

DATE: 20 June 2023  
MY REF: Planning Committee  
YOUR REF:  
CONTACT: Democratic Services  
TEL NO: 0116 272 7640  
EMAIL: committees@blaby.gov.uk

**To Members of the Planning Committee**

Cllr. Lee Breckon JP (Chairman)  
Cllr. Mike Shirley (Vice-Chairman)

Cllr. Cheryl Cashmore  
Cllr. Tony Deakin  
Cllr. Richard Holdridge

Cllr. Dillan Shikotra  
Cllr. Bob Waterton  
Cllr. Bev Welsh

Cllr. Neil Wright

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber - Council Offices, Narborough on **THURSDAY, 29 JUNE 2023** at **4.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully



**Louisa Horton**  
**Corporate Services Group Manager and Monitoring Officer**



## **AGENDA**

### REFERENCING UP OF DECISIONS - COUNCIL CONSTITUTION PAGE 3-6-20

Any Committee or Sub-Committee may refer up any report for decision to its parent body. Referencing up shall be on the following basis:-

- a) At the beginning of the relevant meeting, any Committee/Sub-Committee Member may move reference up of any item of business. The Member must identify the grounds of significance justifying so doing. If this is seconded, the proposition shall be open to debate.
- b) There shall be no debate upon the contents of the report itself. Debate shall be limited to consideration as to whether the report item is of such significance as to justify its reference up to the parent body notwithstanding that the parent body has delegated its decision making powers.
- c) If the referencing up motion is carried, the matter shall not be determined at the meeting. If the referencing up motion is not carried, the matter shall be dealt with in accordance with the Committee/Sub-Committee's delegated powers.

1. Apologies for absence

2. Disclosures of Interest

To receive disclosures of interests from Members (ie. The existence and nature of those interests in respect of items on this agenda).

3. Minutes (Pages 3 - 10)

To approve and sign the minutes of the meeting held on 1 June 2023 (enclosed).

4. Applications for Determination (Pages 11 - 188)

To consider the reports of the Development Services Team Leader.

**MEMBERS SHOULD NOTE THAT ALL LETTERS OF REPRESENTATION AND CONSULTATION RESPONSES WILL BE SUMMARISED IN THE COMMITTEE REPORTS. BACKGROUND PAPERS TO REPORTS WILL BE AVAILABLE TO VIEW ON THE COUNCIL'S WEBSITE.**

## **PLANNING COMMITTEE**

Minutes of a meeting held at the Council Offices, Narborough

**THURSDAY, 1 JUNE 2023**

Present:-

Cllr. Lee Breckon JP (Chairman)  
Cllr. Mike Shirley (Vice-Chairman)

Cllr. Cheryl Cashmore  
Cllr. Tony Deakin

Cllr. Richard Holdridge  
Cllr. Dillan Shikotra

Cllr. Bev Welsh  
Cllr. Neil Wright

### **Officers present:-**

Cat Hartley	- Planning & Strategic Growth Group Manager
Ian Davies	- Development Services Team Leader
Stephen Dukes	- Development Services Team Leader
Matthew McConville	- Major Schemes Officer
Charles Ebdon	- Senior Planning Officer
Charlene Hurd	- Senior Planning Officer
Sandeep Tiensa	- Senior Democratic Services & Scrutiny Officer
Isaac Thomas	- Democracy Support Officer

### **Apologies:-**

Cllr. Bob Waterton

### **25. DISCLOSURES OF INTEREST**

No disclosures were received.

### **26. MINUTES**

The minutes of the meeting held on 6 April 2023 as circulated, were approved and signed as a correct record.

## 27. APPLICATIONS FOR DETERMINATION

Considered – Report of the Development Services Team Leader, presented by the Senior Planning Officer.

