents, cyclists and pedestrians;
 3. What the walking and cycling experience would be like for new residents as they move through the site and into Lutterworth; and
 4. the design of the Community Hub (Neighbourhood Centre) and the surrounding public realm.

○ *Development Proposals*

6.9.10 Detailed Proposals – Spine Road and Site Access

The application includes detailed proposals for the construction of a Spine Road and associated junctions with the A426 (north of Lutterworth), Gilmorton Road, Chapel Lane, and the A4304 (to the east of M1 junction 20). This comprises carriageway,

footway, cycleway and associated infrastructure to include earthworks, bridge structures, services, drainage, landscaping, lighting and signage.

6.9.11 The Spine Road is the principal or higher order street within the Proposed Development. The Harborough Local Plan notes that:

“The SDA will also provide a new road, linking the A426 to the north of Lutterworth to the A4304 to the east of M1 junction 20 via a new bridge over the M1. This new ‘spine road’ is predicted to remove some of the through traffic currently travelling through the centre of Lutterworth, helping to improve air quality” (para 15.2.6)

The Spine Road has been designed as a public bus route and will act as a ‘High Street’ in placemaking terms (see **Figure 98**).

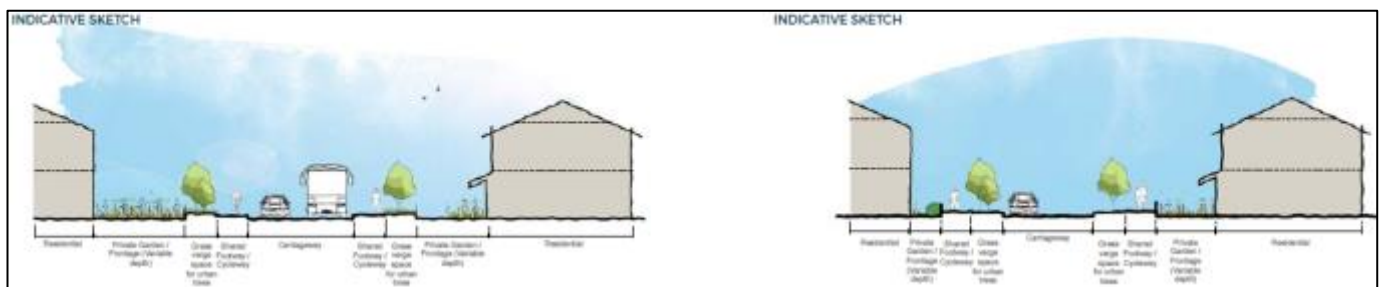


Figure 98: Indicative cross-sections of Spine Road

6.9.12 Development Parameters – The Parameters Plan

Beyond the detailed element of the Spine Road, the remaining development is in outline. For the outline element of the Planning Application, the EIA Parameters Plan (see **Figure 99**) defines the extent of the Proposed Development, and to provide information on the design and size of the scheme.

6.9.13 Land Uses - Residential Use (up to 2,750 homes)

In total, the EIA assesses up to 2,750 homes. This includes housing within the residential areas of “Wycliffe Fields”, “Gilmorton Fields” and “Upper Thornborough”. Residential use is also expected within the Community Hub. The precise housing mix will be determined at the detailed stage, however it is anticipated that this will encompass a range and choice of housing. The applicants state that this would include ‘starter’ homes, family homes, retirement homes, extra care provision and opportunities for self-build. There will also be a high proportion of affordable homes based upon evidence of housing need.

6.9.14 Whilst it is expected that there will be variations in densities, such that those residential streets on the edges of the layout would have lower densities than those along the public bus routes of the Spine Road, Main Street and around the Community Hub, the average residential density across the Proposed Development based would be around 38 dwellings per hectare (dph) based upon the delivery of 2,750 homes. Densities between 35-40dph are a common for new housing developments.

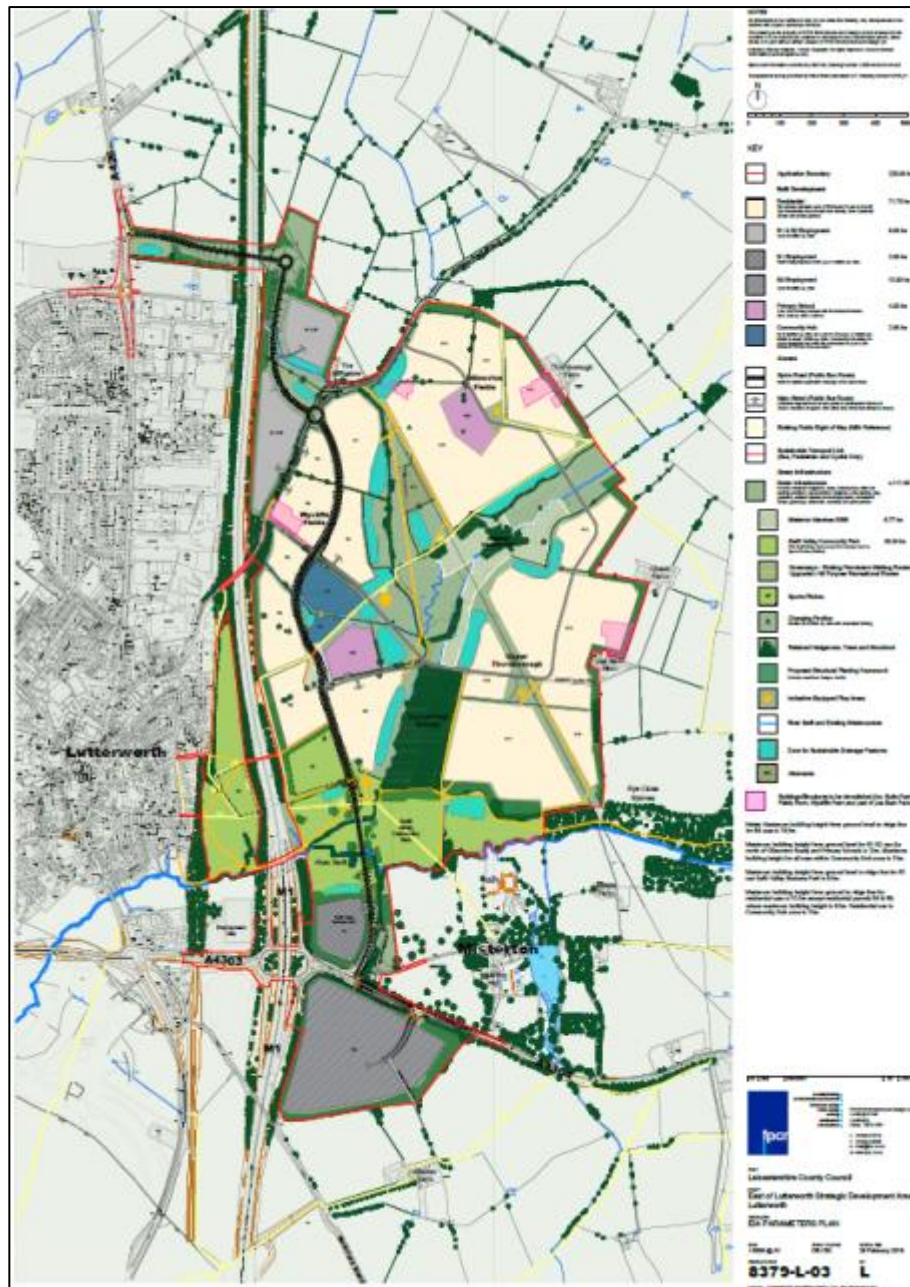


Figure 99: Parameters Plan

6.9.15 Land Uses - Community Hub (2.5ha)

In accordance with the Local Plan, land is provided for mixed-use Community Hub (Neighbourhood Centre) that allows for retail, health, social, leisure, residential, cultural and community facilities (see **Figure 100**). The EIA assesses up to 8,000m² of gross floorspace of A1-A5 uses and D1-D2 uses. A1 Retail use would be limited to about 1,500m² gross floorspace as defined by the wording in the Local Plan.

6.9.16 Occupying a central position along the Spine Road, a range of uses have been identified in the Local Plan that the Community Hub can accommodate these include a convenience food store for 'top up' shopping, a health centre and pharmacy, community, cultural and leisure buildings, a public house and cafés and restaurants. Suggested uses for the Community Hub are contained within the Local Plan Policy (L1). The Community Hub also allows for residential use and extra care provision (C2 use) within the overall parameter of 2,750 units.

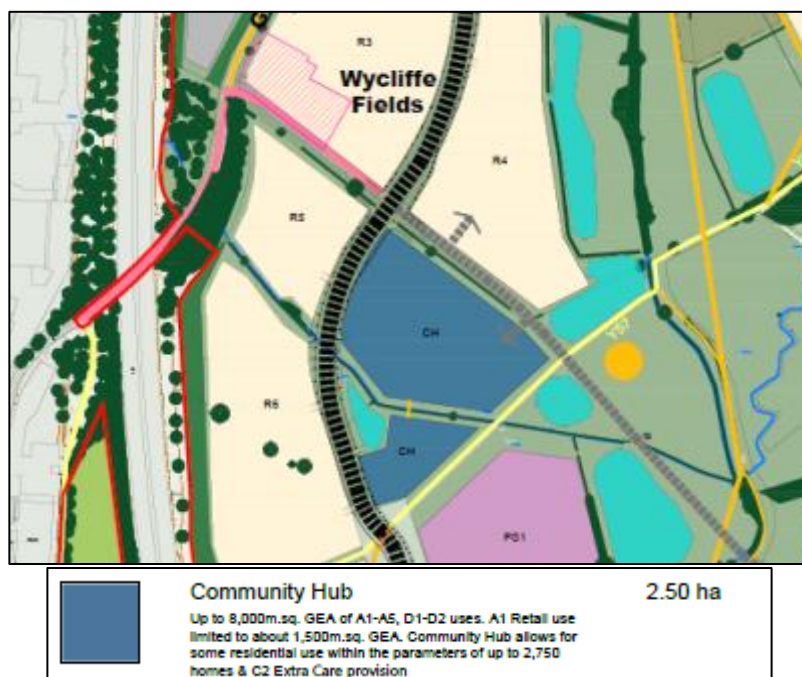


Figure 100: Parameters Plan extract

6.9.17 The aspiration is that the Community Hub will be planned with well-designed keynote buildings that are set within a high-quality public realm of pedestrian friendly streets and spaces that are safe, multifunctional and attractive. The exact mix and the detailed layout of buildings will be determined through the detailed stages informed through the preparation of a design code and the determination of the reserved matters.

6.9.18 Land Uses - Education (Primary Schools)

The Parameters Plan indicates that land is provided for pre-school and primary education in the form of two 2 form entry primary schools (see **Figure 101**). These are located in “Wycliffe Fields”, close to the Community Hub, and within the eastern development area of “Gilmorton Fields”. Each school covers a land area of 2ha and would provide space for up to 420 children as well as space for pre-schooling. The detailed design and the management of the schools will be subject to discussion and agreement with LCC. For the purposes of the EIA it has been assumed that this will be mix of single and two storey building(s), accesses, parking areas and drop off space (to include access for coaches), hard and soft play areas, grass playing fields and hard surfaced courts for sports, and landscaping and habitat creation.

6.9.19 Sport England have raised concerns over the location of the schools, particularly in relation to the connectivity of the “Upper Thornborough” area, stating that relocating one of the schools could be better located there to improve access and travel distances. The locations of the school parcels has been developed in liaison with the Local Education Authority, who have deemed that the proposed locations are acceptable to them in terms accessibility as well as coverage of the site.

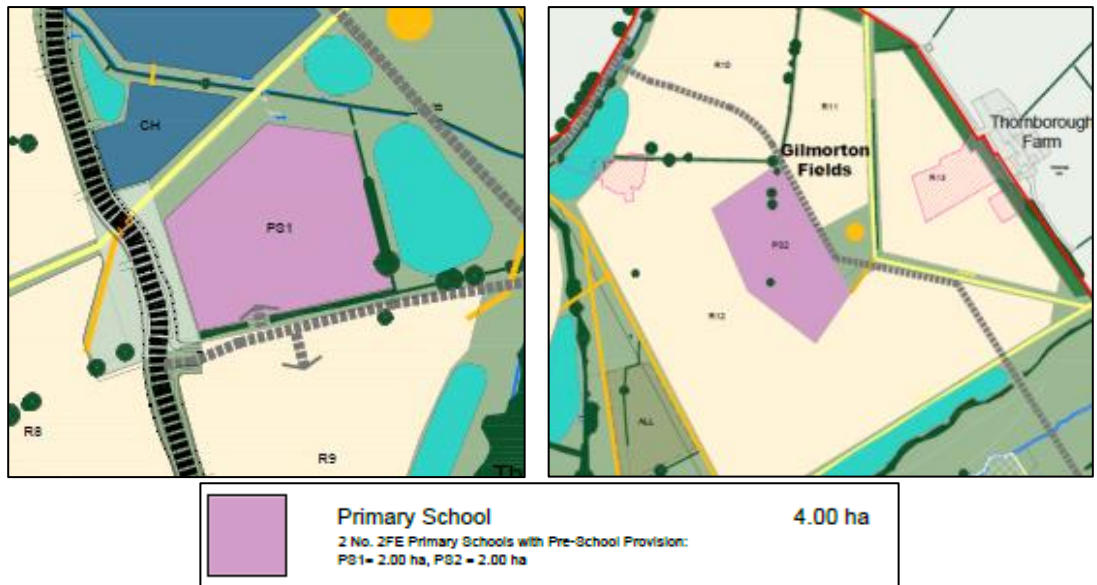


Figure 101: Parameters Plan extract

6.9.20 Land Uses - Employment (21.5 ha) - Wycliffe Fields (6.0 ha, B1-B2 uses)

The application proposes up to 24,000m² of business and general industrial (B1 and B2) uses within “Wycliffe Fields” (see **Figure 102**). Employment uses will be located on land to the north and west of Gilmorton Road and will be accessed from the Spine Road and/or Gilmorton Road. The exact mix of uses will be determined at the detailed stage although it is envisaged that this will comprise a range and size of buildings (dependant on the use). All employment areas will include car parking, streets and service roads, delivery space and landscaping. This includes perimeter woodland planting to strengthen existing boundary features.

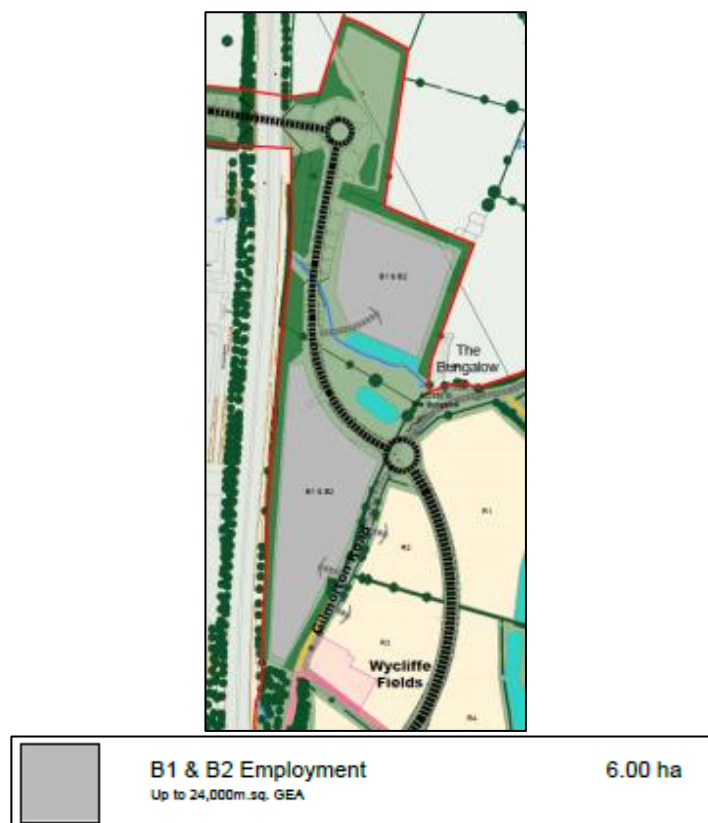


Figure 102: Parameters Plan extract

6.9.21 Land Uses - Employment (21.5 ha) - Swift Valley Business Park (2.5 ha, B1 uses)

The proposal includes provision of up to 10,000m² of business (B1) uses within the proposed Swift Valley Business Park (see **Figure 103**). This is located in the southern part of the site adjacent to the Spine Road and the A4304. This employment area will be accessed via the Spine Road. It is envisaged that the area will use comprise a range and size of buildings - dependant on the use and within the height parameters of the Proposed Development. The area will include car parking, streets, service roads, and landscaping. This includes perimeter woodland planting.

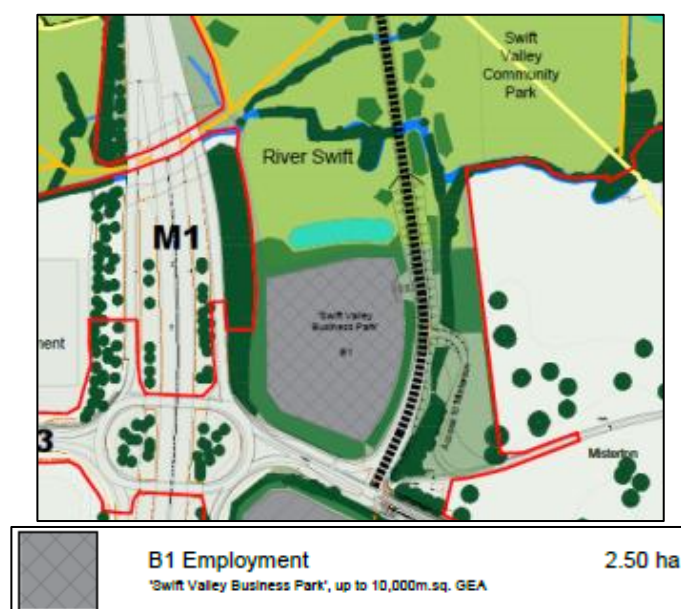


Figure 103: Parameters Plan extract

6.9.22 Land Uses - Employment (21.5 ha) - South of A4303 (13.0 ha, B8 uses)

In accordance with the Local Plan, storage and distribution (B8) uses would be located on the parcel of land to the south of the A4304 (see **Figure 104**). A new signalised access will be provided from the A4304. This access, together with the proposed Spine Road/A4304 signalised junction, necessitates the widening of the A4303, the removal of vegetation along the southern side of the road and the relocation of the existing layby. New woodland planting is proposed along the A4304 and along the perimeter of the employment parcel to provide compensatory measures. It is envisaged that the employment area will comprise a range and size of buildings – dependant on the use and within the height parameters of the Proposed Development. The area will include car parking, streets and service roads, and landscaping. The detailed design will ensure that access to Warren Farm, which lies to the south of the site, can be retained.



Figure 104: Parameters Plan extract

6.9.23 Building/Structure Heights

Variations in buildings heights will be adopted for the Proposed Development to provide character and to create changes in the 'roofscape' (see **Figure 105**). Although scale is a reserved matter the iterative process of the EIA has led to following maximum building heights that have been used as a parameter.



Figure 105: Plan showing maximum building heights

6.9.24 Building/Structure Heights - Residential Use

Buildings up to a maximum height of 10.5m from ground level to ridge line. This is equivalent to 2.5/3 storey buildings. In parcels R8 and R9 within Wycliffe Fields (see

Parameters Plan **Figure 99**) buildings will be limited to a maximum height of 8.5m from ground level to ridge line.

6.9.25 Building/Structure Heights - Community Hub

All buildings regardless of use class up to a maximum height of 15m from ground level to ridge line.

6.9.26 Building/Structure Heights - Sports Pavilion

Building up to maximum height of 10.5 m from ground level to ridge line

6.9.27 Building/Structure Heights - Education

Primary Schools and pre-school: Buildings up to a maximum height of 15m from ground level to ridge line

6.9.28 Building/Structure Heights - Employment

“Wycliffe Fields” (B1-B2 uses). Buildings up to a maximum height of 12m from ground level. “Swift Valley Business Park” (B1 uses). Buildings up to a maximum height of 8.5m from ground level to ridge line. Land south of A4303 (B8 uses). Buildings up to a maximum height of 18.5m from ground level to ridge line.

○ *Development Density*

- 6.9.29 As would be expected, development densities will vary across the scheme. The applicants anticipate that the higher densities will be seen within the Wycliffe Fields area and along the public transport routes, Spine Road and Main Street. Lower densities will typically be around the perimeters of the development blocks, where housing overlooks adjacent green spaces and along the eastern edge of the development (see **Figure 106**). The average net density for housing blocks across the site is around 38 dwellings per hectare.

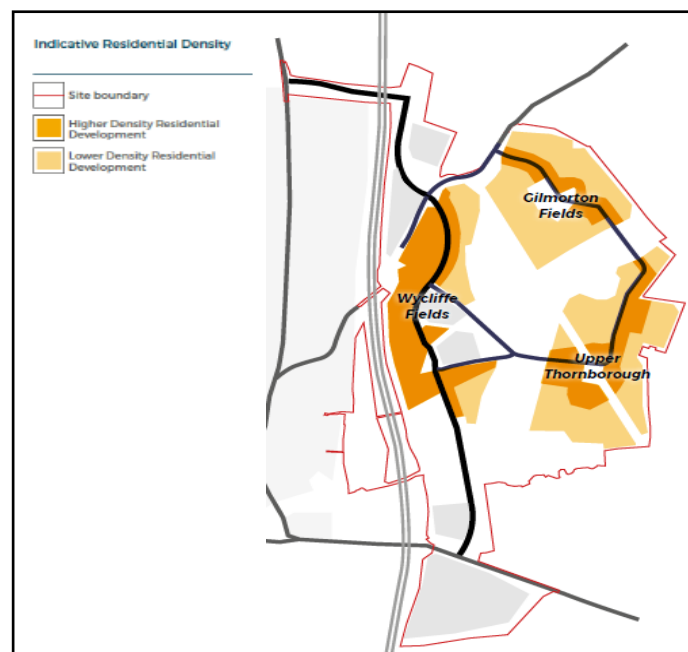


Figure 106: Plan of indicative densities across the site

○ *Appearance*

- 6.9.30 It must be noted that the main element of the application is in Outline form with appearance being a Reserved Matter for future consideration. Notwithstanding this, it is important to ensure that the development responds to local character as this is an

important part of place making. The applicants have stated that the development will respond to examples of local vernacular and distinctiveness that can be found within Lutterworth and the wider district, but at the same time should adopt modern design approaches. Opportunities for contemporary or innovative building designs will be encouraged for residential development, but also for employment, education and commercial buildings.

- 6.9.31 The submitted DAS provides a framework of urban design principles and an Illustrative Masterplan. This will assist the reserved matters applications of creating a well designed place. In addition to this, Officers recommend that a condition should be imposed on any consent requiring the submission and approval of a Design Code prior to the submission of the first REM application (See **Appendix A - Condition 15**). This Design Code will guide the development of detailed plans and aid the consideration of the submission by the Council. Buildings should exhibit simplicity in their form and demonstrate a good sense of scale and proportion and considered use of materials and colours. Over elaboration and pastiche design should be avoided. The use of quality materials for buildings, private frontages and the public realm is expected and this will help to enrich the place. This includes surface treatments for streets and footways.

- *Noise Attenuation*

- 6.9.32 Land is provided for noise attenuation measure alongside the M1 motorway for that part of the site that lies to the east of the M1 (see above). This originally comprised bunding and fencing up to 4m in height together with Structural Planting in the form of woodland planting. These initial proposals have been revised and further measures include the design and orientation of buildings and internal design measures.

- *Open Space & Green Infrastructure*

- 6.9.33 The detailed landscape design, to include the selection of species (which would be chosen to maximise biodiversity and to reflect those that are common to the local landscape) would be developed and finalised during the detailed stages of the application. The applicants state that the following principles will be adopted:

- To establish a multifunctional green infrastructure framework that provides, through its design and management regimes, the conservation of on-site habitats, biodiversity enhancements through habitat creation, and improved recreational benefits.
- Inclusion of large areas of public open space together with sports and play and other leisure pursuits such as allotments.
- Improved riverside habitats and management.
- The delivery of broadleaved species through new planting.
- Connected wildlife corridors.
- Reviewing the management regimes for Misterton Marshes SSSI

- 6.9.34 Misterton Marshes SSSI (see **Figure 107**) is presently jointly managed under a ten year Higher Level Stewardship Scheme by Natural England, in conjunction with LCC, the Environment Agency and the Leicestershire and Rutland Ornithological Society. Misterton Marshes, together with the tributaries of the river Swift that are associated with this feature, would be retained and set within a large area of greenspace as part of central 'green spine' through the development that will connect with the new Swift Valley Community Park. There is an opportunity to integrate the proposed SUDS network into the green infrastructure and water management for the site

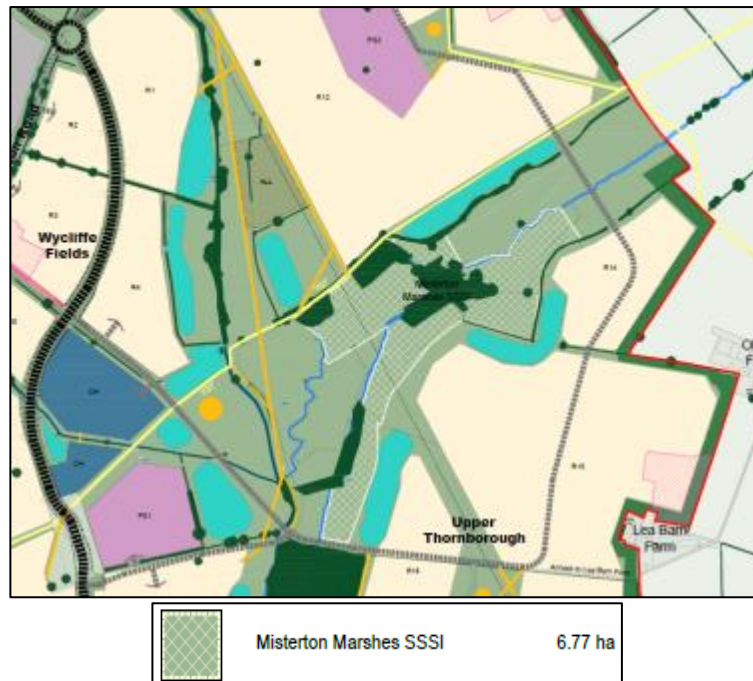


Figure 107: Parameters Plan extract

6.9.35 A proposed Landscape & Ecological Management Plan (LEMP) would include details of long term management of the SSSI and design features offering suitable buffer habitats surrounding it. The LEMP can be agreed with HDC and other relevant bodies during the planning process through the mechanisms of appropriately worded planning conditions or s106/legal agreements.

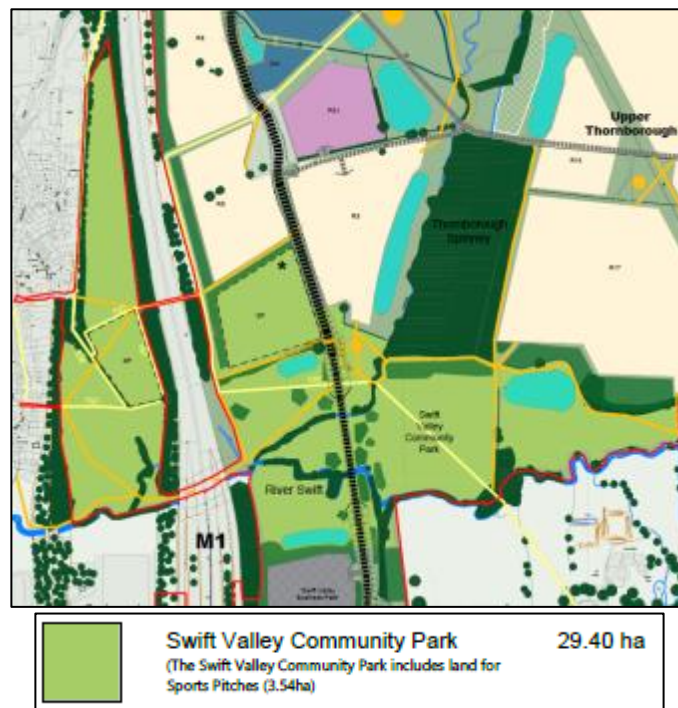


Figure 108: Parameters Plan extract

6.9.36 The proposed Swift Valley Community Park (see **Figure 108**) includes land to the east and west on the M1. It includes the River Swift and its associated floodplain area. It will be designed as an extensive area of accessible greenspace for recreation as well as

providing opportunities for biodiversity enhancements. This includes the planting of new woodland that will connect with Thornborough Spinney and Rye Close Spinney, that lies to the east of the site. Existing Public Rights of Way and permissive routes – to include those to the west of the M1 – will be retained and improved to include better or new surfacing, as well as signage and lighting. These routes would be supplemented by additional paths around and through the park, which can connect with the development areas. The Park also includes grass sports pitches, together with a changing pavilion/clubhouse (250m² Gross External Area) and parking provision. The configuration and type of sports pitches would be developed through the detailed stages of the planning process.

- 6.9.37 Equipped children's play areas will be located around the site, providing play facilities for all age groups. These will be located within larger areas of greenspace that provide further recreational opportunities for healthy active living. The network of streets and Greenways will provide safe access to these play spaces.
- 6.9.38 'Greenways' are a term that describes the existing retained Public Footpaths and permissive routes, together with new walking and cycling routes. These 'Greenways' will provide connections with Lutterworth and the wider countryside (see **Para 6.9.40**), as well as access to the Community Hub, primary schools and employment areas.
- 6.9.39 There is an opportunity to create a linear park within the overhead power line corridor. The applicants acknowledge that, whilst there are strict limitations on planting within the corridor, there is potential to distract from the visual dominance of the overhead lines, improve views for adjacent residential areas and deliver space with amenity and biodiversity benefits. Officers consider that this will be a key consideration at the detailed planning stages for development parcels within Upper Thornborough in particular. It is considered that the Design Code secured by **Appendix A – Condition 15** should address this concern. The corridor could include zoned planting areas with blocks of trees outside of cable swing zones. Within the corridor, ponds, wetland areas and mosaic grassland could feature. Shrub species of limited height could be used to break up views.
 - *Pedestrian and Cycling Movement and Connectivity*
- 6.9.40 The applicants have designed the masterplan in an attempt to prioritise the movement of pedestrians and cyclists and, in particular, direct movement around the development and into Lutterworth. A series of Greenways (walking and cycling routes) and well-designed direct streets, provide connectivity (see **Figure 109**). These routes provide links to the west of the M1 and existing facilities within Lutterworth. They expand upon the existing links between the site and Lutterworth, such as the Footpath bridge over the M1 and Gilmorton Road. The applicants have provided a series of illustrative sketches to show the indicative journey and experience for walkers and cyclists from the development to Lutterworth. There is an outstanding objection from Sport England on the basis that the sports fields are difficult to access. By the careful design of the routes through the development, good access to the facilities will be achieved which will promote sustainable travel and provide opportunities for active travel.

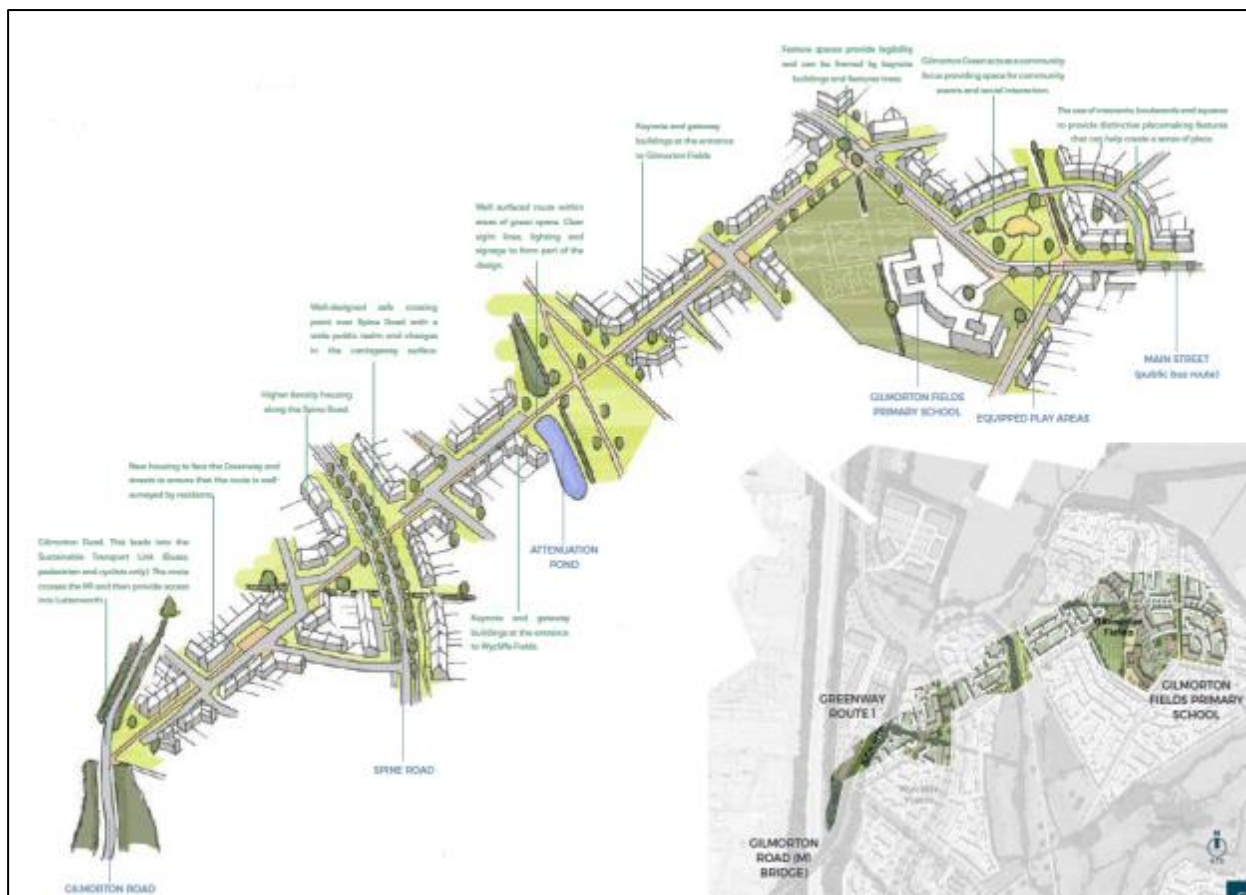


Figure 109: Example of Greenway route through development

○ *Other Design Matters*

6.9.41 Matters relating to levels, refuse & recycling facilities, cycle storage within the curtilage of the buildings; extraction / ventilation equipment and external lighting can all be controlled by way of condition (see **Appendix A - Condition 15**) or considered as part of the Reserved Matters submission for each zone.

6.9.42 Through their representations and discussions with Officers and the Applicants, Sport England have expressed a desire to be involved in the Design Code process, particularly with regards the advancement of Active Design throughout the development. Active Design is rooted in Sport England's aims and objectives to promote the role of sport and physical activity in creating healthy and sustainable communities. Active Design is supported by Public Health England and is part of our collaborative action to promote the principles set out in Public Health England's 'Everybody Active, Every Day', to create active environments that make physical activity the easiest and most practical option in everyday life.

6.9.43 The Ten Principles of Active Design are identified by drawing from urban design practice and practical examples to promote environments that offer individuals and communities the greatest potential to lead active and healthy lifestyles. The Active Design Principles can be applied to many different forms of development across many different settings and apply equally to the design of new places and the enhancement of existing places. While not all the Active Design Principles will be relevant or appropriate to all scenarios and settings, achieving as many of the Active Design Principles as possible will assist in optimising opportunities for active and healthy lifestyles. The main report provides further information on each principle, supported by key facts, pointers to best practice and references to further sources of information.

6.9.44 The Ten Principles of Active Design are:

1. Activity for all. Neighbourhoods, facilities and open spaces should be accessible to all users and should support sport and physical activity across all ages. Enabling those who want to be active, whilst encouraging those who are inactive to become active.
2. Walkable communities. Homes, schools, shops, community facilities, workplaces, open spaces and sports facilities should be within easy reach of each other. Creating the conditions for active travel between all locations.
3. Connected walking & cycling routes. All destinations should be connected by a direct, legible and integrated network of walking and cycling routes. Routes must be safe, well lit, overlooked, welcoming, well-maintained, durable and clearly signposted. Active travel (walking and cycling) should be prioritised over other modes of transport. Prioritising active travel through safe, integrated walking and cycling routes.
4. Co-location of community facilities. The co-location and concentration of retail, community and associated uses to support linked trips should be promoted. A mix of land uses and activities should be promoted that avoid the uniform zoning of large areas to single uses. Creating multiple reasons to visit a destination, minimising the number and length of trips and increasing the awareness and convenience of opportunities to participate in sport and physical activity.
5. Network of multifunctional open space. A network of multifunctional open space should be created across all communities to support a range of activities including sport, recreation and play plus other landscape features including Sustainable Drainage Systems (SuDS), woodland, wildlife habitat and productive landscapes (allotments, orchards). Facilities for sport, recreation and play should be of an appropriate scale and positioned in prominent locations. Providing multifunctional spaces opens up opportunities for sport and physical activity and has numerous wider benefits.
6. High quality streets and spaces. Flexible and durable high quality streets and public spaces should be promoted, employing high quality durable materials, street furniture and signage. Well designed streets and spaces support and sustain a broader variety of users and community activities.
7. Appropriate infrastructure. Supporting infrastructure to enable sport and physical activity to take place should be provided across all contexts including workplaces, sports facilities and public space, to facilitate all forms of activity. Providing and facilitating access to facilities and other infrastructure to enable all members of society to take part in sport and physical activity.
8. Active buildings. The internal and external layout, design and use of buildings should promote opportunities for physical activity. Providing opportunities for activity inside and around buildings.
9. Management, maintenance, monitoring & evaluation. The management, long-term maintenance and viability of sports facilities and public spaces should be considered in their design. Monitoring and evaluation should be used to assess the success of Active Design initiatives and to inform future directions to maximise activity outcomes from design interventions. A high standard of management, maintenance, monitoring and evaluation is essential to ensure the long-term desired functionality of all spaces.
10. Activity promotion & local champions. Promoting the importance of participation in sport and physical activity as a means of improving health and wellbeing should be supported. Health promotion measures and local champions should be supported to inspire participation in sport and physical activity across neighbourhoods, workplaces and facilities. Physical measures

need to be matched by community and stakeholder ambition, leadership and engagement.

Officers are keen to include Sport England in the Design Code process and will strive to ensure that the development incorporates the principles of Active Design wherever possible.

○ *Assessment of Design Quality*

6.9.45 As part of the assessment of the application, HDC have appointed a specialist Design consultant to advise Officers on the quality of the design of the scheme. Dr Stefan Kruczkowski is an urban designer specialising in design within residential led development, a lecturer in urban design at Nottingham Trent University's School of Architecture, Design and the Built Environment and has been running his own consultancy since 2008 and prior to joining the university in 2012, he worked in local authority planning departments as an urban designer. He was co-author of Building for Life 12, the latest version of Building for Life, re-written to reflect changes to the national planning policy.

6.9.46 The Design and Access Statement submitted in support of the application concludes with a Building for Life 12 review of the proposed development. This has been critiqued on behalf of the Council by Dr Kruczkowski and the variances between the applicant's review and that offered to the Council are detailed below.

6.9.47 The applicant considers that their proposals would secure 12 'greens'. This compares to the critique provided to the Council of 4 'red' , 5 'amber' and 3 'green' indicators. A 'red' indicator indicates that a particular aspect of the development proposals requires a different design approach. 'Amber' indicates that there are areas for improvement.

6.9.48 Whilst this is a hybrid application with many issues reserved for future determination, the Design and Access Statement needs to set a more ambitious tone for the type of place that will be created. Officers have assessed the indicators rated by Dr Kruczkowski as being red, and have provided commentary on each of these. (see **Figure 110**)

	Applicant	Urban design advisor to HDC	Summary justification	Officer Comment
Connections	Green	Red	<ul style="list-style-type: none"> • Pedestrian and cycle connectivity across the spine road. • Future proofing connectivity to the north and east by taking principal street typologies to the site boundaries in strategic locations. • These observations have been reinforced by other consultees. 	<ul style="list-style-type: none"> • Detail of crossing points submitted as part of November additional information. Whilst not indicating exactly what Dr Kruczkowski was advocating (parallel types that also allow cyclists to cross what is being proposed is consistent with the Design Review Panels views (raised crossings where vehicles would move onto a raised surface

				<p>upon which pedestrians and cyclists would cross in a single movement (i.e. one side to the other, without a holding pen)).</p> <ul style="list-style-type: none"> • Not for approval at this time, to be considered as part of REM. Note to Applicant required to ensure that REM's do not strictly follow street pattern of Masterplan
Character	Green	Red	<ul style="list-style-type: none"> • Whilst the application is a hybrid application; the design of the spine road will set a car orientated character for the place – reinforced by concerns relating to the restrictions on frontage access. P.30 of the Design and Access Statement makes a reference to a 'high street' when discussing the spine road. However, the designs for the road are not consistent with the qualities of a high street. In addition, the commercial centre sits to one side of the spine road which is inconsistent with the qualities of high streets. • Limited evidence to suggest a meaningful high street and civic scaled spaces will be created. • There is little in the Design and Access Statement that begins to 'set the tone' for how the development will have a locally inspired or otherwise distinctive character. • How will be villages be meaningfully distinct 	<ul style="list-style-type: none"> • Officers have considered at length the potential to include a Condition requiring a certain level of properties along the Spine Road to feature direct access from the Spine Road. LCC Highways have stated that they would not be happy with all properties having such a feature, and as Officers, it has not been possible to justify any particular percentage which could be applied. As such, it is considered that it is key to address this through the Design Code and REM process • Design Code and REM matter • Design Code and REM matter, The Design and Access Statement is not a document for approval as part of this application • Design Code and REM matter • Design Code and REM matter

			<p>places? How will you know you are in one village compared to another?</p> <ul style="list-style-type: none"> • Currently, there is little to provide assurance that this will not be a series of disparate elements comprising of: suburban and car dependent estates built by a variety of developers, peripheral commercial areas and uses, a relief/access road. These elements will not create a cohesive and meaningful place. 	
Well defined streets and spaces	Green	Red	<ul style="list-style-type: none"> • The spine road is a heavily engineered by pass – not a (high) street. The spine road is very wide with limited frontage access. These features will not create a street – but instead will create a road. • Street typologies. • Restrictions on frontage access. • Local centre – building to street relationships. • Local centre – not a high street. Design parameters do not appear to guard against individual commercial development parcels that sit in isolation from each other with their own car parking. 	<ul style="list-style-type: none"> • Whilst the DAS refers to “High Street”, Policy L1 refers to a spine road and the supporting text explains that one of the functions of the road is to provide some relief to Lutterworth town centre from traffic, it goes on to recommend a carriageway width and range of speed limits. The submitted proposal meets these requirements. The adverse impact of this can be mitigated through the application of an appropriate design code. • LCC Design Guide addresses this, HDC continuing to advise on detail of this • As above • Design Code and REM matter • Design Code and REM matter

Figure 110: Extract from BfL Assessment with Officer comment

○ *Assessment of Alternatives*

6.9.49 As part of the assessment of alternative schemes, the applicants have investigated a range of different routes for the proposed spine road. The design impact and implications of Options 1 – 3 are set out below, Option 4 (the developers preferred option) has already been assessed above.