**21/0739/OUT**

**Mr H Nanuwa-Singh**

**Outline planning application for the demolition of an existing building to be replaced with a multi-storey (up to three storey) building to accommodate 7 apartments (4 No. 1 bedroom and 3 No. 2 bedroom) with associated access and parking. Including the replacement and provision of up to 316 sq.m of retail space at ground floor (use class E - Commercial, Business and Service) (Access, Layout and Scale to be determined - All other matters reserved).**

**166-172 Little Glen Road, Glen Parva, Leicestershire**

Public Speaking

Pursuant to Part 4, Section 7 of the Council's Constitution in relation to public rights of participation in planning applications, the Chairman allowed the following to give a 5 minute presentation:

- Anthony Day (Agent)

### **DECISION**

**THAT APPLICATION 21/0739/OUT BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Statutory outline time limit.
2. Reserved Matters details to be submitted.
3. Accordance with the approved plans.
4. Details of all external materials to be agreed.
5. Finished floor levels to be submitted and agreed and implemented.
6. Use restricted to 316 sq.m of ground floor retail use (Use Class E(a)) only.
7. Use restricted to C3 use, and 7 flats, at first and second floor only.
8. Approved mix.
9. Retail use at ground floor restricted to hours of 7.00 am to 5.00 pm Mondays to Fridays inclusive and 7.30 am to 2.00 pm Saturdays, and at no time on Sundays or public holidays.
10. No deliveries to be taken or dispatched from the site outside the hours of 07:30 am – 18:00 pm Mondays to Fridays inclusive and 08:00 am and 15:00 pm Saturdays and at no time on Sundays on public holidays.
11. No subdivision of store with the further granting of planning permission.
12. Prior to first occupation, the access arrangements shall be implemented

- and retained in accordance with the approved plans.
13. Prior to first occupation, the parking and turning facilities shall be surfaced and laid out in a hard bound material and retained in accordance with the approved plans.
  14. No additional access gates, barriers, bollards, chains or other such obstructions shall be erected without prior approval.
  15. Demolition and Construction Management Plan to be submitted to and agreed and adhered to during development.
  16. Prior to commencement debris to be removed from the site.
  17. No storage of goods, equipment or materials to take place outside the building, except in previously agreed screened areas.
  18. Details of external plant machinery to be submitted and agreed.
  19. Details of external lighting and CCTV scheme to be submitted and agreed.
  20. Unidentified contamination remediation strategy to be agreed.
  21. A waste collection strategy to be submitted and agreed as part of any Reserved Matters application.
  22. Surface water drainage scheme to be submitted and agreed and implemented.
  23. Details for the long-term management and maintenance of the surface water drainage scheme to be submitted and agreed and implemented.
  24. Drainage to be provided within the site such that surface water does not drain into the public highway including private access drives.
  25. Windows with first floor communal corridors shall be set at 1.7m above internal ground floor levels.
  26. Roof lights to be set to 1.7m above internal ground floor.

Condition 6 as stated in the report to the Committee was removed as it replicated the controls of the retail use class imposed via condition 7.

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Considered – Report of the Development Services Team Leader, presented by the Major Schemes Officer.

**23/0136/RM**  
**Davidsons Developments Ltd**  
**Reserved Matters application for the erection of 163 dwellings (details of appearance, landscaping, layout and scale)**  
**Parcel R6(4) and R6(6) Dee Way / Laxford Lane, Lubbesthorpe**

## DECISION

**THAT APPLICATION 23/0136/RM BE APPROVED SUBJECT TO THE**

## **IMPOSITION OF THE FOLLOWING CONDITIONS:**

1. Development built in accordance with approved plans shown on drawing schedule.
2. Materials as per the approved materials plan.
3. Hard and soft landscaping (including boundary details) to be carried out in accordance with the approved plans.
4. Landscaping carried out within 1 year and replaced within a period of 5 years.
5. Frontage boundary hedgerow treatments and planting to green corridors shown on plan to be retained in perpetuity.
6. Provision of parking and turning in accordance with approved plan prior to occupation and retained in perpetuity.
7. Provision of private access drives and turning spaces in accordance with the Highways Design Guide and surfaced with tarmac or similar hardbound material for at least 5m behind the highways boundary.
8. Removal of PD rights for access gates, bollards, barriers, chains or other such obstructions within a distance of 5 metres of the highway boundary.
9. Provision of 1m x 1m pedestrian visibility splay on the highway boundary on both sides of all private accesses with nothing in those splays higher than 0.6m. To be retained in perpetuity thereafter.
10. Removal of PD rights for extensions to relevant plots inc. 92, 112, 115, 123, 124, 129, 132, 137, 140, 143
11. Removal of PD rights for porches to relevant plots inc. 13, 14, 11, 12, 17, 18, 36, 39, 40, 120, 119, 128-144
12. Retention of approved boundary treatments (walls and hedgerows) and the street facing landscaping to the front and side of dwellings on all plots in perpetuity.
13. Removal of PD rights for replacing or adding new means of enclosures along street scene for all plots.
14. Removal of PD rights for conversions and other uses in relation to garages and car ports to relevant plots inc. 57, 58, 59 – 70, 72, 76, 77, 83, 104, 105, 146-148, 152 - 163

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Considered – Report of the Development Services Team Leader, presented by the Senior Planning Officer.

**23/0189/OUT**

**Mr Lewis, Leicester Lettings (2016) Ltd.**

**Outline application for up to 9 serviced plots for self-build and custom housebuilding. All matters reserved except for access.**

**Land at and to the rear Of 6 Roundhill, Kirby Muxloe, Leicestershire, LE9 2DY**

## Public Speaking

Pursuant to Part 4, Section 7 of the Council's Constitution in relation to public rights of participation in planning applications, the Chairman allowed the following to give a 5 minute presentation:

- Nigel Ozier – Objector

## **DECISION**

### **THAT APPLICATION 23/0189/OUT BE REFUSED FOR THE FOLLOWING REASONS:**

1. The proposed development would be located on an elevated and prominent parcel of open space within an area of Green Wedge situated outside of the settlement boundaries of Kirby Muxloe, part of the Principal Urban Area of Leicester as defined by the Blaby District Local Plan (Delivery) Development Plan Document. The site access and part of the proposed private road would be located within the settlement boundary, utilising the existing vehicular access and garden area of No.6 Roundhill. By virtue of its location, the proposal would represent an unwarranted intrusion of urban development beyond the settlement envelope boundary of Kirby Muxloe into an important area of Green Wedge that forms part of the setting to Kirby Muxloe Castle and Kirby Fields Conservation Area. The proposed development would appear dislocated from the defined and historic settlement boundary and would neither preserve nor enhance the cultural heritage of the Green Wedge which would be unduly eroded and would harm the setting of designated heritage assets as well as the character and appearance of the landscape in this locality. Consequently, the proposed development would be contrary to Policies CS1, CS16 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM10 and Policy DM12 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.
2. The proposal would be located approximately 290 metres to the southeast of Kirby Muxloe Castle, which is a scheduled monument and Grade I listed building. The castle's setting makes an important contribution to the site's overall significance which includes views to and from the castle at both ground level, the upper stories of the listed ruins and from elevated positions off site. It also includes the dynamic experience of approaching and travelling through the landscape which surrounds the monument, with

the adjacent areas of open and undeveloped landscape being of particular importance. The proposed development would erode the historic landscape between Kirby Fields and Kirby Muxloe and would fail to preserve or enhance the cultural heritage in this part of the District. The subsequent loss of part of this area to development would be detrimental to the historic context and setting of Kirby Muxloe Castle, resulting in less than substantial harm to the significance of the Scheduled Monument and Grade I listed building. Having regard to the legislation set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposed development would therefore be contrary to Policies CS2, CS16 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013, Policy DM12 of the Blaby District Local Plan (Delivery) Development Plan Document 2019 and Section 16 of the National Planning Policy Framework 2019.