6.9.50 Option 1

As part of this option (see **Figure 111**), the applicants consider that this option performs poorly in term of good design for the following reasons:

- 1) An alignment along the M1 would increase the perception of severance with the town. It also adds a further physical barrier in terms of connectivity between the development. Severance and connectivity were raised as a concern by the Inspector at the Local Plan EiP. Locating the Spine Road alongside the M1 would only worsen that situation.
- 2) More significant and potentially visually intrusive infrastructure would be required to ensure that there are safe and attractive walking routes over the Spine Road and the M1.
- 3) Having built development on only one side is not a good design approach in terms of placemaking for reasons such as;
 - i) It reduces the ability for the built form to assist in traffic calming by design
 - ii) There is less surveillance along the route which raised issues of safety;
 - iii) There is little opportunity to create street enclosure and well-designed spaces, which is a key theme of placemaking;
 - iv) The route would be perceived as a distributor or relief road *around* the development rather than being an integral high street *within* it.
- 4) To enable the alignment to work, the Spine Road would need to sweep through the proposed Swift Valley Business Park. This would reduce the developable area as well as changing the characteristics of this development parcel. As the road cuts through the Swift Valley Business Park this would result in the need for two junctions into this area as opposed to one.
- 5) The Spine Road as it crosses the Swift Valley Community Park would follow one of the highest parts of the site and would be more visible and prominent within the site and from the local area.
- 6) There would be reduced accessibility for those new residents within the eastern parts of the site (Gilmorton Fields and Upper Thornborough) with reduced bus permeability (the Spine Road being designed to accommodate public bus provision).
- 7) This Option significantly constrains the ability for any future widening of the M1 motorway
- 8) It would reduce the number of potential sales outlets as development would only be on served on one side of the road. Consequently, the housing trajectory would be slower and it is considered the housing requirement in 3a for the Plan period will not be met.
- 9) The commercial attractiveness of units in the Community Hub (Neighbourhood centre) will be reduced as they will not benefit from passing trade; making their delivery in accordance with criteria 3i more challenging. The location of the Community Hub has been subject to discussions through the engagement process and it is considered to be in a logical location that is well placed to serve the development.



Figure 111: Option 1 sketch plan

6.9.51 Option 2

The applicants consider that this option (see **Figure 112**) performs poorly in terms of good design for the following reasons:

- 1) An alternative alignment along the M1 within the Swift Valley would likely increase the perception of severance with the town with a further physical barrier.
- 2) More significant and potentially visually intrusive infrastructure would be required to ensure that there are safe and attractive walking routes over the Spine Road and the M1, in particular at the Footpath/Farm track M1 crossing.
- 3) There are conflicts with the existing Public Footpath that runs along the edge of the site.
- 4) To enable the alignment to work the Spine Road would need to sweep through the proposed Swift Valley Business Park. This would reduce the developable area as well as changing the characteristics of this development parcel. As the road cuts through the Swift Valley Business Park this would result in the need for two junctions into this area as opposed to one.
- 5) The Spine Road as it crosses the Swift Valley Community Park would follow one of the highest parts of the site and would be visible and prominent within the site and form the local area.
- 6) Similar to Option 1, as the road cuts through the Swift Valley Business Park this would result in the need for two junctions into this area as opposed to one.
- 7) This Option significantly constraints the ability for any future widening of the southbound M1 motorway within the proposed Swift Valley Community Park.



Figure 112: Option 2 sketch plan

6.9.52 Option 3

The applicants consider that this option (see **Figure 113**) performs poorly in terms of good design for the following reasons:

- 1) An alternative alignment along the M1 within the Swift Valley would likely increase the perception of severance with the town with a further physical barrier.
- 2) Users of the permissive route under the M1 would also need to negotiate the crossing of the Spine Road at this location. Issues with connectivity in terms of walking and cycling between the eastern and western parts of Swift Valley Community Park would be exacerbated
- 3) There is a greater length of Spine Road within the Swift Valley Park. This will result in a more urbanising character within the Park in comparison to the other options
- 4) The Spine Road would create a barrier between the proposed sports pitches and the remainder of the park.
- 5) To enable the alignment to work the Spine Road would need to sweep through the proposed Swift Valley Business Park creating would reduce the developable area as well as changing the characteristics of this development parcel.
- 6) This alignment would potentially result in lowering speeds on the southern section within the Swift Valley Community Park because of its meandering nature. It could potentially make the Spine Road less attractive to users, and potentially encourage more traffic within Lutterworth. The Spine Road would not

be direct route between the A426 and the A4304 and contrary to criteria 3m of the Local Plan

- 7) This Option significantly constrains the ability for any future widening the M1 motorway.



Figure 113: Option 3 sketch plan

6.9.53 As part of the pre-application process for the proposal, HDC instigated an Independent Design Review Panel in accordance with Policy L1 of the HLP. The DRP made two recommendations regarding the Spine Road

1. *Relocate the spine road to the western edge of the site, running it alongside the M1, or:*
2. *Adopt a different design approach to the spine road that achieved a better balance between the movement and place functions (this is explained in Manual for Streets. The panel considered that the design of the spine road was unbalanced in favour of the movement function).*

The options set out above do not respond directly to these recommendations, however, the Applicants have justified this as set out in **Para's 6.9.50 – 52** of this report. Officers agree with a number of the points made in these paras, especially points 1, 2, 3, 5, 8 & 9 with regards to Option 1, whilst Options 2-3 do not meet with the aims of Recommendation 1 from the DRP. With regards Recommendation 2 from the DRP, Policy L1 states that the development will provide for "a spine road providing a clear legible route between the A426 north of Lutterworth and the A4304 east of M1 junction 20....." and as such it is considered that it is inevitable that the design of the road will be unbalanced in favour of the movement option.

6.9.54 For the reasons set out above, it is considered that Options 1-3 all have their own issues in terms of Design, as does the proposed route. Options 2 and 3 do not meet

the aims of Dr Kruczkowski or the DRP and as set out above, Officers broadly agree with the Applicants assessment of Option 1. As such, it is considered that Option 4 is the most acceptable and preferred option for the route of the Spine Road in terms of Design

- *Summary*

- 6.9.55 The design of the proposal has been fully considered as part of the formulation of the recommendation by Officers. It is considered that, subject to the satisfactory consideration of Reserved Matters and inclusion of relevant conditions, the proposals would accord with Policies GD8 and L1 of the Harborough District Local Plan in this respect.

10. Socio-Economics

- 6.10.1 Chapter 5 of the ES was prepared by Marrons Planning and considers the socio-economic impacts of the application.

- *Socio-Economic Policy*

- 6.10.2 Policy L1 of the Harborough District Local Plan contains specific criteria with regards to the protection of the socio-economic profile in the surrounding area. Criteria 3b, 3c, 3e, 3f, 3g, 3i and 3k state:

- “3. b. *affordable and specialist housing in accordance with Policies H2 and H4;*
 c. *a mix of house types, including serviced plots for self-build and custom homes, as appropriate, and housing standards in accordance with Policy H5;*
 e. *13 hectares of storage and distribution (B8) uses on land to the south of the A4304, subject to:*
 i. *access from the A4304 that is separate from that to the rest of the SDA to the north; and*
 ii. *a comprehensive landscaping scheme planted in advance so as to provide adequate screening of the development by the time of completion;*
 f. *about 10 hectares of business uses within Use Class Orders B1 and B2;*
 g. *two 2 form entry primary schools to be provided in parallel with the progress of housing development, with at least a one form entry primary school to be open the first September before the completion of 300 dwellings, or at a specified date whichever is the later, having regard to the relevant policy of the Local Education Authority;*
 h. *appropriate contributions towards secondary education provision if necessary;*
 i. *a neighbourhood centre as a social and retail hub for the new community to be provided in accordance with a phasing plan to be agreed with the Local Planning Authority, to include some or all of the following:*
 i. *a supermarket or shops to meet local convenience needs;*
 ii. *a public house/café;*
 iii. *a doctors' surgery;*
 iv. *a community hall; and*
 v. *other community facilities or upgrade of existing facilities;*
 k. *safeguard land for a potential new leisure centre to serve Lutterworth;”*

- 6.10.3 Additionally, criterion 5 of Policy L1 states:

5. *Appropriate traffic management and public realm improvements in Lutterworth town centre to facilitate the movement of pedestrians and cyclists, particularly across High Street will be agreed and provided for through the planning application and accompanying agreements.*

6.10.4 Other relevant Socio-Economic Policy and Guidance is set out in **Section 5** of this report.

- *Demographic Context*

6.10.5 It is anticipated that all of the 2,750 new homes proposed for the site at Lutterworth East will be built and occupied and based on an average household size of 2.44 people, the site would generate a population of 6,710. The actual number of people that could be housed in the development will be dependent on the ultimate mix of house types and tenures that will be determined through reserved matters applications.

6.10.6 In light of the above, the development could result in a 70% increase in the population of Lutterworth. It must be noted however that any increase would be gradual over the build period (about 17-20 years) for the development. Furthermore, whilst some of the growth will be as a result of in-migration into the District, the impact in terms of population “growth” must be tempered by the recognition that the 2017 HEDNA identifies that a significant proportion of the occupants are expected to be existing residents in Harborough District, and/or newly formed family units/occupants, from the existing population and therefore will not contribute to any growth in the population.

- *Assessment of Socio-Economic Impacts*

6.10.7 Employment

The estimated population to be housed on the Proposed Development is 6,710 persons. Based on the ONS Annual Population Survey (Population 2017 and Employment October 2017 to September 2018), about 4,033 will be of working age (60.1%), with some 3,666 in active employment (90.9%).

6.10.8 The applicants state that the growth of jobs in the District, the existing provision for the development of new employment land, and the overall economic growth prospects for the District, indicate that the additional potential 1,760 employees from the proposed housing, who may wish to secure a job in the District, could be accommodated by the forecast growth in the District’s employment market.

6.10.9 The proposed development will also accommodate workers, primarily through the provision of 21.5ha employment (B1, B2, B8) land on site. This level of development could generate approximately 5,867 jobs. A further 382 jobs could be generated at the community hub (which will include retail and service facilities) and approximately 82 employees at the two primary schools.

6.10.10 The applicants anticipate that there will be major beneficial effects to the local economy through increased employment generated by the development. This in turn would have a positive effect on spending. Furthermore the provision of 21.5 hectares of employment on site will provide the opportunity for residents of the proposed development to live and work in close proximity and further increase the employment and spending generated from the proposed development. It is anticipated that there would be Major Beneficial effects to the local economy from increased employment generated from the Proposed Development. This in turn would have a major positive effect on spending.

6.10.11 Education Facilities

Leicestershire County Council (Children & Family Services) estimate that the scheme will generate 825 additional primary age pupils, 460 secondary age pupils and 91 post 16 age pupils for a total of 1,375 pupils. Leicestershire County Council (Children and Family Services) advise that there is no forecast spare capacity in existing

primary schools that could serve the proposed development. As part of the Masterplan for the site, the applicants have therefore provided land and a financial contribution, or land and buildings for two, 2-form entry primary schools to serve the anticipated pupil numbers generated, in accordance with Local Plan policy L1. In terms of secondary school provision the proposed development will potentially yield 551 pupils, which is too small for a secondary school. There is building and land capacity at existing secondary schools within Lutterworth that could serve pupils arising from the proposed development. Therefore, any impacts that arise should be mitigated via financial contributions towards necessary improvements to the existing facilities. This is considered in more detail at **Section 6c** of this report.

- 6.10.12 The development will generate an increased number of pupils. Sufficient primary school provision will be made on the site. Furthermore financial contributions towards accommodating additional secondary age pupils in local education facilities will be made where necessary. Therefore, overall the effects are considered to be Negligible.

6.10.13 Community Facilities

The applicants state that, on the basis of the Harborough District Community Infrastructure Assessment, 2017 the impact of the development in terms of community halls will be that the existing provision in the area will not be able to service the demands arising without mitigation.

- 6.10.14 The site will also give rise to the additional requirements for Open Space in accordance with the Council's Standards. On the basis of HDC's Playing Pitch Strategy (PPS) The impact of the development in terms of provision for outdoor sport suggests that the existing provision in the area will not be able to service the demands arising and recommends that 1 adult, 2 youth and 2 mini pitches are required.

- 6.10.15 The Council anticipate that the current leisure centre in Lutterworth may not be able to serve the entirety of the proposed development's needs, hence there is a provision in the Local Plan Policy L1 for land for leisure facilities if required.

- 6.10.16 The application makes provision for a Community Hub (Neighbourhood Centre), as part of the development. This could include a variety of retail, leisure, community and cultural uses, including a community hall in accordance with Local Plan policy L1. The applicants have stated that, if required, they could make financial contributions towards the establishment of such facilities relative to the scale of the development. On the basis of background evidence that supports the draft BFS, HDC have requested a contribution of £3,258,750 towards this.

- 5.10.17 The application also identifies land for outdoor sport (3.54ha), including a potential sport pavilion, within the Community Park to address some of the additional requirements for playing pitches. The Proposed Development will make provision for accessible greenspace within the development, including the proposed Swift Valley Community Park which covers some 29.40ha, together with children's play and youth areas, Greenways and allotments. The table at **Appendix B** sets out the requirements for Open Space on the site, and the financial contributions required for this. This is considered in more detail at **Section 6c** of this report.

- 6.10.18 The increased demand on built community facilities varies. The provision of community and leisure facilities (D2 use class) on site is likely to have a Moderate Beneficial effect. Elsewhere, the proposed development is likely to have a Negligible effect on community facilities such as places of worships and libraries. Financial contributions will be made where necessary to existing community facilities. There

will be a Major Beneficial effect through the provision of extensive accessible open space on site.

6.10.19 Medical Facilities

The NHS East Leicestershire and Lutterworth Clinical Commissioning Group (CCG) state that the both existing GP Practices in Lutterworth have limited capacity. Therefore, additional demand will be placed on these services which cannot be accommodated without mitigation. Evidence in the 2017 Harborough District Council Infrastructure Delivery Plan suggests that the estimated costs for GP surgeries based on planned growth in the Local Plan for the whole of the District would be approximately £3.19m. The CCG have stated that cost for GP facilities required for East of Lutterworth would be approximately £1m based on the NHS Estates space calculation tool. This funding would be used to increase health service capacity in Lutterworth. This is considered in more detail at **Section 6c** of this report.

6.10.20 The potential impact of the development on hospitals has not been determined, however, it is possible that further demand upon hospital services cannot be met without appropriate mitigation. It is noted that changes nationally on how health services are provided means that there is likely to be more care outside of hospital settings in future. Notwithstanding this, University Hospital Leicester have sought approximately £755,810 of S106 funding to offset the impact of the proposal. This is considered in more detail at **Section 6c** of this report.

6.10.21 The population increase as a consequence of the development is likely to impact on the provision of medical facilities and services. The Community Hub identified on the Parameters Plan includes the potential for medical facilities on site (D1 use class), which could include a GP and/or dental surgery. In addition, financial contributions will be made where appropriate to mitigate this. It is therefore considered that the impact overall to medical facilities and services is Negligible effect.

6.10.22 Housing Need

Up to 40% of the proposed new homes will be provided in the form of affordable housing; 1,100 homes. This will make a significant contribution towards meeting the annual forecast requirement of 202 dwellings for affordable homes in the District. The provision of 2,750 houses, of which 1,100 will be affordable (also including the provision of specialist housing in the form of an extra care facility), is considered to have a Major Beneficial effect in so far as it will help meet housing need for a range of tenures and house sizes. Furthermore, conditions are recommended to ensure that a suitable housing mix and provision of self and custom build plots are provided to ensure compliance with Policies L1, H2 and H5 of the Harborough District Local Plan (see **Appendix A – Conditions 56 & 57**).

6.10.23 Residual Effects

It is noted that the current average household size of 2.44 persons relates to all forms of housing tenure across the District although average household size is expected to fall towards 2036. Market Housing, where occupants have a mortgage, displays a slightly higher household size of 2.49 persons and Social Rented housing a slightly lower size at 1.97 persons. The overall and final mix of new homes within the development cannot be established at this stage.

6.10.24 As a result, the population that will occupy the site may be slightly lower or higher than that forecast; 6,710 persons. However, it is considered that even if the maximum population level for the development were to be 6,847 persons (2.49 x 2,750 dwellings) based on the average household size of market homes, this would not give rise to any significantly greater impact on the facilities and services reviewed in this

assessment. Therefore, long term, the provision of housing to meet a range of needs is considered to have a permanent, Major Beneficial effect.

6.10.25 Some additional local spending would arise from any higher population level on the site. Therefore, long term, the provision of employment land and impact on employment and the economy within the area is considered to have a permanent, Major Beneficial effect.

6.10.26 In the longer term, the social, health and community needs of the community will have been met by the development through appropriate provision. Therefore, the long term, residual effects on community, health and education facilities is considered to have a Negligible to Minor Beneficial effect.

- *Cumulative Socio-Economic Effects*

6.10.27 Appendix A1 of Volume 2 of the ES contains a “Cumulative Effects – Projects for Consideration” plan. These include the expansion of Magna Park and the upgrading of the M1 to a Smart Motorway. Officers would agree with the scope of projects that should be considered cumulatively with the development.

6.10.28 The development will generate a demand for additional pupil places; and as a result will contribute towards new and improved facilities to meet that demand. The cumulative effect with other developments that have planning permission will be taken into account in determining this contribution. The identified projects have no bearing on education, the level of effects will not alter.

6.10.29 The sites with planning permission located in and around Lutterworth will cumulatively impact with the site on those facilities in Lutterworth that serve the town and the wider District area. These are the library in Lutterworth, the existing sports facilities and the local places of worship. However, it is not considered that their impact, together with that of the site will be adverse or give rise to difficulties of access to these facilities.

6.10.30 Financial contributions will be made where necessary towards improvements to health facilities. The cumulative effect with other developments that have planning permission will be taken into consideration in determining this contribution.

6.10.31 It is anticipated that there would be major beneficial effects to the local economy from increased employment generated from the development. This in turn would have a major positive effect on spending.

6.10.32 It is considered that the cumulative impact of the scheme, alongside the four identified projects would have a Minor Beneficial effect on the local employment market, providing greater employment opportunities for residents of the proposed development.

6.10.33 Together with the existing committed housing supply, the development would provide a beneficial increase in new housing in Lutterworth to meet forecast requirements and the acknowledged need for affordable homes. The identified projects may give rise to a Minor Beneficial effect in respect of providing greater opportunity for the future population to live and work in close proximity and travel by sustainable means.

6.10.34 As set out in **Para 3.43 of this report**, the decision of HDC’s Planning Committee on the 12th May 2020 to resolve to grant consent for a new supermarket on Rugby Road, Lutterworth, adjacent to the Whittle Roundabout, resulted in the need for this to be addressed as part of an updated Cumulative Impact Assessment. This additional work was carried out by the applicants, and also assessed the new sites at

Lutterworth Road in Gilmorton and De Verdon Road, Lutterworth as well as the Rugby Road site. Officers agree with the scope of the additional projects that should be considered cumulatively with the development. It has been concluded that the cumulative impact of these additional projects does not alter the previous assessment, and as such, there would be a minor Beneficial cumulative impact.

- *Summary*

- 6.10.35 The majority of the social and economic provision as part of the development is aimed at offsetting and mitigating the impacts of the development. Other than the contribution to housing and employment land (which has already been attributed weight earlier in this report) there are little additional social and economic benefits to the development other than job creation benefits, both during construction and operational phases. It is therefore considered that the proposals will have a minor beneficial impact upon the socio-economic profile of the District and would therefore accord with Policies BE1, H2, H4, GI1, GI3, IN1, IN3 and L1 of the Harborough District Local Plan in this respect.

11. Footpaths

- 6.11.1 There are a number of public footpaths, bridleways and permissive footpaths which cross the site, the routes of these are shown on the plan (see **Figure 114**).

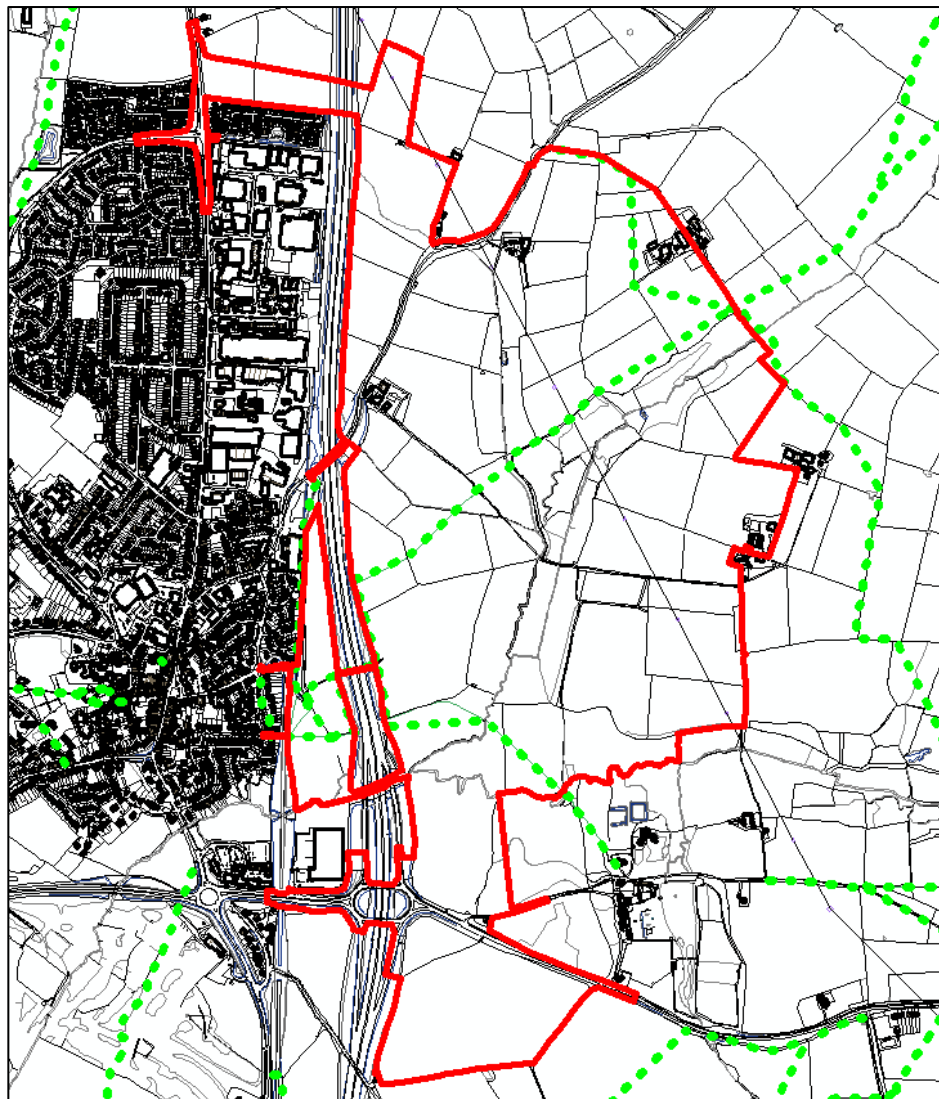


Figure 114: Existing Rights of Way around the site

- *Footpath and connectivity Policy*
- 6.11.2 Policy L1 of the Harborough District Local Plan contains a specific criterion with regards to the provision of linkages into Lutterworth. Criteria 3o states:
 - “o. *a minimum of 5 crossings which provide dedicated walking and cycling connections into Lutterworth across the M1, forming part of a network of legible, direct, safe and attractive routes, which will all be well-lit, surfaced, with good natural surveillance and provide connections to Lutterworth town centre, the local centre and employment uses within the SDA, and to existing cycle routes, bridleways and footpaths, including the National Cycle Network, in accordance with Policy IN2;*”
- 6.11.3 Other relevant Footpath Policy and Guidance is set out in **Section 5** of this report.
 - *Assessment of Impacts*
- 6.11.4 Overall the routes of these will remain the same as shown on the master plan. However, the experience of using them will be changed. For part of its western end Y57 will pass through a built up area. The permissive path running east / west through Upper Thornborough will pass through a built up area. Path X44 at its northern end will also pass through the built up area. The permissive path running east / west through upper Thornborough passes through a built up area, the section of this path which runs north / south adjacent to Thornborough Spinney will have built development along its eastern edge.
 - *Cumulative Effects*
- 6.11.5 Appendix A1 of Volume 2 of the ES contains a “Cumulative Effects – Projects for Consideration” plan. These include the expansion of Magna Park and the upgrading of the M1 to a Smart Motorway. Officers would agree with the scope of projects that should be considered cumulatively with the development. There are no identified schemes which would have a cumulative impact upon the footpaths in the surrounding area.
 - *Summary*
- 6.11.6 On the basis of the above, it is considered that the proposals will have a neutral impact upon public rights of way and would therefore accord with Policies GI1 and L1 of the Harborough District Local Plan in this respect.

12. Agriculture and Soils

- 6.12.1 The ES includes a section on the agriculture and soil quality of the Site (Chapter 7) which was prepared by Land Research Associates Ltd.
 - *Agricultural Land Policy*
- 6.12.2 Chapter 15 of The Framework at paragraph 170 a) refers to planning decisions protecting and enhancing the local environment reference is made inter alia to landscape, biodiversity and soil.
- 6.12.3 The NPPG makes reference to the five grades of agricultural land. The best and most versatile land falls within grades 1 to 3A, the grading depends on the following factors;
 - The range of crops that can be grown;
 - The level of yield;
 - The consistency of yield; and
 - The cost of obtaining the crop.
 The guidance recognises the value of soil for a variety of purposes including growing food and crops. The guidance also makes reference to the management of soil on

development sites and the use of conditions for its protection, movement and management. Natural England are a statutory consultee which in this case was carried out as part of the Local Plan process.

- 6.12.4 Local Plan Policy G15 “Biodiversity and Geodiversity” at paragraph 2b refers to development being permitted where there is *no loss of any “best and most versatile agricultural land”* unless this is demonstrably necessary to facilitate the delivery of sustainable development.
- 6.12.5 Other relevant Agricultural Land Policy and Guidance is set out in **Section 5** of this report.
 - *Assessment of Impacts*
- 6.12.6 The Environmental Statement (ES) assesses the impact of the development on three areas agricultural business, agricultural land and soil resources.

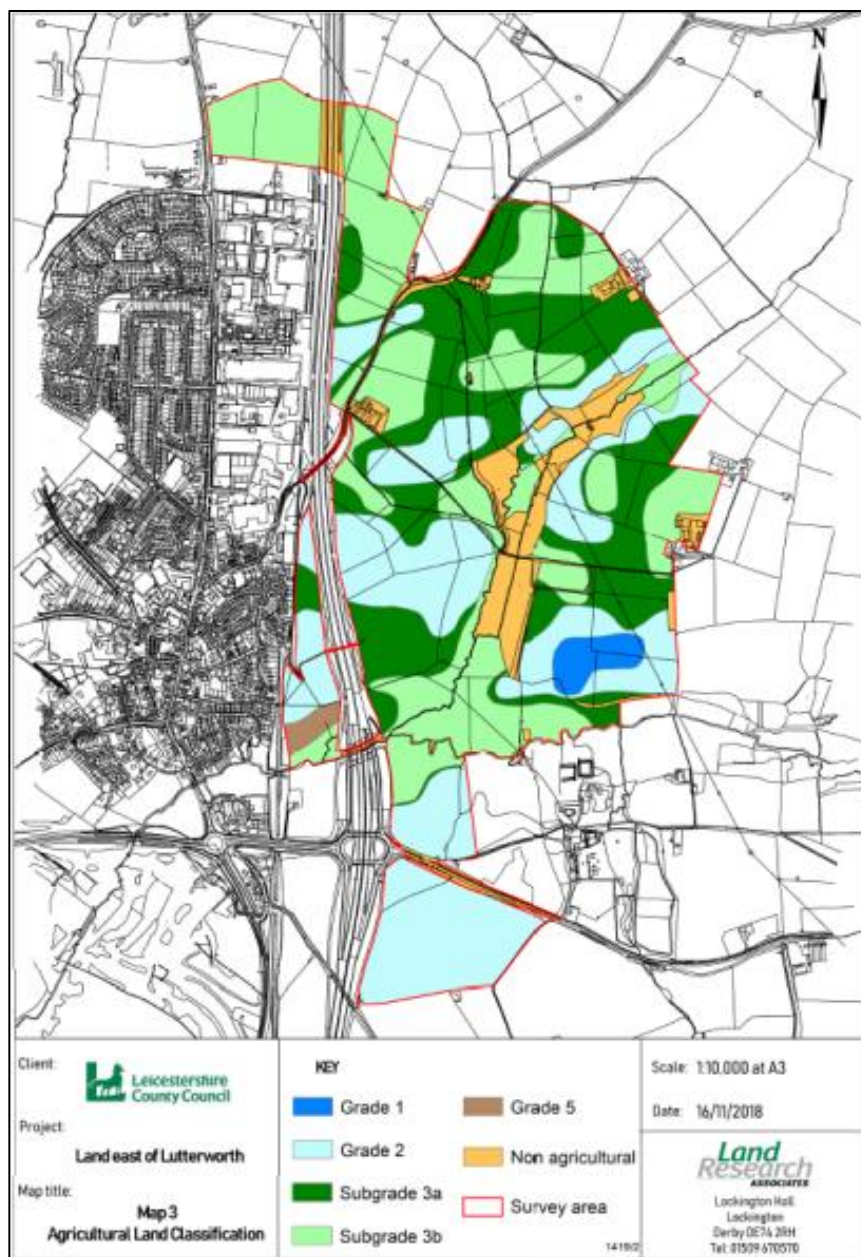


Figure 115: Agricultural Land Classification of the site

- 6.12.7 Agricultural land is classified as under the Agricultural Land Classification (ALC) system. Information on the composition of the agricultural landscape is provided in the Agricultural Land Quality Report. The ALC system divides land into five grades according to the extent to which inherent characteristics can be exploited for agricultural production. Grade 1 is described as being of 'excellent' quality and Grade 5, at the other end of the scale, is described as being of 'very poor' quality. ALC is based upon an assessment of limiting factors, including soils, climate and other physical limitations and the way in which these factors interact.
- 6.12.8 The three most versatile grades make up 127.1ha of a total site area of 226.6ha (56% of the site). The Grade 1 land sits in a pocket of Grade 2 land in the south east corner of the site; the Grade 2 land is to the southern end of the site and a pocket along the south western boundary; the Grade 3A land is distributed across the site mixed with the other grades of land (see **Figure 115**). Overall within the District agricultural land falls within Grades 3 and 3A with pockets of higher grade land (see **Figure 116**). The application site falls within one of the areas of higher grade land.

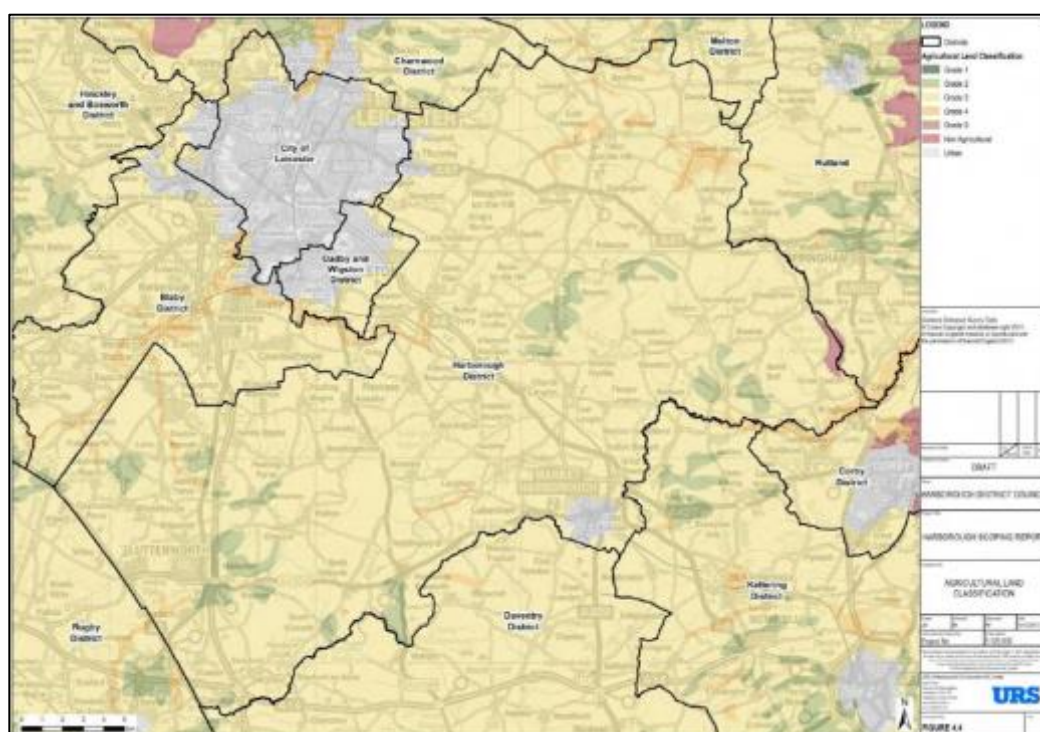


Figure 116: District-wide Agricultural Land Classification

- 6.12.9 The land is worked by tenant farmers working seven agricultural businesses. Land within the site represents 100% of two holdings, 60% of three holdings and 20% of two holdings. Because the development will be delivered in a number of phases over a number of years eventually two of the holdings will cease to exist, three holdings will need extensive restructuring to remain viable and two holdings will need minor restructuring.
- 6.12.10 If permitted there will be a loss of agricultural land and production. However, as the level of growth required within the District cannot be accommodated on previously developed land, there will inevitably be a loss of agricultural land. The loss of agricultural land has to be balanced against the advantages of the site's location adjacent to Lutterworth with its range of facilities and transport links. In allocating the site in the adopted Local Plan these matters were given careful consideration.

- *Cumulative Effects*
- 6.12.11 Appendix A1 of Volume 2 of the ES contains a “Cumulative Effects – Projects for Consideration” plan. These include the expansion of Magna Park and the upgrading of the M1 to a Smart Motorway. Officers would agree with the scope of projects that should be considered cumulatively with the development. It has been established that none of these schemes involve the loss of best and most versatile land. It is therefore considered that there are no additional losses of best and most versatile land and that the cumulative effects of these projects
- *Summary*
- 6.12.12 The proposed development will remove the existing agricultural use of the Site, of which approximately 56% is classified as Best and Most Versatile Land. It must also be noted that there is only a very small amount of Grade 1 and Grade 2 Agricultural Land in the District (see **Figure 116**). It is therefore considered that the proposals will have a major adverse impact upon the best and most versatile agricultural land in the District, however, as this land is demonstrably necessary for the delivery of sustainable development by virtue of it being allocated for such a development on the HLP, the proposals are therefore considered to accord with Policy GI5 of the Harborough District Local Plan in this respect.

13. Contamination

- 6.13.1 The ES includes a standalone report on Contaminated Land prepared by Peter Brett Associates Ltd which has been informed by a detailed Phase 1 Preliminary Environmental Risk Assessment to determine whether the ground conditions are suitable for construction and whether any contamination present from historic uses could cause adverse impacts during construction or to future residents and users of the Site.
- 6.13.2 The relevant Contaminated Land Policy and Guidance is set out in **Section 5** of this report.
 - *Assessment of Land Contamination Impacts*
- 6.13.3 The application site is occupied by farm land with a small number of scattered farmsteads. The River Swift and several of its tributaries run through the land. The Misterton Marshes SSSI lies within the site boundary surrounding one of the tributary streams. An historical landfill is present on the north-western side of the site to the west of the M1 motorway associated with infilling of a railway cutting with industrial waste. Several on site potential sources of contamination with plausible pollutant linkages to the application site have been identified associated with the general agricultural usage of the site, the historical landfill, infilled former ponds and the farm yards. Two on site naturally occurring potential sources of contamination with pollutant linkages to the study site have been identified associated with radon gas and the potential for ground gas generation in organic soils within the Alluvium, associated with local now backfilled historical ponds and any biodegradable materials in the historic landfill.
- 6.13.4 Off-site general industrial land uses on the eastern side of Lutterworth have been identified as potential sources of contamination with pollutant linkages to the study site. Potential pollutant linkages have been identified using the information on potential sources (contaminant types), receptors and exposure pathways. The estimated risks for the identified pollutant linkages that exist locally on the site are:
 - The risks to current site users are assessed as Very Low but locally Low with respect to the historical landfill.
 - During the construction phase there is an enhanced short term risk associated with the PSCs to construction workers from contact with the soil which is assessed as

Moderate with respect to the landfill and Low with respect to the other localised PSCs.

- In the medium and long term post construction, there are theoretical risks to future occupiers of the site that are assessed as Low typically and Moderate with respect to radon.
- Both during construction and in the medium to long term there are theoretical risks to groundwater, surface waters, buildings, property and the SSSI that are assessed as Very Low.

6.13.5 The estimated risks for the various identified receptors should be reduced to very low ahead of construction by further intrusive geo-environmental investigation and risk assessment and, if necessary, remediation of identified contamination or the adoption of appropriate mitigation measures. During construction work mitigation measures such as the use of dust suppression during excavation and earthworks can, in certain circumstances, be employed to reduce the risks to construction workers and off site receptors. Radon risk can be mitigated by further study and risk assessment and by adhering to the local authority building control regulations with respect to radon. On this basis of the study submitted in support of the application, there is considered at this time to be no reason that the site would be designated as contaminated land

6.13.6 It was recommended that intrusive site investigation be undertaken at the site, targeting historical sources of contamination, as well as gaining coverage of the site area. It was concluded that in the unlikely event that significant contamination be identified, remedial works may potentially be required, in order to be protective of sensitive controlled water receptors, and the human health of end-users of the proposed site development.

○ *Summary*

6.13.7 On the basis of the information reviewed as part of the Phase I Preliminary Environmental Risk Assessment, it is considered that the risk of significant pollutant linkages with respect to ground contamination is very low. It is therefore considered that the proposals will have a neutral impact upon ground contamination and would therefore accord with Policy GD8 of the Harborough District Local Plan in this respect.

14. Other Matters

○ *Connectivity to Lutterworth*

6.14.1 Policy L1 of the Harborough District Local Plan contains a specific criterion with regards to the connectivity of the site to Lutterworth. Criterion 3o states:

“o. a minimum of 5 crossings which provide dedicated walking and cycling connections into Lutterworth across the M1, forming part of a network of legible, direct, safe and attractive routes, which will all be well-lit, surfaced, with good natural surveillance and provide connections to Lutterworth town centre, the local centre and employment uses within the SDA, and to existing cycle routes, bridleways and footpaths, including the National Cycle Network, in accordance with Policy IN2;”

6.14.2 Additionally, criterion 5 of Policy L1 states:

“5. Appropriate traffic management and public realm improvements in Lutterworth town centre to facilitate the movement of pedestrians and cyclists, particularly across High Street will be agreed and provided for through the planning application and accompanying agreements.”

6.14.3 In support of the application, the applicants have submitted a series of “non-motorised user” plans (see **Figures 117 - 119**) which indicate how these motorway crossing points could be delivered. In summary, these are the use of the existing farm bridge

across the M1, the existing River Swift underpass, improvements to J20, the new M1 overbridge and amendments to the Gilmorton Road bridge. These proposals have been assessed by Officers and are considered to be a suitable approach to providing the required crossing points. It must be remembered that these options are not necessarily the final solutions, but do provide certainty that the crossing points can be adequately delivered. A condition is recommended to ensure that a scheme for the delivery of five M1 crossing points is submitted prior within six months of work commencing on the spine road the delivery of the crossing points to be in accordance with the approved scheme (see **Appendix A - Condition 22**).