3. The wider character of Kirby Fields Conservation Area is defined by substantial houses of individual style, standing in extensive grounds that are served by a network of private roads that are unified by mature and attractive landscaping. The sub-division of No.6 Roundhill to facilitate the provision of an access road to serve the proposed development would intrinsically undermine the prevailing character of Kirby Fields Conservation Area. In addition, the fragmentation of the curtilage of No.6 Roundhill would fail to preserve or enhance the special qualities of the Conservation Area and its wider setting, resulting in permanent and irreversible harm. Having regard to the legislation set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposed development would be contrary to Policies CS2 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013, Policies DM1(b)(d) and DM12 of the Blaby District Local Plan (Delivery) Development Plan Document 2019 and Section 16 of the National Planning Policy Framework 2019.
4. The proposed development comprises a visually tight and linear arrangement of dwellings that would be accessed via a proposed road off an existing cul-de-sac. By virtue of its density and formal cul-de-sac arrangement the proposal would result in the overdevelopment of the site and would be of unsatisfactory layout and design. As such, the proposed development would be significantly out of keeping with the open and spacious Green Wedge location, including the historic character and prevailing grain of Kirby Fields Conservation Area. Consequently the proposal would be contrary to Policies CS2 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013, Policy DM10 and DM12 of the Blaby District Local Plan (Delivery) Development Plan Document 2019 and Sections 12 and 16 of the National Planning Policy Framework 2019.

5. The proposed road intended to provide access to the residential development would be situated within the front and rear garden of No.6 Roundhill and would immediately abut the boundary with No.5 Roundhill, running a total length of approximately 150 metres. The increased activities and vehicular movements associated with a proposed residential development in this location would have a detrimental impact in terms of noise and disturbance, resulting in the proposal having an unsatisfactory relationship with neighbouring properties occupiers resulting in their existing enjoyment of residential amenity being significantly diminished. The suggested mitigation in the Noise Report, consisting of a 2 metre high wall along either side of the proposed access road, would likely be detrimental to the character of the area. Consequently, the proposed development would be contrary to Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM1(a) and DM10 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

**THE MEETING CONCLUDED AT 5.31 P.M.**

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## Blaby District Council Planning Committee

**Date of Meeting**      **29 June 2023**  
**Title of Report**      **Applications for Determination**  
**Report Author**      Group Manager – Planning & Strategic Growth

### 1. What is this report about?

- 1.1 To determine planning applications as listed in paragraph 3.2 below and detailed in the attached report.

### 2. Recommendation

- 2.1 That the recommendations listed within paragraph 3.2 below and detailed in the attached report be approved.

### 3. Matters to consider

- 3.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **20 June 2023** and information of representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

3.2	Application No.	Page No.	Address	Recommendation
	<b>21/1386/FUL</b>	<b>13</b>	<b>Land at Hill Farm, Earl Shilton Road, Thurlaston</b>	<b>Approve</b>
	<b>19/1610/OUT</b>	<b>49</b>	<b>Land North of Hinckley Road, Kirby Muxloe</b>	<b>Approve</b>
	<b>22/0827/RM</b>	<b>158</b>	<b>Tay Road, Lubbesthorpe</b>	<b>Approve</b>

### 3.3 Appropriate Consultations

Details of organisations / persons consulted in relation to the applications are included in the reports for each individual application. Members will be aware that full copies of correspondence received are available to view on the respective planning file and through the planning portal <https://w3.blaby.gov.uk/online-applications/>

3.4 Resource Implications

There are no specific financial implications arising from the contents of this report.

**4. Other options considered**

These are included where appropriate as part of the reports relating to each individual application.

**5. Background paper(s)**

Background papers are contained in files held in the Planning Division for each application being considered and are available for public inspection.

**6. Report author's contact details**

Ian Davies and Stephen Dukes    Development Services Team Leaders  
[planning@blaby.gov.uk](mailto:planning@blaby.gov.uk)                    0116 272 7705

21/1386/FUL

Registered Date  
22 March 2018

Hill Farm Solar Ltd

**Construction of a 36.1 hectare solar park to include the installation of solar photovoltaic panels to generate electricity (up to 22MW) with associated substations, transformers, inverters, perimeter fencing, access tracks, CCTV and landscaping.**