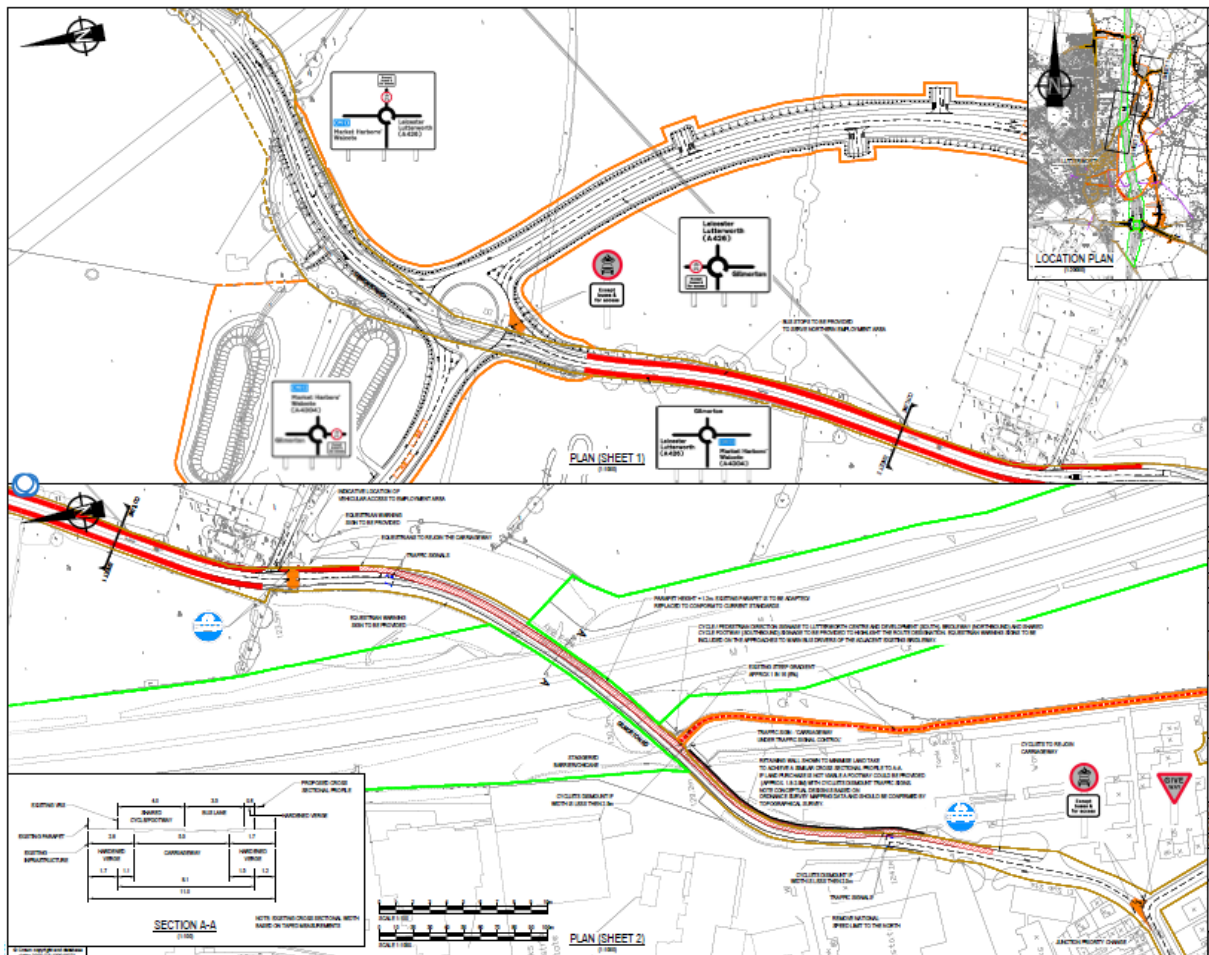


Figure 117: Non-Motorised user plan indicating proposed alterations to the Gilmorton Road bridge

- 6.14.4 Furthermore, Officers have negotiated to secure a contribution to the aspects of the Lutterworth Town Centre Masterplan which will facilitate the movement of pedestrians and cyclists across the High Street as a S106 obligation.
- 6.14.5 On the basis of the above, it is considered that the proposals will accord with Policy L1 of the Harborough District Local Plan in this respect.

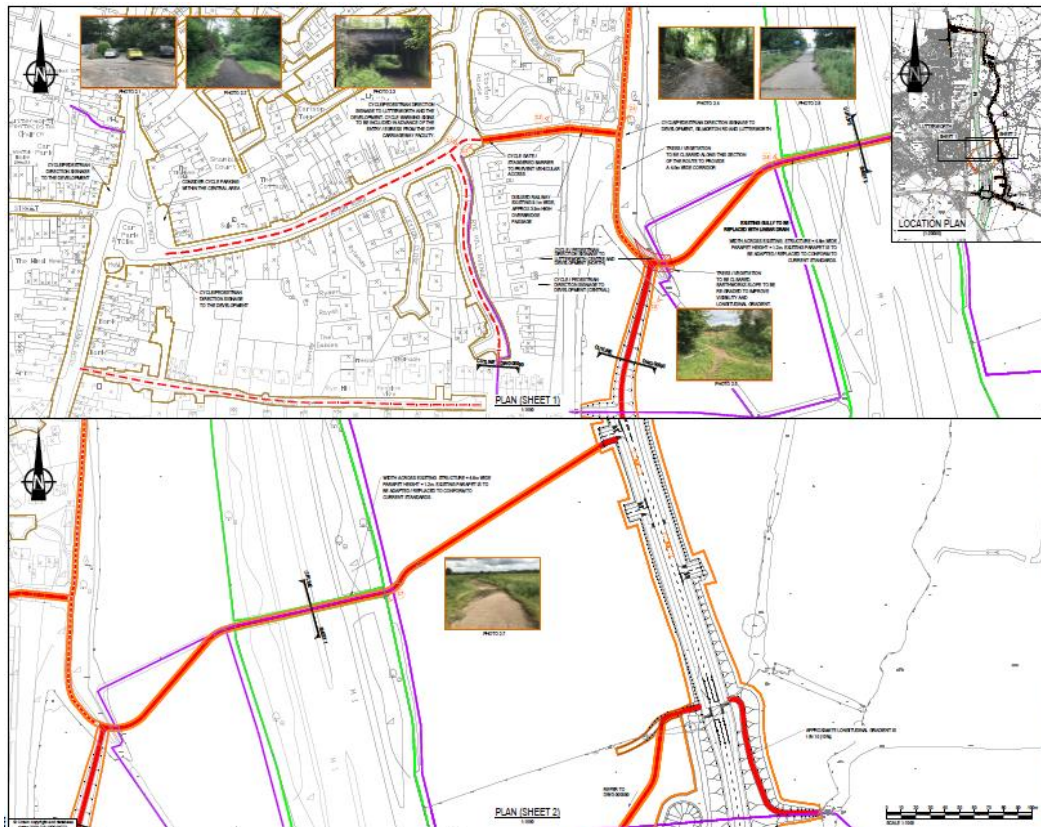


Figure 118: Non-Motorised user plan indicating proposed M1 “farm bridge” crossing and Station Road link

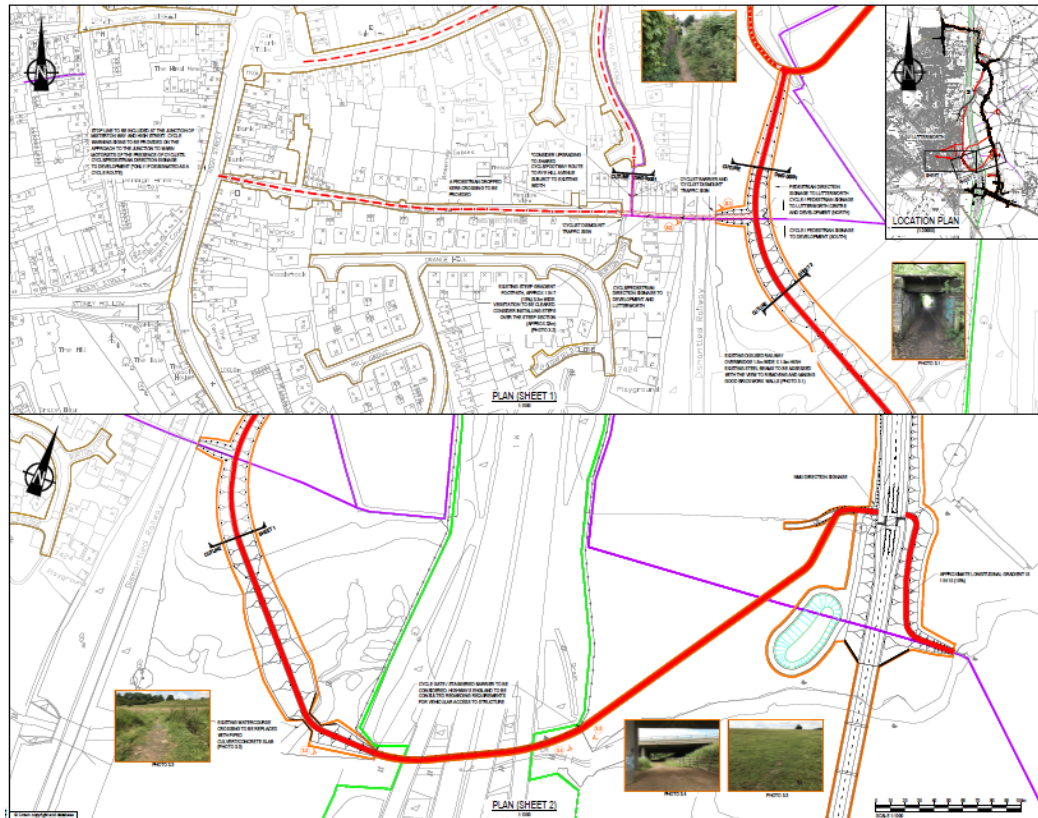


Figure 119: Non-Motorised user plan indicating proposed underpass crossing and Misterton Way link

- *Renewable Energy*
- 6.14.6 The proposed development would be required to meet the statutory minimum contained in the Building Regulations on sustainable build standards in accordance with Policy CC1 with regard to renewable energy. Additionally, Criteria 3x of Policy L1 states:
 - x. consideration of the feasibility of providing decentralised renewable energy in accordance with Policy CC2;*
- 6.14.7 The most sustainable form of energy is that which is not required in the first place. Consequently the energy demand reduction achieved by energy efficiency measures and good design standards is considered more sustainable than renewable energy. The energy efficiency measures should be incorporated where they are cost effective as this then reduces the burden of the absolute energy supplied by renewable sources.
- 6.14.8 The applicants have submitted a Utilities Statement which assesses the potential for the development to provide for decentralised renewable energy facilities. District heating is a means of providing heat to multiple buildings via a district heat network. A main energy centre houses a heating plant which could use a range of technology and fuels. For example, gas boiler, biomass boiler or Combined Heat and Power (CHP). Hot water from the energy centre is pumped to the central heating system and/or to the hot water outlets. The specific requirement in the Building Regulations 25A 'Consideration of high-efficiency alternative systems for new building' states that prior to construction of new buildings the technical, environmental and economic feasibility of using high-efficient alternative energy systems, such as decentralised energy supply systems, should be analysed and taken into consideration. It must be noted that for a decentralised energy supply system to be economically viable it should include an area wider than that of the proposed development, i.e. Lutterworth town, Magna Park along with the proposed SDA and any other adjacent SDAs.
- 6.14.9 No existing energy source for the site has been identified for the site to connect to and, to date, there are no plans to deliver a heat network for any existing/new development in the vicinity of the proposed development. However, if there are more developments planned in the nearby area of Harborough, a decentralised energy plant could be viable depending on the capital investment/grant.
- 6.14.10 There may be potential for a small localised heating network around the local centre area where more heat intensive uses occur. This includes spaces such as employment, retail, mixed and educational centre/buildings. However, the feasibility of delivering a decentralised heat network must be assessed at a later stage, when further details are available on the design/use of buildings, along with details of any provision of social infrastructure such as affordable housing.
- 6.14.11 A selection of renewable and low carbon technologies that could potentially be utilised at the site have been identified. The options include, PV arrays, air sourced heat pumps, ground sourced heat pumps, water sourced heat pumps and wind energy. Subject to further investigation, there may be potential for PV arrays (for the whole site and individual buildings), air sourced heat pumps, small-scale ground/water source heat pumps and wind energy for the whole site. For both site wide PV array and wind solution, the primary infrastructure would need to be installed outside the site boundary.
- 6.14.12 A Condition seeking details of such measures is recommended at **Appendix A - Condition 55**. The fact that the proposal has the potential to provide forms of

sustainable energy production and a low carbon built form are both issues which mean that it is considered that the proposals will have a minor beneficial impact upon climate change and would therefore accord with Policies CC1, CC2 and L1 of the Harborough District Local Plan in this respect.

○ *Health Impact Assessment*

- 6.14.13 As part of their submission, the applicants have submitted a Health Impact Assessment of the development. According to the World Health Organisation (WHO), Health Impact Assessment (HIA) is a combination of procedures, methods and tools by which a policy, program or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population⁵. The primary purpose of HIA is to ensure health related issues are considered by predicting the health impacts of developments and/or options and to subsequently reduce health inequalities.
- 6.14.14 HIA also offers an opportunity to increase awareness of health and wellbeing and health inequalities in the areas of interest, make decisions open to others through participation and engagement in the HIA and to develop relationships with other organisations and sectors often outside public health and healthcare⁶.
- 6.14.15 The applicants HIA has assessed the development proposals against the Visions and Objectives as well as the Policies within the Local Plan, looking to identify potential positive and negative impacts of aspects of the proposals, and how these could subsequently impact upon the health and wellbeing of future residents of the development.
- 6.14.16 One recurring theme which appears as a negative impact more than once throughout the HIA is the design of the Spine Road. It is felt that, designed as a 30/40mph road, the route could facilitate community severance between areas to the west and east of the road. The HIA goes on to say that *“families in the housing planned for the west of the road (i.e. Parcels R2, R3, R5, R6 and R8) may be much less likely to travel to the east side (for example children going to the planned primary school) using active travel for fear of accidents crossing the road. As well as the negative physical and mental impacts on these families and individually, this may also increase health inequalities if we can assume that this housing, which also borders on the west side to the M1, will be more likely to be occupied by more lower income households because the value of the properties will be less and so potentially exacerbate health inequities.”*
- 6.14.17 The HIA suggests that the solution to this is to ensure that the whole of the new development should have a design speed of 20mph. Officers have raised this with the applicants, however, it is acknowledged that a road which has a 20mph design speed is unlikely to have the benefits of providing any relief at all to traffic levels and nature in Lutterworth Town Centre, and the associated benefit of this relief to the Air Quality in Lutterworth Town Centre. Notwithstanding this, Officers are conscious of the issue in relation to future residents. As discussed in the **Design Chapter of this Section** of the report, advisors to the Council have raised similar concerns about the design of the road. Officers understand these concerns, however, given the

⁵ WHO European Centre for Health Policy: Gothenburg consensus paper (1999) Health Impact Assessment. Main concepts and suggested approach. Brussels: WHO. Available at: <http://www.apho.org.uk/resource/item.aspx?RID=441633>. Accessed on: 07/11/2014.

⁶ Wright, S. (No Date) *Using Health Impact Assessments (HIAs) to address health in development proposals* [online]. Public Health England. Available at: http://www.tcpa.org.uk/data/files/Events/NCG_health_2014/WRIGHT_TCPA_2014_v1.pdf. Accessed on: 07/11/2014.

importance of the delivery of housing on the site, and the requirement for LPA's to work positively with applicants to seek solutions to issues, it is considered that there are solutions to this issue. The crux of the matter is that a road with a speed limit of greater than 20 mph is seen as a physical barrier to access between the different parts of the site. This is the case for pedestrians and children, this issue can be mitigated by the careful siting and design of pedestrian crossings such that there is a safe route which connects with routes through the site and beyond and that the crossings themselves do not create a barrier. **Condition 54** requires the submission of additional details of the design of pedestrian crossing locations so as to ensure that these are designed in such a way that they are inviting to use for cross flow pedestrian traffic to increase accessibility for residents of Parcels R2, R3, R5, R6 and R8 to access facilities on the east side of the Spine Road, as well as for residents from the remainder of the development to access facilities in Lutterworth by sustainable measures. Furthermore, it is anticipated that the section of the Spine Road which passes adjacent to the School will be required to be 20mph during school start and end times at a minimum which will aid the crossing of the Spine Road during these times.

6.14.18 The HIA concludes with a series of recommendations for the development which are set out below:

- Recommendation 1: The whole of the new development should have a design speed limit of 20 mph.
- Recommendation 2: Transport planning across the development should adhere to a strict hierarchy of prioritisation with walking, cycling and public transport prioritised above other motor traffic
- Recommendation 3: The design of the development should adopt the 10 principles for active design by Sport England and Public Health England
- Recommendation 4: Community facilities need to be designed based on a robust needs assessment with emphasis on equity of access for all residents, and an ambitious programme of promotion and accessibility.
- Recommendation 5: Sustainable routes to and from Lutterworth should be designed to encourage and facilitate high levels of usage for all residents. This includes ensuring sufficient segregation between public transport, cycling and walking routes, with well-lit and maintained infrastructure that can be used throughout the year
- Recommendation 6: A Health in All Policies approach should be taken to the detailed design and delivery of the development to maximise the potential health and well-being benefits and mitigate potential negative impacts. This applies to all aspects of the development including employment, housing, energy production and usage, leisure, transport, green spaces and air quality.

Most of the above recommendations can be addressed either through the submission of details in response to conditions or Reserved Matters. In particular **Condition 15** requires the submission of a design code to guide the development. Of the above matters those relating to layout, design and hierarchy of travel will be dealt with through the implementation of this code. Other matters such as access to Lutterworth are addressed by condition. In respect of point 1 above paragraph 6.14.24 above addresses that point in respect of the spine road. The design of the roads to reduce speeds can be addressed through the Design Code, the imposition of such a speed limit is impractical due to issues of enforcement.

○ *Electricity Pylons*

6.14.19 It should be noted that a prominent feature of the eastern section of the site is the OHL (Overhead Power Line) which run diagonally across the site (see **Figures 120 – 122**). As can be seen on **Figure 122**, these bisect the “Upper Thornborough”

element of the site, and run along the western edge of the Gilmorton Fields part of the site.



Figure 120: View from northern end of link road between “Gilmorton Fields” and “Upper Thornborough” towards St Leonards Church with OHL crossing the view

6.14.20 There is no specific guidance on the separation of residential properties from electricity pylons or high voltage power lines, however, The National Grid, in partnership with the development industry, have produced the “Sense of Place” Design Guidelines to address the issues associated with developing sites crossed by, or in the vicinity of, pylons and high voltage overhead lines. The work was carried out in recognition of the increasing pressure for the sustainable development of land. The sustainable urban extension of existing settlements is promoting a compact urban form that minimises the need to travel. Many of these potential development sites are crossed by overhead lines, some of which are high voltage overhead lines.



Figure 121: View from north of Misterton Marsh SSSI looking south indicating route of OHL



Figure 122: Extract of Illustrative Masterplan indicating route of Pylons

6.14.21 National Grid sometimes receives requests to move OHL's, or put them underground, when development is proposed nearby. National Grid's approach is to seek to retain its assets in situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance. Leaving aside the cost and technical complexity of moving or undergrounding existing overhead lines, the National Grid network is a fundamental and permanent part of our national infrastructure and should be treated as such. Nevertheless, National Grid recognises that the presence of high voltage overhead lines across a site presents a constraint on development. The guidelines look to promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. Guidelines for residential and commercial development. The guidelines primarily address issues relating to residential development, as this is clearly one of the more sensitive forms of development in close proximity to overhead power lines.

6.14.22 The design guide advocates the integration of existing power lines into new development, creating good spaces in and around the route. It states that "A key design objective is to break down the linearity of the transmission route into inter-related cells and places. Though constrained, the land beneath OHL's can be used positively to provide amenities for adjoining occupiers such as car parking, or to achieve other objectives such as providing flood attenuation." It goes on to suggest that land adjacent to overhead power lines can be used for playing fields and other

supervised recreation, or for more informal open space. This is the approach that has been adopted by the applicants (see **Figure 122**).

- 6.14.23 Through the consideration of the application, it has been suggested by Officers that the applicants should investigate whether or not the OHL's can be diverted around or "undergrounded" through the development. In terms of land use planning and environmental impact, in most instances the existing OHL route has been routed to take account of all appropriate local factors. In seeking to amend that route, it might resolve the issue for the developer/local authority interested in one site, but it may have unacceptable knock-on consequences. For example, National Grid would not want to re-route an existing OHL closer to existing properties in order to allow for new development to take place. Nor would National Grid want to re-route a line in such a way so as to make it more prominent in the landscape (which would also be the case if additional pylons and/or angle towers are required for a diversion). Closely linked to this is the issue of sustainability. National Grid's equipment is built to have a lifespan of about 40-60 years. It is not easily portable or replaceable; and relocating and reconstructing sections of an OHL is something which should only be done when essential.
- 6.14.24 With regards the potential to underground the line, there are a number of issues which militate against this. Conductors transmitting electricity need to be insulated from the ground. When conductors are buried underground, high quality insulation is needed to withstand the very high voltage, so layers of insulating material are used. Unfortunately this form of insulation retains heat produced in the conductor and, as the earth does not cool conductors as well as the air, the underground conductors tend to run much hotter than overhead ones. As underground conductors tend to be hotter than overhead ones, this results in the need for a larger conductor underground than would be necessary overhead. This could be up to four times larger and may result in as many as 12 separate cables for a 400kV cable circuit, all of which need to be well spaced. This can result in construction activity the width of a dual carriageway (approximately 60 metres). This also requires around 30 times more excavation than is associated with an overhead line. This much larger scale of construction can have a greater impact in terms of disturbance to flora and fauna, land use and archaeological sites than the impact associated with OHL's, where the main impacts are centred on the area where the pylon is constructed. This is particularly relevant in relation to this site due to the fact that the power lines pass over the SSSI Marshland, to which any disturbance of this nature could completely alter the nature of the site. Land is also required for sealing end compounds, which is where underground cables are joined to OHL's. These compounds contain a substantial terminal tower, a small building and other transmission equipment, and can have a considerable visual impact.
- 6.14.25 National Grid has a responsibility to operate the transmission system in an economic manner. There are significant cost differences between a length of 400kV underground cable compared to the same length of 400kV overhead line. It costs between 15 and 25 times as much to install underground cable as to build an overhead line route. The cost difference is not so significant at lower voltage levels (below 275kV), which is why a significant number of lower voltage lines are undergrounded in urban areas. Where a third party (developer, local authority etc.) seeks the undergrounding of an existing overhead line, the costs associated with the undergrounding are borne by the third party, not by National Grid or electricity consumers generally. Where underground cables are installed, National Grid requires an approximate width of 30 metres in perpetuity above the cables to be kept free from development or planting in order to allow ready access for maintenance and to ensure that the cables are not disturbed. This would result in a very barren strip through the

development, rather than a strip which could be landscaped in order to minimise its visual impact. In addition to construction costs there are increased maintenance costs associated with underground cables, as they are more complex than overhead lines and it can be a long and costly process trying to locate faults and carry out repairs. In recent years technology has allowed for the development of high voltage electricity cables to be placed in dedicated deep-bore tunnels. Though the installation of a deep-bore tunnel is extremely costly, it is an alternative to direct-burial undergrounding in highly constrained urban areas, or in circumstances where the restrictions resulting from a direct-burial cable are not acceptable, such as the swathe of land required, reliability of the cable etc. It is likely that the cost of installing a deep-bore tunnel would render the scheme unviable. Furthermore, due to the delicate nature of parts of the route of the OHL (in particular the Misterton Marshes SSSI) any alterations to the hydrological conditions could be detrimental to the special characteristics of this part of the site. For these reasons, Officers consider that the retention of the OHL through the site would be the most appropriate way forward, and as such, have not pursued the diversion or undergrounding of the line any further.

- 6.14.26 The Parameters Plan indicates a 40m wide buffer along the length of the OHL between separate residential parcels. Appendix 4 of the Design Guide suggests that General recreational use of land beneath and alongside high voltage overhead lines is possible where appropriate safeguards are implemented. There are many examples around the country of where recreational uses sit very well with an overhead line route, for example, golf courses and country parks. From a safety point of view, two specific recreational activities are problematic in spaces around overhead lines: kite flying and fishing. In both these cases the situation may occur whereby the kite string or the fishing tackle may come into contact with the overhead line and potentially cause fatalities.
- 6.14.27 There are two distinct types of recreational space, closed and supervised sites and unsupervised open access sites. The ways of dealing with activities within these spaces vary according to the level of site supervision and security. If an area of land were to be open to the general public and not subject to strict supervision (such as public open space), the effectiveness of using signage to advise of the dangers of the power lines (pictograms are always advised) may be limited and it is likely that other tools would need to be used to discourage activities such as kite flying. Such tools may include the creation of buffer zones such as the planting of trees, ground modelling, introducing shallow water areas or planting low growing plants that make it difficult to walk through in the vicinity of the overhead power line. Such physical measures would make an area unsuitable for kite flying. **Figure 123** gives an example of an unsupervised/open access sports area.
- 6.14.28 The Guide goes on to suggest that, as a general rule, where it is intended to create open space areas near to overhead power lines which are unsupervised/open access areas, a buffer zone where access is restricted should extend 30m from the outer conductor of the overhead line route so that kite flying is discouraged, however, with the appropriate treatment, such as those mentioned above, to deter the flying of kites, the extent of that buffer zone can be reduced so that the area around the overhead power line can positively contribute, both to the open space provision and to the development as a whole. As set out above, the parameters plan indicates an overall buffer of approximately 40m, and as such, less than recommended. It is therefore considered that the Design Code required by **Condition 15** should address this issue, as indicated by **part u** of the Condition.

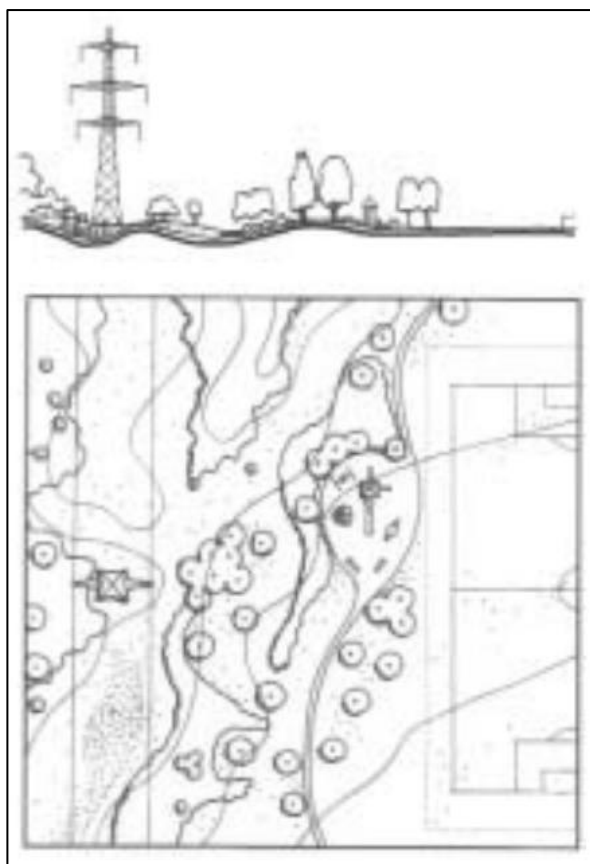


Figure 123: Example of unsupervised / open access sports area in proximity of overhead power lines (Source: “Sense of Place”)

c) Section 106 Obligations & Viability

- *Developer Contributions Legislation / Policy*
- 6.19 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism for securing benefits to mitigate against the impacts of development.
- 6.20 Those benefits can comprise, for example, monetary contributions (towards public open space or education, amongst others), the provision of affordable housing, on site provision of public open space / play area and other works or benefit's that meet the three legal tests under Regulation 122 of the CIL Regulations.
- 6.21 These legal tests are also set out as policy tests in paragraph 56 of the Framework whereby Planning obligations should only be sought where they meet all of the following tests:
 - necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development..
- 6.22 Policy IN1 of the Harborough District Local Plan provides that new development will be required to provide the necessary infrastructure which will arise as a result of the proposal. More detailed guidance on the level of contributions is set out in The Planning Obligations Supplementary Planning Document, January 2017.
- 6.23 Policy L1 of the Harborough District Local Plan contains specific criteria with regards to securing developer contributions to mitigate against the impact of the development. Criteria 3b, 3h, 3p and 3q states:

- “3. *b. affordable and specialist housing in accordance with Policies H2 and H4;*
h. appropriate contributions towards secondary education provision if necessary;
p. a regular and frequent bus service to all parts of the SDA as they are developed to meet the needs of the community and employees, together with convenient bus stops and real-time information to encourage its use;
q. travel plans and green travel packages that provide an attractive alternative to private car use for residents of and employees in the new development in accordance with Policy IN2;”

Additionally, Criterion 5 and 7 of Policy L1 states:

5. *Appropriate traffic management and public realm improvements in Lutterworth town centre to facilitate the movement of pedestrians and cyclists, particularly across High Street will be agreed and provided for through the planning application and accompanying agreements.”*
- 6 *Following completion of the spine road, in partnership with County Highway Authority and the SDA promoters, the Council will develop traffic management measures that remove or minimise the passage of heavy goods vehicles through the centre of Lutterworth, as part of the implementation of an effective air quality mitigation strategy for the Air Quality Management Area in Lutterworth town centre.*

6.24 Policies H2 states:

1. *40% affordable housing will be required on housing sites:*
a. of more than 10 dwellings; or
b. with a combined gross floorspace of more than 1,000 square metres.
2. *The tenure split for the affordable housing will be as follows:*
a. about 75% affordable or socially rented; and
b. about 25% low cost home ownership products; or
c. a variation on the above mix which is shown to be justified by reference to the latest assessment of affordable housing need.

Whilst Policy H4 states:

1. *The provision of well-designed specialist forms of accommodation in appropriate locations will be supported, taking into account housing needs.*
2. *Specialist accommodation development will be:*
a. permitted on sites within existing residential areas;
b. permitted where it is in accordance with Policy GD2;
c. sought as an integral part of all residential developments of over 100 dwellings at a rate of at least 10% of all dwellings proposed, where:
i. the site offers a suitable location for the provision of specialist housing; and
ii. provision of specialist housing would not have an adverse impact upon the deliverability and/or viability of the scheme.
3. *Any proposal for specialist accommodation development should demonstrate that it:*
a. is conveniently situated in relation to local retail and community services; and
b. has a design, layout and access suitable for occupation by the particular specialist group for whom it is intended.

○ *Assessment of Developer Contributions*

- 6.25 **Appendix B** identifies the CIL compliant developer contributions sought by consultees, a summary of the CIL compliance of the requests and a suggested trigger point to indicate when the contribution should be made. With regards to the trigger points they should not necessarily be seen as the actual or final triggers points for the S106 agreement but treated as illustrative of the types of trigger points which may be

appropriate. It is recommended that the determination of the trigger points in the Section 106 Agreement be delegated to the Development Services Manager. The assessment carried out by Officers concludes that all stakeholder requests are CIL compliant apart from request by UHL.

- 6.26 As set out in **Appendix B**, a request has been made by HDC's Strategic Housing Officer for 40% Affordable Housing to be provided on site, a figure which includes provision for Extra Care provision, which would address the Policy requirement for specialist accommodation taking account of local need. Furthermore, as previously established, in Paras 6.9.15 – 6.9.17, the Parameters Plan, which is considered to be a plan for approval and as such is included in the list of approved plans, includes the potential for provision of Extra Care accommodation within the Community Hub parcel of the development which will include community based and retail facilities. Such a location would address the policy requirement for specialist housing to be conveniently situated in relation to local retail and community services.

6.27 University Hospitals of Leicester (UHL)

Members will recall that when this application was considered in April the request for section 106 funding made by UHL was not supported for a number of reasons. Following publication of the report representatives of UHL submitted additional information which sought to deal with the reasons why the request for funding was not considered to meet the CIL tests and on legal advice the determination of the application was deferred. Subsequently clarification was sought on these matters which is set out below

- 6.28 Before turning to the detail of matters relating to the request it is worth setting out the national policy context. The NPPF at paragraphs 91 and 92 refers to promoting healthy and safe communities. These take a broad approach to health, healthy lifestyles and local infrastructure to facilitate this. It does not refer to health in terms of treating illness.
- 6.29 The PPG makes a number of references to health. As with the NPPF it refers to facilitating healthier lifestyles, the PPG also refers to the provision of facilities for health care. The guidance then sets out the bodies that need to be engaged in improving health, wellbeing and the provision of health infrastructure. It makes specific reference to the Director of Public Health, the Health and Wellbeing Boards, NHS England and locally the CCG. The last two bodies are referred to particularly as these can provide information on their current and future strategies to refurbish, expand, reduce or build new facilities to meet the health needs of the existing population as well as those arising as result of new and future development.
- 6.30 The emphasis here is on planning new facilities and opportunities for healthier lifestyle and living not the treatment of illness. It may be helpful to set out some matters of principle before turning to the detail.
- 6.31 Under the CIL regulations the first test is to establish that the funding is necessary in that it serves a planning purpose and it is needed to enable the development to go ahead. The planning purpose would be to ensure the provision of adequate health care and treatment. In this case the matter seems to be about delay in patients receiving treatment. Given that the overall funding of the NHS is through national taxation, the difficulty in treating patients would appear to be a contractual issue which itself appears to be a national one.
- 6.32 A request must be directly related to the development; this raises a number of issues. The first is does the funding serve a substantial planning purpose or does the impact arise because of other matters. To this end it is necessary to examine the funding

mechanism. As has been set out previously UHL is funded through a block grant negotiated annually based on the previous year's activity. What is unclear is why the negotiation of the block grant cannot take into account an element for growth in population or household numbers. There are a number of sources of information about planned growth and consultation with local authorities could identify any unplanned growth. The second matter is the speed of occupation of any new dwellings. From the grant of planning permission to the occupation of any dwellings there is a time lag and during this period it is clear how many dwellings would be occupied and potentially how many new residents there would be. This would appear to give an opportunity to negotiate a contract which reflects this known growth. It is not clear from the evidence submitted by UHL why the CCG block contract cannot be adjusted to take into account the anticipated growth of an area.

- 6.33 The initial question is whether the UHL requested contribution serves a planning purpose and is necessary. UHL have identified a gap in its funding due to the way in which the block grant forward funding operates which does not appear to take into account population growth attributable to new housing developments and a subsequent increase in demand until the year following the impact. It seems that this is a systemic problem given that the identification of growth underlies the Health and Well Being Strategy and there is information available on planned and actual growth readily available. While it is said that the planning purpose of the requested contribution is to ensure adequate health care and treatment, the issue is not whether a person will be treated or not, but the effect on the quality of the service in terms of delay. However, given that NHS treatment is intended to be provided from national taxation, what is being said in substance is that the planning system/developers should subsidise UHL for the effects of the operation of NHS's funding mechanisms.
- 6.34 In terms of direct relationship, a key consideration is whether UHL can show that the development necessarily gives rise to the additional burden on the developer and that it arises from the development, as opposed to a failure in the funding mechanism, whether caused by its structure or a lack of reasonable coordination between the CCG and Trust in agreeing block contracts for care and treatment based on up to date information as to new or anticipated housing development. Consideration also needs to be given to whether the housing development that is permitted is likely to be built out and occupied within 12 months and whether there is sufficient time for the NHS bodies to take it into account in their funding arrangements.
- 6.35 In a recent planning appeal in Teignbridge determined by the Secretary of State the issues raised by UHL's request were addressed in some detail and the requested contribution was found to fail the regulation 122 tests. The key factors leading to this conclusion were the fact that the development was on a site allocated in an adopted development plan and the proposals of that plan had been the subject of consultation with the relevant health care providers.
- 6.36 With reference to growth in particular to large scale strategic schemes these sites are allocated through the local plan process. The consultation with health bodies in the preparation of the Harborough Local Plan is set out below:
- 2013 Scoping consultations
 - Leicestershire and Rutland PCT
 - 2015 Options consultation
 - NHS UK
 - West Leicestershire CCG
 - NHS Property
 - Leicester City CCG

- 2017 Pre-submission Draft consultation
 - East Leicestershire and Rutland CCG
 - West Leicestershire CCG
 - Leicester City CCG

No responses were received to these consultations.

6.37 Reference has been made to the submission made by UHL's representatives prior to the committee meeting in April, this made a number of points about which this council sought further clarification. What this report seeks to do is draw those individual issues into a broad topic and address the points therein.

6.38 *The UHL Case*

The crux of the issue appears to be a gap in funding arising from an increase in population and the way in which the provision of UHL's services are funded. This was one of the matters put to UHL's representatives following the committee meeting in April. UHL's response is set out below.

"The issue is fairly straight forward. The new population will create an impact on the Trust's services. This impact is similar that it creates on education, highways, libraries and on the additional staff costs for the Council's own monitoring officer. The impact is potentially long term as it affects the Trust's ability to provide services at the safe level required as explained. The issue is how to mitigate the impact? The Developer should be not paying something that has already been paid for. The Trust has provided careful calculation methodology as required by CIL Regulation. The Trust does not get paid for the additional new population creating the impact on the services as explained. The calculation methodology explains the lack of funding created by the new population. If the developer contributes towards the financial gap in the funding, then the impact is mitigated. The Trust could mitigate the impact in various ways, but the Trust considers that this is modest but very effective way of dealing with the direct impact as the mitigation model will take the immediate impact away as explained below."

6.39 Population

There are a number of elements to this particular issue, there is overall population growth but not all the new population will be new patients for UHL to treat; some may be relocating within the district or further afield in the county, some may be existing residents on housing waiting lists for example and there is the formation of new households from the existing population.

6.40 UHLs original assumptions about population presumed that the population of the new development would be an entirely new population. Clarification was sought on the following issues

1. The methodology used to calculate the new population compared to the existing relocating population.
2. In respect of point 1 the calculation.

6.41 UHL's initial response is set out in detail in Appendix F. Briefly the population growth was calculated by developing a household profile for the area. This was then used to calculate the number of households at the proposed development was derived using Office of National Statistics household formation rates an estimate of the population at the development was calculated. Using migration data from the 2011 Census, the migration rates were calculated. Applying the migration rates to the household formation rates generates the total number of expected residents at the proposed development and splits them by those from within the Trust's operational area and those from outside the Trust's operational area. The exercise was carried out both the market housing and affordable housing separately as migration trends for population

in affordable housing are different to those in market housing. This methodology leads to the conclusion that 38% of the population of the development will be new to UHL catchment area.

- 6.42 The Council has sought the following clarification of UHL's workings:
1. Which does the Trust consider to be the correct calculation of the development population – 6,600 (as per the submission at Appendix 3 calculation) or 6,297 (as per Appendix 5 of the submission)?
 2. The specific data sources used in calculating the expected population are not stated – i.e. what dataset and for what year has been used to develop the household profile? How has the number of households at the proposed development in each household group been estimated? What data source has been used to calculate household formation rates (and for which years is the data used?).
 3. Has an allowance been made for a level of vacant homes within the development?
 4. Has an allowance been made for the phased build-out of the scheme over a 15 year period within the calculation of the additional population arising, and the impact that this has on headship rates/ household size (not just within the development but within the wider population)?
 5. Should the concealed household adjustment calculation in Appendix 3 have been 62% so as to be consistent with the DLP calculation of the population growth from within the catchment area, as shown in Appendix 5 of its submission?
 6. What geography has been used in calculating the proportion of moves within/ outside of the area?
 7. Which specific Census data table has been used to calculate the proportion of people moving within and into the area? Has the calculation equally taken into account moves out of Leicester and Rutland?
 8. Which Census dataset has been used to assess migration trends separately by tenure? It would be helpful to understand the specific table reference or how the difference between tenures has been modelled.
- 6.43 UHL have stated the CCG funding formula is only allowing for a small element of population growth. It is not clear how, if at all, the methodology discounts for that element of the growth already allowed for. That is a further problem with the calculation. UHL's response also asserts that the methodology takes into consideration only those attending the Trust's service as some patients will use other hospitals.
- 6.44 It is unclear from the way that the calculation is presented how that has been done. It may be that this is the function of the average activity rate which does this, but this has not been adequately explained. It is unclear how the average activity rates have been derived. The council has sought further clarification including any reports, calculations, sources and numbers used in preparing the information on population and migration.
- 6.45 The methodology used by UHL is based on purported identification of the number of migrants into the operational area as a result of the proposed development. However, those migrants are people already known to and included within the funding for the NHS. They are not "new" to the NHS. They may have moved from one Trust area to another Trust area, someone has therefore received the funding for their health care. Whilst there may be "a gap" for a Trust, there is no "gap" for the NHS. This reinforces the point that the developer is being asked to compensate the Trust for the inadequacies of the forward planning of the NHS/CCG which is not a planning purpose.

- 6.46 The issue in relation to their methodology is that it appears to take no account of migration other than in migration into the Trust's operational area. UHL have not provided evidence to demonstrate the "net" gain in population, i.e. the new population to its catchment area and consequently the scale of the additional burden attributable to this development. At the time of writing clarification of this is required and is awaited from UHL.
- 6.47 It is also presently unclear from the information provided how it can be shown that an increase in population of a given number as a result of new housing development, will lead to any specific consequences in terms of the speed or efficacy of treatment or care given. The absence of a demonstrable fair and reasonable relationship between the requested contribution and the actual primary health care needs of the new population i.e. how the trust can show the spending of the monies will directly benefit the new population in terms of their needs.
- 6.48 **Service Users**
On a related theme, not all the residents will attend UHL. There are other nearby hospitals which patients could attend. UHL have examined this issue and explained that the Trust holds its own statistics for each activity that takes place within it. Each activity has a standard cost and is related to each patient and their address. The updated consultation response, Appendix F of this report, dated 3 July 2020 at Appendix 3 shows the total activity. This is then related to a specific development area. The response also asserts that the methodology also takes into consideration only those attending the Trust's service as some patients will use other hospitals. It is unclear from the way that the calculation is presented how that has been done. On the data only relates to the Trust's activity it is unclear what proportion of patients would use other hospitals and what proportion of any new population would choose other hospitals for treatment.
- 6.49 **Funding**
The initial request from UHL was for funding based on the population projected to be created by the whole development and for this funding to be paid on the occupation of the first dwelling. This would be unreasonable in that the scale of the request would not reflect the impact at the time it was paid. Indeed, it would require the developer to provide an upfront sum to mitigate impacts which would not be experienced (if at all) until many years in the future. UHL now accept that it would be reasonable to phase the requested funding although the contribution should be secured on the commencement of the development with phasing of payment e.g. on the commencement of every 150th dwelling. UHL state that the review of the amount/activity rates can be done on the yearly or every second-year basis. At the time of writing no phasing scheme has been put forward
- 6.50 A further issue with revenue funding of this kind is evidencing that the monies are deployed in a way which directly and fairly reasonably relates in scale and kind to the permitted development. Where infrastructure is involved, it can be scaled to meet the requirements of a given new population by reference to a robust methodology. Where revenue funding is involved, in this case staff, it is more difficult to attribute their time to patients arising from the development or to ensure that the monies are directed at services which will meet the actual healthcare needs of the new population as opposed to being subsumed in general budgets. This is key to the directly related and fairly and reasonably related in scale and kind tests of regulation 122. In its submission of 20 April UHL undertook to demonstrate how funding would be accounted for. UHL have set out the following. The monies are used to service the additional population from this development. Each patient creates an activity which has a tariff. The total costs of the activity includes amongst other things pathology tests, drugs, imaging, endoscopy,

critical care, blood and operating theatres. The Trust is happy to provide an undertaking that the contribution is used as requested and the breaking it down as explained above i.e. towards the extra activity created by the new population of the development. The Trust is happy to provide an undertaking that the contribution is used as requested and the breaking it down as explained above i.e. towards the extra activity created by the new population of the development.

- 6.51 In terms of mechanics, there is now reference to an undertaking to ensure that any monies are spent on patient care for those arising from the development so as to satisfy the requirements that any contribution should be directly related to and fairly and reasonably relate in scale and kind to, the development. My understanding is that the monies will be used to provide additional staff. What is unclear are any mechanisms that are in place or could be put in place to ensure that this is where the funding is directed. In this context, there is a suggestion that there would be a yearly or biennial review of the sums to be paid. The developer will want and can reasonably expect some certainty at the outset of the development as to the extent of the contributions, even if that is provided only as a maximum annual figure.
- 6.52 Other matters.
Any funding is to be used for revenue costs associated with additional staff, however, it would appear that the underlying issue for UHL is one of physical capacity in that patients who require treatment cannot be found suitable beds within the hospital.
- 6.53 There are issues with bed occupancy levels and the impact that this has on the performance of A & E, the ability to move patients onto a ward if they cannot be discharged. It appears that the Royal Infirmary is operating at 100% occupancy, not the ideal of 85%. This issue of bed blocking appears to be an existing issue. Nothing has been submitted to show what relief in bed spaces can be achieved by the means of the contribution sought or a relationship between this and the development or this is the result of an increase in activity attributable to the development. This point has been put to UHL who responded.
- 6.54 Not every patient needs to be admitted to a ward. If the Trust has the additional staffing as required, it will reduce the time needed for a correct diagnosis and for those patients that do not need additional inpatient allow a quicker discharge. For those patients who do need a bed it can ensure they are placed into the correct ward at the earliest opportunity, which is proven on average to improve patient outcomes and reduce the overall length of stay. Without the additional staffing patients are more likely to be admitted unnecessarily to a ward whilst waiting for the correct diagnosis, creating a negative impact on the services. In short, the additional staffing will mitigate the direct impact of the development by reducing the time for a correct diagnosis, reducing waiting times, improving length of stay, improving patient outcomes and bed occupancy levels.
- 6.55 Conclusion
The Community Infrastructure Levy Regulations 2010 (as amended) set out at regulation 122 three tests that a Section 106 obligation must meet if the obligation is to constitute a reason for granting planning permission. Whilst each of the tests need to be dealt with individually there is an element of overlap between them.
- 6.56 The first test is that any obligation has to make the development acceptable in planning terms. In this instance, UHL have identified a gap in funding which it is claimed arises from population growth as a result of the development. However, given that the proposed development is a strategic scale scheme which has been through the local plan process with its associated consultation and opportunities to make

representations there has been ample opportunity for the NHS and UHL to plan for the intended growth.

- 6.57 Further, there is a time lag between a development of this kind being granted planning permission and the first occupation of any dwellings. There is therefore a further opportunity for the CCG and UHL to ensure that their funding arrangements are such that the health care needs of the long known increased population can be addressed without any diminution in the standard of care.
- 6.58 It would appear that funding of the NHS as a body takes account of population growth as does health service planning at a local level. The contribution has been requested over the lifetime of the development, what has not been demonstrated is why, when there is a known commitment to a strategic development, NHS funding cannot respond appropriately to it.
- 6.59 The primary purpose of the contribution is to correct a systemic problem in the NHS funding mechanism. There is a time lag between funds being available and the new population occupying the dwellings. It does not appear to be UHL's contention that patients will go untreated, rather, there will be a delay in that treatment.
- 6.60 Having regard to the foregoing, it has not been established to officers' satisfaction that the contribution sought is necessary or that the relationship between the contribution and the development is a direct one.
- 6.61 In the recent Teignbridge appeal decided by the Secretary of State himself which has been outlined previously, , when considering the same issue, the Inspector (with whom the Secretary of State agreed) concluded that the funding request by the local hospital trust did not satisfy the regulation 122 tests. The Inspector found:
"..... whilst I have understanding for and, to an extent, sympathise with the position in which the NHSFT finds itself, it is as a result of the workings of the funding relationship between Government¹⁸⁹, the CCG and the actual 'at the coal face' service provider, the NHSFT, which places the NHSFT at disadvantage".
- 6.62 In substance, the contribution was sought to address a shortfall in funding and that the applicant was being asked to "plug the gap". The "gap" was a result of the working mechanisms by which the trust received its reimbursement for the costs associated with the delivery of tis services.
- 6.63 The second test is the obligation has to be directly related to the development. UHL has sought to demonstrate that the increase in population within its catchment area has a detrimental effect on its ability to deliver its services in a timely manner.
- 6.64 The methodology employed by the trust seeks to demonstrate population increase that is attributable to the new development, and not a redistribution of the existing population. The council's review of the methodology has concluded that it is not sufficiently robust to demonstrate the level of population growth it is attributing to the development. In particular that the data sources used and the geographical areas used to inform that data have not been adequately explained.
- 6.65 The purported increase in population UHL have identified is stated to have a detrimental impact on the capacity of the service. However, the funding is required to pay for additional staff. It is not demonstrated how the staff will address the existing physical capacity issue. On the face of it the additional staff would be required to deal with a performance issue in that waiting times in A&E exceed the standards, the

request also highlights that the hospital is operating at 100% occupation, not the ideal 85%, but the request does not address the capacity issue. The request is not directly related to the development in that the increased population burden resulting from the development has not been soundly established and it has not been adequately demonstrated that contributing to staff costs will address the need i.e. additional bed spaces in a way which is directly related to any additional burden from the development.

- 6.67 The inspector in the Teignbridge appeal observed that the population growth at the development was not “new” population as it was part of planned growth. This “new” population was not unknown to health providers and it could not be justified to require a developer to plug a gap to pay staff wages.
- 6.68 The third and final test is the obligation fairly and reasonably related in scale and kind to the development. This report has previously set out our concerns about the methodology used to calculate the population increase which is then used to calculate the monies requested. In the absence of a robust calculation of the additional population burden, there is no sound basis for the contribution sought.
- 6.69 Further, in its calculations the trust has included an element for the premium costs associated with employing agency staff. This is a function of the recruitment and capacity issues within the NHS rather than being directly attributable to the development.
- 6.70 As has been stated the UHL case is predicated on staff costs what has not been established is how these fairly and reasonably relate to a capacity issue arising from the development.
- 6.71 In the Teignbridge appeal the Inspector referred to what appeared to be a capacity issue but that funding was to be used to fill a funding gap to cover staff wages and that this did not meet the tests set out in the CIL regulations.
- 6.72 It is unclear from the information provided how it can be shown that an increase in population of a given number as a result of new housing development will lead to any specific consequences in terms of the speed or efficacy of treatment or care given. The absence of a demonstrable fair and reasonable relationship between the requested contribution and the actual primary health care needs of the new population i.e. how the Trust can show the spending of the monies will directly benefit the new population in terms of their needs. Indeed in UHL’s response in their case as set out in **Para 6.38** above it appears that there are other means by which the impact of the development could be mitigated which would suggest a contribution is not “necessary”
- 6.73 From the foregoing it does not appear that the requested funding would address these issues.
- 6.74 East Leicester and Rutland Clinical Commissioning Group (ELR CCG)**
The CCG have submitted a section 106 request as set out in **Para’s 4.2.29 – 4.2.34** to fund an extension to the surgery facilities in Lutterworth. The request sets out the number of patients anticipated to arise from the development based on an average householder size. As has been set out earlier in this report with reference to the request submitted by UHL, this method is not considered sufficiently rigorous to establish the additional demand on a service. What has to be identified is any net gain in population in the CCG’s catchment resulting from the new development.

6.75 As a consequence of the above the CCG have been asked to identify the net growth that any extended surgery would have to serve. The request for funding identified three alternatives;

- Internal reconfiguration of the building;
- As above plus extensions; and
- A larger extension with no major reconfiguration.

Option one is identified as only producing benefits in the shorter term. One option which has not been considered is the provision of a facility as part of the proposed development. The CCG have been asked to comment why this option has not been referred to in the request.

6.76 In respect of both practices that operate from the health centre, the CCG's submission refers to car parking being a problem and, given the car park's current configuration it is unlikely that additional car parking could be accommodated. Given the site constraints, the CCG have been asked to give an indication as to how any extension could be achieved and how any required additional parking would be provided. These matters have also been put to the CCG. Further comments from the CCG (will be reported via the Supplementary Information List)

6.77 Leicestershire Police

The Leicestershire constabulary have submitted a request for funding the details of which are set out in **Paras 4.2.12 – 4.2.26** of this report. The request for the contribution to policing is for;

- Personal equipment for officers;
- Vehicles;
- CCTV and other related technology;
- Crime reduction equipment; and
- Premises.

The request has identified an increase in officer numbers to meet the needs of the new population including those who will work at the proposed employment sites, schools etc.

6.78 In the evidence to support the funding request the police have set out the sources of funding available to them. Any request for funding has to demonstrate that it serves a planning purpose. Where a service is apparently funded through national and / or local taxation, requests for developer funding to address claimed future or equipment deficits need rigorous assessment against the regulation 122 tests. To this end the police have been asked to supply information in respect of the following.

- Clarification as to how they have derived their suggested development population (7342) which appears overstated
- Why the Council Tax police precept is not sufficient to support the additional equipment and vehicle costs either directly or through borrowing? Is that not what Government funding and the precept are for?
- Further, if that is not the case, what is the position about replacement costs in due course? Do they go unfunded?
- In terms of central funding, there is an assertion that it will not fund the staffing costs/equipment/vehicle, but that is not evidenced or demonstrated. It is said that the funding covers revenue costs where is the line between revenue and capital drawn and, do the centrally funded revenue costs include interest charges for borrowing required to support policing for the projected population?
- It is stated that some services (Centralised Support and Specialist Units) have capacity to absorb any extra demand i.e. increased efficiency. Evidence has been requested as to why this does not equally apply to the services for which

funding is sought? This may undermine approach used in the Police request if rolling forward the existing ratio of officers to population

- 6.79 Because of the model of service provision that the police operate i.e. it is essentially a mobile service, funding is being requested to equip officers who could use the equipment anywhere within the forces operating area. The request has not addressed the issue of how the equipment is directly related to the development.
- 6.80 The scale of the request is related to a calculation of the population. It is unclear how the population has been calculated, further information / calculation of this has been requested. On the face of it the request for premises would be directly related to the development. What is unclear is how the sum for the premises has been derived, the evidence to support this has been requested.

d) Assessment of Alternatives

- 6.81 As set out in **Section 5 of this Report**, there is an identified need additional housing delivery both nationally and also within the District, and as part of the Local Plan preparation process, evidence has been gathered which demonstrates that Harborough District has an OAN of 532 dpa, and a housing requirement of 557 dpa. **Para 5.8** of the report sets out that, at Lutterworth, about 1,260 dwellings in a Strategic Development Area on land east of Lutterworth, in accordance with Policy L1. Furthermore, Policy BE1 states that in addition to the delivery of existing commitments, at Lutterworth, about 10 hectares of business use within Use Class Orders B1 and B2 and 13 hectares of storage and distribution within Use Class Orders B8 on land to the south of the A4304 as part of the East of Lutterworth Strategic Development Area (SDA) in accordance with Policy L1. Policy BE2 goes on to state that additional development of up to 700,000 sq.m. for non rail-served strategic storage and distribution (Class B8) use will be provided in the District. Additional development should form an extension of, or be on a site adjoining, Magna Park
- 6.82 HDC have assessed whether or not there are any available alternatives to provide the quantum of development which has been identified as being needed as part of the local Plan preparation. The distribution of development, particularly in relation to housing, was selected from a wide range of reasonable alternatives. The Options Consultation Document, 2015 contained 9 different options and combinations of options, although even these were actually greater since there were two different options for a Strategic Development Area (SDA) at The Kibworths while the site for a proposed Strategic Development Area in Scraftoft/Thurnby was amended after the Options Consultation by a further proposal for a SDA at Scraftoft North. Following consultation on the original 9 options, a comprehensive analysis of the latest proposals, including the proposed Scraftoft North SDA was undertaken looking at the available evidence relating to the following factors:
- Consultation – assessing the key issues raised during the Options Consultation in relation to each of the 9 Options;
 - Deliverability - comprising evidence on Land Availability, Infrastructure, and Viability; and
 - Planning Principles - comprising an assessment against Sustainability (using evidence from the Sustainability Appraisal (SA) Interim Report, September 2015), NPPF (2012) Core Principles and Local Plan Objectives.
- 6.83 This resulted in the identification of four Selected Options which were subject to the collection of further more detailed evidence and to a further assessment based on that evidence, looking at the following factors:
- **Transport** - including peak hour traffic impacts, network stresses in south-east Leicester, accessibility by sustainable transport, and transport benefits.

- **Deliverability** - covering housing land availability, marketability, infrastructure constraints and costs, viability, ownership issues and longer term potential.
 - **Environmental factors** - flood risk; landscape capacity; Sustainability Appraisal of built heritage, natural environment, and resource use; and climate change mitigation.
 - **Socio-economic factors** - location in relation to housing need; proximity to and provision of employment, retail, education and community facilities; Sustainability Appraisal of effects on housing, economy, health and well-being; open space provision; Gypsy and Traveller provision; and air quality impacts.
 - **Planning principles** - re-assessment against NPPF (2012) Core Principles.
- 6.84 The outcome of this was to identify a hybrid option including the East of Lutterworth SDA and the SDA at Scraftoft North. As such, it is considered that there are no reasonable alternatives for the delivery of the quantum of housing development proposed by this application.
- 6.85 In terms of the employment provision on the site Policy BE1 provides for a supply of employment land in accordance with the settlement hierarchy and strategic aims of Policy SS1 The spatial strategy. The preferred strategy is to focus development at Market Harborough and Lutterworth (particularly within the SDAs) as the District's main economic centres, and at Rural Centres all of which are well located, served by infrastructure and are accessible by sustainable modes of travel. In order to support the delivery of allocated sites in the District's main economic centres, outside these areas further employment delivery would only be supported in accordance with Policy BE1.2. Policy L1 allocates part of the East of Lutterworth SDA for B8 storage and distribution use in order to support the viability of the wider Strategic Development Area. As such, it is considered that there are no reasonable alternatives for the delivery of the quantum of employment development proposed by this application.
- 6.86 Notwithstanding this, The EIA Regulations require an ES to include an outline of the main alternatives considered by the applicant, indicating the main reasons for the choice made, taking into account the environmental effects. This legal requirement is expressed in very general and high-level terms, requiring only the inclusion of an "outline" of "main" alternatives and an "indication" of "main" reasons. Although a full description of alternatives and a full assessment of their likely environmental effects is not required, sufficient detail should be provided to allow for a meaningful comparison between the alternatives and the proposed development.
- 6.87 It is a matter for the applicant to decide which alternatives it intends to consider. The EIA Regulations do not expressly require that an applicant considers alternatives, although it is widely encouraged at the policy level, both European and domestic, and is a feature of EIA best practice. The consideration of alternatives in this ES complies with that requirement and has regard to the guidance in the Planning Practice Guidance (PPG) on Environmental Impact Assessment (which replaced paragraph 83 of the withdrawn Circular 02/99). The PPG states "Where alternative approaches to development have been considered, the Environmental Statement should include an outline of the main alternatives studied and the main reasons for the choice made, taking into account the environmental effects."
- 6.88 Alternatives should only be considered where they are feasible, realistic and genuine. This may depend on various factors, including planning policy, land ownership, financial viability, technical feasibility and design quality. Options which are unlikely to be acceptable or deliverable are not realistic alternatives and so do not need to be considered. Whilst environmental effects are relevant when choosing between

alternatives, other factors are also relevant. The main selection criteria which the applicant has used when choosing between the alternatives which it has considered include: planning policy, viability, design quality, market requirements, site constraints and opportunities and environmental effects.

- 6.89 As the site is an allocated site, and as set out above, the LPA consider that there are no reasonable alternatives to the site, the main area for the consideration is in relation to the detail proposed as part of the application. The only detailed element of the proposal relates to the Spine Road, and as such, the applicants have considered a number of alternatives in relation to the proposed route of the Spine Road. These are outlined below along with the applicant's main reasons for choosing the proposed development in preference to them. The route of the Spine Road has implications for a number of the issues set out previously, principally Heritage, Landscape, Drainage and Hydrology and Design and each of these sections above includes a part regarding the alternative routes for the Spine Road that have been examined by the applicants. The submitted Assessment of Alternatives was amended by the applicants in response to comments received from Historic England.
- 6.90 Schedule 4 to the EIA Regulations 2011 sets out the matters for inclusion in an ES, and states that these include (Part 1.2) "an outline of the main alternatives studied by the applicant and an indication of the main reasons for the choice made, taking into account the environmental effects." The National Planning Practice Guidance (PPG) on Environmental Impact Assessment (PPG, 10 4, paragraph 33) states, "Where alternative approaches to development have been considered, the Environmental Statement should include an outline of the main alternatives studied and the main reasons for the choice made, taking into account the environmental effects."
- 6.91 The Design and Access Statement (DAS) provides further information on the design and access arrangements for the site, and explains how these were formulated using a framework of sustainable design principles, including a landscape framework developed in the concept design stage. Chapter 4 of the ES explains the assessment of alternatives process that the applicants have undertaken. The assessment looked at 4 alternative routes and concluded that the proposed route was the preferred option.
- 6.92 The Design and Access Statement (DAS) provides further information on the design and access arrangements for the site, and explains how these were formulated using a framework of sustainable design principles, including a landscape framework developed in the concept design stage. Chapter 4 of the ES explains the assessment of alternatives process that the applicants have undertaken. The assessment looked at 4 alternative routes and concluded that the proposed route was the preferred option.
- 6.93 Following a request from Officers and HE, further work was undertaken by the applicants in relation to the assessment and has been submitted as an Addendum. As part of this addendum, the applicants have provided a table of assessment (see **Figure 124**).
- 6.94 Throughout the report, Officers have assessed the alternative options with regards the route of the Spine Road in relation to different topics. As would be expected, different options performed better in different topics, however, largely there was very little difference between the identified impacts of the options. Whilst Option 1 performed best in terms of Noise and Air Quality, Option 4 performed best in terms of Design, Drainage and Heritage. Options 2 and 3 have no benefits which would outweigh those identified for options 1 and 4 whilst having a detrimental impact on undesignated archaeology, route 3 is much more convoluted and these alternatives would impact on the site area available for development in both the business park and in the case of

option 2 the residential area. Given that Heritage issues should be afforded significant weight in the consideration of Planning Applications, it is considered that Option 4 (which performs best in terms of Heritage impact) is the preferred option of those which have been assessed.

	Option 1 Through Business Park, alongside the M1 to Gilmorton Road	Option 2 Through Business Park, alongside the M1 to SW corner of R8	Option 3 Around edge of Business Park, alongside the M1 to sports fields	Option 4 Around edge of business park head north through Community Park
Objectives for the Spine Road				
A spine road providing a clear legible route (S.m)	Does not provide a spine road as it will not be integrated with the development.	Provides a clear and legible route for the spine road.	Provides spine road as envisaged through most of the development and therefore performs better than Option 1, but the southern section is indirect, convoluted and not a clear and legible route and therefore performs poorly compared to Options 2 and 4.	Provides a clear and legible route for the spine road.
New access road should be routed to have regard to any undesignated archaeology (S.u)	As RA notes route likely to follow an area of archaeological importance. Recent field investigation suggests this is likely to be late prehistoric stock enclosures.	As RA notes route likely to follow an area of archaeological importance. Recent field investigation suggests could be late prehistoric stock enclosures.	As RA notes route likely to follow an area of archaeological importance. Recent field investigation suggests could be late prehistoric stock enclosures.	As the RA notes avoids archaeological resource that Option 1, 2, & 3 intersect. The results of field surveys reaffirm the view in the RA that this route has least impact to buried archaeological resource overall.
New access road should be routed to minimise its impact on all heritage assets, particularly the inter-visibility between the Church of St Leonard and the Church of St Mary (3.u)	Erode some of the rural nature of the wider setting of the Church of St Leonard to a small degree. No effect on the inter-visibility between the churches.	Erode some of the rural nature of the wider setting of the Church of St Leonard to a small degree. No effect on the inter-visibility between the churches.	Erode some of the rural nature of the wider setting of the Church of St Leonard to a small degree. No effect on the inter-visibility between the churches.	Erode some of the rural nature of the wider setting of the Church of St Leonard to a small degree. No effect on the inter-visibility between the churches.
Other Policy Objectives related to the Route of the Spine Road				
Address and overcome the issue of community severance resulting from the M1 (3)	The spine road will not address the perception of community severance as it will significantly increase the size and character of the infrastructure corridor between the SDA and the town.	The spine road is more likely to address the issue of community severance than Option 1. However severance will still exist in relation to users of the community park, the business park and the B8 site.	The spine road is more likely to overcome the issue of community severance than Options 1 and 2. However severance will still exist in relation to users of the community park, the business park and the B8 site.	The route of the spine road is more likely to overcome the issue of community severance than other options considered.
Legible, direct, safe, and attractive routes for pedestrians and cyclists, including 5 connections across the M1 (3.o)	Pedestrian and cycle routes between the town and the business park and the B8 site will not be as attractive as Option 4.	Pedestrian and cycle routes between the town and the business park and the B8 site will not be as attractive as Option 4.	Pedestrian and cycle routes between the town and the business park and the B8 site will not be as attractive as Option 4.	Provides more attractive routes for pedestrians and cyclists between the town and the business park and the B8 site.
Delivery of about 2,750 dwellings of which about 1,200 dwellings will meet housing requirements in the plan period, and 10 hectares of business uses within Use Class Orders B1 and B2 (3a & 3f)	Residential parcels along the Spine Road only served off one side of the road. This will reduce capacity and slow delivery. Would require more road to be built to create a second spine road within the site. Divides Business Park into two parcels, which will reduce net developable area and flexibility. This option will not help achieve the objective of the Policy.	Severs Parcel R8 which will reduce capacity. Divides Business Park into two parcels, which will reduce capacity and flexibility. This option will not help achieve the objective of the Policy, although not to the extent of Option 1.	Reduces the net developable area of the Business Park. This option will not help achieve the objective of the Policy, although not to the extent of Options 1 and 2.	Retains the development parcels and maximises developable area. This option will achieve the objective of the Policy.
Delivery of a community park containing outdoor sports facilities	Retains the community park with the outdoor sports facilities	Retains the community park with the outdoor sports facilities	Option will sever the outdoor sports facilities from the community park. This option will not help achieve the objective of the Policy.	Retains the community park with the outdoor sports facilities
Conclusions				
Advantages	Removes through traffic movements from within the middle of the development.	Provides a clear and legible route for the spine road		Provides a clear and legible route for the spine road Avoids as far as possible undesignated archaeology Minimises its impact on heritage assets Addresses the issue of community severance. Provides attractive routes for pedestrians and cyclists between the town and the business park and the B8 site. Retains the development parcels and maximises developable area. Retains the community park with the outdoor sports facilities
Disadvantages	Does not provide a spine road Does not integrate with the development and does not address community severance. Pedestrian and cycle routes between the town and the business park and the B8 site will not be attractive. Will reduce capacity and delivery of residential and business development. Will impact on undesignated archaeology Will not minimise impact on heritage assets	Will impact on undesignated archaeology. Will not minimise impact on heritage assets. Pedestrian and cycle routes between the town and the business park and the B8 site will not be attractive. Will reduce capacity and delivery of residential and business development.	Provides an indirect, convoluted and not a clear and legible route. Will impact on undesignated archaeology. Will not minimise impact on heritage assets. Pedestrian and cycle routes between the town and the business park and the B8 site will not be attractive. Will reduce capacity of business development. Severs the outdoor sports facilities from the community park.	

Figure 124: Applicants Assessment of Alternatives

e) Phasing, implementation and delivery

6.95 Housing delivery across the District is a fundamental component of the success of the Local Plan. Table D24 of the Local Plan (see **Figure 125**) provides an indicative housing trajectory for delivery across the District. This trajectory was developed in conjunction and consultation with developers and site promoters at the time, including the applicants for this application. The trajectory was based on normal speed of delivery; this is the average rate of sales of houses from each sale point within a development, locally about 50 dwellings a year, without consideration of external

influences. As can be seen, Housing Delivery for the Local Plan was predicated on first completions on the site occurring in 2023/24 with a maximum annual delivery of 140 dwellings. It is anticipated that to achieve such an annual delivery rate, the development would have to feature 3 or 4 separate sales outlets. This rate of delivery would provide for approximately 1260 dwellings during the plan period.

6.96 The applicants have secured external funding from the Accelerated Delivery Fund which will enable the installation of early infrastructure (such as the Spine Road / A4304 junction and the River Swift bridge). The applicants are also seeking funding from the Housing Infrastructure Fund to allow the M1 crossing to be installed earlier than would normally be required. This would enable the applicants to open up more of the site to developers quicker than anticipated, which would allow for more sales outlets to be opened than was anticipated when the housing trajectory was developed for the Local Plan. As such, the applicants have programmed the development over a 17 year period (see **Figure 126**). Enabling demolition and start of construction works is anticipated to start on Phase 1 (see **Figure 127**) in 2020/1, with first completions on the site coming in the following year. The Applicants have advised that rest of the development would follow this start as per the Phasing Plan at **Figure 127**. It is anticipated that thereafter, the development could be completed by 2037/8. The applicants phasing plan anticipates up to 5 sales outlets on the site and delivery of up to 1,700 houses during the plan period.

6.97 Officers have reservations about whether or not the development will achieve such high rates of delivery, and whether the Housing Market can sustain this. Notwithstanding this, the accelerated commencement of delivery could still allow for an over delivery when compared to the Local plan housing trajectory.

Table D.26 Housing trajectory	2011/ 2012	2012/ 2013	2013/ 2014	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	2022/ 2023	2023/ 2024	2024/ 2025	2025/ 2026	2026/ 2027	2027/ 2028	2028/ 2029	2029/ 2030	2030/ 2031	Total in Plan Period
Years remaining in plan period	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	
Completions	240	284	334	496	640	468	580														3042
MH SDA								36	46	74	145	145	170	170	170	170	110	110	64	50	1460
Large Sites with PP								465	476	524	442	382	361	236	142						3028
Neighbourhood Plan Allocations								189	145	108	123	92	44	36	22	11					788
Large sites awaiting S106								12	49	64	10	22	10								187
Small sites with PP								65	65	65	66	66									327
Windfall allowance												25	25	25	25	25	25	25	25	25	225
Total Completions, Commitments and Windfalls	240	284	334	496	640	468	580	767	781	833	786	732	610	467	359	206	135	135	89	75	9017
Lutterworth East SDA													25	85	170	170	180	210	200	200	1280
Scampton North SDA											94	108	120	120	120	140	140	140	118	100	1200
Overstone Park, Market Harborough												50	50	100	100	100	100	50	50		600
East of Blackberry Grange, Northampton Rd															14	67	67	67	67	67	350
Bumhill Farm, Market Harborough										34	34	34	26								128
South of Amesby Rd, Fleckney												15	35	35	35	10					130
Total Allocations										34	128	207	256	350	439	487	497	467	435	367	3668
Total Provision on non-Allocated sites										10		23	82	102	80	9					307
Projected Annual Total	240	284	334	496	640	468	580	767	781	877	914	862	948	919	878	702	532	502	524	442	12992
Annual Requirement Provision	557	557	557	557	557	557	557	557	557	557	557	557	557	557	557	557	557	557	557	557	11140
Annual shortfall/surplus	-317	-273	-223	-61	83	-89	23	210	224	320	357	405	391	362	321	145	75	45	-33	-115	

Figure 125: Local Plan Housing trajectory

Year	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	36/37	37/38
Residential Total	25	95	170	170	190	210	200	200	225	225	225	220	177	135	135	102	46
Cumulative Total	25	120	290	460	650	860	1060	1260	1485	1710	1935	2155	2332	2467	2602	2704	2750
No. of Residential Outlets	1	3	5	5	5	6	6	6	5	5	6	6	5	3	3	3	2
Indicative Phasing	Phase 1			Phase 2			Phase 3			Phase 4							
Primary School 1 (2 form entry)			1FE			2FE											
Primary School 2 (2 form entry)										1FE			2FE				
Community Hub (2ha)						x											
B8 Employment (ha)	6.5	6.5															
B1 Employment (ha)		2.5															
B1/B2 Employment (ha)						3.5			2.5								

Figure 126: Applicants submitted housing trajectory

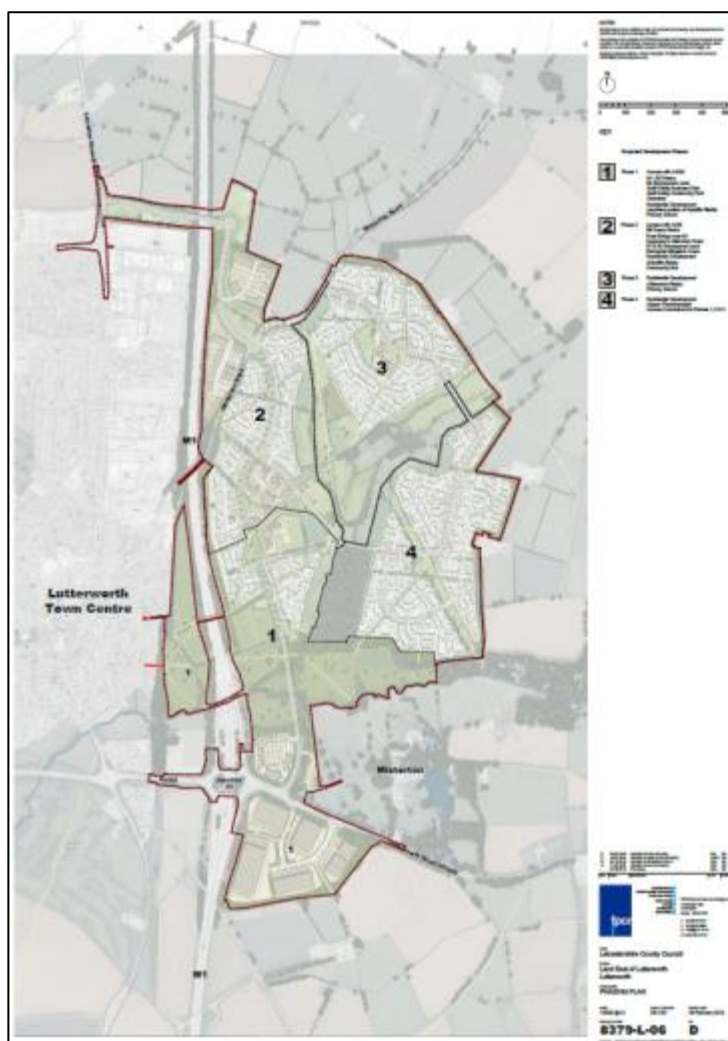


Figure 127: Indicative Phasing Plan

- 6.98 The applicants have proposed a Phasing Strategy Plan for the development. The provision and the opening of various facilities, such as the schools, community uses, public open space and would be agreed through the S106/legal agreement. Development would start at the south of the site. Phase 1 would begin at the A4304 and include the B8 development parcel and the southern parts of Wycliffe Fields. Construction would then progress northwards along the Spine Road corridor (Phase 2) to complete Wycliffe Fields, before developing eastwards, firstly off Gilmorton Road

into the north east part of the site at Gilmorton Fields (Phase 3). Construction work would then progress to the east of Thornborough Spinney and south of Misterton Marshes (Phase 4) to complete the Upper Thornborough part of the development. Whilst the Spine Road is shown in both Phases 1 and 2, the applicants anticipate that this may be completed in full prior to development commencing on Phase 2. This is dependent upon how the Spine Road will be funded, delivered and the construction programme.

6.99 Figure 78 indicates what elements will make up the different phases. For clarity, this is outlined below:

Phase 1

- Access with A4304
- M1 J20 Works
- B8 Employment Land
- Swift Valley Business Park
- Swift Valley Community Park
- Residential Development (southern portion of Wycliffe Fields)
- Primary School (Wycliffe Fields)

Phase 2

- Access with A426
- Bill Crane Works
- Road Bridge over M1 motorway
- Upgrades to Gilmorton Road
- B1 & B2 Employment Land (Wycliffe Fields)
- GCN Ecological Mitigation Area
- Residential Development (Wycliffe Fields)
- Community Hub (local centre facilities)

Phase 3

- Residential Development (Gilmorton Fields)
- Primary School (Gilmorton Fields)

Phase 4

- Residential Development (Upper Thornborough)
- Access Connections to Phases 1, 2 & 3

6.100 Both HDC Officers and the applicants take the view that it would be necessary, reasonable and proportionate, in line with the 'tests' set by NPPF 56 and with regard to the contribution of the non-residential uses to the planning case for the development, to impose a phasing condition should planning permission be granted. The enforceability of the proposed phasing would be tied to the undertakings on funding and delivery in the S106 agreement (see **Appendix B.**)

f) Article 2(3) Development Management Procedure (Amendment) Order 2012

6.101 In assessing this application, the Case Officer has worked with the Applicant's in a positive and proactive manner consistent with the requirements of paragraph 38 of the NPPF. This included the following:-

- Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- Have encouraged amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- Have proactively communicated with the Applicant's through the process to advise progress, timescales or recommendation.

7. Conclusion – The Planning Balance

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications are determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan for the district is The Harborough Local Plan 2011-2031. Section 5.2 of this report sets out the relevant local plan policies.
- 7.2 The Local Plan allocates the application site for development as a Strategic Development Area and the submitted application needs to be measured against the terms of the policies with particular reference to policy L1.
- 7.3 A master plan has been produced to guide development of the site, the submitted master plan meets the terms of the policy.
- 7.4 The submitted application satisfies the quantum of housing development required by the policy and subject to the recommended conditions and legal agreements will deliver the requirements of the policy.
- 7.5 The submitted application and masterplan identify sites to deliver the quantum of Business and Employment development required by the local plan. Subject to the recommended conditions this element of the policy is satisfied.
- 7.6 The submitted application and master plan make provision for the Community facilities required as part of the development. Subject to the conditions and legal conditions proposed the submitted application provides for the requirements of the policy.
- 7.7 Access to the site and details of the spine road are the subject of a full planning application. The LHA have confirmed that the submitted proposals are acceptable and therefore satisfy the requirements of the policy. Other matter including of site highway improvements will be secured through the recommended conditions and legal agreements. For these reasons it is considered the requirements of the policy are met.
- 7.8 The proposals in the submitted application including the master plan provided for the protection of the statutorily protected natural environment and heritage asset. The environment of the future occupiers is protected by the conditions recommended in Appendix A to this report. Funding towards the public realm and traffic management measures to facilitate the improvement of pedestrian and cycling routes forms part of the recommended legal agreement. Further traffic management measures following completion of the spine road will be achieved through the monitoring of the local plan.
- 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.
- 7.10 The development proposes residential use close to the M1 motorway. Development in this area will be subject to noise from the motorway. The detrimental impact of this

can be mitigated through the layout of the development and the appropriate detailing in the construction of the dwellings. It is concluded that an acceptable living environment can be created such that a refusal of planning permission is not warranted.

- 7.11 Part of the residential development being close to the M1 motorway has the potential to be subject to poor air quality. If dealt with in the early stages of design the potential for this can be mitigated such that there should be no requirement to designate an AQMA. As an AQMA would not need to be designated this is not sufficient to warrant a refusal of planning permission.
- 7.12 It is acknowledged that the proposal has caused concern within the local community, and this is evidenced by the level of objection which has been received. Notwithstanding this, the need for and benefits of the proposed development are substantial, any reduced scale scheme would not meet the need as effectively and Officers are satisfied that these benefits very significantly outweigh the harms caused including the considerable importance and weight given to the harm to the setting of the Listed Churches of St Leonard at Misterton and St Mary at Lutterworth.
- 7.13 The proposals accord with the Development Plan when read as a whole, and as set out throughout this report, there are no material considerations which indicate otherwise. Even were Members to conclude that there was a conflict with the heritage aspects of policy L1 of the Local Plan, officers would remain of the view that, taken as a whole the proposal complied with the development plan but, even were a contrary view to be taken, the benefits of the proposed development in terms of housing and employment, substantially outweigh any such limited conflict if found. As such Members are asked to endorse the officer recommendation that planning approval should be granted (subject to the suggested conditions and the signing of the s106 agreement/s38/2278 agreement)
- 7.14 In reaching this recommendation, Officers has taken into account the adopted Harborough District Local Plan 2011 to 2031, the NPPF and the PPG and the ES which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, the further statements submitted under Regulation 22(1) and the further clarification and errata statements. Officers are satisfied that the ES and the further information provided complies with the above Regulations and that sufficient information has been provided to assess the environmental impact of the proposals.

INDEX OF APPENDICES

APPENDIX NUMBER	APPENDIX TITLE	PAGE
Appendix A	Recommended Conditions and Informatives	262
Appendix B	S106 Obligations	284
Appendix C	LCC Highways substantive comments	290
Appendix D	Lutterworth Town Council Highways and Air Quality report	316
Appendix E	UHL position re S106 funding request pre April Planning Committee	334
Appendix F	UHL position re S106 funding request post April Planning Committee	338
Appendix G	East Leicestershire and Rutland CCG (Comments following April Deferral)	362

Appendix A – Recommended Conditions and Informatives

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.

REASON: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

Reserved Matters submission

2. The first application for approval of reserved matters shall be submitted no later than five years from the date of this permission and all subsequent reserved matters applications shall be submitted by no later than twenty years from the date of this permission.

REASON: To encourage the early development of the site and to give the applicant sufficient time to submit reserved matters applications because of the scale of the development it will take a number of years for it to be fully implemented and to accord with Policy L1 of the Harborough Local Plan

Reserved Matters

3. Details of the appearance, landscaping, layout, access and scale of the relevant phase of development (or sub-phase) (hereinafter called "the reserved matters") shall be agreed in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory form of development as these details are reserved for later approval and to accord with Policy L1 of the Harborough Local Plan.

Reserved Matters details

4. The development including applications for the approval of the reserved matters shall be in accordance with the principles and parameters described and shown in the following plans and documents:
 - Design & Access Statement February 2019
 - Site Location Plan 8379-L-01 FPCR J
 - Parameters Plan 8379-L-03 FPCR N
 - General Arrangement (Entire Site) LESR-ACM-XX-XX-DR-HW-00001 Aecom P05
 - Spine Road General Arrangement Sheet 1 LESR-ACM-XX-XX-DR-HW-00011 Aecom P07
 - Spine Road General Arrangement Sheet 2 LESR-ACM-XX-XX-DR-HW-00012 Aecom P08
 - Spine Road General Arrangement Sheet 3 LESR-ACM-XX-XX-DR-HW-00013 Aecom P08
 - A426 / Spine Road Signalised Junction (LE-J6) General Arrangement LESR-ACM-XX-XX-DR-HW-00023 Aecom P05
 - M1 J20 Signalised Roundabout (LE-J1) General Arrangement LESR-ACM-XX-XX-DR-HW-00025 Aecom P05
 - A4304 / Spine Road Signalised Junction (LE-J2) General Arrangement LESR-ACM-XX-XX-DR-HW-00026 Aecom P07
 - A426 / Bill Crane Way Signalised Junction (LE-J7) General Arrangement LESR-ACM-XX-XX-DR-HW-00030 Aecom P05
 - A4304 / Employment Signalised Junction (LE-J3) General Arrangement LESR-ACM-XX-XX-DR-HW-00031 Aecom P05

- Typical Cross Section Sheet 1 LESR-ACM-XX-XX-DR-HW-00029 Aecom P04
- Typical Cross Section Sheet 2 LESR-ACM-XX-XX-DR-HW-00032 Aecom P04
- Geometric Layout Sheet 1 LESR-ACM-XX-XX-DR-HW-00034 Aecom P05
- Geometric Layout Sheet 2 LESR-ACM-XX-XX-DR-HW-00035 Aecom P05
- Geometric Layout Sheet 3 LESR-ACM-XX-XX-DR-HW-00036 Aecom P06
- Geometric Layout Sheet 4 LESR-ACM-XX-XX-DR-HW-00037 Aecom P05
- Geometric Layout Sheet 5 LESR-ACM-XX-XX-DR-HW-00038 Aecom P06
- Geometric Layout Sheet 6 LESR-ACM-XX-XX-DR-HW-00039 Aecom P05
- Drainage Layout Sheet 1 LESR-ACM-XX-XX-DR-HW-00040 Aecom P04
- Drainage Layout Sheet 2 LESR-ACM-XX-XX-DR-HW-00041 Aecom P05
- Drainage Layout Sheet 3 LESR-ACM-XX-XX-DR-HW-00042 Aecom P05
- Road Lighting Layout & LUX Contours Sheet 1 LESR-ACM-XX-XX-DR-HW-00059 Aecom P04
- Road Lighting Layout & LUX Contours Sheet 2 LESR-ACM-XX-XX-DR-HW-00060 Aecom P04
- Road Lighting Layout & LUX Contours Sheet 3 LESR-ACM-XX-XX-DR-HW-00061 Aecom P04
- M1 J20 (LE-J1) Road Lighting Layout & LUX Contours LESR-ACM-XX-XX-DR-HW-00062 Aecom P03
- A4304 / Spine Road (LE-J2) Road Lighting Layout & LUX Contours LESR-ACM-XX-XX-DR-HW-00063 Aecom P03
- A4304 / Employment (LE-J3) Road Lighting Layout & LUX Contours LESR-ACM-XX-XX-DR-HW-00064 Aecom P03
- A426 / Spine Road (LE-J6) Road Lighting Layout & LUX Contours LESR-ACM-XX-XX-DR-HW-00065 Aecom P03
- A426 / Bill Crane Way (LE-J7) Road Lighting & LUX Contours LESR-ACM-XX-XX-DR-HW-00066 Aecom P03
- M1 Crossing Overbridge General Arrangement LESR-ACM-XX-XX-DR-SE-000001 Aecom P02
- River Swift Crossing Overbridge General Arrangement LESR-ACM-XX-XX-DR-SE-000002 Aecom P03
- A4304 / Spine Road Signalised Junction (LE-J2) Swept Path Analysis LESR-ACM-XX-XX-DR-HW-00048 Aecom P06
- A4304 / Employment Signalised Junction (LE-J3) Swept Path Analysis LESR-ACM-XX-XX-DR-HW-00049 Aecom P06
- A426 / Spine Road Signalised Junction (LE-J6) Swept Path Analysis LESR-ACM-XX-XX-DR-HW-00050 Aecom P05
- A426 / Bill Crane Way Signalised Junction (LE-J7) Swept Path Analysis LESR-ACM-XX-XX-DR-HW-00051 Aecom P05
- Spine Road Signalised Junction 1 (LE-J8) Swept Path Analysis LESR-ACM-XX-XX-DR-HW-00052 Aecom P05
- Spine Road Signalised Junction 2 (LE-J9) Swept Path Analysis LESR-ACM-XX-XX-DR-HW-00053 Aecom P06
- Gilmorton Road (JE4) & M1 Crossing (JE5) Swept Path Analysis LESR-ACM-XX-XX-DR-HW-000046 Aecom P01
- M1 Junction J20 (LE-J1) Swept Path Analysis LESR-ACM-XX-XX-DR-HW-000047 Aecom P01

REASON: For the avoidance of doubt and to ensure high standards of urban design and comprehensively planned development; to ensure a coordinated and acceptable integration between different land uses and to ensure that the submitted reserved matters applications are in accordance with the scale and nature of development assessed in the

submitted Environmental Statement and accompanying Design and Access Statement and to accord with Policy L1 of the Harborough Local Plan.