**Land at Hill Farm, Earl Shilton Road, Thurlaston, LE9 7TG**

**Report Author: Helen Wallis, Senior Planning Officer**

**Contact Details: Council Offices. 0116 272 7698**

## **RECOMMENDATION**

**THAT APPLICATION 21/1386/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:**

1. Statutory 3 year condition.
2. Development to be built in accordance with approved plans and documents.
3. Permission granted for a period of 40 years from first export of electricity and site decommissioned and restored after this period.
4. Decommissioning Scheme to be submitted and approved no later than 39 years from the date of the first export of electricity and implemented as approved.
5. In the event of site is no longer required for purposes of electricity generation or ceases to operate for a continuous period of 12 months prior to the expiry of the 40 year period; a Decommissioning Scheme shall be submitted and approved.
6. Programme of archaeological work to be completed to include initial trial trenching to inform a final archaeological mitigation scheme.
7. Development to be carried out in accordance with the details given on the Landscape and Ecological Management Plan (LEMP) by Amalgam Architects. Plan to be adhered to for the lifetime of the development.
8. Detailed scheme for landscaping the site to be submitted and approved and implemented in accordance with plan.
9. Landscaping to be implemented by end of first planting season following commencement of development.
10. Biodiversity Management Plan to be submitted and approved. Strategy to be based on submitted Biodiversity Net Gain metric and LEMP and adhered to for lifetime of the development.
11. Arboricultural Method statement to be submitted and approved and adhered to during construction and decommissioning periods.
12. Details of any external lighting to be submitted and approved prior to its installation.
13. Construction Environmental Management Plan to be submitted and agreed and subsequently adhered to

14. Methodology for soil stripping, storage and replacement to be submitted and agreed.
15. Method of construction of the solar panels to be in strict accordance with the submitted details showing the “post-driven” method only and not concrete foundations method.
16. Materials and finish, including colour, of ancillary buildings equipment and all enclosures/fencing to be submitted and agreed and subsequently complied with.
17. Details of surface water drainage to be submitted and approved.
18. Details of management of surface water during construction to be submitted and approved.
19. Details of long-term maintenance of surface water drainage system to be submitted and approved.
20. Details of infiltration testing confirming suitability of site for use of infiltration drainage to be submitted and approved.
21. Scheme for treatment of Public Rights of Way T73 and V67a to be submitted and agreed.
22. No gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access during the construction period.
23. No development to commence until the access arrangements shown on Proposed Traffic Management Signal Location and Staging drawing number 1115-005A have been implemented
24. Construction of the development to be carried out in accordance with the details and timetable approved within the Technical Note – Traffic Management by KTC dated December 2022
25. Highway dilapidation survey to be submitted and approved.

## **NOTES TO COMMITTEE**

This application has been brought before the Planning Committee at the discretion of the Planning and Strategic Growth Group Manager due to the scale of the development.

### **Policy and Relevant Legislation**

#### **National Planning Policy Framework (2021) (NPPF)**

#### **Planning Practice Guidance (PPG)**

#### **Blaby District Local Plan (Core Strategy) Development Plan Document (2013)**

Policy CS2 - Design of New Development

Policy CS18 - Countryside

Policy CS19 - Biodiversity and Geo-diversity

Policy CS20 - Historic Environment and Culture

Policy CS21 - Climate Change

Policy CS22 - Flood Risk Management

Policy CS24 - Presumption in Favour of Sustainable Development

## **Blaby District Local Plan (Delivery) Development Plan Document (2019**

Policy DM2 - Development in the Countryside  
Policy DM8 – Local Parking and Highway Design Standards  
Policy DM12 - Designated and Non-designated Heritage Assets

## **Fosse Villages Neighbourhood Plan 2021**

Policy FV4 – Biodiversity  
Policy FV6 - Design  
Policy FV16 – Renewable Energy

## **EN-1: Overarching National Policy Statement for Energy (July 2011)**

## **EN-3: National Policy Statement for Renewable Energy Infrastructure (July 2011)**

## **Draft EN 1: Overarching National Policy Statement for Energy (March 2023)**

## **Draft EN-3: National Policy Statement for Renewable Energy Infrastructure (March 2023)**

### **Other relevant documents:**

- **Blaby Landscape and Settlement Character Assessment (January 2020)**
- **Blaby District Council Climate Change Strategy 2020-2030**
- **Blaby District Council Carbon Neutral Action Plan 2020**

### **Consultation Summary**

#### **Blaby District Council, Environmental Health –**

##### Initial Consultation:

No objections.