Phasing

5. No development north of the A4304 other than the detailed element of this permission (construction of the Spine Road, associated junctions, landscaping, earthworks and lighting) shall commence until a Site Wide Phasing Programme is submitted to and approved in writing by the District Planning Authority and shall include details of the proposed sequence of development across the site, the extent and location of the Sub-Phases including reference to the type and extent of any development in each Phase and Sub-Phase and the trigger points for the delivery of the associated infrastructure and facilities. The Site Wide Phasing Programme shall include the following matters and shall state at the construction of the specific number of residential units when any of the following is to be delivered in order that the development shall be delivered in accordance with the submitted Design and Access Statement and the approved Parameters Plan and the development shall be carried out in accordance with the agreed Site Wide Phasing Programme;
- A. Any environmental mitigation measures specified in the Environmental Statement or as amended by the further information for the Environmental Statement and the manner in which the same are to be secured.
 - B. Major infrastructure including all bridges, accesses, roads, footpaths and cycleways.
 - C. Public open space areas including the Swift Valley Community Park informal open spaces, areas, allotments, sports pitches, equipped play areas, grassland, wetland habitats, new woodlands and greenways
 - D. Structural landscaping and earth bunds.
 - E. The provision of acoustic barriers
 - F. Primary schools
 - G. Community Hub
 - H. Strategic drainage and SuDs (Sustainable Urban Drainage) infrastructure.
 - I. Waste and recycling facilities (permanent and temporary).
 - J. Any strategic or community based energy infrastructure.
 - K. The employment sites.
 - L. Off site highway works and improvements and public transport.
 - M. A marketing plan for the retail units in the Community Hub together with measures to as far as possible ensure delivery of the retail units in line with trigger points submitted for them and to conform with the Site Wide Phasing Programme
 - N. Any other matters required under any other condition attached to this planning permission

Any amendments to the Site Wide Phasing Programme following commencement shall be submitted to and approved in writing by the District Planning Authority;

REASON: To ensure the facilities required to be provided on site are delivered at the appropriate time as the development is carried out and to accord with Policy L1 of the Harborough Local Plan

Construction Environmental Management Plan

6. Prior to the commencement of development of any phase or sub-phase a Construction Environment Management Plan setting out measures to protect the Misterton Marshes SSSI from any adverse impacts resulting from the development of the phase or sub-phase including measures to protect the site from;
- a) Detrimental impact on the water environment;
 - b) Incursion of vehicles plant and equipment;
 - c) Control of and storage of chemicals and other materials on site;
 - d) Vehicular movements; and
 - e) Entrance by members of the public including workers on the site.

Shall be submitted to and approved in writing by the District Planning Authority. The approved management plan shall thereafter be implemented and followed.

REASON: To ensure that the Misterton Marshes SSSI are protected from damage or loss of ecological interest and to accord with Policy L1 of the Harborough Local Plan

Hydrological Data

7. The hydrological data collection shall be carried on until after the end of the winter season in 2021. Within 24 months of the completion of the data collection, a strategy detailing how water levels within and water flows into the Misterton Marshes SSSI that are free from sediment and other pollutant will be achieved will be submitted to and approved in writing by the District Planning Authority. The approved management strategy will thereafter be implemented and maintained in accordance with the agreed strategy

REASON: To ensure that the Misterton Marshes SSSI are protected from damage or loss of ecological interest and to accord with Policy L1 of the Harborough Local Plan

SSSI Management Plan

8. Prior to construction of the first phase of residential development, a management plan to segregate humans, pets and non-native invasive species from the Misterton Marshes SSSI shall be submitted to and approved in writing by the District Planning Authority. The measures agreed in the management plan shall be implemented prior to the occupation of the first dwelling house.

REASON: To ensure that the Misterton Marshes SSSI are protected from damage or loss of ecological interest and to accord with Policy L1 of the Harborough Local Plan

Green Infrastructure and Biodiversity Management Plan

9. No development shall commence on any Phase or sub-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
- 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.

REASON: The development will take place over a number of years and detailed measures for the protection and enhancements to habitats for protected species need to be made on the basis of up to date information and to accord with Policy L1 of the Harborough Local Plan.

Archaeological Management Plan

10. No development including any demolition shall take place/commence until an Archaeological Management Plan (AMP) has been submitted to and approved by the District Planning Authority in writing. All works undertaken within the development area shall take place in accordance with the AMP. The plan shall include:

- a) a summary of the completed archaeological assessment, geophysical survey and trial trenching, together with a statement of significance and research objectives;
- b) details of the archaeological mitigation programme
- c) a programme for post-investigation assessment and subsequent analysis, publication, archive deposition and provision for a programme of public outreach and engagement. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the AMP.
- d) the recording of any of the significant agricultural buildings which it is proposed to demolish.

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

REASON: To ensure satisfactory archaeological investigation and recording and to accord with Policy L1 of the Harborough Local Plan

Archaeological Works

11. Prior to the commencement of any ground levelling programme or works to construct the spine road and associated junctions, or any subsequent stages of development (including reserved matters applications), programmes of archaeological work shall be undertaken in accordance with the Archaeological Management Plan (Condition 10), and detailed within a series of Written Scheme of Investigations (WSI), which have been submitted to and approved in writing by the planning authority. For land that is included within the specific WSI areas, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- a) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material in a satisfactory archive. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

REASON: To ensure satisfactory archaeological investigation and recording and to accord with Policy L1 of the Harborough Local Plan

Noise Levels

12. All reserved matters applications for residential development adjacent to the M1 motorway shall be accompanied by a noise report, including details of a scheme to ensure gardens do not exceed 50dB LAeq (07:00-23:00) and internal habitable rooms do not exceed 35 dB LAeq (07:00-23:00) and 30 dB LAeq (23:00-07:00) with windows open for

ventilation. The development shall be implemented in accordance with the recommendations contained within the subsequently approved report.

REASON: To ensure appropriate measures are installed to safeguard the amenities of future residents of the development and to accord with Policy L1 of the Harborough Local Plan.

Acoustic Barrier (Park Lodge)

13. Details of the proposed acoustic barrier adjacent to Park Lodge shall be in accordance with the Noise Impact Assessment (February 2019) and Supplementary Noise Note (June 2019) and shall be submitted to and approved in writing by the District Planning Authority within 1 month of works being commenced to amend the route of Chapel Lane. The agreed scheme shall thereafter be implemented before the completion of the works to change the route of Chapel Lane and retained thereafter.

REASON: The position of the barrier is in a prominent location within the site and within the setting of a listed building the design and appearance of the barrier has to be such that it does not detract from the appearance of the development or the listed building and to accord with Policy L1 of the Harborough Local Plan.

Acoustic Barrier (M1)

14. Details of the noise protection bund along the eastern boundary of the M1 motorway including its height, any acoustic fencing and landscaping shall be in accordance with the Noise Impact Assessment (February 2019) and Supplementary Noise Note (June 2019) and shall be submitted to and approved in writing by the District Planning Authority before the construction of the Spine Road crosses the River Swift. The approved scheme shall be completed prior to the occupation of properties in parcels R8 or R9 of the Parameters Plan

REASON: To ensure that the future residents of the properties are protected from noise intrusion and ensure early implementation of the scheme which is a visually prominent feature within the development and to accord with Policy L1 of the Harborough Local Plan.

Design Code

15. No development shall commence on the site, other than the Spine Road and associated junctions, until such time as a Design Code for the relevant phase or sub-phase has been submitted to and agreed in writing by the Local Planning Authority. The Design Code shall be structured against and ensure compliance with the Building for Life 12 assessment framework (or any successor version of this assessment framework) and shall address:
 - a) User instructions
 - b) Review mechanisms
 - c) Design approach for individual development parcels
 - d) Connectivity including vehicular, cycle and pedestrian connections within and interconnectivity between development parcels.
 - e) Design and location of pedestrian and cycle routes.
 - f) Design and location of street crossings (signalised and non-signalised crossings).
 - g) Design and location of car drop off areas for school.
 - h) Safeguarding future connectivity.
 - i) Design attributes of non-residential buildings and areas to include: integration with adjacent residential development, the vertical mixing of building uses, building to building relationships, building to street relationships, active frontages, landscaping, boundaries, public realm design, pedestrian and cycle priority and servicing areas).
 - j) Location, distribution and design of affordable housing.

- k) Location, distribution and design of specialist housing.
- l) Location, distribution and design of apartment and duplex housing.
- m) Housing mix including mix of tenure and mix of housing.
- n) Character and distinctiveness including façade and landscape design.
- o) Architectural character including building materials, colours, textures and details (to include but not limited to verges, eaves, porches, canopies, door surrounds and ancillary structures).
- p) Building typologies
- q) Use and distribution of building materials.
- r) Roofscape.
- s) Interface between development parcels with respect to building typologies, heights, building lines, boundaries and appearance.
- t) Relationship of new development to topography.
- u) Relationship of new development to existing natural or manmade features (including Overhead Power Lines) within and beyond the site.
- v) Street to building relationships.
- w) Building to building relationships.
- x) Active frontages.
- y) Building typologies and heights: location and distribution.
- z) Block structure(s).
- aa) Street corners and internal vistas.
- bb) Integration, location and design of sub stations, and where applicable, pumping stations.
- cc) Legibility
- dd) Street design in accordance with Manual for Streets creating low speed streets with pedestrian and cycle priority.
- ee) Street typologies and distribution.
- ff) Street trees: location, distribution, size and species.
- gg) Residential (on plot) cycle parking design and provision.
- hh) Allocated car parking: amount.
- ii) Unallocated (shared) car parking: amount
- jj) Car parking: types, location and distribution including visual integration of front of building line car parking.
- kk) Design and size of car parking courtyards.
- ll) Delineation and marking (where required) of car parking spaces
- mm) Boundary types and distribution.
- nn) Threshold design i.e. space between back of pavement and face of buildings.
- oo) Integration of utility boxes, flues, gas pipes and extractors.
- pp) Design of retaining structures.
- qq) Kerbside collection strategy and waste storage
- rr) Design of sustainable drainage schemes.
- ss) Design of public open spaces and play facilities.
- tt) Interface between buildings and public open spaces
- uu) Hard and soft landscaping including street furniture and street lighting.
- vv) Security principles and features to non-residential buildings.

Thereafter, all Reserved Matters submissions pursuant to Condition 3 of this consent shall be in accordance with the approved Design Code

REASON: To ensure high standards of urban design are achieved across the planned development in the design of streets, buildings and public spaces; ensuring strong connectivity between and within development parcels, successful integration between

different land uses and developers whilst also providing for walking and cycling to be the principal modes of movement within the new settlement and between the new settlement and Lutterworth and to accord with Policy L1 of the Harborough Local Plan.

Demolition

16. Notwithstanding the details on the hereby approved Parameters Plan 8379-L-03 FPCR N the dwellings (and associated outbuildings) at Meadow House, Fields Farm and Butts Farm shall not be demolished without the express consent of the District Planning Authority

REASON: For the avoidance of doubt and in the interest of good design and place making and to ensure compliance with Policy GD8 of the Harborough District Local 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

REASON: To ensure appropriate mitigation for the impacts caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with Policy L1 of the Harborough Local Plan.

Construction Management Plan

18. No development shall commence within any Phase until there has been submitted to and approved by the District Planning Authority a Construction Environmental Management

Plan (CEMP) for that phase. The CEMP shall set out the methodologies for, plans for their implementation and a timetable for their delivery:

- 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

REASON: To ensure appropriate mitigation for the impacts caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with Policy L1 of the Harborough Local Plan.

Permitted Development restriction

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that Order with or without modification), there shall be no amalgamation nor any change of use of the units defined for A1, A2, A3, A4, A5 or D1 uses within the Community Hub without the prior permission of the District Planning Authority on a planning application submitted in that regard.

REASON: To ensure that the Local Community Hub retains an appropriate range of facilities and services to serve the local community and to accord with Policy L1 of the Harborough Local Plan

B8 Floorspace

20. The floor space of any single building constructed on the land that lies to the south of the A4304 identified for B8 uses, Storage and Distribution as defined by the Town and Country Planning (Use Classes Order) 1987 as amended, shall be restricted to 9000m².

REASON: The site is not designated as a site for strategic scale units which are considered in Local Plan policy BE2 to exceed 9000m² to ensure compliance with Policies SS1 and BE1 of the Harborough District Local Plan .

Permitted Development restriction

21. Notwithstanding the provisions of Class P of The Town and Country Planning (General Permitted Development) England Order 2015 as amended the use of the buildings on the employment site to the south of the A4304 shall be limited to Class B8 of the Order and no other use

REASON: There is an identified need for non-strategic scale storage and distribution uses within the District which this site is intended to meet and to accord with Policy L1 of the Harborough Local Plan.

Lutterworth Town Centre Connectivity

22. Prior to commencement of any part of the development, details of two non-motorised user accesses linking the development to Lutterworth town centre as shown on the Parameters Plan and a scheme for the carrying out the proposed improvements shall be submitted to and approved in writing by the District Planning Authority and the approved schemes shall be implemented in accordance with the agreed scheme of implementation. The submitted schemes shall include details of implementation, ground levels, gradients, landscaping, surfacing materials, lighting and any measures for public safety.

REASON: To ensure that routes to Lutterworth town centre for pedestrians and cyclists are available and form attractive routes and to accord with Policy L1 of the Harborough Local Plan.

Surface water discharge (separators)

23. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from vehicle parking and vehicle hard standings associated with B1, B2, B8 uses and the Community Hub shall be passed through an oil separator. The oil separators shall be designed and constructed to have a capacity compatible with the site being drained and roof water shall not pass through the separators. Maintenance details of the oil separators within the areas of open space in the Sustainable Urban Extension shall be submitted to the District Planning Authority and thereafter be maintained in accordance with those details.

REASON: To protect the water environment from oil pollution and to accord with Policy L1 of the Harborough Local Plan.

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 of the development shall be fully implemented prior to occupation of each phase or sub-phase of the development and shall be maintained thereafter.

REASON: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and/or not required; to ensure safe access and egress from and to the site; to reduce the risk of flooding to the proposed development and future occupants and to accord with Policy L1 of the Harborough Local Plan.

Contaminated Land

25. No development of any phase or sub-phase (except any demolition permitted by this permission) shall commence on site, or part thereof, until a Further Risk Based Land Contamination Assessment of that phase or sub-phase, as recommended by Peter Brett

Associates LLP report East of Lutterworth, Strategic Development Area, Phase 1 Ground Condition Assessment, (Ground Stability and Land Contamination) Project Ref: 33277-3505 Date: February 2019, has been submitted to and approved in writing by the District Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- a) BS10175:2011+A2:2015 Investigation Of Potentially Contaminated Sites Code of Practice;
- b) BS8576:2013 Guidance on Investigations for Ground Gas –Permanent Gases and Volatile Organic Compounds (VOCs) and
- c) CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the District Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- a) CLR 11 Model Procedures for the Management of Land
- b) Contamination, published by The Environment Agency 2004.
- c) BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings

The Verification Plan shall be prepared in accordance with the requirements of:

- a) Evidence Report on the Verification of Remediation of Land
- b) Contamination Report: SC030114/R1, published by the Environment
- c) Agency 2010;
- d) CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- e) BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- f) CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the District Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the District Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 170, 178 and 179 of the NPPF and to accord with Policy L1 of the Harborough Local Plan.

Contaminated Land - Verification

26. Prior to occupation of the completed development, or part thereof, either
 - 1) If no remediation was required by Condition 25 a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, is received and approved in writing by the Planning Authority, or
 - 2) A Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to the whole development, or part thereof, shall be submitted to and approved in writing by the District Planning Authority. The Verification Investigation Report shall:

- a. Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- b. Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- c. Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- d. Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- e. Demonstrate the effectiveness of the approved Remedial Scheme; and
- f. Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 170, 178 and 179 of the NPPF and to accord with Policy L1 of the Harborough Local Plan

Surface Water drainage

27. Prior to commencement of any phase, or sub-phase, of the development, a surface water drainage scheme for the relevant phase and details of its long-term maintenance shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be thereafter implemented and retained.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with the National Planning Policy Framework (2019) and to accord with Policy L1 of the Harborough Local Plan.

Infiltration testing

28. Prior to the commencement of development of a phase or sub-phase, infiltration testing for the site as a whole (excluding the spine road) shall be carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element. Details of the testing and its findings shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with National Planning Policy Framework (2019) and as advised within the associated Planning Practice Guidance 'Flood risk and coastal change' (2014) and to accord with Policy L1 of the Harborough Local Plan.

Residential Units

29. The residential elements of the development shall not exceed 2,750 units (C3 Use Class).

REASON: ensure the delivery of residential property and that the development is in accordance with the submitted Environmental Statement and to accord with Policy L1 of the Harborough Local Plan.

Highway mitigation M1 J20

- 30 Prior to the first occupation of the development, full design details of the proposed highways mitigation works at M1 J20, which shall comply with DMRB standards and with AECOM drawing LESR-ACM-XX-XX-DR-HW-000025 Rev P05, 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.

REASON: To ensure that works in the highway are carried out to the appropriate standard and to ensure the free flow of traffic along the highways network and to accord with Policy L1 of the Harborough Local Plan.

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 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.

REASON: To ensure that works in the highway are carried out to the appropriate standard and to ensure the free flow of traffic along the highways network and to accord with Policy L1 of the Harborough Local Plan.

M1 Geotechnical details

32. Prior to the commencement of the development, geotechnical details for the land adjacent to the M1 Motorway included within the full extent of the application boundary, as shown on the EIA parameters plan drawing number 8379-L-03 Rev N, shall be submitted to and approved in writing by the Local Planning Authority.. These details shall include (but not limited to) a certification process for the management of geotechnical risks in line with requirements of DMRB Volume 4 Section 1 CD 622 Geotechnics, General information, Managing Geotechnical Risk (formerly HD 22/08, BD 10/97, HA 120/08) and include a Statement of Intent.

REASON: To ensure that the M1 Motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety and to accord with Policy L1 of the Harborough Local Plan.

M1 Overbridge

33. Prior to the construction of the overbridge on M1 motorway which forms part of the proposed spine road as shown on AECOM drawing LESR-ACM-XX-XX-DR-SE-000001 Rev P02, details of the following matters shall be submitted to and agreed in writing with the Local Planning Authority:

- a) Details of the existing drainage assets along the M1 that require maintaining throughout the works;
- b) Details of activities on drainage assets and their frequency to ensure drainage assets are maintained to their full operable status during and after the construction of the M1 overbridge; and
- c) Records of maintenance activities upon handover of the asset back to Highways England.

Thereafter, the development shall be carried out in accordance with the approved details in perpetuity

REASON: To ensure that the M1 Motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety and to accord with Policy L1 of the Harborough Local Plan.

M1 Overbridge

34. Prior to the construction of the overbridge on the M1 motorway which forms part of the proposed spine road as shown on AECOM drawing LESR-ACM-XX-XX-DR-SE-000001 Rev P02, the geotechnical aspects of the overbridge support structure, adjacent to the M1, shall be submitted to and agreed in writing with the Local Planning Authority. The geotechnical details required under this condition shall include (but not be limited to) a certification process for the management of geotechnical risks in line with requirements of DMRB Volume 4 Section 1 CD 622 Geotechnics, General information, Managing Geotechnical Risk (formerly HD 22/08, BD 10/97, HA 120/08) and include a Statement of Intent.

REASON: To ensure that the M1 Motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety and to accord with Policy L1 of the Harborough Local Plan.

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 and retained thereafter.

REASON: To ensure that the M1 Motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety and to accord with Policy L1 of the Harborough Local Plan.

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 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.

REASON: To ensure that the M1 Motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety and to accord with Policy L1 of the Harborough Local Plan.

A4304 Layby closure

37. Prior to the permanent closure or removal of the existing lay-by on the A4304, the replacement lay-by as shown on drawing no. LESR-ACM-XX-XX-SK-HW-00035 rev P01 shall be completed and available for use.

REASON: In the interests of highway safety and in accordance with the National Planning Policy Framework (2019) and to accord with Policy L1 of the Harborough Local Plan.

Construction site access

38. No part of the development north of the A4304 hereby permitted shall commence until details of a construction site access to the northern development site from the A4304 have been submitted to and approved in writing by the District Planning Authority. The approved construction site access shall be implemented in full prior to the commencement of any development on the northern part of the site.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019) and to accord with Policy L1 of the Harborough Local Plan.

Construction site access

39. No part of the development south of the A4304 hereby permitted shall commence until details of a construction site access to the southern development site from the A4304 have been submitted to and approved in writing by the District Planning Authority. The approved construction site access shall be implemented in full prior to the commencement of any development on the southern part of the site.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019) and to accord with Policy L1 of the Harborough Local Plan.

Construction site access

40. No part of the development west of the M1 Overbridge and east of the A426 hereby permitted shall commence until details of a construction site access to the northern development site from the A426 have been submitted to and approved in writing by the Local Planning Authority. The approved site access shall be implemented in full prior to any works west of the M1 Overbridge and east of the A426 commencing.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019) and to accord with Policy L1 of the Harborough Local Plan.

Access open

41. Prior to the occupation of any part of the development north or south of the A4304, the access arrangements from the A4304 as shown on drawing no's
- LESR-ACM-XX-XX-DR-HW-00026 rev P07 and
 - LESR-ACM-XX-XX-DR-HW- 00031 rev P05
- shall be completed in full and available for use by all users.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019) and to accord with Policy L1 of the Harborough Local Plan.

Relocation of bus stop

42. Prior to the construction of the access from the A426 as shown on drawing no's:

- LESR-ACM-XX-XX-DR-HW-00030 rev P05 and
- LESR-ACM-XX-XX-DRHW-00023 rev P05,

a scheme for the re-location of the existing bus stop on the A426 north of Gloster Road, or justification for its permanent closure, shall be submitted to and approved in writing by the Local Planning Authority. The approved re-located bus stop shall be implemented at the same time as the A426 the site access works.

REASON: In the interests of general highway safety and in accordance with the National Planning Policy Framework (2019) and to accord with Policy L1 of the Harborough Local Plan.

A426 accesses

43 Prior to the occupation of any part of the development accessed from the A426, the access arrangements as shown on drawing no's

- LESR-ACM-XXXX-DR-HW-00030 rev P05 and
- LESR-ACM-XX-XX-DR-HW-00023 rev P05

shall be completed in full and available for use by all users.

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 highway safety and in accordance with the National Planning Policy Framework (2019) and to accord with Policy L1 of the Harborough Local Plan.

Spine Road

44. Prior to the occupation of the 650th dwelling or a vehicular connection onto Gilmorton Road is available for public use, whichever is sooner, the spine road between the A426 and the A4304 including its accesses as shown on drawing no's

- LESR-ACM-XX-XX-DR-HW-00011 rev P07,
- LESR-ACM-XX-XX-DR-HW-00012 rev P08,
- LESR-ACM-XX-XX-DR-HW-00013 rev P08,
- LESR-ACM-XXXX-DR-HW-00023 rev P05,
- LESR-ACM-XX-XX-DR-HW-00026 rev P07,
- LESR-ACM-XX-XX-DR-HW-00030 rev P05 and
- LESR-ACM-XX-XX-DR-HW-00031 rev P05

shall be completed and available for use by all users.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019) and to accord with Policy L1 of the Harborough Local Plan.

Gilmorton Road Bridge

45. No later than 9 months following the 650th dwelling or a vehicular connection from the spine road onto Gilmorton Road as shown on drawing no's

- LESR-ACMXX-XX-DR-HW-00012 rev P08 and
- LESR-ACM-XX-XX-DR-HW-00013 revP08

shall be available for use by vehicular traffic, access to Gilmorton Road bridge shall be restricted to use by emergency service vehicles, buses, cyclists, pedestrians and equestrians.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019) and to accord with Policy L1 of the Harborough Local Plan.

Gilmorton Road Bridge

46. Prior to the occupation of any part of the development site north of the A4304 a revised scheme for the downgrading of the Gilmorton Road bridge to restrict access to use by emergency service vehicles, buses, cyclists, pedestrians and equestrians shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented no later than 9 months following the occupation of the 650th dwelling or a vehicular connection from the spine road to Gilmorton Road is available for use.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019) and to accord with Policy L1 of the Harborough Local Plan.

Gilmorton traffic calming

47. Prior to the occupation of any part of the residential development hereby permitted, a scheme for the monitoring of traffic and the identification of the need for any traffic management scheme using the routes in Gilmorton village as identified on drawing no. 60578868-LES DA-100 rev P01 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify base traffic flows and junction capacity assessments recorded prior to the first occupation of any part of the development hereby permitted and identify a strategy for future monitoring and the identification of trigger points for the implementation of any traffic management scheme.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019) and to accord with Policy L1 of the Harborough Local Plan.

Travel Plan

48. No part of any phase or sub-phase of the development hereby permitted shall be occupied until a full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets relevant to that phase or sub-phase of the development 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) and to accord with Policy L1 of the Harborough Local Plan.

Public Transport Strategy

49. Prior to the occupation of any part of the development hereby permitted, a Public Transport Strategy shall be submitted, agreed and implemented in full to provide a bus service to serve the development. The bus services shall operate between the hours of 7am and 7pm, seven days a week including bank holidays and shall also coincide with employment shift patterns. Any new bus stop infrastructure shall include bus stop flags, shelters, raised kerbs, lighting, timetable and real time 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) and to accord with Policy L1 of the Harborough Local Plan.

Traffic signage

- 50 Prior to the commencement of any part of the development hereby permitted, a traffic and direction signing strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be signed in accordance with the approved details.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019) and to accord with Policy L1 of the Harborough Local Plan

Public Rights of Way Strategy

51. Prior to the commencement of any part of the development north of the A4304 hereby permitted, a Public Rights of Way Strategy detailing improvements to Public Rights of Way within the site including a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The improvements as set out in the strategy shall be implemented in accordance with the approved details and timetable.

REASON: To improve access for all in the interests of protecting and enhancing Public Rights of Way and access and providing better facilities for users in accordance with the National Planning Policy Framework 2019 and to accord with Policy L1 of the Harborough Local Plan

Highway Design Standards

52. All details of the proposed development shall comply with the design standards of Leicestershire County Council as contained in its current design standards document (or any subsequent design standards adopted by the County Council). Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining and visibility splays and be submitted to and approved in writing by the Local Planning Authority before each phase of the development commences.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019) and to accord with Policy L1 of the Harborough Local Plan

Air Quality Impact Assessment

53. An air quality impact assessment based on the layout of development forming part of any reserved matters application within land parcels R6 and R8 (as shown in Figure A3 Supplementary Air Quality Information: Document 1 Document Reference: 60578868/AQ/02 October 2019) along the M1 corridor shall be submitted to and approved in writing by the District Planning Authority and shall include ensure that the maximum relevant national standards for pollutants are not exceeded.

REASON: To ensure that an AQMA is not created and to accord with Policy L1 of the Harborough Local Plan

Pedestrian Crossings

54. Notwithstanding the details shown on the submitted plans details of the pedestrian crossings on the spine road shall be submitted to and approved in writing by the District Planning Authority the crossings shall be implemented in accordance with those details and retained thereafter.

REASON: To ensure that crossings over the spine road do not pose a barrier to eases of crossing for pedestrians and cyclists and to accord with Policy L1 of the Harborough Local Plan

Renewable Energies

- 55 Prior to the commencement of any phase or sub-phase of the development details of renewable and low carbon technologies to be used in that phase or sub-phase shall be submitted to and approved in writing by the District Planning Authority. Where it is not proposed to install such measures details of why it is not appropriate to do so shall be submitted in writing

REASON: To ensure that the development is sustainable as possible and appropriate technologies are employed and to accord CC1 and L1 of the Harborough Local Plan

Self / Custom build Service Plots

- 56 Prior to the occupation of the 40th dwelling on the hereby approved development, a scheme for the provision of 15 Serviced Plots for self and custom build dwellings shall be submitted to the LPA for approval. This scheme shall include details of the provision of infrastructure as part of the Serviced Plots, the phasing of the delivery of the Serviced Plots and the mechanism for the marketing and disposal of the Serviced Plots. Thereafter, the development shall be developed in accordance with the approved scheme.

REASON: To ensure that there is an adequate supply of plots to meet the identified demand in accordance with the adopted local plan Policy L1 and the requirement of the Self Build and Custom Housebuilding Act 2015.

Housing Mix

- 57 The details to be submitted in accordance with Condition 3 shall be in substantial accordance with the Suggested Housing Mix Schedule at Table 55 of the 2017 HEDNA (or any subsequent relevant Housing Mix Assessment for the area)

REASON: To ensure the development results in a form of development which is appropriate to its context and safeguards existing residential amenity and to accord with Policies GD8 and L1 of the Harborough Local Plan

SSSI Management Plan

58. Upon commencement of development north of the River Swift, 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.

SSSI Pollutant Monitoring Scheme

60. Prior to the first occupation of any dwelling on parcels R10 to R18 as shown on the Parameters Plan, a scheme for monitoring pollutant levels within the Misterton Marshes SSSI to include the identification of trigger points for the implementation of mitigation measures shall be submitted to and agreed in writing by the District Planning Authority.

REASON. To ensure that the Misterton Marshes SSSI are protected from damage or loss of ecological interest and to accord with Policy L1 of the Harborough Local Plan

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.
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 in any Reserved Matters application with regards the hours of operation of any business occupying units adjacent to the boundary with Bungalow Farm,
3. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
4. In line with the approved FRA (PBA Feb 2019) and technical notes (33277-2007-TN01 and 33277-2007-TN02) the scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield QBar rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.
5. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
6. Where there are surface water interdependencies across phases, evidence that the proposals work with the wider scheme must be provided.
7. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual property ownership. Details should also include procedures that must be implemented in the event of pollution incidents where appropriate within the development site. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.

8. 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 major section 184 permit/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>
- If the proposal requires the permanent removal ("stopping up") or diversion of highway to enable the development to take place, then you must complete the legal processes required before commencing works. Further information is available at: <https://www.leicestershire.gov.uk/roads-and-travel/localauthority-searches/highway-extinguishments> If you are unsure whether your proposal affects public highway, you can establish the Highway Authority's formal opinion of the adopted highway extent in relation to the proposal. Further information is available at <https://www.leicestershire.gov.uk/hre>
10. Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.
11. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
12. Separate consent under Section 115 B (1) (b) (iii) / Section 176 / Section 177 of the Highways Act 1980 will be required from the Local Highway Authority for construction of the ramp/structure within the highway or bridge over the highway or building over the highway. In the first instance, please email road.adoptions@leics.gov.uk.
13. A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.
14. Prior to construction, measures should be taken to ensure that users of the Public Rights of Way are not exposed to any elements of danger associated with construction works.
15. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
16. Footpath Y97 will need to be formally diverted to the new proposed route. As this is the result of a development proposal the path will need to be diverted under the Town & Country Planning Act 1990. Any application would be made to the Local Planning Authority.
17. If the developer requires a Right of Way to be temporarily diverted or closed, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.

18. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
19. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
20. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
21. The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Highways England Section 278 Service Delivery Manager David Steventon to discuss these matters on david.steventon@highwaysengland.co.uk.
22. The applicant should be made aware that any works undertaken to Highways England network are carried out under the Network Occupancy Management policy, in accordance with Highways England procedures, which currently requires notification/booking 3 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The contact email for these matters is Area7networkoccupancy@highwaysengland.co.uk
23. Any lighting columns which are required for illumination purposes for the local highways must not be placed on Highways England's network.
24. All Flood events within the scheme extents are to be reported to EMROC for logging on Drainage Data Management System which the site is under the temporary ownership of the developer. The Flood events will be dealt with by the Principal Contractor as per the agreement in the Detailed Local Operating Agreement.

Appendix B – S106 Obligations

Request by HDC	Obligation for Affordable Housing		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>40% on site provision</p> <p>Supported and special needs provision as part of the 40% percent Affordable Housing Requirement</p> <p>Specific disabled standard fully compliant units subject to need and demand</p>	<p>(i) No more than 60% of the Market Dwellings in any Area to be occupied until 50% of the Affordable Housing Dwellings on that Area have been provided; and</p> <p>(ii) No more than 90% of the Market Dwellings to be occupied until all of the Affordable Housing Dwellings on that Area have been built and occupied.</p>	<p>A fundamental objective of the Local Plan is to meet the need for affordable housing (LP Objective 1 and LP Policy H2). LP Policy H2 seeks a proportion of new dwellings within developments to be affordable.</p> <p>Providing housing on site will result in an inclusive, sustainable development. The size and tenure of affordable housing is based on the current needs of those on the Councils waiting list.</p>	<p>H2 of the Harborough District Local Plan 2011-2031</p> <p>HDC Planning Obligations Supplementary Planning Document Jan 2017.</p> <p>The Framework paragraphs 34, 54-57, 61-63</p>
Request by HDC	Obligation for Greenspaces		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>Outdoor sport and recreation pitches £1,263,190</p> <p>Outdoor sport and recreation changing facilities £751,950</p> <p>Cemetery Provision of site and infrastructure off site</p>	<p>Occupation of 500 dwellings</p> <p>Occupation Dwellings of 2500</p>	<p>Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities</p> <p>The provision will meet the need identified through the adopted policies.</p>	<p>Policy G12 of the Harborough District local Plan 2011-2031</p> <p>NPPF para 92 and 96</p> <p>Provision for Open Space Sport and Recreation (HDC, 2015).</p> <p>Local Plan Policy IN1</p>

			<p>Harborough Infrastructure Development Plan 2017</p> <p>The Framework paragraphs 34, 54-57.</p> <p>HDC Planning Obligations Supplementary Planning Document Jan 2017.</p>
Request by HDC	Obligation for Community Facilities		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>£3,258,750</p> <p>Stand alone community Hall. Equivalent of 4 badminton courts - 690 sqm GIA</p>	<p>To be provided by the 400th occupied dwelling</p>	<p>A consistent theme of the National Planning Policy Framework (NPPF) is the importance of infrastructure provision in accompanying and enabling the sustainable growth of communities.</p> <p>Community centres play an important role at the heart of communities, providing hubs for recreation, congregation and interaction through which social networks can be maintained, while minimising the need to travel.</p> <p>When assessed against the appropriate standards the scale of facilities required meet those of a population of the scale expected.</p>	<p>Local Plan Policy IN1, HC2</p> <p>Harborough Infrastructure Development Plan 2017</p> <p>HDC Planning Obligations Policy January 2017.</p> <p>The Framework paragraphs 34, 54-57 and 92.</p>
Request by HDC	Obligation for Monitoring Fee		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>£300 per obligation</p>	<p>TBC</p>	<p>It is appropriate for the Council to recover the costs associated with the negotiation, production and subsequent monitoring of developer payments. This covers the legal costs of creating agreements, any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and costs of monitoring.</p>	<p>Planning Obligations SPG (Jan 2017)</p>

Request by HDC	Public Realm Improvements		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£171,495 towards the Lutterworth town centre public realm improvements.	Through the Lutterworth Town Centre Master Plan	The Framework and the Local plan recognise the importance of an attractive town centre to character of the area, being the heart of a community, economically important and a vibrant and active town centre with a range of shops can reduce the need to travel	Local Plan Policy RT2 The Framework paragraphs 34, 54-57 and 85.
Request by LCC	Obligation for Libraries		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£82,995	Occupation of 1,375 dwellings	There is need to expand existing community facilities	Leicestershire Planning Obligations Policy Adopted 10 July 2019
Request by LLC	Obligation for Education		
Amount /Detail	Delivery	CIL Justification	Policy Basis
PRIMARY SCHOOL SECTOR REQUIREMENT 2 NEW SCHOOLS PS 1 £ 6,641,200 PS 2 £6,641,200	1 st primary school is to be provided on site at to be available for use in the Sept prior to occupation of 300 dwellings The 2 nd school to be triggered by the LEA at any time after the occupation of 1,000	There is insufficient capacity within the existing schools to meet the needs of the number of pupils generated by the development.	Planning Obligations SPG (Jan 2017) Leicestershire Planning Obligations Policy Adopted 10 July 2019 The Framework paragraphs 34, 54-57 and 94.
SECONDARY SCHOOL SECTOR REQUIREMENT £ 9,964,968	To be paid by reserved matters application		
EARLY YEARS £2,082,011	At time of the delivery of each primary school		

SPECIAL SCHOOL REQUIREMENT £1,552,331	At the time of delivery of the primary school		
Request by LLC	Obligation for Civic Amenities		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£72.74 per Dwelling Maximum £200,035	25% of the Contribution to be paid on the commencement of works on each of the 4 phases	The existing facilities need expanding to meet the needs of the growing population.	Planning Obligations SPG (Jan 2017)
Provision of a "Waste Minimisation and Recycling Pack" to each household informing residents about sustainable waste management behaviours	Upon occupation of each dwelling	The ability to influence behaviour patterns from the start or early stages of a development is critical in successfully establishing sustainable waste behaviour by new residents, employees or visitors to those sites. Key methods of doing this include the provision of up-to-date information through Waste Minimisation Packs, to inform what local available services are available in the surrounding area and what incentives may be available as inducements to influence waste prevention and recycling behaviour.	Leicestershire Planning Obligations Policy Adopted 10 July 2019 The Leicestershire County Council Municipal Waste Management Strategy Update 2011 (LMWMS)
Request by LLC	Obligation for Highways		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£672,959.00 to provide the Gilmorton traffic calming scheme	Based on the outcome of monitoring	To ensure that the development does not detrimentally impact the free flow of traffic on the highway network and to encourage the use of sustainable transport.	Planning Obligations SPG (Jan 2017)
£1,214,490.24 for the implementation of works at the Gibbet roundabout	payable prior to the commencement of development.		Leicestershire Planning Obligations Policy Adopted 10 July 2019
£16,976,782.00 to provide a highway capacity improvement scheme at the Frank Whittle	Year 1 or No more than 25 dwellings (whichever is sooner) - 5%		The Framework paragraphs 34, 54-57 and 102,103 104, 110, 111.

junction on the A4303.	Year 2 or no more than 120 dwellings (whichever is sooner) - 10% Year 3 or no more than 290 dwellings (whichever is sooner) - 15% Year 4 or no more than 400 dwellings (whichever is sooner) - 70%		
£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.	Prior to commencement of development		
£112,500.00 to enable the provision of necessary Traffic Regulation Orders.			
£52.85 (average cost) per pack. Travel Packs to inform all new residents and employees, one per dwelling and 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 LCC			

£360.00 per pass 6 month bus passes, two per dwelling and one per employee 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			
--	--	--	--

Appendix C – LCC Highways substantive comments

Substantive response of the Local Highway Authority to a planning consultation received under The Development Management Order.



Response provided under the delegated authority of the Director of Environment & Transport.

APPLICATION DETAILS:

Planning Application Number: 19/00250/OUT
Highway Reference Number: 2019/0250/03/H
Application Address: Land East Of Lutterworth Gilmorton Road Lutterworth Leicestershire
Application Type: Hybrid
Description of Application:
Hybrid planning application comprising: 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

GENERAL DETAILS

Planning Case Officer: Andrew Senior
Applicant: Leicestershire County Council
County Councillor: Mrs. R. Page and Mr. B. Pain
Parish: Lutterworth

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

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 conditions and planning obligations outlined in this report.

Advice to Local Planning Authority

The Local Highway Authority's (LHA) previous substantive response, dated 20/09/2019, advised that additional information was required to enable the LHA to fully identify the impacts of the proposed development on the highway network.

Following this, the LHA has been consulted on additional information submitted in support of the application. Principally this information includes:

- A further Transport Assessment Supplementary Report (TASR2)
- Additional Leicester and Leicestershire Integrated Transport Model (LLITM) runs which had been omitted from the previous modelling work. This includes assessment runs incorporating part Spine Road in place, runs including the full development + mitigation scenario and Select Link Analysis (SLA) to understand vehicular use of the proposed Spine Road.
- A qualitative and quantitative summary of all LLITM outputs.
- A revised set of modelled flows for all scenarios (base + development) which utilise observed turning movements and modelled growth applied appropriately. Updated Junction assessment and results interpreted accordingly.
- Assessment and development of an access and mitigation strategy for the M1 J20, Frank Whittle Roundabout and A4304 site access junctions using a microsimulation model.
- A revised assessment and mitigation proposal for the Frank Whittle junction.
- A revised assessment and mitigation proposal for the Gibbet roundabout.
- Undertake assessment and prepare a scheme of mitigation for M1 J21.
- Undertake supporting Road Safety Audits and Designers' Responses accordingly.
- Undertake and utilise traffic survey data of Church Lane, Misterton and update the assessment work and designs accordingly.
- Produce an updated and revised set of drawings for the Spine Road, access and internal junctions, design Technical Note, Non-Motorised User connections and produce a Designers Response following review of the previously undertaken Road Safety Audit (RSA).
- Monitor the existing use, assess the requirement for and make provision for the replacement of laybys on the A4303 and A4304 removed as part of the access and off site mitigation strategy.
- Junction model queue length validation note based on observed data.
- A revised proposed traffic calming scheme for Gilmorton.
- A revised Framework Travel Plan
- A Construction Traffic Management Plan

Following review of the information and Transport Assessment (TA) submitted to date, the LHA is now able to provide formal highway advice which considers the impact of the development proposal (application number 19/00250/OUT) in highway and transport terms.

Background

The site is allocated within Harborough District Council's adopted Local Plan 2011-2031 (adopted 30th April 2019). Further to involvement in the Local Plan development process the LHA has engaged in extensive pre-application discussions with the Applicant to understand the potential highway implications of the development on the highway network and in agreeing a scope for the required highway assessment work. Following submission, the LHA has continued to engage with the applicant team proactively in its role as statutory consultee.

For context and as a point of reference, the submitted TA details the mixed-use development proposals as shown in the submitted illustrative masterplan and as copied below in figure 1:

Fig 1 – Illustrative Masterplan



The development proposal is submitted as a hybrid application and includes the following land uses:

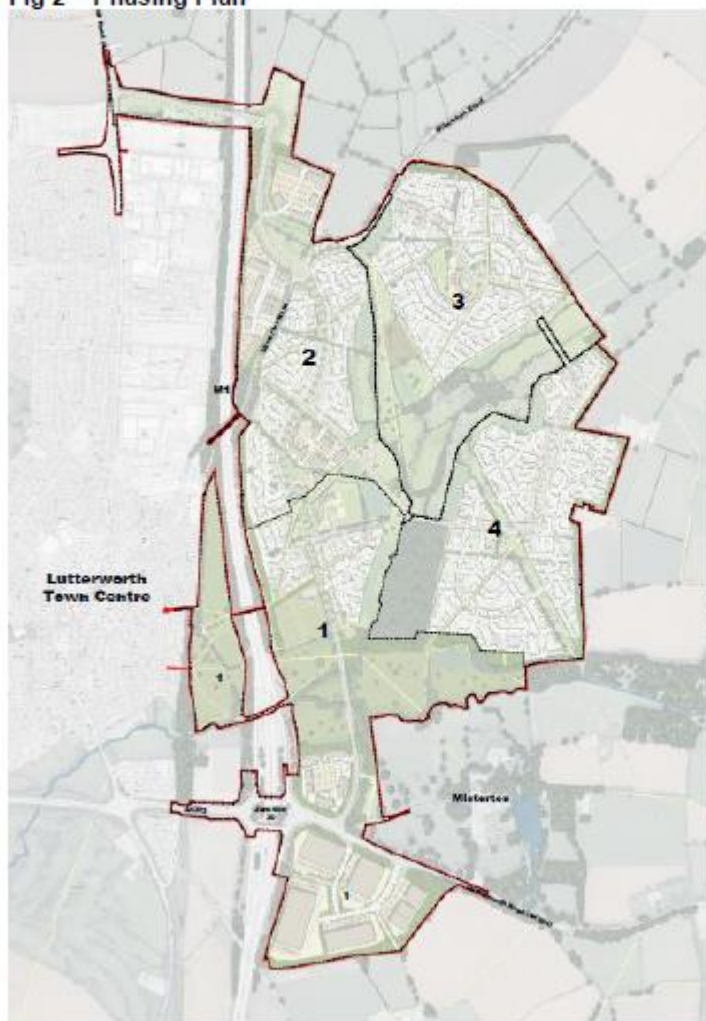
- 2,750 new dwellings;
- 13 hectares of storage and distribution on land south of the A4304;
- 2.5 hectares of offices at the Swift Valley business park;
- Up to 6 hectares of B1/B2 industrial estates;
- Two primary schools; and
- A retail and community hub.

Full planning permission is sought for the development of the proposed Spine Road and associated junctions with the A426 north of Lutterworth, Gilmorton Road, Chapel Lane, and the A4304 east of M1 Junction 20.

Development Delivery / Phasing Plan

The Applicant has suggested that the first occupation will occur in 2021/2022 and the development would be fully built out by 2037/2038. Figure 2 below details the proposed development phasing.

Fig 2 – Phasing Plan



Vehicular Access

The development proposal includes a total of three vehicular access points. Two of these are proposed from the A4304 Lutterworth Road and one from the A426 Leicester Road, north of Lutterworth. The proposal includes a new link road and bridge over the M1 motorway which would provide a new link between the A426 Leicester Road to the north of Lutterworth to the A4304 Lutterworth Road to the east of the M1, J20 and referenced within this report as the 'Spine Road.' A further connection is proposed with Gilmorton Road where it intersects the proposed Spine Road.

The proposed Spine Road provides an alternative link between the A426 and the A4304 offering a degree of route choice. The Select Link Analysis undertaken by the applicant details the percentage of traffic using the Spine Road as follows: through traffic as 5% (northbound) and 23% (southbound) in the AM peak, and 20% (northbound) and 18% (southbound) of total traffic in the PM peak. Whilst this suggests in the region of a fifth of the traffic using the Spine Road is through traffic with neither an origin nor destination within the proposed development site, the primary purpose of the Spine Road is to provide development access and is not intended to be a bypass for Lutterworth Town Centre consistent with Policy L1 of Harborough District Council's adopted Local Plan which details in paragraph 15.2.18:

"The primary access will connect the A426 north of Lutterworth with the A4304 east of Junction 20, in the form of a clearly legible spine road. This spine road will be a single two lane district distributor road designed to serve the new development while also facilitating some relief to through traffic within Lutterworth town centre."

The design of the Spine Road is an essential consideration in ensuring that it does not create a barrier for pedestrian and cyclist movements to Lutterworth. The absence of appropriate provision, a Spine Road design which is not fully integrated into the design of the development, or an over-engineered Spine Road would all run the risk of creating further severance both within the new development and with the existing town.

The Spine Road is proposed to be a 6.75m width carriageway with 3m wide shared footway-cycleway provision on both sides. The design includes internal junctions to enable access to the development parcels. As requested by the LHA, these junction designs are accompanied by required assessment details including full justification of their design.

The Spine Road has been designed in line with Manual for Streets 2 principles. This approach is considered acceptable to the LHA and is understood to be in line with the Local Plan Policy L1.

The LHA recognises that a careful balance must be sought in the design of the proposed Spine Road to ensure it caters for the respective needs of all highway users. Careful planning will also be required at the relevant Reserved Matters stage to develop site masterplan and layout proposals, appropriate frontage development

and well-planned pedestrian and cyclist connectivity to integrate the Spine Road into the development and with the existing town located to the west of the M1 motorway.

With regard to the access junctions linking the proposed Spine Road with the existing highway network, Policy L1 of Harborough District Council's adopted Local Plan details in paragraph 15.2.20:

15.2.20 New or upgraded junctions will be provided at:

- *A4304 Lutterworth Road/'spine road' - signalised junction;*
- *A4304 Lutterworth Road/access to B8 employment site - signalised junction;*
- *A426 Leicester Road/'spine road' - roundabout or signalised junction;*
- *M1 Junction 20 - signalisation of all approach arms and widening of circulating lanes;*
- *A4303/A426 Rugby Road ('Frank Whittle roundabout') - necessary improvements; and*
- *A426 Leicester Road/Bill Crane Way - signalised junction plus pedestrian crossing."*

The submitted TA proposes that the Spine Road will start, at its southern end, with a new signalised junction with the A4304 Lutterworth Road east of the M1 J20. The Spine Road would connect with Gilmorton Road via a new roundabout junction and continue north and across a new structure over the M1 connecting with the A426 Leicester Road via a signalised junction to the north of Bill Crane Way. The southern employment area located south of the A4304 is proposed to be accessed from a new signalised junction. The proposals are therefore broadly in line with Local Plan Policy L1.

The proposed access and off-site highway works would lead to the removal of existing highway laybys on the A4304 and A4303 in the vicinity of the proposed Spine Road access and Frank Whittle junction. The Applicant has monitored the existing use of the laybys and confirmed the ongoing requirement of this valuable highway provision. The Applicant has incorporated the provision of replacement laybys as part of the access and off-site mitigation strategy. These would be secured by planning condition/obligation which requires their delivery before the removal of the existing laybys.

Proposed Walking and Cycling Facilities

The Applicant has identified that the only current realistic opportunities to travel from the proposed development site to the employment opportunities, services and facilities in Lutterworth is via an existing pedestrian link across the M1 at Junction 20 and an underpass beneath the northern slip roads, the existing farm access bridge and via the Gilmorton Road bridge. The Applicant has identified the requirement for the following improvements as part of the proposed development:

1. Provision of a shared footway/cycleway along both sides of the proposed Spine Road and connecting over the M1 to the A426 north of Lutterworth;

2. Removal of vehicular rights and the provision of sustainable travel enhancements on Gilmorton Road over the M1;
3. Surfacing and lighting improvements to the existing farm bridge over the M1;
4. Surface and lighting improvements to the existing informal route under the M1 Junction 20 north-facing slip roads; and
5. The provision of new traffic signals and roundabout lighting at the junction of the M1 Junction 20 and the A4304.

The LHA understands that the applicant has submitted detailed proposals for the provision of non-motorised user (NMU) connections as part of the northern access and Spine Road connection from the A426 and as part of the M1 J20 and southern access and Spine Road connection works. The remaining three required NMU connections are submitted as conceptual designs at this stage. In the absence of final scheme proposals, appropriately worded conditions have been included below. A scheme for the downgrading of the Gilmorton Road bridge to restrict access to use by buses, cyclists, pedestrians and equestrians is required to be submitted for review and implementation prior to the occupation of the 650th dwelling or a vehicular connection from the Spine Road onto Gilmorton Road.

Schemes for two additional points of NMU connectivity to Lutterworth Town Centre are required and available for use prior to the occupation of any part of the development site north of the A4304. The conceptual proposals have indicated these could utilise the M1 farm overbridge and M1 J20 underpass.

With regard to the access, Spine Road and NMU proposals submitted in detail at this stage the LHA has reviewed the following submitted drawings and relevant associated supporting information:

Spine Road General Arrangement Sheet 1	LESR-ACM-XX-XX-DR-HW-00011	P07
Spine Road General Arrangement Sheet 2	LESR-ACM-XX-XX-DR-HW-00012	P08
Spine Road General Arrangement Sheet 3	LESR-ACM-XX-XX-DR-HW-00013	P08
A426 / Spine Road Signalised Junction (LE-J6) General Arrangement	LESR-ACM-XX-XX-DR-HW-00023	P05
M1 J20 Signalised Roundabout (LE-J1) General Arrangement	LESR-ACM-XX-XX-DR-HW-00025	P05
A4304 / Spine Road Signalised Junction (LE-J2) General Arrangement	LESR-ACM-XX-XX-DR-HW-00026	P07
A426 / Bill Crane Way Signalised Junction (LE-J7) General Arrangement	LESR-ACM-XX-XX-DR-HW-00030	P05
A4304 / Employment Signalised Junction (LE-J3) General Arrangement	LESR-ACM-XX-XX-DR-HW-00031	P05
A4304 Lutterworth Road replacement lay-by conceptual GA	LESR-ACM-XX-XX-SK-HW-000035	P01

7

Upon review, the LHA can confirm that;

- Designs are in accordance with standards in the Leicestershire Highway Design Guide (LHDG) and DMRB (this may include satisfying by commuted sums/non-adoption)
- Problems identified in the RSA have been acceptably addressed either in the form of the Designers Response or revised drawings
- All works are deliverable within the extent of the existing or proposed highway boundary
- The proposals for highway structures have been reviewed by the LHA and are considered acceptable. The detailed design for each structure will be subject to the Approval in Principle (AIP) process, where compliance with design standards and the specification for highway works will be scrutinised further.

Appropriate conditions are therefore advised below accordingly.

Highway Safety

Personal Injury Collision (PIC) data has been obtained by the Applicant from Leicestershire County Council for the most recently available five-year period (2014 – 2018). Following receipt of this information the Applicant has undertaken a year on year assessment and review to determine any year on year trend or pattern and with regard to the recorded severity of incidents. Further cluster analysis has then been undertaken to seek to identify any incident hotspots and identification of any underlying concern that may require intervention. Finally, fatal incidents have been considered specifically and comparisons drawn with available national statistics. The approach undertaken is considered acceptable to the LHA.

The scope of assessment undertaken to date is as detailed below in figure 3:

Fig 3 – Incident Study Area



The PIC study area has been extended from that which had been submitted previously, notably to the east of the M1 motorway to the villages of Gilmorton and Walcote. The scope of the presented PIC study area is now considered acceptable to the LHA. The LHA have also reviewed the assessment undertaken and conclusions drawn as set out in the submitted Transport Assessment Supplementary Report (TASR). The LHA would raise no objection to the conclusions drawn by the Applicant and would not seek to resist the development proposal on highway safety grounds.

Highway Impact Analysis

The highway and transportation implications of large development sites are tested using a strategic transport model due to the complex and interrelated transport issues. Following strategic assessment, more refined detailed analysis can be undertaken to understand and address the specific impacts of development on the network. The modelling approach taken by the Applicant is summarised below:

- Strategic Modelling: undertaken using the Leicester and Leicestershire Integrated Transport Model (LLITM); this is particularly important given how local roads and junctions can be sensitive to variation in traffic flow;
- Microsimulation and Local Junction Testing: This analysis has been undertaken using industry standard software. Where required and appropriate, highway mitigation and improvements can be developed and refined; and
- Following clarification of a preferred highway mitigation strategy, the strategic transport modelling can be undertaken again to determine the effectiveness of the strategy proposed and understand any wider impacts of the development and mitigation strategy.

Base Year Traffic Assessment

To first establish an understanding of the performance of the existing highway network, a base year assessment was first undertaken. The Applicant has sourced traffic survey counts from Leicestershire County Council for an agreed study area. Where surveys were not undertaken in the same base year TEMPro growth factors (industry standard for background growth) were used and all survey data has been converted into Passenger Car Units (PCUs) for the purposes of the junction assessments. This methodology to derive a consistent base year is considered acceptable to the LHA.

Base Year Junction Assessment

A base year (2018) scenario for junctions within the study area has been undertaken to establish current network performance. The results and summary sections of this chapter of the TA have now also been reviewed against observed network performance, recorded queue lengths and journey time surveys. This assessment was undertaken to confirm if the results of the base models validate against observed conditions. The additional assessment provides confidence ahead of the

future year forecast assessment work being undertaken. This approach is considered acceptable to the LHA.

Trip Generation

The LHA has reviewed the vehicular trip generation and methodology submitted in the TA and can confirm this is in line with that agreed during pre-application discussions. The agreed rates produce the vehicular trip generation totals below:

Table 7.10 East of Lutterworth SDA Trip Generation

Land Use	Trip generation base	AM		PM	
		Arrivals	Departures	Arrivals	Departures
Residential	2,750 dwellings	312	918	775	398
Business Park	2,000 employees	585	65	46	445
B8	693 employees	115	224	234	255
B1/B2	3,067 employees	849	422	204	731
2 Schools	82 employees	17	9	9	16
Community Hub	382 employees	81	41	39	72
Grand Total		1,957	1,677	1,307	1,915

The modal split for the AM and PM scenarios is also presented for the proposed development and as replicated in the table below. The majority of trips associated with the proposed development are forecast to be vehicular, with walking the second most popular mode choice.

Mode	AM		PM	
	Total Trips	Modal Split	Total Trips	Modal Split
Vehicles	3,907	72%	3,445	70%
Taxi	45	1%	49	1%
PT	277	5%	194	4%
Cycle	111	2%	129	3%
Walking	1,088	20%	1,080	22%
Total	5,420	100%	4,897	100%

Trip Distribution and Assignment

After establishing the number and mode of trips predicted to be generated by the development proposal, the origin and destinations for these trips must also be established. The Applicant has predicted trip distribution for the development utilising a parent zone approach. A set of existing LLITM zones with similar characteristics to the development proposals were used to ensure a reasonable trip distribution was applied for the new trips generated and subsequently assigned to the network.

Through this approach the distribution of development traffic on the network takes account of the mode of travel associated with each land-use. For example, the movement of HGVs will 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 highway network by each mode can be isolated and analysed. Trips associated with the development are further segmented by their many different purposes i.e. work commuting trips, educational trips, leisure trips etc.

Principally, this approach is used to better represent real life driver behaviour and choice through the modelling process. The approach taken is considered acceptable to the LHA.

The LLITM model then assigns the traffic onto the network. Whilst for most destinations there are a number of alternative routes which can be used, the optimal route is selected by the model based on time, journey cost, congestion and delay. This replicates driver behaviour.

Highway Impact Analysis

In order to assess the impact of the development proposal on the highway network, scenarios with and without development have been considered for the following forecast years:

- 2021 – opening year
- 2026 – opening year + 5 years
- 2031 – opening year + 10 years
- 2036 – full development scenario

The Applicant has undertaken a detailed assessment of the referenced forecast years including comparisons drawn with the 'without development scenario' to determine impacts of the development. The assessment also considers the phased impact of development up to 2036 by which time it is anticipated the full development would be built out. Whilst this testing assists in demonstrating the development impact over time, it also provides a detailed evidence base to enable the determination of suitable trigger points for highway infrastructure and mitigation.

The LHA response principally considers the overall impact of the development in the 2036 modelled year with reference made to appropriate interim and phased testing where appropriate to explain the rationale behind the conditions, contributions and trigger points defined below.

Strategic Modelling

Following review of the development impact within the study area in the 2036 AM and PM peak hours the following key observations can be made:

- General increase in traffic flows on the network with the exceptions of Coventry Road, Bitteswell Road, A4304 Lutterworth Road, the A426 and Gilmorton Road in Lutterworth town centre. This overall traffic relief is likely to be as a result of the

closure of Gilmorton Road bridge to private motor vehicles, provision of the spine road as an alternative route, and the consequential rerouting of traffic.

- Increase in traffic on routes toward Bitteswell and along Bill Crane Way to the northbound A426, which utilises the development spine road.
- Increase in vehicles travelling along Gilmorton Road to the Gilmorton village area.
- A decrease in vehicles travelling westbound along the A4304 to the M1 Junction 20. Despite this decrease, the modelling shows 115 and 29 second delays at junctions along the A4304 corridor.
- Increase in delays at Frank Whittle, A5/A426 and Bill Crane Way junctions.
- Increase in delays at M1 J20 which impacts vehicles on the southbound off slip.
- Overall increase in trips travelling along the A4303/A4304 corridor interacting with the Frank Whittle, M1 J20 and spine road access junctions. The operation of this part of the network is a key consideration and has been subject to further assessment by the Applicant through the use of microsimulation modelling.

Junction Capacity Assessments

The following junctions were identified for further, detailed assessment using industry standard junction assessment software:

- 1) M1 Junction 20
- 2) A5 / A426 / Gibbet Lane Roundabout
- 3) A426 / A4303 Frank Whittle Roundabout
- 4) A4303 Lutterworth Road / Coventry Road
- 5) A4303 Coventry Road / Hunter Boulevard
- 6) A5 / A4303 Coventry Road / Coal Pit Lane
- 7) A5 / Mere Lane Roundabout
- 8) A426 / Gilmorton Road
- 9) Bill Crane Way / A426 Leicester Road
- 10) Ashby Lane / Cauldwell Lane / Ullesthorpe Road
- 11) A426 / Cauldwell Lane / Ullesthorpe Road
- 12) Main Street / Kimcote Road / Lutterworth Road
- 13) Kimcote Road / Mill Lane
- 14) Lutterworth Road / Gilmorton Road / Walton Road
- 15) Kimcote Road / Gurney Lane / Walton Road

To establish appropriate demand matrices to be used in the local junction assessment a revised set of modelled flows for all scenarios (base + development) have been produced which utilise observed turning movements and modelled growth applied appropriately. This methodology is considered acceptable to the LHA.

1) M1 Junction 20

The results indicate that the junction operates within capacity in the 2036 baseline. As a result of the development impact the junction would operate over its operational capacity with significant queuing. A mitigation strategy has therefore been proposed by the Applicant for M1 J20 which includes signalisation of the junction, additional east and westbound entry lanes and additional circulatory lanes.

The proposed scheme is detailed in drawing number LESR-ACM-XX-XX-DR-HW-000025 Rev P05. The scheme has been subjected to a stage 1 Road Safety Audit and reviewed by both the LHA and Highways England. Whilst the A4303, A4304 arms and circulatory carriageway is the responsibility of the LHA, the M1 slip roads and the significant impact of potential queuing back onto the M1 mainline carriageway lies within Highways England's network. Following review the proposed improvement scheme at M1 J20 is considered acceptable. A relevant condition is advised below with the improvement works required prior to first occupation of the development.

2) A5 / A426 / Gibbet Lane Roundabout

The baseline testing for this junction includes the Magna Park committed mitigation scheme. In the 2036 baseline scenario the results show that the junction would operate over its capacity with further deterioration in the 2036 with development scenario.

In order to mitigate the impact of the proposed development at this junction, a scheme has been developed by Highways England as shown on drawing number ACM-GEN-456517-DE-C-016 Rev 04. It is understood that this improvement scheme will be delivered by Highways England with the scheme costs met by the developer.

3) A426 / A4303 Frank Whittle Roundabout

The baseline testing for this junction is based upon the recently completed improvement scheme. In the 2036 baseline scenario the results show that the junction would be approaching its operational capacity during the AM peak on the A4303 Lutterworth Road east arm. However in the 2036 with development scenario the junction is shown to be operating close to capacity in the AM peak and overcapacity in the PM peak.

The Applicant has put forward a mitigation proposal comprising a signalised cross-roads as shown in drawing number 60578868-LES DA-TP004-0000. This arrangement would also require the provision of a signalised right turn for the warehouse development recently built between the Frank Whittle junction and M1 J20.

Whilst the testing undertaken would appear to show that an improvement scheme is necessary to mitigate the vehicular impact of the proposed development at the Frank Whittle junction, the LHA has concerns over the mitigation solution currently proposed. Principally these concerns relate to highway safety, network and traffic management and deliverability of a scheme which requires the acquisition of third party land. On this basis the LHA request a contribution in lieu of the works. The timing for this payment must also enable the works to be delivered in time to mitigate the severe modelled impact of the development.

4) A4303 Lutterworth Road / Coventry Road

The results indicate that the junction operates within capacity in the 2036 baseline. As a result of the development impact the junction would operate close to its operational capacity with queuing developing on the Coventry Road north arm in both AM and PM peaks.

5) A4303 Coventry Road / Hunter Boulevard

The results indicate that the junction operates within capacity in the 2036 baseline. As a result of the development impact the junction would operate close to its operational capacity with queuing developing on the A4303 Coventry Road west arm in the AM peak.

6) A5 / A4303 Coventry Road / Coal Pit Lane

The results indicate that the junction would be approaching operational capacity in the 2036 baseline in both the AM and PM peaks. As a result of the development impact the junction will reach operational capacity during the AM peak with Coal Pit Lane becoming fully saturated and A5 north and B4027 Lutterworth Road approaching capacity. During the PM peak, both A4303 Coventry Road and B4027 Lutterworth Road are shown to be approaching capacity.

7) A5 / Mere Lane Roundabout

The Applicant has tested the A5 / Mere Lane junction as a roundabout junction (as existing). The results indicate that the junction is predicted to operate within capacity both in the 2036 baseline and with development scenarios.

8) A426 / Gilmorton Road

Further to the LHA's previous formal response, the Applicant has now undertaken further strategic testing to understand the phased impact of the development on the highway network. Specifically, this testing was undertaken to identify an appropriate trigger point for provision of the full development Spine Road. A key finding of this assessment identified 650 dwellings and vehicular connection of the Spine Road onto Gilmorton Road as key thresholds to the performance of the A426 / Gilmorton Road junction. Suitably worded conditions have therefore been advised below which limit the quantum of development prior to the full Spine Road being delivered and in the absence of suitable alternative mitigation in the interim.

9) Bill Crane Way / A426 Leicester Road

As part of the access strategy for the northern connection of the Spine Road onto the A426 Leicester Road, the Applicant has proposed to signalise the Bill Crane Way / A426 Leicester Road junction. The details of which are shown on drawing numbers LESR-ACM-XX-XX-DR-HW-00030 rev P05 and LESR-ACM-XX-XX-DR-HW-00023 rev P05. In addition to these works the existing bus stop on the A426, north of Gloster Road will also need relocating and a separate condition is advised below to enable these works.

The Applicant's assessment demonstrates that the existing junction arrangement for Bill Crane Way / A426 will operate over its operational capacity with excess queuing in the 2021 baseline scenario. In the 2036 with development and with junction improvement schemes scenario, the testing indicates that the junction would operate within its operational capacity.

10) Ashby Lane / Lutterworth Road / Valley Lane / Ullesthorpe Road

The Applicant's testing demonstrates that the junction is forecast to operate within its operational capacity in the 2036 forecast year in both the with and without development scenarios.

11) A426 / Cauldwell Lane / Ullesthorpe Road

The applicant's testing demonstrates that the junction is forecast to operate within its operational capacity in the 2036 forecast year in both the with and without development scenarios.

12) Main Street / Kimcote Road / Lutterworth Road

The results indicate that the junction is predicted to operate within capacity in the 2036 baseline. As a result of the development impact the junction would operate over its operational capacity in the 2036 with development in the PM peak.

13) Kimcote Road / Mill Lane

The Applicant's testing demonstrates that the junction is forecast to operate within its operational capacity in the 2036 forecast year in both the with and without development scenarios.

14) Lutterworth Road / Gilmorton Road / Walton Road

The Applicant's testing demonstrates that the junction is forecast to operate within its operational capacity in the 2036 forecast year in both the with and without development scenarios.

15) Kimcote Road / Gurney Lane / Walton Road

The Applicant's testing demonstrates that the junction is forecast to operate within its operational capacity in the 2036 forecast year in both the with and without development scenarios.

Gilmorton Traffic Calming

As identified in the initial LLITM assessment the development proposal was reported to show a significant increase in vehicular traffic routeing toward Gilmorton. Constraints to the existing junction layouts within the village limit the potential for physical and capacity improvements. Could such improvements be delivered they may also encourage more traffic to use these routes leading to an increased impact.

Consequently the Applicant has considered approaches which may redistribute traffic back onto more suitable roads. The Applicant proposes to monitor the future performance of these junctions and the highway impact associated with the proposed development over time and to implement a scheme of traffic calming if required. Whilst a potential traffic calming mitigation scheme has been produced to identify measures which could be considered, the final scheme would be developed in consultation with the relevant authorities, following engagement with local communities and dependent on the outcome and results of the monitoring undertaken. Appropriately worded obligations are advised below to enable this necessary monitoring and potential highway mitigation.

VISSIM Microsimulation Modelling

In addition to the assessment of individual junctions and noting the complex sensitivity and interaction of trips utilising the A4303/A4304 corridor including the Frank Whittle, M1 J20 and spine road access junctions, the operation of this part of the network has been subject to further assessment by the Applicant through the use of microsimulation modelling.

Microsimulation modelling is able to simulate the movement of individual vehicles travelling within a road network through the accurate replication of driver behaviour. This approach also allows assessment of the proposed mitigation strategy.

Upon review of the submitted VISSIM modelling, the LHA raises no objection to the modelling work undertaken or mitigation strategy proposed.

Further LLITM Run: With Development + Mitigation

Following development of a mitigation strategy the Applicant has commissioned a further LLITM run to provide greater understanding of the impact of this mitigation on the highway network. As agreed with the relevant Highway Authorities, this LLITM run was undertaken for the 2036 full development scenario. The following highway mitigation schemes were coded into the model run:

- M1 J20
- A4303 / A426 Frank Whittle
- A5 / A426 Gibbet Lane roundabout
- M1 Junction 21
- Gilmorton Traffic Calming measures

Whilst the initial strategic testing identified the scope and requirement for highway mitigation, and the isolated junction and microsimulation modelling assisted in developing an effective mitigation strategy, a final re-run of the strategic transport model is essential to establish the overall impact of the development and associated mitigation package. This testing would also identify any unintended consequences of the highway mitigation proposed and the success of the mitigation strategy when considered as a whole rather than in isolation, be that at a junction or corridor level.

The Applicant summarises in TASR 2 that the development trip distribution patterns remain similar to those associated with the 'with development' scenario. The Applicant goes on to consider the changes in delay observed when considering the impact of the with mitigation scenario. Notably, in the AM peak there is an increase in delay of 72 seconds on the A426 Rugby Road approach to the proposed junction improvement at Frank Whittle. There is a decrease in delay of 112 seconds on the A4304 approach to M1 J20 and 82 seconds on the M1 southbound off slip with small increases in delay observed on the circulatory carriageway of M1 J20. The same pattern is observed in the PM peak with regard to the M1 southbound off slip seeing a decrease in delay of 23 seconds along with small increases in delay on the M1 J20 circulatory. Minor increases in delay of around 10 seconds are observed on Bill Crane Way and the A426 at the junction with Bill Crane Way.

The Applicant concludes that the impact of the development can be accommodated on the local and strategic highway network, given the implementation of the identified package of mitigation. The LHA notes the greatest increase in delay is associated with the Frank Whittle junction improvement proposed by the Applicant. As identified above, the LHA would advise a s106 contribution be secured in lieu of the proposed Frank Whittle junction improvement to deliver an alternative scheme.

Transport Sustainability

Public Transport Strategy

The Applicant has reviewed existing public transport service provision in Lutterworth utilising Leicestershire County Council's www.choosehowyoumove.co.uk journey planning website. Given the scale and mix of land use proposed and the essential policy requirement for high quality public transport provision to support and make acceptable in planning terms a sustainable urban extension such as Lutterworth SDA, the Applicant has identified a variety of public transport options which could be explored further.

The LHA understands these proposals broadly include extensions to existing services and/or an additional shuttle service linking the new development to the town centre of Lutterworth. The LHA would advise that the general principles currently proposed to provide access to essential services in Lutterworth town centre are acceptable. The finer detail and mechanism as to how this is actioned and the timing and phasing of provision of services will be subject to further assessment and investigation by the Applicant in liaison with relevant stakeholders. The LHA would therefore advise at this stage that its preference would be for the developer to provide / procure services in line with the LHA's minimum service level specification. Consequently, a suitably worded condition has been included below.

Travel Plan

The Applicant has prepared a Framework Travel Plan to accompany the submitted application. Following development of the site wide Framework Travel Plan the Applicant has identified the need for future phases and occupiers to sign up to the overarching principles of a framework document for the whole site, but develop and provide more detailed individual Travel Plans specific to the individual unit(s). This approach is welcomed by the LHA and accepted.

The submitted Framework Travel Plan identifies a number of measures to promote and encourage use of walking, cycling and public transport. These would be developed further by an appointed Travel Plan Coordinator and in liaison with the LHA. This approach is acceptable to the LHA. A suitably worded condition and contribution below would enable the implementation and monitoring of these Travel Plans and associated measures.

Public Rights of Way

Detailed Public Rights of Way (PROW) proposals have been submitted at this stage where PROW cross the proposed Spine Road. The proposed Spine Road is crossed by two Public Rights of Way, designated Y57 and Y97. Y57 is proposed to cross the Spine Road on its existing alignment and connect into the pedestrian and cycle route being provided alongside the Spine Road. The proposal is considered acceptable to the LHA.

Y97 would be crossed by a raised section of the Spine Road carriageway leading to the bridge over the River Swift. It is proposed to move the footpath and raise it to the level of the proposed carriageway. The rise should avoid steps or excessive sloping. The crossing is at a point where traffic would be subject to a 30mph speed limit. In addition, a controlled crossing is proposed to be provided. The path would also link into the footway/cycleway being provided next to the carriageway on both sides. As such, both Y97 and Y57 will be linked by the path provided. The proposal is considered acceptable to the LHA.

The Wider Development

The Applicant has produced a Walking, Cycling & Horse-Riding assessment (WCHA) and conceptual proposals which are indicated on the submitted masterplan. The Applicant has also undertaken to review the report and proposals as the phasing and design of the development is developed further.

The plan and report sets out proposals, including a recognition that the area will fundamentally change as a consequence of the proposed development. In the absence of a detailed survey and assessment of the wider PROW network beyond the redline boundary a suitably worded condition is included below to ensure that this necessary assessment is undertaken and any identified mitigation proposals delivered. This assessment will need to include connections to Misterton and Walcote.

The LHA is aware of the aspirations of Misterton and Walcote Parish Council for a signalised pedestrian crossing to be installed on the A4304. At this stage it has not been identified that a crossing in this location is necessary to make the development acceptable in planning terms. However, this further assessment may identify the need for wider mitigation measures.

Outline Construction Traffic Management Plan

The Applicant has submitted an Outline Construction Traffic Management Plan which seeks to identify the likely impacts associated with the construction of the

development on the local highway network, communities and the environment. The LHA recognises that this will remain a live and evolving document and will require updating and refreshing during the lifetime of the project and as individual development parcels come forward and specific impacts and requirements are known. Whilst the contents of this document are noted and the sentiments welcomed in general terms, a revised Construction Traffic Management Plan, including as a minimum final details and proposals for the routing of construction traffic, wheel cleansing facilities, location of construction compounds, construction access, vehicle parking facilities, and a timetable for their provision will need to be submitted for approval. The LHA understands the Applicant's wishes to access the development site via temporary construction accesses, and not the proposed permanent accesses. Therefore, a condition is advised below requiring details of these temporary accesses to be submitted.

Conditions

Construction conditions

1. No part of the development north of the A4304 hereby permitted shall commence until details of a construction site access to the northern development site from the A4304 have been submitted to and approved in writing by the Local Planning Authority. The approved site access shall be implemented in full prior to any works on the northern site commencing.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

2. No part of the development south of the A4304 hereby permitted shall commence until details of a construction site access to the southern development site from the A4304 have been submitted to and approved in writing by the Local Planning Authority. The approved site access shall be implemented in full prior to any works on the southern site commencing.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

3. No part of the development north of the A4304 hereby permitted shall commence until details of a construction site access to the northern development site from the A426 have been submitted to and approved in writing by the Local Planning Authority. The approved site access shall be implemented in full prior to any works on the northern site commencing.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

4. Prior to the closure or removal of the existing lay-by on the A4304 or commencement of any part of the development hereby permitted, the replacement lay-by as shown on drawing no. LESR-ACM-XX-XX-SK-HW-00035 rev P01 shall be completed and available for use.

REASON: In the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

5. Notwithstanding the submitted Traffic Management Plan, prior to the commencement of any part of the development hereby permitted a Construction Traffic Management Plan, 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 shall be 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.

Access conditions

6. Prior to the occupation of any part of the development north or south of the A4304, the access arrangements from the A4304 as shown on drawing no's LESR-ACM-XX-XX-DR-HW-00026 rev P07 and LESR-ACM-XX-XX-DR-HW-00031 rev P05 shall be completed in full and available for use by all users.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

7. Prior to the construction of the access from the A426 as shown on drawing no's LESR-ACM-XX-XX-DR-HW-00030 rev P05 and LESR-ACM-XX-XX-DR-HW-00023 rev P05, a scheme for the re-location of the existing bus stop on the A426 north of Gloster Road shall be submitted to and approved in writing

by the Local Planning Authority. The approved re-located bus stop shall be implemented at the same time as the A426 the site access works.

REASON: In the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

8. Prior to the occupation of any part of the development accessed from the A426, the access arrangements as shown on drawing no's LESR-ACM-XX-XX-DR-HW-00030 rev P05 and LESR-ACM-XX-XX-DR-HW-00023 rev P05 shall be completed in full and available for use by all users.

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 highway safety and in accordance with the National Planning Policy Framework (2019).

Spine road conditions

9. Prior to the occupation of the 650th dwelling or a vehicular connection onto Gilmorton Road is available for use, whichever is sooner, the spine road between the A426 and the A4304 including its accesses as shown on drawing no's LESR-ACM-XX-XX-DR-HW-00011 rev P07, LESR-ACM-XX-XX-DR-HW-00012 rev P08, LESR-ACM-XX-XX-DR-HW-00013 rev P08, LESR-ACM-XX-XX-DR-HW-00023 rev P05, LESR-ACM-XX-XX-DR-HW-00026 rev P07, LESR-ACM-XX-XX-DR-HW-00030 rev P05 and LESR-ACM-XX-XX-DR-HW-00031 rev P05 shall be completed and available for use by all users.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).

10. Prior to the occupation of the 650th dwelling or a vehicular connection from the spine road onto Gilmorton Road as shown on drawing no's LESR-ACM-XX-XX-DR-HW-00012 rev P08 and LESR-ACM-XX-XX-DR-HW-00013 rev P08 is available for use by vehicular traffic, access to Gilmorton Road bridge shall be restricted to use by buses, cyclists, pedestrians and equestrians.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).

11. Prior to the occupation of any part of the development site north of the A4304 a revised scheme for the downgrading of the Gilmorton Road bridge to restrict access to use by buses, cyclists, pedestrians and equestrians shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented prior to the occupation of

21

the 650th dwelling or a vehicular connection from the spine road to Gilmorton Road is available for use.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).

12. Prior to the commencement of any part of the development site north of the A4304 a revised scheme for two points of non-motorised user connectivity to Lutterworth Town Centre shall be submitted to and approved in writing by the Local Planning Authority. The approved connections shall be implemented and available for use prior to the occupation of any part of the development site north of the A4304.

REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2019).

Off-site works conditions

13. Prior to the occupation of any part of the development hereby permitted, a scheme for the monitoring of traffic and the identification of the need for any traffic management scheme using the routes in Gilmorton village as identified on drawing no. 60578868-LESDA-100 rev P01 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify base traffic flows and junction capacity assessments recorded prior to the first occupation of any part of the development hereby permitted and identify a strategy for future monitoring and the identification of trigger points for the implementation of any traffic management scheme.

A traffic management scheme in accordance with the needs identified in the strategy shall be implemented in accordance with the findings of the strategy.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).

14. Highway mitigation measures at M1 J20 as generally shown in AECOM drawing LESR-ACM-XX-XX-DR-HW-000025 Rev P05 (or as amended by Road Safety Audit and/or Detailed Design) must be delivered and open to traffic prior to the first occupation of the development, unless otherwise agreed with the Local Planning Authority in consultation with Highways England.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).

General conditions

15. No part of any phase of the development hereby permitted shall be occupied until a full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets relevant to that part or phase of the development 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).

16. Prior to the occupation of any part of the development hereby permitted, a Public Transport Strategy shall be submitted, agreed and implemented in full to provide a bus service to serve the northern and southern development sites. The bus services shall operate between the hours of 7am and 7pm, seven days a week including bank holidays and shall also coincide with employment shift patterns. Any new bus stop infrastructure shall include bus stop flags, shelters, raised kerbs, lighting, timetable and real time 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).

17. Prior to the commencement of any part of the development hereby permitted, a traffic and direction signing strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be signed in accordance with the approved details.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).

18. Prior to the commencement of any part of the development hereby permitted, a Public Rights of Way Strategy detailing improvements to Public Rights of Way within and connecting to the site including a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The improvements as set out in the strategy shall be implemented in accordance with the approved details and timetable.

REASON: To improve access for all in the interests of protecting and enhancing Public Rights of Way and access and providing better facilities for users in accordance with the National Planning Policy Framework 2019.

19. All details of the proposed development shall comply with the design standards of Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining and visibility splays and be submitted to and approved in writing by the Local Planning Authority before each phase of the development commences.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).

Contributions

To comply with Government guidance in the National Planning Policy Framework (NPPF) and Leicestershire County Council Planning Obligations Policy the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets and mitigating the impacts of the development:

1. A contribution of £672,959.00 to provide the Gilmorton traffic calming scheme as generally shown in drawing number drawing no. 60578868-LESDA-100 rev P01.
2. A contribution of £1,214,490.24 for the implementation of works at the Gibbet roundabout as generally shown on drawing no. ACM-GEN-456517-DE-C-016 rev 04 payable prior to the commencement of development.
3. A contribution of £16,976,782.00 prior to the occupation of the 100th dwelling, to provide a highway capacity improvement scheme at the Frank Whittle junction on the A4303.
4. 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.
5. A contribution of £112,500.00 prior to commencement of development to enable the provision of necessary Traffic Regulation Orders.
6. Travel Packs to inform all new residents and employees, one per dwelling and 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 LCC at (average) £52.85 per pack.
7. 6 month bus passes, two per dwelling and 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 LCC at (average) £360.00 per pass – NOTE it is very unlikely that a development will get 100% take-up of passes.

Informatives

- 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 major section 184 permit/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>
- If the proposal requires the permanent removal ("stopping up") or diversion of highway to enable the development to take place, then you must complete the legal processes required before commencing works. Further information is available at: - <https://www.leicestershire.gov.uk/roads-and-travel/local-authority-searches/highway-extinguishments> If you are unsure whether your proposal affects public highway, you can establish the Highway Authority's formal opinion of the adopted highway extent in relation to the proposal. Further information is available at <https://www.leicestershire.gov.uk/hre>
- Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.
- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- Separate consent under Section 115 B (1) (b) (iii) / Section 176 / Section 177 of the Highways Act 1980 will be required from the Local Highway Authority for construction of the ramp/structure within the highway or bridge over the highway or building over the highway. In the first instance, please email road.adoptions@leics.gov.uk.
- A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.