##### Amendment Consultation (following submission of updated LEMP and landscape masterplan):

No objections.

#### **Blaby District Council Principal Planning and Conservation Officer**

##### Amendment Consultation (following submission of updated LEMP and landscape masterplan):

No objections and agree with Historic Buildings Officer's previous assessment.

**Civil Aviation Authority** – No comments received.

**Council for the Protection of Rural England** – No comments received.

**Croft Parish Council** – No comments received.

**Earl Shilton Town Council** – Comments. “*Resolved to comment only that this local ‘green’ energy initiative is welcome.*”

**Enderby Parish Council** – “*No objections*” (Initial and amendment consultations).

**Environment Agency** – No objections. Site is partially located within Flood Zone 3a however, site specific hydraulic modelling as determined a maximum flood depth of 0.5m in a small area of the site. The solar panels are located 0.8m above ground level and no mitigation is necessary. Displaced flood water and risk to third parties negligible and flood compensation is considered unnecessary.

**Health and Safety Executive** – Has no comments to make. (Initial and amendment consultations).

**Hinckley and Bosworth Borough Council** – Has no comments to make.

**Historic England** – No comments to offer on this application. (Initial and amendment consultations).

**Leicester Forest West Parish Meeting** – No comments received.

**Leicestershire County Council, Archaeology** – Comments made:

Initial Consultation:

Further pre-determination archaeological assessment required in the form of field evaluation.

Amendment Consultation (following submission of Archaeology Trial Trenching Report):

Recommend condition requiring further trial-trenching to be undertaken to inform a final archaeological mitigation strategy. Both stages to be completed in accordance with an approved Written Scheme of Investigation (WSI).

**Leicestershire County Council, Ecology** – Comments made.

Initial Consultation

(i) Preliminary Ecological Appraisal is generally acceptable, however, grassland survey of the north eastern field parcel should be carried out at an appropriate time of year. (ii) Type of seed mix should be re-considered. (iii) Biodiversity net gain calculation using DEFRA Metric 3.0 required.

Amendment Consultation (following submission of Biodiversity Net Gain Assessment)

Recommend conditions – development to proceed in accordance with the Landscape and Environment Management Plan and be maintained for lifetime of development, monitoring surveys to be undertaken.

**Leicestershire County Council, Forestry** – Tree survey and impact assessment submitted are well reasoned and loss of trees/hedges to accommodate the development is low, with additional tree and hedgerow planting and biodiversity measures proposed. Development should follow recommendations provided in Arboricultural Impact Assessment and Method Statement. No arboricultural reasons for why development should not proceed.

**Leicestershire County Council, Highways** – Comments made.

Initial Consultation:

Application does not full assess the highway impact of the proposed development. Further information required to assess highway impacts in respect of access dimensions and radii, traffic surveys to support reduced visibility splays, personal injury collision data, further detail on traffic during the construction period and any access design supported by a Stage 1 Road Safety Audit and Designer's Response.

Amendment Consultation (Following submission of Technical Note dated June 2022)

Application does not full assess the highway impact of the proposed development. Further information required to address concerns about access visibility and impact of development on the wider highway network during the highway peak hours.

Amendment Consultation (following submission of Technical Note – Traffic Management dated December 2022)

The Local Highway Authority (LHA) advice that 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. Conditions recommended.

**Leicestershire County Council, Historic Buildings Officer** –Unable to discern any harm to the significance of the listed buildings identified in the study area described in the submitted Heritage Statement.

**Leicestershire County Council, Lead Local Flood Authority** –

Initial consultation:

No concerns. The Lead Local Flood Authority (LLFA) notes that the site is predominantly located within Flood Zone 1 being at low risk of fluvial flooding. Appropriate flood risk assessment considering all sources of flood risk has been provided and site will drain in a similar fashion to a greenfield scenario. Standing advice given.