- Prior to construction, measures should be taken to ensure that users of the Public Rights of Way are not exposed to any elements of danger associated with construction works.
- Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- Footpath Y97 will need to be formally diverted to the new proposed route. As this is the result of a development proposal the path will need to be diverted under the Town & Country Planning Act 1990. Any application would be made to the Local Planning Authority.
- If the developer requires a Right of Way to be temporarily diverted or closed, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
- Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

Date Received	Case Officer	Reviewer	Date issued
11 th Dec 2019	Janna Walker	Lee Quincey	18 March 2020

Appendix D – Lutterworth Town Council Highways and Air Quality report



Lutterworth Town Council

Lutterworth East Strategic Development Area

Transport and Air Quality Information Audit



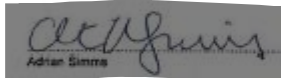
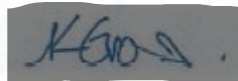
Wood Environment & Infrastructure Solutions UK Limited – August 2019

Report for

Andrew Ellis
Town Clerk
Lutterworth Town Council
Coventry Road
Lutterworth
LE17 4SH

Main contributors

Chris Price
Lauren Gowns
Ben Warren

Issued by

Adrian Simms
Approved by


Karen Evans

Wood

Nicholls House
Homer Close
Leamington Spa
Warwickshire CV34 6TT
United Kingdom
Tel: +44 (0)1926 439 000

Doc Ref: 41981-WOOD-ZZ-XX-RP-OT-00001_A_P01.1

t:\projects\41981 east lutterworth sue\c client related\client
report - issued\41981 ltc information audit report - final.docx

Copyright and non-disclosure notice

The contents and layout of this report are subject to copyright owned by Wood (© Wood Environment & Infrastructure Solutions UK Limited 2019) save to the extent that copyright has been legally assigned by us to another party or is used by Wood under licence. To the extent that we own the copyright in this report, it may not be copied or used without our prior written agreement for any purpose other than the purpose indicated in this report. The methodology (if any) contained in this report is provided to you in confidence and must not be disclosed or signed to third parties without the prior written agreement of Wood. Disclosure of that information may constitute an actionable breach of confidence or may otherwise prejudice our commercial interests. Any third party who obtains access to this report by any means will, in any event, be subject to the Third Party Disclaimer set out below.

Third party disclaimer

Any disclosure of this report to a third party is subject to this disclaimer. The report was prepared by Wood at the instruction of, and for use by, our client named on the front of the report. It does not in any way constitute advice to any third party who is able to access it by any means. Wood excludes to the fullest extent lawfully permitted all liability whatsoever for any loss or damage howsoever arising from reliance on the contents of this report. We do not however exclude our liability (if any) for personal injury or death resulting from our negligence, for fraud or any other matter in relation to which we cannot legally exclude liability.

Management systems

This document has been produced by Wood Environment & Infrastructure Solutions UK Limited in full compliance with our management systems, which have been certified to ISO 9001, ISO 14001 and OHSAS 18001 by LRQA.

Document revisions

No.	Details	Date
1	Transport & Air Tech Note [Draft]	Aug 19
2	Final Report [combined]	Aug 19

Contents

1.	Introduction	4
2.	Task 1 - Advise on Traffic Flow Information	5
	East Lutterworth Strategic Development Area Transport Assessment – AECOM	5
	East Lutterworth Strategic Development Area Environmental Statement	7
	Harborough Local Plan 2011 – 2031	7
2.1	Summary	7
3.	Task 2 - Validity of Spine Road Options	8
	East Lutterworth Strategic Development Area Transport Assessment	8
	East Lutterworth Strategic Development Area Environmental Statement, Chapter 13 Transport (Traffic and Access), AECOM in association with FPCR Environment and Design Ltd	8
	The Harborough Local Plan 2011-2031	8
	Review of East Lutterworth Hybrid Application – The Landscape Partnership (TLP) on behalf of Harborough District Council	8
	East Lutterworth Strategic Development Area Environmental Statement Non-Technical Summary	10
	Leicestershire Highway Design Guidance (part 3)	11
	Report on the Examination of the Harborough Local Plan	11
3.1	Summary	11
4.	Task 3 – Air Quality Assessment Analysis	12
	Dust from demolition and construction	12
	Suitability of sensitive receptors, road links modelled, and assessment years chosen for determining potential for significant impact to air quality	12
	Model verification methodology undertaken in line with Local Air Quality Management Technical Guidance (LAQM.TG(16))	13
	Suitability of modelled scenarios and reliability of traffic data used for each	14
	Selection of background pollutant concentrations/ Handling of future uncertainty with regard to air quality	15
	Consideration of cumulative impacts	15
4.1	Summary	15
5.	Summary of non conformity	17

1. Introduction

Wood Environment and Infrastructure Solutions UK Ltd (Wood) have prepared this Technical Note on behalf of Lutterworth Town Council (LTC), to provide a high-level audit of specific transport and air quality documents submitted in support of the proposed "East Lutterworth" development.

The site is allocated as a Strategic Development Area (SDA) (Policy L1) in the Harborough District Council (HDC) Local Plan which was adopted on 30 April 2019. A planning application for East Lutterworth was validated on 08 March 2019 and is currently pending consideration by Harborough District Council (HDC), as planning authority.

LTC instructed Wood to undertake three tasks:

- Task 1 – Advise on the traffic flow information contained within the Transport Assessment (TA);
- Task 2 – Question the validity of the four alternate Spine Road routes as contained in document ES Volume 2; and
- Task 3 – Advise on the Air Quality assessment analysis.

The audit has involved review of the publicly available planning application documents associated with the development.

2. Task 1 - Advise on Traffic Flow Information

A review of traffic flow information has been undertaken with the aim of better understanding the effects of the new Spine Road on local traffic within the Lutterworth area. It is quoted in both the AECOM TA and Harborough Local Plan that once the Spine Road is complete it will reduce traffic flows through Lutterworth town centre (by between 24% and 34%). LTC asked for a review of these claims and therefore the evidence for this, comprising the traffic flow contained within the following documents has been reviewed:

- AECOM on behalf of Leicestershire County Council (and associated appendices). (February 2019). *East Lutterworth Strategic Development Area Transport Assessment*;
- AECOM in association with FPCR Environment and Design Ltd. (March 2019). *East Lutterworth Strategic Development Area Environmental Statement, Chapter 13 Transport (Traffic and Access)*; and
- Harborough Local Plan 2011 to 2031 (adopted 30 April 2019).

East Lutterworth Strategic Development Area Transport Assessment – AECOM

Page 3

A strategic transport model, the Leicester and Leicestershire Integrated Transport Model (LLITM), had already been developed as part of the Strategic Transport Assessment (STA) when the site was allocated in the Local Plan. It is stated in the supporting TA that to support the planning application for the proposed development that some junctions have also been modelled using the VISSIM software package and additionally in the standard PICADY/ARCADY (Junctions 9) and LinSig junction modelling assessments, as follows:

'Given the proximity of the M1 Junction 20 and the proposed A4304 Lutterworth Road / Spine Road junction to the east and the A4303 Lutterworth Road / A426 Rugby Road junction to the west, the proposed junction arrangements have also been modelled using the micro-simulation package VISSIM. A model of the existing network was already available having been previously produced by AECOM for the STA undertaken for allocating the development in the Local Plan. It is stated that further details regarding the micro-simulation modelling will be reported in the Transport Assessment Supplementary Report'. At the time of writing the TA Supplementary Report was not available for review.

Previous work undertaken by AECOM within the STA for the Local Plan are not publicly available and as such were unable to be reviewed. The validity of this transport model cannot be confirmed, however it is assumed that this work has been signed off as valid and scoped extensively with Leicestershire County Council (LCC), so the validity of the actual model is not in question. Producing strategic models such as this is common practice for assessing sites prior to allocation, but the details of this work are not available for review as stated. Additionally, the TA Supplementary Report is not available to review the 'further details' of the VISSIM modelling. Text on **Page 129** of the TA state additional points to be covered in the Supplementary Report as:

- LLITM Local Area validation note & future years forecasting note;
- Interim years forecast scenarios assessment for 2026 and 2031;
- Potential capacity improvements schemes at Frank Whittle roundabout and the A5/A426/Gibbet Lane roundabout;
- Assessment of M6 Junction 1;

- Further discussion on the Gilmorton Road Bridge conversion into a sustainable transport corridor; and
- Spine Road internal junctions' assessment.

Subsequently these additional points have not been reviewed in the light of whether the resulting Spine Road gives the anticipated traffic flow reductions through Lutterworth.

Page 64

This section provides more detail on the methodology used for the trip distribution of proposed development traffic using the LLITM. The TA states:

'For the trip distribution of the development traffic, the decoupling method was adopted using a parent zone approach. A set of zones with similar characteristics in the area adjacent to the development were identified and used to inform the distribution for the generated traffic.'

A trip end analysis for all the zones within Lutterworth town were undertaken to identify the LLITM zones to be used as the parent zones. Total trip ends for all zones within LLITM in proximity of the development were examined and segregated as predominant residential or employment zones based on the directionality of the trip ends. More details about the approach will be detailed in the TA Supplementary Report.'

Whilst this methodology can be used to provide a robust assessment of trip distribution, limited details on the approach and further details in the TA Supplementary Report (which is not available to review) have not permitted a full review of this work undertaken.

Page 92

This section of the TA details the junction capacity assessment for future year scenarios, each of which include the following parameters; Baseline, With Development and With Development + Mitigation, and have been defined as:

- 2021 Opening year: with Full East of the Lutterworth SDA; and
- 2036 Opening year: with Full East of the Lutterworth SDA.

It is noted the 'Mitigation Schemes' were for:

- M1 Junction 20; and
- Bill Crane Way / A426 Leicester Road junction.

'The 2026 and 2031 interim years scenarios assessment will be reported in the TA Supplementary Report.'

Both the TA (Page 125) and Local Plan (Page 198) state that once the Spine Road is complete, it will reduce traffic flows through Lutterworth town centre. Given that the Spine Road is due to be open at the 2026 interim year scenario, review of this and the following 2031 scenario have been unable to be considered due to their stated inclusion in the separate Supplementary Report. Therefore, the statement of 'once the spine road is complete traffic flows through the town centre are forecast to reduce by between 24% and 34%' cannot be verified with the evidence available.

This also raises another issue with this aforementioned statement as this only considers the reduction in traffic 'once the spine road is complete' (i.e. in 2026 Key Phase Year) and not when the whole development is complete/local plan alignment in 2036.

Page 125

Following on from the text quoted from the Harborough Local Plan (as above), the TA states *'The STA which was submitted in 2017 has concluded that the introduction of the Spine Road would potentially provide some relief to the A426 in Lutterworth town centre. The relief would be because of:*

- *Introducing an attractive alternative for traffic to access the M1 Junction 20; and*
- *The closure of Gilmarton Road Bridge over the M1.'*

Again, as the previous Strategic Transport Assessment is not available the details of this cannot be verified.

Section 10.2 states that the TA has updated the relief investigation based on the recent modelling and concludes that in 2036 the forecast traffic within Lutterworth town centre would be reduced on a daily basis by an average of 27%, with the traffic levels in 2036 forecast to be lower or equal to the 2018 baseline.

The TA then shows a number of tables displaying 2018 Baseline, 2036 without development and 2036 with development traffic flows. Whilst these tables do show that the traffic within Lutterworth centre would be reduced on a daily basis by an average of 27% and that 2036 traffic levels will be lower or equal the 2018 baseline, the numbers that form the flows do not match those in the flow diagrams previously mentioned in the report (namely Figure 6.1, 7.13, and 7.14). An example of this being Table 10.1 which shows 2018 Baseline data (AM and PM) southbound for Lutterworth town centre does not match with Figure 6.1 which shows 2018 Baseline Traffic Flows (Page 45). Whilst the 'Lutterworth Town Centre' area is not defined by the TA none of the southbound flows in Figure 6.1 within the vicinity of the town centre match those included in Table 10.1.

It is noted that the Local Plan states the traffic in Lutterworth town centre is forecast to be reduced 'on the A426 south of the Gilmarton Road junction', however the flows within the TA also do not match up with the flows in this vicinity.

East Lutterworth Strategic Development Area Environmental Statement

No further relevant information has been found within this document.

Harborough Local Plan 2011 – 2031

No further relevant information has been found within this document.

2.1 Summary

A review of traffic flow information has been undertaken however, it has not been possible to verify the claims of reduced traffic in Lutterworth town centre as a result of the proposed Spine Road. Whilst clear that a lot of work has been undertaken and the processes involved appear to be recognised good practices and standard methodologies, the actual details and evidence of the claims of reduced traffic are not wholly transparent within the information provided in the available information.

The further information that it is stated has been prepared, namely the 2017 Strategic Transport Assessment undertaken by AECOM for the Local Plan and the AECOM Transport Assessment Supplementary Report, may contain the evidence base with the level of detail required.

3. Task 2 - Validity of Spine Road Options

A review of information concerning the four proposed Spine Road options has been undertaken with an aim of better understanding the rationale for each of the proposed options. Information has been reviewed from the following documents:

- AECOM on behalf of Leicestershire County Council (and associated appendices). (February 2019). *East Lutterworth Strategic Development Area Transport Assessment*;
- AECOM in association with FPCR Environment and Design Ltd. (March 2019). *East Lutterworth Strategic Development Area Environmental Statement, Chapter 13 Transport (Traffic and Access)*;
- Harborough Local Plan 2011 to 2031 (adopted 30 April 2019);
- The Landscape Partnership on behalf of Harborough District Council. (May 2019). *Review of East Lutterworth Hybrid Application: Review of Proposals*;
- FPCR Environment and Design Ltd on behalf of Leicestershire County Council. (March 2019). *East Lutterworth Strategic Development Area, Non-Technical Summary (NTS) of the Environmental Statement*;
- Leicestershire County Council. (April 2018). *Leicestershire Highway Design Guidance*; and
- The Planning Inspectorate Secretary of State. (April 2019). *Report on the Examination of the Harborough Local Plan 2011 to 2031*.

East Lutterworth Strategic Development Area Transport Assessment

No further relevant information has been found within this document.

East Lutterworth Strategic Development Area Environmental Statement, Chapter 13 Transport (Traffic and Access), AECOM in association with FPCR Environment and Design Ltd

No further relevant information has been found within this document.

The Harborough Local Plan 2011-2031

Page 194

The Local Plan provides some brief details on the Spine Road in paragraph 13.2.8.

The primary access will connect the A426 north of Lutterworth with the A4304 east of Junction 20, in the form of a clearly legible 'spine road'. This spine road will be a single two lane district distributor road designed to serve the new development while also facilitating some relief to through traffic within Lutterworth town centre. It is currently proposed as a 7.3 carriageway width with a 30/40 mph speed limit. The spine road will be constructed in its entirety, including the bridge over the motorway before the completion of 1250 dwellings, projected to be in 2030/31, unless otherwise agreed by the Council in response to currently unforeseen circumstances'

Review of East Lutterworth Hybrid Application – The Landscape Partnership (TLP) on behalf of Harborough District Council

Page 23-25

The review comments on the four Spine Road options from the Hybrid Application are as follows:

Option 1:

This is more closely aligned with the M1. This would have benefits of reducing severance of the new community by combining the two main north-south transport corridors together in one zone. One commercial parcel for R1 and R2 also provides separations to the north. The route would reduce the need for multiple access points along the route and aid the flow of traffic from the A4304 and the A426. The route would also enable improved air quality and lower road speeds within the main residential development. The route would also ensure that the closest housing was set further from the M1. The alignment would divide the commercial B1 units forming Swift Valley Business Park north of the A1204. It is noted that the vertical alignment would represent challenges north of the river Swift. The earthworks for this alignment should be modelled together with the scope for lower vertical alignment and cut and cover/green bridge option where Y57 crosses the site to reduce its potential landscape and visual impact. This option was also requested to be evaluated by Historic England, to reduce the effects on the setting of Misterton Church.

The ES discusses this option at paragraph 4.3.21 noting a number of disadvantages but does evaluate many of the advantages such as those stated above. The Landscape Partnership (TLP) comment on a number of points listed in the ES as below:

- The M1 already creates the main severance from Lutterworth. The severance features would be located in one corridor rather than providing two barriers and potentially also severing the new community;
- A well-designed green bridge could be provided over the section of the route between sports pitches and R8 to provide good connections to the town;
- The Spine Road could form a more efficient relief road for Lutterworth. A secondary High Street could still be provided within the site;
- The route would need to pass into cutting as it runs north out of the Swift Valley. This could become a cut and cover tunnel to reduce the impact, and
- We are not aware of the future widening of the M1. The new Smart Motorway provides a next planned proposal on the M1. Furthermore, if any, widening does occur. This will affect areas of planned residential and commercial development

Option 2:

This is a combination of Options 1 and Option 4 with the southern section of Option 1 up to the pedestrian bridge over the M1 and then following the alignment of Option 4. The main benefit relates to the reduced severance of Swift Valley Community Park. However, the Spine Road would still run through the majority of the new community at Wycliffe Fields. TLP do not consider there are any notable advantages of this route over Option 1.

Option 3:

This is a variant of Option 2 with much sharper right angled corners/junctions leading to the M1. This reduces severance of the B1 area and most of the River Swift Community Park (except for the sports pitches but appears contrived as a route and would offer poor highway functionality. This Option is not favoured by TLP or the ES.

Option 4:

This is the option selected in the Hybrid application. The route has the benefit of being reasonably direct. The Option results in a number of residential cells between the M1 and the Spine Road (particularly R6 and R8) which would be less desirable due to the presence of two noise sources (M1 and Spine Road) and traffic flows. The purpose and functionality of the route pulls in two potentially contrasting directions:

- On one hand, if it is to be a true High Street there should be a recognition for greater frontage activity, access and commercial uses to both sides, reduced 20mph speed limits by the school and changes of surface at sustainable crossing points to give greater pedestrian, cycle priority. These features would help to build community and reduce severance that would slow traffic and the desirability of the route to be a relief road for Lutterworth.
- On the other hand, if the route is to provide efficient relief for Lutterworth town centre, then the route would be better placed to the edge of the development to allow for faster and more efficient movement of traffic. Keeping the route along its existing alignment to fulfil this function is likely to lead to a route with fewer access points and 'penned' crossing points (as suggested as part of the road safety audit) to create a more attractive alternative route for motorists. The resultant designs would not visually functioning back onto this route and not create a true High Street.

East Lutterworth Strategic Development Area Environmental Statement Non-Technical Summary

Page 19

The document states the following points:

During the design process alternative designs to those now submitted have been explored. These alternatives relate primarily to the location of land uses within the site and the details of the Spine Road.

The proposals have been subject to an iterative design process through EIA process. In addition, the design process has included the engagement exercises of scoping with HDC, and a stakeholder and public consultation event.

Regular design and progress meetings have been held with LCC Highways Development Management and HDC. This has included discussions with transport, drainage, environmental, development control and planning policy officers.

The design, function and the appearance for the detailed proposals for Spine Road has evolved through the application process. Whilst there have been some technical modifications, LCC Highways Development Management have not raised any fundamental concerns with the general alignment of the Spine Road between the A426 and the A4304 in terms of its location within the site.

Following a pre-application site meeting with Historic England, there was a request from Historic England that other options for the Spine Road should be considered; specifically, in relation to relocating the Spine Road alongside the M1 in the Swift valley so that it would be located further away from Misterton Church.

The possibility of aligning the Spine Road so that it would run adjacent and parallel to the M1, and therefore on the edge of Wycliffe Fields, was raised during HDCs Independent Design Review of the Masterplan. As a consequence, a series of Spine Road options have been prepared. These show different approaches of crossing the valley and the location of the Spine Road within the western part of the development (Wycliffe Fields).

In summary, the proposed Spine Road, as submitted by the application is considered to be an optimum route in that it results in the least environmental harm in comparison to the other options, and provides greater social, economic and placemaking benefits.

Leicestershire Highway Design Guidance (part 3)

Page 4 and 6

Within the AECOM TA it states on Page 20 *'The Spine Road would be a single carriageway with 6.75m width and 3m wide shared footway/cycleways... the proposed category for the Spine Road, based on the Leicestershire Highways Design Guide is a 'street'.* The Design Guide has been reviewed and there is no mention of a 'street' within any of the guidance. Within the highway design section, a 'Major Residential Access Road' or 'Minor Industrial Access Road' are the only options listed with carriageway widths of 6.75m widths.

This appears to contradict the Harborough Local Plan, which stated *"It is currently proposed as a 7.3 carriageway width with a 30/40 mph speed limit,"* and the LTP review of the hybrid application on behalf of HDC, which talks about a "High Street" and some areas with speed limits of 20mph.

Report on the Examination of the Harborough Local Plan

No further relevant information has been found within this document.

3.1 Summary

A review of the available documents has been undertaken and the Review of East Lutterworth Hybrid Application has provided some insight in to the rationale behind the Spine Road options. However, the actual details and evidence of the positives and negatives of the four options are not wholly transparent within the information provided and therefore it has not been possible to determine the justification behind them. Further information/consultation may be available and is potentially required in order to allow a full review of this.

4. Task 3 – Air Quality Assessment Analysis

ES Chapter 3 Site and Description of Development, ES Chapter 14 Air and ES Volume 2, Appendix A14, Air have been reviewed. The following methodological aspects have been considered and used to draw overall conclusions on the appropriateness of the assessment and robustness of conclusions:

- Dust from demolition and construction;
- Suitability of sensitive receptors, road links modelled, and assessment years chosen for determining potential for significant impact to air quality;
- Model verification methodology undertaken in line with Local Air Quality Management Technical Guidance (LAQM.TG(16))¹;
- Suitability of modelled scenarios and reliability of traffic data used for each;
- Selection of background pollutant concentrations/ Handling of future uncertainty with regard to air quality;
- Consideration of cumulative impacts; and
- Suitability and necessity of any mitigation measures proposed.

Dust from demolition and construction

The assessment of effects from dust during demolition and construction has been undertaken in accordance with Institute of Air Quality Management (IAQM) Guidance². The dust emission magnitude is considered to be small for demolition, medium for earthworks, medium for construction and medium for trackout. Despite the size of the site, the emission magnitude is predicted to be medium because of the phased nature of development. The measures in the Construction Environmental Management Plan (CEMP) are predicted to reduce effects such that construction works would have a minor adverse effect on local amenity. This is a standard approach and is considered to be appropriate.

Suitability of sensitive receptors, road links modelled, and assessment years chosen for determining potential for significant impact to air quality

Sensitive receptors

Pollutant concentrations have been predicted at a number of existing sensitive receptors and receptors within the Proposed Development as detailed in Table 14.1 and Figures 14.1 to 14.5 in Appendix A14.

The existing receptors include many within the Lutterworth Air Quality Management Area (AQMA) declared by HDC as a result of exceedances of the NO₂ annual mean Air Quality Objective (AQO) of 40µg/m³, and on other road links around the town. The proposed receptors are considered to be located at worst-case locations for human health (locations with the highest pollutant concentrations) within the Proposed Development. Overall, the selected receptors are considered to be appropriate to determine the effects of the Proposed Development on air quality.

A major omission is pollutant concentrations at the Misterton Marshes Site of Special Scientific Interest (SSSI). The habitats in the SSSI (e.g. Fen, marsh and swamp, neutral grassland) are sensitive to both nutrient nitrogen deposition and nitrogen oxide (NO_x) concentrations. The impact of the Proposed Development on

¹ Defra Technical Guidance LAQM.TG(16) <https://laqm.defra.gov.uk/technical-guidance/>

² IAQM (2014) Guidance on the assessment of dust from demolition and construction

NO_x and nitrogen deposition should have been considered in line with Paragraph 175 in the National Planning Policy Framework³. Ecological receptors have been considered in the construction assessment.

Assessment years

As detailed in Para 3.6.2, Part of Phase 1 is forecast to be completed (including the southern section of the Spine Road) and the first dwellings occupied in 2021/2022 and the Proposed Development is forecast to be fully completed by 2037/2038.

As detailed in 14.1.10, nitrogen dioxide (NO₂) and Particulate Matter (PM₁₀ and PM_{2.5}) concentrations have been predicted for the following six scenarios:

- 2018 existing baseline scenario (Scenario 1);
- 2021 future baseline (Scenario 2);
- 2021 future construction (Scenario 3);
- 2021 future opening (Scenario 4);
- 2036 future baseline (Scenario 5); and
- 2036 future with-development and mitigation (Scenario 6).

These scenarios align with the proposed phasing and are therefore considered to be appropriate to determine the effects of the Proposed Development on air quality. The air quality scenarios fall slightly earlier than the proposed phasing, which is appropriate as pollutant emissions and concentrations are predicted to fall with each year.

Model verification methodology undertaken in line with Local Air Quality Management Technical Guidance (LAQM.TG(16))

Verification of modelled nitrogen oxide (NO_x) and NO₂ concentrations has been undertaken in accordance with the guidance in LAQM.TG(16). Modelled NO₂ concentrations have been compared with concentrations monitored using diffusion tubes deployed by HDC and AECOM (three-month survey with annualised concentrations). Modelled concentrations were adjusted separately in seven different zones (road-NO_x adjustment factor shown in brackets):

- A – Transects East of the M1 (0.6);
- B – Rural roads East of the M1 (2.0);
- C – Truck Parking (2.0);
- D – West of M1 outside Lutterworth (1.1);
- E – West of M1, North of Lutterworth, West of A426 (0.6);
- F – West of A426 and Within Lutterworth AQMA (2.1);
- G – West of M1, North of Lutterworth, East of A426 (1.4); and
- H – East of A426 and Within Lutterworth AQMA (0.7).

Dividing the verification process into separate zones encompassing similar conditions (e.g. traffic flow, traffic composition, built environment etc.) is considered to be an acceptable approach. Adjustment factors of

³ Ministry of Housing Communities and Local Government (2019) National Planning Policy Framework.

under 1.0 are common adjacent to motorways and adjustment factors of over 2.0 are common in built-up areas where dispersion is reduced.

However, there are considered to be several issues with the model verification carried out:

- 2015 background pollutant concentrations have been used along with 2017 monitored concentrations. As background pollutant concentrations are predicted to reduce year on year, using higher background concentrations would mean that predicted a lower road-NO_x concentration would be required to achieve a good model agreement, resulting in a lower model adjustment factor for all future scenarios;
- The Defra NO₂ fall-off with distance calculator⁴ has been used to predict pollutant concentrations at building façades, which have then been used for verification. This is not considered to be appropriate for the following reasons:
 - Use of the calculator adds an extra level of uncertainty to the modelling process which is not necessary. The monitored concentrations at the tube locations should have been used and compared directly with modelled concentrations at those locations;
 - as the majority of the studies on which the NO₂ fall-off with distance calculator is based are open environments, it is not considered suitable for a street canyon location, such as the Lutterworth AQMA, where dispersion is reduced. In street canyon environments, pollutant concentrations can potentially be higher at the façade than at the roadside due to recirculation.
- It does not appear that the local layout/conditions within the AQMA, which is the key location of air quality concern, have been appropriately accounted for. LAQM.TG(16) suggests a gradient of greater than 2.5% should be considered in modelling. It appears that the gradient within Lutterworth AQMA could be greater than 5%, which would increase emissions from vehicles travelling uphill. Increased emissions resulting from this gradient should have been accounted for. As discussed above, it does not appear that the street canyon module has been used in modelling, which would likely increase modelled road-NO_x concentrations within Lutterworth AQMA.

The above factors mean that there is doubt that pollutant concentrations within the AQMA have been appropriately modelled. As adjustment of future scenarios is based on the model verification, this casts doubt on the conclusions of the assessment.

Suitability of modelled scenarios and reliability of traffic data used for each

The road traffic data for the air quality assessment is detailed in Appendix 14.1. This shows the parameters used in dispersion modelling. The data used shows the following Annual Average Daily Traffic (AADT) flows and Heavy Duty Vehicle (HDV) percentages on "A426 between Church Street and Stoney Hollow" (within the AQMA):

- 2018 existing baseline scenario (Scenario 1) – 17,561 AADT, 9% HDV;
- 2021 future baseline (Scenario 2) – 17,561 AADT, 9% HDV;
- 2021 future construction (Scenario 3) – 17,587 AADT (+ 26 from future baseline), 9% HDV;
- 2021 future opening (Scenario 4) – 17,893 AADT (+306), 9% HDV;
- 2036 future baseline (Scenario 5) – 18,222 AADT, 9% HDV; and

⁴ Defra Nitrogen Dioxide fall-off with distance <https://laqm.defra.gov.uk/tools-monitoring-data/no2-falloff.html>

- 2036 future with-development and mitigation (Scenario 6) – 14,793 AADT (-3,429), 10% HDV.

Using receptor R17 to illustrate impacts in the AQMA, these traffic flows are predicted to result in an NO_2 increase of $0.1\mu\text{g}/\text{m}^3$ in Scenario 3 (to $40.0\mu\text{g}/\text{m}^3$), $0.4\mu\text{g}/\text{m}^3$ in Scenario 4 (to $40.3\mu\text{g}/\text{m}^3$) and $0.3\mu\text{g}/\text{m}^3$ (to $25.9\mu\text{g}/\text{m}^3$) in Scenario 6. Increases in NO_2 concentration of this magnitude are considered to be slight or moderate adverse at worst in accordance with IAQM guidance⁵.

Selection of background pollutant concentrations/ Handling of future uncertainty with regard to air quality

As discussed above, the use of 2015 background pollutant concentrations is not considered to be appropriate for the baseline scenario. This is not a conservative approach.

However, using earlier year background concentrations for future years (e.g. 2018 for 2021 scenarios) is considered to be appropriate to account for uncertainty around trends in NO_2 concentrations and uncertainty around future emissions from diesel cars. More detail on how background years were selected would be useful.

Consideration of cumulative impacts

The following mitigation measures are included in the 2036 with-development and mitigation scenario (Scenario 6):

- Traffic data included the signalisation of the M1 junction 20, including additional lanes on some approaches;
- Additional lanes on the western and western gyratory of M1 junction 20; and
- At the junction of Bill Crane Way and A426 Leicester Road, the mitigation included enlarging the approaches slightly and full signalisation of the junction to include the housing development to the east.

4.1 Summary

Chapter 14 of the ES has concluded that there would be minor adverse effects at worst during construction. Minor adverse effects are also predicted for 2021, with negligible effects in 2036 when the Proposed Development is complete.

It does not appear that pollutant concentrations in the Lutterworth AQMA have been appropriately modelled for the following reasons:

- 2015 background concentrations used to verify model against 2017 monitored concentrations;
- Fall-off with distance calculator used unnecessarily, and inappropriately in a street canyon, in the model verification; and
- Effect of gradient on emissions and street canyon on dispersion not accounted for.

However, despite these issues in modelling, ultimately the assessment relies on the traffic data provided. Given the predicted changes in traffic flows in the AQMA, the overall conclusions present are considered to be appropriate.

⁵ Environmental Protection UK/IAQM (2017) Land-Use Planning & Development Control: Planning For Air Quality

The impact of the Proposed Development on NOX and nitrogen deposition in the Misterton Marshes SSSI, which is surrounded by the Proposed Development, has not been considered and should have been in line with NPPF requirements.

In addition, the suggestion by Gareth Lees (Contaminated Land and Air Quality Officer) to declassify the A426 through Lutterworth and introduce a weight restriction, could help to redirect traffic away from the AQMA, where concentrations are increased by a gradient and street canyon, and onto the spine road, which is likely to be more open, thereby reducing the maximum NO2 concentrations in Lutterworth town centre and helping move towards the revocation of the AQMA.

5. Summary of non-conformity

- The junction capacity assessment future year scenarios (namely 2026 and 2031) are reported in the TA Supplementary Report, given that the Spine Road is due to be open at the 2026 interim year scenario, review of this and the following 2031 scenario have been unable to be considered. Therefore, the statement of *'once the spine road is complete traffic flows through the town centre are forecast to reduce by between 24% and 34%'* cannot be verified with the evidence available.
- TA only considers the reduction in traffic *'once the Spine Road is complete'* (i.e. in 2026 Key Phase Year) and not when the whole development is complete/local plan alignment in 2031.
- The traffic flow tables displayed in section 10.2 show a reduction in traffic in Lutterworth Centre however do not match the numbers in the associated flow diagrams (Figures 6.1, 7.13, 7.14).
- The East Lutterworth Hybrid Application has provided some insight in to the rationale behind the Spine Road options. However, the actual details and evidence of the positives and negatives of the four options are not wholly transparent.
- Pollutant concentrations have not been predicted at the Misterton Marshes Site of Special Scientific Interest (SSSI) which may have species or habitats sensitive to concentrations of NO_x, NH₃ or nitrogen and acid deposition.
- For model verification, 2015 background concentrations have been used alongside 2017 monitored concentrations, leading to a lower predicted road-NO_x and a lower model adjustment factor for future scenarios.
- For model verification, the Defra NO₂ fall-off with distance calculator has been used to predict concentrations at the building façade, rather than predicting concentrations at the actual monitoring location. This adds an extra, unnecessary level of uncertainty and this particular Defra tool is based predominantly on studies carried out in open environments and not considered suitable for the street canyon environment of Lutterworth AQMA.
- Modelling within Lutterworth AQMA does not account for the local conditions having not considered the effect of gradient or street canyons, both of which are likely to increase modelled concentrations.

There is no compelling evidence to suggest that consideration of traffic flow information was a major factor taken into consideration and used during initial site allocation Local Plan process which determined the Spine Road alignment options through the SDA.

It appears that traffic reduction through Lutterworth town centre was not used as a criteria for the Spine Road in its design and alignment.

It is surmised that the Spine Road alignment was designed to a) avoid sensitive locations b) provide an internal access road to the SDA (not envisioned specifically to relieve pressure through the existing Lutterworth town centre) c) accord with a road hierarchy that would not necessarily support high levels of traffic and have direct frontage onto it [6.75m carriageway width 'major residential access road' as opposed to 7.3m carriageway 'major industrial access road' or a road which could accommodate higher traffic speeds thus making it more attractive alternative routing option]

There is no evidence of any sensitivity testing of a Spine Road design incorporating a 7.3m (or wider) carriageway or designed for 50/60mph road speeds.

The TA Supplementary Report referred to within the supporting AECOM TA is yet to be uploaded to the HDC planning portal (at time of writing). Whilst this document could provide greater information on network modelling and future forecasts, there are no assurances that the Spine Road alignment methodology and rationale would be substantiated or whether the alignment options presented would make a difference to traffic reduction through the town centre from the evidence available for our review.

Details of junction improvements at the Frank Whittle junction are identified to be reported within the TA Supplementary Report. Junction mitigation improvements could affect driver behaviour and routing and as a result affect the routing of vehicles and route choices between north/south Lutterworth. There is however is no evidence at this stage to substantiate this.

Appendix E – UHL position re S106 funding request pre April Planning Committee

(notwithstanding the “Strictly Private and Confidential” note on the letter, the author has confirmed that it can be included as part of the Committee Report

Our Ref LAC/SHO/UNI149/1

Your Ref

07 January 2020

Strictly Private and Confidential
Mr Andrew Senior



Incorporating
Coley & Tilley

41 Church Street
Birmingham
B3 2RT
t. 0121 233 4333
f. 0121 233 4546
dx. 13047
www.wilkes.co.uk

By email only

Dear Andrew,

University Hospital of Leicester s106

This is a response to your email dated 12 December 2019.

In your email you have stated as follows:

“The request has been submitted on the basis that there will be an increase in population resulting from the development and consequently a greater demand for services, this additional demand is;

- a) not fully funded under existing contracts; and*
- b) any increased activity is only recognised the following financial year”*

Please note that the consultation response is in relation to the short and long term **impact** that this particular development will create on the services of the Trust. The financial contribution is towards mitigating the created impact.

You continue to explain that:

“The funding request is not being supported for a number of reasons.

There are concerns about the methodology used to calculate the request, in particular relating to assumptions around population, population growth and its impact. There are two elements to these concerns;

- a) the request is for all the monies in the first year of occupancy of development; and*
- b) the assumptions about population growth.*

In respect of point a. above in addition to being a first year of occupancy request the whole sum is based on a projection of the ultimate population at the completion of the development.



The Wilkes Partnership is a trading name of The Wilkes Partnership LLP (Registered No. OC364479) which is authorised and regulated by the Solicitors Regulation Authority.
A list of members is available for inspection at our registered office at 41 Church Street, Birmingham B3 2RT



This approach leads to a number of concerns.

In the first year of occupancy the assumed build rate is 25 dwellings the payment of the whole request against a modest population growth is unreasonable.

Further to point b, in respect of population growth the assumption is that this is all new population. It does not take into account household formation or movement within the District or even more broadly within the county."

The new development will increase individually and cumulatively with other developments the service activity within the Trust and creating an impact on the Trust services. This is very clearly explained in the evidence base and can be compared to other types of impacts that the development will create.

How the financial contribution is calculated can be summarised as follows:

Contract volumes (i.e. how much funding the Trust will receive each year towards incoming patient levels) are negotiated, based on historical contract performance. Each year's CCG allocation reflects **last year's activity** as stated, with an uplift which is centrally determined (**not locally**) for growth:

1. Growth reflects the increase costs of delivering health care, including inflation, growth in demand for certain medical technologies;
2. Local population growth feeds nationally into CCGs' target allocations. This is derived from ONS data. (ONS does not take into consideration each LPA potential housing developments). However, this process takes 3 years to affect the growth allocations to CCG;
3. Until this population growth is added to CCG allocations, it does not form part of the contracts between Commissioners and the Trust;
4. The Trust does not receive funding retrospectively;
5. The Trust does not get the allocated population growth;
6. However, as the properties are occupied, the population growth manifests as a requirement on the Trust to treat more people;
7. The increased activity level will have an impact on service levels which has already been agreed based on previous year's activity;
8. The Trust is only requesting payment during the first year of occupancy; i.e. for the year which the additional population growth impacts upon the Trust; the Trust is not asking for the full amount up front. The whole sum is however based on a projection of the ultimate population at the completion of the development.
9. The commissioning operates **based on previous year's performance** and does not take into account potential increase in population through housing developments or when the development is potentially delivered. This is the case even if the Local Plans are in place or even if the planning permission has been granted.

10. The Trust cannot influence this aspect of way the commissioning contracts are created between CCG and the Trust. This is how the commissioning operates. It is not dissimilar how the Government funds education system. Except Local Education Authorities have more power to speculate the potential increase in student numbers.
11. As to the calculation, this is related to the activity from that specific area and is directly related to this development. The Trust holds statistics on patient flow (who and where the patient comes from).
12. It does take into consideration an average household size. However, the Trust is happy adjust the population figure to include the type of housing and is happy deduct an agreed percentage for concealed households.

In addition the House of Lords decision in *Tesco Stores*¹ where Lord Keith stated that Parliament has therefore encouraged local planning authorities to enter into agreements by which developers will pay for infrastructure “and other facilities” which would otherwise have to be provided at the public expense. Commercial developments should be required to bear “their own external costs”. **The question is whether the need for the services derives in a tangible way (even if de minimises – see Lord Keith) from the impact of the proposed development.**

Hopefully the above simplifies the consultation response and explains how the contribution is calculated further.

As to the movement within the district, new housing is for a need and each house vacated in the District will be filled with new occupants. The existing housing does not stay empty. Same applies to student flow when considering education contribution. In fact the statistics held by the Trust, the Trust is able to calculate fairly accurately the potential patient flow, unlike education authority who tends to rely on the new population figure only.

Finally, in your email you have implied that the Trust is relying on the NHS Improvement Guide only and that this is not a planning policy document.

When responding to the consultation response, the Trust provided a detailed consultation response, which included a detailed explanation of the impact, how the impact can be mitigated, with a very detailed calculation directly related to the development (now subject to minor adjustments as suggested above) together with the appropriate policy support. The Trust had also provided legal opinions from leading Counsels and appeal decisions which are all material to the decision making process. The opinions and the previous appeal decisions are attached again to this response for ease of reference. The policy document that the email refers to was supplementary and was provided in response to the Council’s request.

In the circumstances, it is evident from the above and the related documents that the Trust’s request for a contribution is not only necessary to make the development acceptable in planning terms, it is directly related to the development; and fairly and reasonably related in scale and kind to the development. The contribution will ensure that Health services are maintained for current and future generations and that way make the development sustainable.

¹ *Tesco Stores v Secretary of State for Environment* [1995] 1 WLR 759 at 776

To say that the consultation response is not material to the decision making process is plainly unlawful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Leenamari Aantaa-Collier', is written over a grey rectangular background.

Leenamari Aantaa-Collier

Direct Dial: 0121 710 5934

Direct Fax: 0121 710 5829

Email: laantaa-collier@wilkes.co.uk

EVIDENCE FOR S106 DEVELOPER CONTRIBUTIONS FOR SERVICES

In relation to planning application for: Hybrid planning application comprising: 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 (including the partial closure and realignment of Chapel Lane to motor vehicles and horse riders), 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.