Amendment Consultation (following submission of updated LEMP and landscape masterplan)

Recommend surface water drainage conditions.

**Ministry of Defence** – No comments received.

**National Air Traffic Services (NATS Holdings)** – No comments received.

**National Grid** – No comments received.

**Natural England** – Comments made.

Initial consultation:

No objections raised.

Amendment consultation (submission of Biodiversity Metric 3.0 calculations)

Pleased to see significant gains in both habitat and hedgerow units as a result of the development. Satisfied with retention of the river units and the significant gains elsewhere.

**Rambler's Association** – No comments received.

**Thurlaston Parish Council** – Has made the following comments:

Initial Consultation

*“A meeting of Thurlaston Parish Council was held Tuesday 11 January 2022 with the unanimous decision to formally register the following comments;*

*The applicants have clearly taken heed of the comments made at a joint meeting with members of Thurlaston Parish Council Planning Committee and the developer, notably access to the site (now from Desford Road) and the undertaking of the Geophysical Heritage Report with no major issues here although no pond.*

*The only real concern remains is that of the cumulative impact of this development plus those at Hoefields Farm and across the A47 near Peckleton (within HBBC district), the developments are clearly separate and no combined visual impact should be incurred.*

*On this basis no formal ‘objection to the application.’”*

**Third Party Representations**

None received.

**Relevant Planning History**

20/03/EIASCRC – Environmental Impact Assessment (EIA) Screening Opinion relating to proposed 52ha solar farm – determined that EIA not required 12.08.2020

**EXPLANATORY NOTE**

**The Site and Surroundings**

The application site comprises 36.1ha of farmland located in designated countryside between the A47, which lies to the north, and Earl Shilton Road to the south. Desford Road which connects the A47 to Thurlaston runs north-south to the east of the site. The site is positioned between the settlements of Thurlaston village to the south east and Earl Shilton to the south west.

The site is comprised of six roughly rectangular field parcels which slope gently from north to south. The field parcels are in mixed farming use and are contained by a network of mature hedgerows, some in poor condition, scattered trees and linear tree belts. A culverted stream crosses the site, running north to south in the eastern part of the site and subsequently into a stream that flows from the west to the east then southwards towards the M69.

Public right of way (PROW) footpath V67a runs north to south directly adjacent to the eastern boundary of the application site connecting Normanton Park/Watery Lane in the south to land north of Hill Farm. The path then terminates at its junction with public right of way footpath T73. Footpath T73 from Thurlaston crosses the application site access route, through the existing Hill Farm buildings, meeting with footpath V67a, before continuing northwards over the A47 towards Peckleton.

The site is well contained by topography with land to the north rising towards Peckleton village (in Hinckley and Bosworth Borough Council's administrative area). To the east the land rises to a ridge east of Desford Road. The land is more open on the western side allowing more distant views across the rural landscape from the direction of Earl Shilton.

The wider landscape comprises medium to large regular fields surrounded by mature hedgerows, linear tree belts and mature trees. There are scattered residential properties; farms; large and small industrial properties; and small towns and villages connected by a network of transport corridors including major and minor roads and public rights of way.

## **The Proposal**

This planning application seeks full planning consent for the following:

- 47,000 (approximately) photovoltaic panels mounted on a stainless-steel frame fixed to the ground;
- Substations, inverters and transformers housed in metal containers;
- Three metal storage containers;
- Perimeter fencing with CCTV;
- Access Tracks

The installation could produce up to approximately 22MW AC (alternating current) of electricity, which is sufficient to meet the need for electricity of up to 8,000 houses per year.

Planning permission is sought for a temporary period of 40 years from the date of first exportation of electricity from the site. At the end of the operational lifespan of the proposed development all equipment, underground connections and all associated development and materials would be removed. The site would be restored to its current state and current use, which is agriculture.