LPA reference: 19/00250/OUT

Glossary of terms:

- *Accident and emergency care: Accident and Emergency Departments may be i) major units, providing a 24 hour service seven days a week to which the great majority of emergency ambulance cases are taken, or ii) smaller units commonly called minor injury units, in which services are often only available for limited hours and which may not deal with emergency ambulance cases.*
- *Acute care: This is a branch of hospital healthcare where a patient receives short-term treatment for a severe injury or episode of illness, an urgent medical condition, or during recovery from surgery. In medical terms, care for acute health conditions is the opposite from chronic care or longer-term care.*
- *Block Contract: a payment made by the commissioner to a provider to deliver a specific and defined range of services, regardless of the volume of services delivered. The value is independent of the actual number of patients treated or activity completed. Block contracts generally operate on an annual basis.*
- *Clinical Commissioning Group (CCG): CCGs are clinically-led statutory NHS bodies responsible for the planning and commissioning of health care services for their local area.*
- *Dr Foster: Dr Foster provides healthcare information and intelligence particularly about the performance of NHS trusts. Dr Foster uses data-driven methodologies to support organisations to improve quality and efficiency.*
- *Emergency care: Care that is unplanned and/or urgent.*
- *NHS Improvement (NHSI): NHSI was a health services organisation that was responsible for supporting NHS trusts to provide consistently safe, high quality care within a local health system that is financially sustainable. On 1st April 2019, NHSI and NHS England came together as one organisation to better support the NHS to deliver improved care for patients.*
- *Office of National Statistics: Known as ONS*

Caring at its best

- *Operational Pressures Escalation Levels (OPEL): OPEL is a standard framework for Trusts to report levels of pressures nationally using a consistent approach.*
- *Planned care: Medical care that is provided by a specialist or facility upon referral and that requires more specialised knowledge, skill, or equipment that can be provided by the referrer.*
- *Premium Costs: Premium costs incurred by an NHS trust include the supply of agency staff, Locum Medical Staff and payments to deliver services to meet operational pressures which exceed the costs incurred when delivering with substantive staff. It also covers sub-contracting the provision of certain services to third parties to meet demand.*
- *Premium Costs: The costs incurred for the supply of agency staff.*
- *Provider Sustainability Fund (PSF): a fund that supplements the health provider's income, focused on supporting sustainability of NHS providers.*
- *Step change: The sudden and significant level of change required when a tipping point in additional activity is reached. (In this case, the point at which additional resources and/or clinic capacity is required).*
- *Secondary care: Medical care that is provided by a specialist or facility upon referral by a primary care physician and that requires more specialised knowledge, skill, or equipment than the primary care physician can provide.*
- *Tertiary care: Highly specialised medical care usually over an extended period of time that involves advanced and complex procedures and treatments performed by medical specialists in state-of-the-art facilities. (For example; cancer treatment).*

Caring at its best

Introduction to University Hospitals of Leicester NHS Trust

- 1 The University Hospitals of Leicester NHS Trust, ("the Trust") has an obligation to provide healthcare services to one million residents of Leicester, Leicestershire and Rutland. Although run independently, the Trust has been set up in law under the National Health Services Act 2006 which consolidate the previous Health Services Acts. The primary obligation is to provide NHS services to NHS patients and users according to NHS principles and standards - free care, based on need and not ability to pay. The Trust was established as an NHS Trust in April 2000 with the merger of the Leicester General Hospital, Glenfield Hospital and Leicester Royal Infirmary. NHS Trusts are part of the NHS and subject to NHS standards, performance ratings and systems of inspection. They have a duty to provide NHS services to NHS patients according to NHS quality standards, principles and the NHS Constitution. Like all other NHS bodies, NHS Trusts are inspected against national standards by the Care Quality Commission, NHS Improvement and other regulators/accrediting bodies.
- 2 The Trust is a public sector NHS body and is directly accountable to the Secretary of State for the effective use of public funds. The Trust is funded from the social security contributions and other State funding, providing services free of charge to affiliated persons of universal coverage. The Trust is commissioned to provide acute healthcare services to the population of Leicester, Leicestershire and Rutland. The Trust is spread over the General, Glenfield and Royal Infirmary hospital. The Trust also has its very own Children's Hospital and work closely with partners at the University of Leicester and De Montfort University providing world-class teaching to nurture and develop the next generation of doctors, nurses and other healthcare professionals, many of whom go on to spend their working lives with us.
- 3 The Trust provides a wide range of planned and emergency services to patients (see Appendix 1). It is the major provider of secondary care services to the population of, and specialist tertiary services including cancer, renal transplant and other specialist services to patients across Leicester, Leicestershire and Rutland, and is the sole, capable provider of major trauma services. The services at the University Hospitals of Leicester will be used by the new occupants of this development.

Who is using the University Hospital?

- 4 Since 2008, patients have been able to choose which provider they use for their healthcare for particular services. The current NHS Choice framework, published in April 2016 explains when patients have a legal right to choice about treatment and care in the NHS. The legal right to choice does not apply to all healthcare services (for example emergency care), and for hospital healthcare it only applies to first outpatient appointments, specialist tests, maternity services and changing hospitals if waiting time targets are not met. In 2017/18 (the most recent data presently available to the Trust) 87% of LLR residents chose the Trust for their first outpatient appointment and the Trust delivered over 92% of Leicester, Leicestershire and Rutland residents' total admissions, including admissions for specialised services (see Appendix 2) The calculations in this evidence base are based upon this percentage share.

Funding Arrangements for the NHS Trust

- 5 The three Leicester, Leicestershire and Rutland Clinical Commissioning Groups (CCGs) commission the Trust to provide acute healthcare services to the populations of Leicester, Leicestershire and Rutland under the terms of the NHS Standard Contract. This commissioning activity involves identifying the health needs of the respective populations and commissioning the appropriate high quality services necessary to meet these needs within the funding allocated. These commissioners commission planned and emergency (activity arising from major trauma and A&E), acute hospital medical and surgical care and specialist and tertiary healthcare from the Trust and agree service level agreements, including activity volumes and values on an annual basis. The commissioners have no responsibility for providing healthcare services. They commission (specify, procure and pay for) services, which provides associated income for the Trust. The Trust is required to provide the commissioned health services to all people that present or who are referred to the Trust. The NHS Standard Contract for Services, condition SC7 for 17/18 and with which the Trust is compliant states "The Trust must accept any Referral of a Service User however it is made unless permitted to reject the Referral under this Service Condition"¹. There is no option for the Trust to refuse to admit or treat a patient on the grounds of a lack of capacity to provide the service/s. This obligation extends to all services from emergency treatment at Accident and Emergency (A&E) to routine/non-urgent referrals. Whilst patients are able in some cases to exercise choice over where they access NHS services, in the case of an emergency they are taken to their nearest appropriate A&E Department by the ambulance service. In respect of major trauma, all patients who receive their trauma within the boundaries of the UHL major trauma service will be taken to the Trust major trauma centre facilities.

Payment system

- 6 The Department of Health dictates the costs they think NHS health services should be priced at. The tariff is broken down with 65% for staffing costs, 21% other operational costs, 7% for drugs, 2% for the clinical negligence scheme and 5% for capital maintenance costs. The National Tariff is set by the Department of Health, NHS England and NHS Improvement. The process for deriving the tariff involves taking the national average cost base for the delivery of hospital care and factoring in a number of adjustments to take account of cost inflation, efficiency and the Clinical Negligence Scheme for Trusts (CNST). Between 2011-12 and 2015-16, the National Tariff was reduced, on average, by 1.5% per year, due to the fact that the uplift for cost inflation was less than the efficiency factor. The net change tariff prices over the previous 12 years can be seen in Appendix 4.
- 7 Payments for all non specialised elective and non-elective admissions (including A&E attendances and ambulatory / same day emergency care) are covered by a block contract based on locally agreed planned activity which in turn is based on last year's activity levels and a nationally set tariff. The Trust does not receive additional funding for any additional activity in relation to the care that is contracted under the block contract.
- 8 None of the additional expenditure spent outside the current year's funding is ever recovered in the following year's funding. The new funding is only based on the previous year's activity. **The commissioning is not related to Local Planning Authorities' housing needs, projections or land supply.**

¹ NHS Standard Contract- Service Condition SC7

Caring at its best

Additional funding- Provider Sustainability Fund (PSF): a fund that supplements the health provider's income, focused on supporting sustainability of NHS providers

- 9 The Trust can receive additional PSF funding which supplements the income.
- 10 If the Trust meets its agreed Control Total then it will receive its PSF.
- 11 PSF is received quarterly and dependent upon delivery of the Control Total. If the Trust does not achieve its Control Total then the Trust will lose access to PSF from the point of coming off target.
- 12 The development will put an extra pressure on the Trust's ability to achieve the agreed surplus because each additional patient not part of the agreed contract will consume the available funding.
- 13 The Commissioning for Quality and Innovation (the "CQUIN") payment framework makes a proportion of NHS healthcare provider income conditional on achieving certain improvement goals. In 2017/18 the Trust was conditional upon achieving improvement goals. The conditional income for 2016/17 was £15.9m and in 2017/18 was £16.8m.² An impact which interferes with the achievement of the CQUIN's improvement goals will jeopardise the additional income received through the CQUIN. This residential development will have a detrimental impact on the Trust's ability to provide those goals. We can provide 18/19 and 19/20 figures once available.

Planning for the Future

- 14 The Trust understands that the existing population, future population growth and an increased ageing population will require additional healthcare infrastructure to enable it to continue to meet the increasing demands and complexity of the hospital healthcare needs of the local population.
- 15 It is not possible for the Trust to predict when planning applications are made and delivered and, therefore, cannot plan for additional development occupants as a result. The Trust has considered strategies to address population growth across its area and looked at the overall impact of the known increased population to develop a service delivery strategy to serve the future healthcare needs of the growing population. This strategy takes into account the trend for the increased delivery of healthcare out of hospital and into the community.
- 16 The funding from the CCG is negotiated on a yearly basis and this will eventually catch up with population growth, but cannot take into account the increased service requirement created by the increase in population due to development, including that from this development, in the first year of occupation.

² University Hospitals Leicester NHS Trust, Annual Reports and Accounts 2017/2018

Current Position

Emergency admissions and the direct impact on emergency health care services

- 17 Across England, the number of acute beds is one-third less than it was 25 years ago³, but in contrast to this the number of emergency admissions has seen a 37% increase in the last 10 years⁴. The number of emergency admissions is currently at an all-time high. UHL growth is shown in Figure 1.

Emergency Admissions	Year
104,384	2014/15
108,191	2015/16
108,077	2016/17
118,598	2017/18

- 18 The Trust's hospitals are now at full capacity and there are limited opportunities for it to further improve hospital capacity utilisation. Whilst the Trust is currently managing to provide the services in a manner that complies with the Quality Requirements of the NHS and its regulators, there are no sufficient resources or space within the existing facilities to accommodate population growth without the quality of the service as monitored under the standards set out in the Quality Requirements dropping, and ultimately the Trust faces sanctions for external factors which it is unable to control.
- 19 In order to maintain adequate standards of care as set out in the NHS Standard Contract quality requirements, it is well evidenced in the Dr Foster Hospital Guide that a key factor to deliver on-time care without delay is the availability of beds to ensure timely patient flow through the hospital. The key level of bed provision should support maximum bed occupancy of 85%. The 85% occupancy rate is evidenced to result in better care for patients and better outcomes⁵. This enables patients to be placed in the right bed, under the right team and to get the right clinical care for the duration of their hospital stay. Where the right capacity is not available in the right wards for treatment of his/her particular ailment, the patient will be admitted and treated in the best possible alternative location and transferred as space becomes available, but each ward move increases the length of stay for the patient and is known to have a detrimental impact on the quality of care. Consequently, when hospitals run at occupancy rates higher than 85%,

³ Older people and emergency bed use, Exploring variation. London: King's Fund 2012

⁴ Hospital Episode Statistics. www.hesonline.nhs.uk/Ease/servelet/ContentServer?siteID=1937

⁵ British Medical Journal- Dynamics of bed use in accommodating emergency admissions: stochastic simulation model

Caring at its best

patients are at more risk of delays to their treatment, sub-optimal care and being put at significant risk.

- 20 Appendix 5 details the Trust's utilisation of acute bed capacity, which exceeded the optimal 85% occupancy rate for the majority of the year. (UHL exceeds 100% when required to bed patients in non-inpatient areas, for example, bedding emergency patients overnight in the day surgery unit.) This demonstrates that current occupancy levels are highly unsatisfactory, and the problem will be compounded by an increase in need created by the development which does not coincide with an increase in the number of bed spaces available at the Hospital. This is the inevitable result where clinical facilities and services are forced to operate at over-capacity. Any new residential development will add a further strain on the current acute healthcare system.

The direct impact on the provision of emergency and planned health care caused by the proposed development

- 21 The population increase associated with this proposed development will significantly impact on the service delivery and performance of the Trust until contracted activity volumes include the population increase. As a consequence of the development and its associated demand for emergency healthcare there will be an adverse effect on the Trust's ability to provide on-time care delivery without delay

The direct impact on the delivery of suitably and safely staffed hospital services, caused by the proposed development

- 22 The NHS, is experiencing staff shortages. UHL has a duty to provide high-quality care for all and ensure that it is appropriately and safely staffed in order to manage both the unpredictable demand for major trauma and emergency care and diagnostic and elective care. Rising unplanned demand for care in a hospital setting, often paid for at a Premium Cost, has detrimentally impacted on the financial position of the Trust. To ensure the continuing provision of the highest standard of patient care, the need will arise for the Trust to employ both medical and non-medical agency staff where prospective cover arrangements are not in place. Agency staff play a vital role in the NHS, giving hospitals the flexibility to cope with fluctuating staff numbers and helping Trusts to avoid potentially dangerous under-staffing. They are an essential part of UHL staffing resources presently and with current vacancy rates any expansion in service will require agency staffing at premium cost. As an NHS Trust we are required to manage the value of agency costs within a threshold set by our NHSI. The Trust needs to ensure that the level of services is delivered as required, by the NHS Standard Contract for Services regardless of the increased demand due to the development. To engage agency staff is the only option to keep up with the required standard.
- 23 For the additional 3,654 acute interventions, the Trust will be required to source additional, suitably qualified agency based staff to work alongside the permanent workforce in order to meet this additional demand, until it is in receipt of CCG funding to enable recruitment of substantive posts to manage the additional demand. The normal funding arrangement is only related to the existing staff levels. It does not include the additional staffing demand required to address the required additional service levels.

Caring at its best

- 24 The Trust has a duty to provide high-quality care for all and ensure that it is appropriately and safely staffed in order to manage both the unpredictable demand for both emergency as well as required elective care. There is no way to reclaim this additional premium cost for un-anticipated activity. The only way that the Trust can maintain the "on time" service delivery without delay and comply with NHS quality, constitutional and regulatory requirements is through developer contribution due to Premium Cost requirement, thus enabling the Trust to reinvest this to provide the necessary capacity for the Trust to maintain service delivery during the first year of occupation of each unit. Without securing such contributions, the Trust will have no funding to meet healthcare demand arising from the development during the first year of occupation and the health care provided by the Trust would be significantly delayed and compromised, putting the residents and other local people at potential risk.

Impact Assessment Formula

- 25 The Trust has identified the following:-

A development of **2750 dwellings** equates to **2,393** new residents. Using existing 2016/17 demographic data as detailed in the calculations in Appendix 3 will generate **3,487** acute interventions over the period of 12 months. This comprises additional interventions by point of delivery for:

- **371** A&E based on % of the population requiring an attendance
- **243** Emergency admissions based on % of the population requiring an admission
- **45** Elective admissions based on % of the population requiring an admission
- **257** Day-case admissions based on % of the population requiring an admission
- **2,036** Outpatient admissions based on % of the population requiring an admission
- **446** Diagnostic Imaging based on % of the population requiring diagnostic imaging

Premium Costs:

- 26 For all the **3,487** anticipated hospital based interventions, the Trust will have no method of recovering the additional Premium Costs needed to ensure the level of service required.

Formula:

Development contribution = New development population (only the population new to the Trust's catchment area) x average emergency activity (based on an average activity rate in the development area) x average tariff (based on audited reference costs)

Premium costs = New development population x average activity rate per head of new population x average tariff x proportion of Trust costs of 60% x total NHSI Agency premium Cap (55%).

Caring at its best

27 As a consequence of the above and due to the payment mechanisms and constitutional and regulatory requirements the Trust is subject to, it is necessary that the developer contributes towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the accommodation on/in the development. The Trust will not receive the full funding required to meet the healthcare demand due to the baseline rules on emergency funding and there is no mechanism for the Trust to recover these costs retrospectively in subsequent years as explained. Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area. Therefore the contribution required for this proposed development of **2,750 dwellings** is **£755,815.00**. This contribution will be used directly to provide additional health care services to meet patient demand as detailed in Appendix 3.

28 The contribution requested (see Appendix 3) is based on these formulae/calculations, and by that means ensures that the request for the relevant landowner or developer to contribute towards the cost of health care provision is directly related to the development proposals and is fairly and reasonably related in scale and kind. Without the contribution being paid the development would not be acceptable in planning terms because the consequence would be inadequate healthcare services available to support it, also it would adversely impact on the delivery of healthcare not only for the development but for others in the Trust's area.

Failure to receive contribution will put significant additional pressure on the current service capacity leading to patient risk and dissatisfaction with the Trust services resulting in both detrimental clinical outcomes and patient safety.

As to the payment of the contribution, this may be phased and agreed with the developer and the Council

Summary

29 As our evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new development, and the funding for which, as outlined above, cannot be sourced from elsewhere.

30 The development directly affects the ability to provide the health service required to those who live in the development and the community at large. This will mean that patients will receive substandard care, resulting in poorer health outcomes and pro-longed health problems. Such an outcome is not sustainable. One of the three overarching objectives to be pursued in order to achieve sustainable development is to include *b) a social objective – to support strong, vibrant and healthy communities ... 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:*" NPPF paragraph 8. There will be a dramatic reduction in safety and quality as the Trust will be forced to operate over available capacity as the Trust is unable to refuse care to emergency patients. There will also be increased waiting times for planned operations and patients will be at risk of multiple

Caring at its best

cancellations. This will be an unacceptable scenario for both the existing and new population. The contribution is necessary to maintain sustainable development. Further the contribution is carefully calculated based on specific evidence and fairly and reasonably related in scale and kind to the development. It would also be in the accordance with Council's Adopted Local Plan.

Harborough District Council

Harborough Adopted Local Plan – 2011-2031, Adopted April 2019

Funding infrastructure

11.1.4 Providing some forms of infrastructure is largely dependent on a commercial relationship between developers and infrastructure providers. The public utility providers are private companies that charge for their services, so their upfront provision costs are off-set not only by what developers pay in terms of initial charges but also by future revenues arising from billing new customers. However, the use of other types of infrastructure, such as new public road, schools and health facilities, may not be directly charged to users. Although some government derived funding sources pay for such provision, there is also a reliance on developer contributions in one form or another, especially where the extra capacity required directly arises from development generated demand.

Harborough Core Strategy – 2006 -2028

2.35 The People:

P1 Ensuring delivery of new housing to accommodate population growth does not impact adversely on existing settlement and landscape character;

P7 Addressing the problem of rural accessibility in relation to key local services, including healthcare, and affordable housing;

Policy CS12: Delivering Development and Supporting Infrastructure

Policy CS12: Delivering Development and Supporting Infrastructure a) The overall levels and distribution of development referred to in strategic policies in this document will require the provision of infrastructure as set out in the Local Infrastructure Schedule contained in Appendix 2.

Chapter 8 of the NPPF elaborates paragraph 8 in paragraph 92, which directs that:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) ... ;

b) ... ;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

Caring at its best

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ...

In the circumstances, without the requested contributions to support the services infrastructure the planning permission should not be granted.

Conclusion

- 31 In the circumstances, it is evident from the above that the Trust's request for a contribution is not only necessary to make the development acceptable in planning terms it is directly related to the development; and fairly and reasonably related in scale and kind to the development. The contribution will ensure that Health services are maintained for current and future generations and that way make the development sustainable.

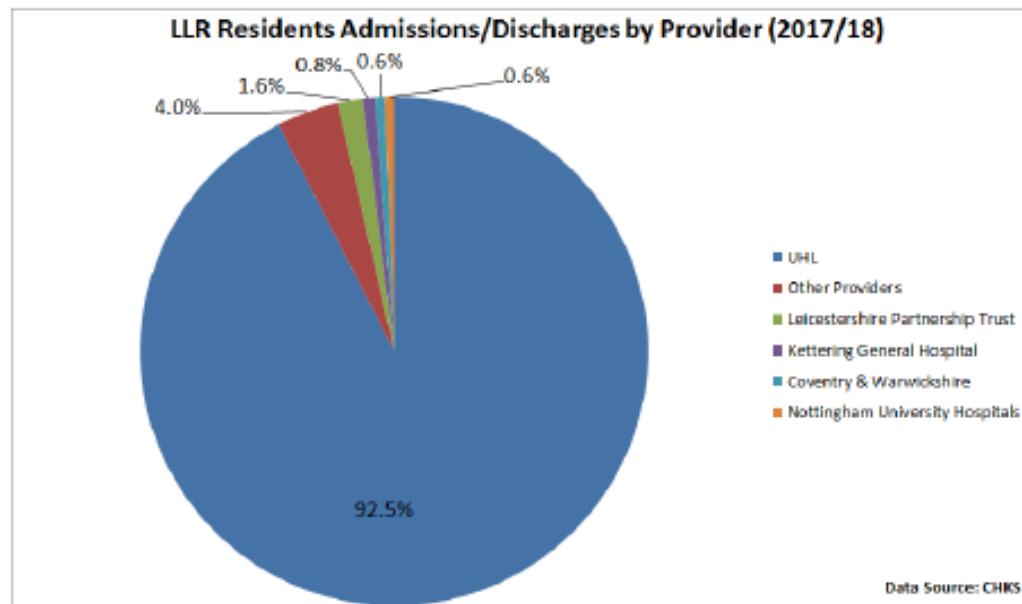
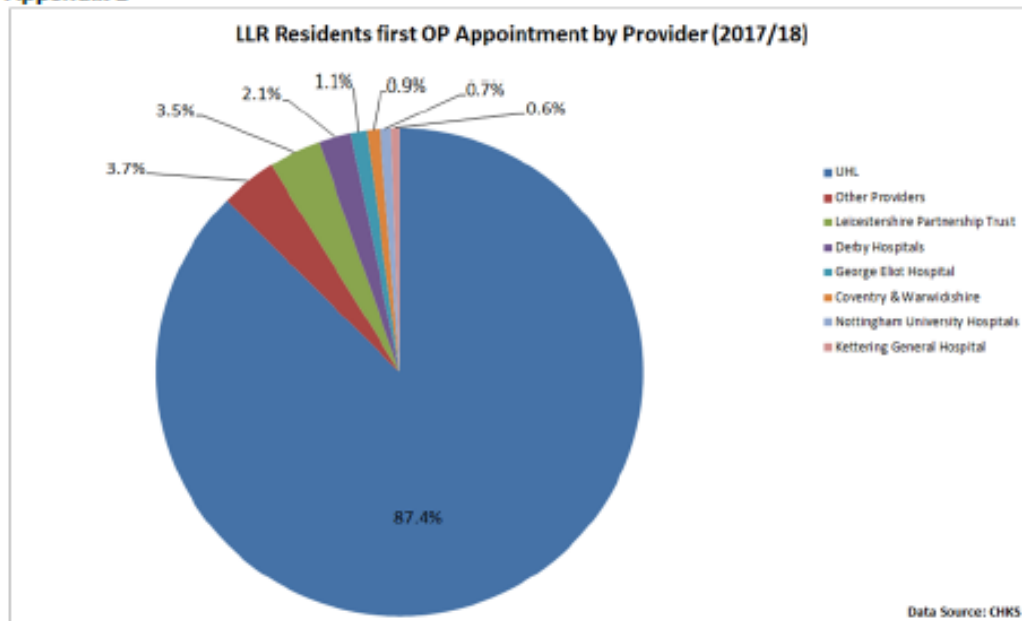
3 July 2020

Caring at its best

Appendix 1

<p>Clinical based Services</p> <p>Abdominal Aortic Aneurysm (AAA) Screening</p> <p>Allergy</p> <p>Anaesthetics</p> <p>Blood Clot Prevention</p> <p>Blood Transfusion</p> <p>Bone Bank</p> <p>Breast Care</p> <p>Cancer Services and Clinical Haematology</p> <p>Children's Services</p> <p>Cardiology and Cardiac services</p> <p>Clinical Genetics</p> <p>Colorectal Surgery</p> <p>Continence Service</p> <p>Critical Care</p> <p>Cystic Fibrosis</p> <p>Dementia</p> <p>Dental Services</p> <p>Dermatology</p> <p>Diabetes</p> <p>Diet and Nutrition</p> <p>Digestive diseases</p> <p>Disablement Services</p> <p>Ear, Nose and Throat (ENT)</p> <p>East Mercia Urology</p> <p>Emergency Department</p> <p>Endocrinology</p> <p>Extra Corporeal Membrane Oxygenation (ECMO)</p> <p>Fracture Clinic</p> <p>Gastroenterology</p> <p>General Medicine</p> <p>General Surgery</p> <p>Gynaecology</p> <p>Haematology</p> <p>Hearing services</p> <p>Heart Services</p> <p>Hepato-Pancreato-Biliary unit</p> <p>Hypertension</p> <p>Imaging Services</p> <p>Infection Prevention</p> <p>Infectious Diseases</p> <p>Information about breast cancer</p> <p>Kidney Services</p> <p>Leicester Fertility Centre</p> <p>Lupus</p>	<p>Maternity</p> <p>Maxillofacial</p> <p>Musculo-Skeletal (Orthopaedics)</p> <p>Neonatal Service</p> <p>Nephrology and Dialysis</p> <p>Neurology</p> <p>Neuro-psychology</p> <p>Occupational therapy</p> <p>Operating Theatre Services</p> <p>Ophthalmology</p> <p>Pain management</p> <p>Pathology</p> <p>Pharmacy</p> <p>Phlebotomy</p> <p>Physiotherapy</p> <p>Plastic surgery</p> <p>Podiatry</p> <p>Pulmonary rehabilitation</p> <p>Respiratory disorders, Lung disorders, and Thoracic medicine</p> <p>Renal</p> <p>Rheumatology</p> <p>Sexual health clinics</p> <p>Sickle Cell and Thalassaemia Service</p> <p>Sleep disorders</p> <p>Speech and language Therapy Service</p> <p>Sport and exercise medicine</p> <p>Stroke services</p> <p>Theatre Arrivals Areas</p> <p>Urology</p> <p>Vascular services</p> <p>Vascular Studies Unit</p>
---	--

Appendix 2



Appendix 3

University Hospitals of Leicester NHS Trust

Evidence for S106 Developer Contributions for Services

Description	
Hybrid planning application comprising: 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 (including the partial closure and realignment of Chapel Lane to motor vehicles and horse riders), 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.	
LPA Reference	19/0259/OUT
Additional Emergency Admissions	615
Acute Interventions:	
- A&E	371
- Emergency Admissions	243
- Elective Admissions	45
- Day Case Admissions	257
- Outpatient Appointments	2,036
- Critical Care Services	89
- Diagnostic Testing	446
Financials	
Delivery Cost for Planned Dwellings	£ 1,509,981
Premium costs of Delivery	£ 479,005
Adjustment due to existing population	-£ 1,233,171
Dwellings & Occupation Assumptions	
Dwellings	2,750
Assumed Population multiplier	2.29
Total Developer Contribution (new population only)	£ 755,815

Version 5 Amendments

20/21 national (consultation) tariff cost uplift added at +2.5%

New population influx of 38%

Impact of 20/21 block contract agreement applied, increasing scope of claim to all activity types

Caring at its best

University Hospitals of Leicester NHS Trust

Application Reference:	19/0250/OUT
Local Authority / Area	Harborough
Population Estimate:	183,400

(based on ONS Mid 2018)

Development Dwellings	2,750
Population Multiplier	2.29
Development Population	6,297
New Population Influx Rate	38%

of which 38% are the new population

2,393

Pay Costs	613,905
All other costs	373,063
Total Costs*	986,968

Staffing cost %	62%
Premium Staff Cost %	51%

Activity Type	Activity	Activity Rate per Annum per head of Population	Delivery Cost per Activity £	12 months Activity for proposed Population	Delivery Cost for Planned Dwellings £	Premium costs of Delivery £	Adjustment due to existing population £	Cost Pressure (Claim) £
A&E Attendances	10,810	5.9%	211	371	£ 78,483	£ 24,897	£ 64,095	£ 39,284
Non Elective Admissions	7,090	3.9%	2,178	243	£ 530,264	£ 168,213	£ 433,056	£ 265,421
Elective Admissions	1,313	0.7%	4,722	45	£ 212,875	£ 67,529	£ 173,851	£ 106,554
Day Case (Elective)	7,488	4.1%	704	257	£ 181,066	£ 57,439	£ 147,873	£ 90,632
Outpatient Appointments	59,285	32.3%	127	2,036	£ 258,450	£ 81,987	£ 211,071	£ 129,366
Critical Care Services	2,581	1.4%	1,081	89	£ 95,786	£ 30,386	£ 78,227	£ 47,945
Diagnostic Imaging	12,975	7.1%	134	446	£ 59,589	£ 18,903	£ 48,665	£ 29,827
ESRF	3,541	1.9%	166	122	£ 20,152	£ 6,393	£ 16,457	£ 10,087
Radiotherapy	3,156	1.7%	199	108	£ 21,527	£ 6,829	£ 17,580	£ 10,775
Unbundled Inpatient HRGs	8,220	4.5%	183	282	£ 51,789	£ 16,429	£ 42,295	£ 25,923
Total					£ 1,509,981	£ 479,005	£ 1,233,171	£ 755,815

Total Development Contribution (new population only)	£ 755,815
Contribution per Dwelling	£ 275

Caring at its best

Explanatory note: Data used to calculate contribution

Clinical activity recording

All activity undertaken by the Trust is traceable to a patient through the patient's address, NHS number and registered GP which are recorded each time a patient is treated. This data is anonymised, validated and submitted monthly to a national data warehouse so that it is available nationally and publicly. Note this activity count does not represent discrete patients, but the amount of activity undertaken.

Calculating the Trust's claim

The data table above calculates the impact of the development on the Trust's resources and mitigates this by creating a financial claim to meet additional costs.

Assumptions and explanations

The Trust's calculation establishes the additional impact the new development will impose on the Trust's resources. To start the calculation, the total population of the development is calculated by multiplying the number of dwellings by the average number of people expected to live in each house.

However, the total impact of the development is abated to 38% of total cost pressure. This abatement recognises that, according to the Trust's specialist planning advice, 38% of people moving into the development are new to the county (or, by leaving a void elsewhere, cause others to move into the county) and therefore are not included in the funding allocation with which the county's clinical commissioning groups buy the Trust's services. In this way, the calculation avoids double counting the impact from existing county residents' demands already anticipated in the Trust's annual plans.

The calculation's steps

Column 1 shows the different types of activity undertaken by the Trust. Column 4 provides the Trust's total activity in a 12 month period, and column 2 is a percentage rate of provision for the development population.

Each activity undertaken by the Trust has a nationally determined cost associated with it. These costs are an average cost of activity across the NHS and are known as 'NHS reference costs'. They are published annually. The Trust uses this average figure for each activity type to calculate the financial impact of caring for new people housed in the development. The reference costs can be found in Column 3, entitled 'Delivery cost per activity'.

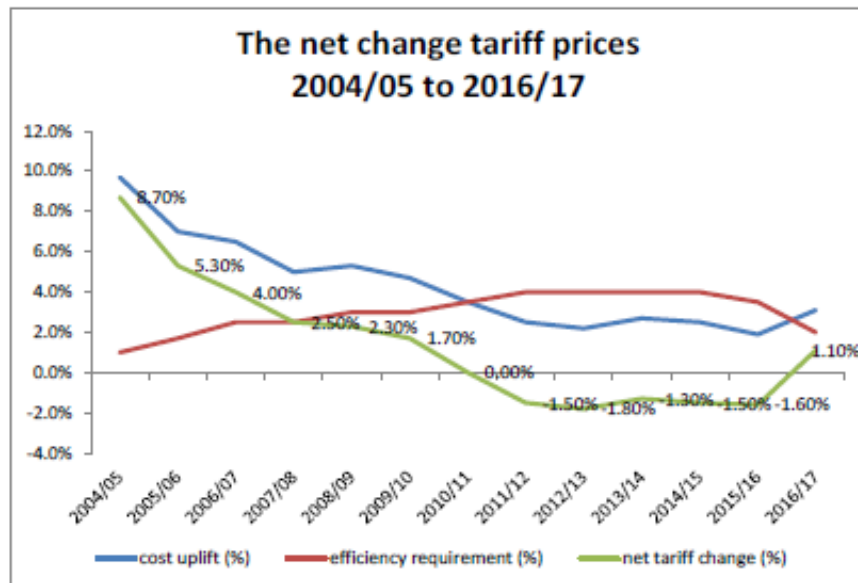
However, over and above the reference cost of delivery, the Trust will face additional cost pressure from employing premium rate staff to meet the additional demand. The cost of this is shown in column 7, 'Premium cost of delivery'. This has been calculated by dividing Staff Pay - Premium by the sum of Staff Pay - Substantive and Staff Pay - Premium and multiplying by 100.

The Trust recognises that the rate of influx of new population into the Harborough area is 38%. Therefore, an adjustment for the impact of existing population has been included in column 8, by multiplying the total cost pressure of the whole population of the new development by 62%. This is then subtracted from the cost pressure of the whole cost of delivery to give a final requested amount, being the total cost pressure of the new population only.

Caring at its best

Appendix 4

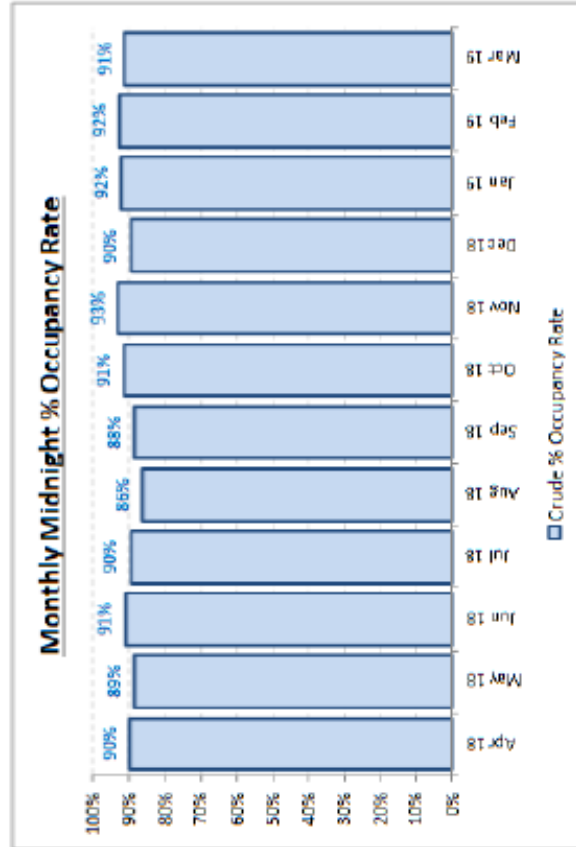
The net change tariff prices



Appendix 5

Bed occupancy rate

Month	Beds Occupied	Beds Available	Crude % Occupancy Rate
Apr 18	43,011	47,760	90%
May 18	43,165	48,701	89%
Jun 18	42,199	46,350	91%
Jul 18	43,089	48,019	90%
Aug 18	42,357	49,042	86%
Sep 18	42,013	47,490	88%
Oct 18	44,757	48,918	91%
Nov 18	43,567	46,890	93%
Dec 18	43,631	48,639	90%
Jan 19	46,669	50,654	92%
Feb 19	41,984	45,416	92%
Mar 19	45,955	50,282	91%
Grand Total	507,797	578,161	88%



Appendix 5

Questions from Andrew Senior and Response from Leenamari Aantaa-Collier

1. Can you supply the methodology used to calculate the new population compared to the existing relocating population?
 - Developed a household profile (by age and sex) for the area based on ONS. The area used was 'East Midlands' because the population we seek to calculate is moving into the Trust's operational area; i.e. from outside of Leicestershire and Rutland.
 - Calculated the number of households at the proposed development in each group
 - Using ONS household formation rates, estimated the population at the development
 - Using Migration data from the 2011 Census, identified the proportion of each age group who will have moved from within the area (Leicestershire and Rutland) and the proportion of those who have moved from outside of the area.
 - This generates the total number of expected residents at the proposed development and splits them by those from within the Trust's operational area and those from outside the Trust's operational area.
 - The exercise was carried out both the market housing and affordable housing separately. Migration trends for population in affordable housing are different to those in market housing.

2. In respect of the above can you also supply the calculation?

Calculation:

Dwellings: 1,925
 Market Population (total) 4,408
 Market Population (same area) 2,366 (54%)
 Market Population (inflow) 2,042 (46%)
 Affordable Population (total) 1,889
 Affordable Population (same area) 1,533 (81%)
 Affordable Population (inflow) 356 (19%)

Combined total 6,297
 Combined same area 3,899 (62%)
 Combined inflow 2,393 (38%)

3. Can you supply the total sum requested and the methodology / calculation for arriving at it?

Development contribution = New development population (only the population new to the Trust's catchment area) x average emergency activity (based on an average activity rate in the development area) x average tariff (based on audited reference costs)

Caring at its best

Premium costs = New development population x average activity rate per head of new population x average tariff x proportion of Trust costs of 60% x total NHSI Agency premium Cap (55%).

The Trust's calculation establishes the mitigation of the impact that the new development will impose on the Trust's services. To start the calculation, the total population of the development is calculated by multiplying the number of dwellings by the average number of people expected to live in each house. The Trust uses an average number of people per household published by the local council to make this calculation, unless provided with a different average by the development's builder.

As explained above the final population figure is then adjusted to only take into account the new population in the Trust's catchment area and the likely occupants from the development areas who are likely to use the Trust's services.

4. **In respect of the point above your email of 20 April refers to a new block contract which no longer pays for treatments over and above that contracted for. How long is the contract for and does the non-payment for excess treatments reflect new practice generally or is the outcome of this particular negotiation? The previous calculations included a percentage for treatment above the block contract. Will any revised calculation be reflecting this?**

The contract negotiations between UHL and the CCGs are now based on a block contract. Whilst the current contract is for one year only the block contract is now here to stay. As per the previous calculations the requested sum is based on the careful calculation based on reference costs (actual audited costs for the service), the difference only being that instead of receiving funding for a percentage of additional in year activity, the Trust receives no additional funding over and above agreed figure based on previous year's activity and an element of 'growth'.

The allocated 'growth' is broadly intended to uplift income to accommodate the increasing costs of delivering healthcare to the existing population. This includes the cost of inflation, increased costs of an ageing population, growth in demand for certain medical technologies etc. Only a very small element of growth in population is allocated to CCG based on the number of people registered in the GP practices.

Finally as explained above the revised calculation deducts the existing population.

5. **Your email of 20 April refers to activity rates I assume that these form part of the methodology for calculating the sums of money requested.**

The Trust holds its own statistics for each activity that takes place in the Trust. This activity is related to each patient and the patient's address. Each activity has a standard cost. The updated consultation response in Appendix 3 shows the total activity which is then related to a specific development area.

Caring at its best

This calculation methodology takes into consideration only those likely patients attending the Trust service from this development as some patients will use other the hospitals not related to the Trust as explained above.

6. **Are all A&E patients taken to Leicester or are other nearby hospitals, Coventry, used? Do patient for other treatments also use other nearby hospitals? Is there an allowance for this in the calculation or is it reflected in the activity rates used to calculate demand?**

Please see the above answer

7. **My understanding is that the monies will be used to provide additional staff. What mechanisms are in place or could be put in place to ensure that this is where the funding is directed?**

The monies are used to service the additional population from this development. Each patient creates an activity. The activity will have a tariff. The total costs of the activity includes amongst other things pathology tests, drugs, imaging, endoscopy, critical care, blood and operating theatres.

As to the premium costs this is to cover the additional costs paid towards having to hire staff at a premium rate to cater for the increased population. The Trust is only seeking for what is over and above the normal rate as shown in the consultation response and above

The Trust is happy to provide an undertaking that the contribution is used as requested and the breaking it down as explained above i.e. towards the extra activity created by the new population of the development.

8. **There is reference to the phasing of payments a methodology for this will need to be agreed. The payments could be by the build rates identified in the local plan or by a methodology based on actual completion rates on site. I would caveat this by saying as the monies are to mitigate an anticipated shortfall any methodology may result in over or under payments in a particular year and may need to include a smoothing mechanism.**

Agreed, although the contribution needs to be in place on the commencement of the development it could be phased e.g. on the commencement of every 150th dwelling. The review of the amount/activity rates can be done on the yearly or every second year basis.

9. **Is there the need for a review mechanism? The original submission was predicated on a single payment. As the current discussions are about phased payments on a development likely to take twenty years to complete I assume there will be a number of contract periods and any scheme would reflect this.**

Please see above

Caring at its best

10. The final sentence of paragraph 17 of your email refers to the COVID-19 situation. I am assuming that information on patient treatment has been skewed by the current situation and it is unclear when realistic figures will be available. If my understanding is correct and to help move matters forward a realistic average may be a starting point for discussion.

The data used for the revised calculations is from our historic reference costs and will not be impacted by Covid-19. The data for future submissions may however be impacted by Covid-19 and we would propose agreeing a prior year as a baseline for future calculations; that is until the long-term impact on the Trust is fully known.

11. The original report refers to a "shortfall in funding" which is not the issue but the impact on services, however, there is later reference to employing agency staff, because in effect funding is a year behind, and the requirement to cover this "gap" in funding. Is the point that it is this year on year gap that needs to be dealt with?

The issue is fairly straight forward. The new population will create an impact on the Trust's services. This impact is similar that it creates on education, highways, libraries and on the additional staff costs for the Council's own monitoring officer. The impact is potentially long term as it affects the Trust's ability to provide services at the safe level required as explained. The issue is how to mitigate the impact? The Developer should be not paying something that has already been paid for. The Trust has provided careful calculation methodology as required by CIL Regulation. The Trust does not get paid for the additional new population creating the impact on the services as explained. The calculation methodology explains the lack of funding created by the new population. If the developer contributes towards the financial gap in the funding then the impact is mitigated. The Trust could mitigate the impact in various ways but the Trust considers that this is modest but very effective way of dealing with the direct impact as the mitigation model will take the immediate impact away as explained below.

As the funding is based on the previous year's activity, and not what could be in the future created by the potential development (this includes known exciting permissions) then by contributing towards the gap in the funding it allows the Trust to function at the level which is required (this includes the extra staffing). As explained the Trust is only seeking the element over and above of standard staffing costs that is created by having to hire locums. (Please see the Spring Lane Appeal decision)

It would be wholly unreasonable that the developer would not contribute towards the impact. It is not for the taxpayer to fund the impact that the development will create (please see the case of Tesco previously referred to).

Caring at its best

12. The second point in the submission refers to bed occupancy levels and the impact that this has on the performance of A & E, the ability to move patients onto a ward if they cannot be discharged. It appears that the Royal Infirmary is operating at 100% occupancy, not the ideal of 85%. What I don't understand is why the provision of agency staff will help ease this situation if patients cannot be moved onto wards is this not a capacity issue?

Not every patient needs to be admitted to a ward. If the Trust has the additional staffing as required, it will reduce the time needed for a correct diagnosis and for those patients that do not need additional inpatient allow a quicker discharge. For those patients who do need a bed it can ensure they are placed into the correct ward at the earliest opportunity; which is proven on average to improve patient outcomes and reduce the overall length of stay. Without the additional staffing patients are more likely to be admitted unnecessarily to a ward whilst waiting for the correct diagnosis; creating a negative impact on the services. In short the additional staffing will mitigate the direct impact of the development by: reducing the time for a correct diagnosis, reducing waiting times, improving length of stay, improving patient outcomes and bed occupancy levels.