The panels would be mounted on a stainless steel, non-reflective framework, with table 'legs' of non-corrosive metal driven into the ground to a depth of between 1m and 1.5m. The dimensions of the framework with mounted panels would be as follows:

- minimum height of 0.8m above ground (bottom of panel)
- maximum height of 2.6m to the top of solar pv panels
- panel size approximately 2.38m (vertical) x 1.13m (horizontal) x 0.035m thick
- Leg spacing approximately 2m back to front
- Leg spacing between 2m to 5m across the rows

The mounted panels would be arranged in straight rows across the site with the panels angled at 20 degrees and facing southwards. The spacing between the rows would typically be 3m and generally between 2.5m and 5m. The distance would vary depending on the slope at the locality. The varied distance avoids shadowing of each row that sits in front of the other and allows for maintenance of the installation and management of the ground around the panels.

The area around the panels is proposed to be sown with wildflower seed and managed with the objective of enhancing biodiversity, improving the carbon capture ability of the soil and to improve the soil in anticipation of agricultural use being re-introduced following decommissioning. Whilst it would be possible to graze sheep around the panels it is not the intention of the farmer and landowner to do this.

The site is proposed to be enclosed by security fencing ('deer fencing' other than the gates), of approximately 2m in height (with 2.1m wooden posts – metal posts at the gates). A gap would be maintained at the bottom of the fencing to allow the free movement of wildlife. CCTV cameras would be situated at the periphery of the site alongside the boundary fence and mounted on 3.51m poles. Fences would be positioned at least 5m inside the hedgerows that form the boundary to the fields, also avoiding tree root protection areas, with no part of the installation closer than 5m to the perimeter fence. Two 6m wide gates are proposed to be positioned within the perimeter fence in the south east of the installation and to the south west of the storage compound.

Cables would run along the supporting framework joining 'strings' of solar panels. Cables would join the strings to inverters, which are required to convert the DC (direct current) electricity produced by the PV panels to AC electricity. Approximately 140 inverters would be installed, positioned under the panels.

The inverters would be joined by cables that would feed from beneath the panels into the ground and, subsequently, to a transformer in a metal cabin. Transformer cabins would be green in colour and measure 3.39m long, 2.15m wide and 2.64m high. There would be approximately 26 transformer cabins on site, each sitting on a plinth constructed of compacted material with a sand and geotextile layer.

The transformer cabins would feed to a substation situated near the site compound at the south of the site. The substation container would measure 2.7m in height, 10.4m in length and 3.3m in width. The substation would sit on a concrete plinth up to 1.5m deep. Three storage containers would also be located in the compound. The area would be laid out with sufficient space to turn an HGV. The surface would be formed of compacted gravel.

It is intended to run a high voltage cable from the substation to connect to the National Grid at Enderby, allowing renewable electricity to be exported off-site. Connection to

the electricity distribution network offsite will be progressed by the Distribution Network Operator (DNO) under a separate grid connection application for consent under Section 37 of the Electricity Act (1989) and is outside the scope of this application.

Access tracks are proposed around the edges of field parcels to provide access to the inverters. These would be approximately 3.5m wide and constructed of compacted gravel over a geotextile layer.

In terms of landscaping of the site, the layout of the development has been designed to ensure that there would be minimal works to or loss of the existing trees and hedgerows within the site. Additional tree and hedgerow planting are proposed by the applicants to minimise the impact on the landscape character, improve biodiversity of the site and further filter views.

Access to the site, for both construction and on-going operational purposes, will be from Desford Road (also used as the access to the existing farm buildings). It is proposed by the applicant that construction traffic will route to the site from the strategic road network (motorways), the A47 and then Desford Road, thereby avoiding the use of smaller rural roads.

The construction phase of the solar farm is expected to take place over approximately 28 weeks, with the most intense activity occurring during weeks 3 to 20. To minimise disruption, construction and subsequent de-commissioning would be carried out in accordance with a construction management plan. Traffic management measures are also proposed on Desford Road to ensure safe access to the site and highway safety on the surrounding road network. Visits to the site during the operational phase of the development would be infrequent.

In terms of the decommissioning of the site, at the end of the 40 year operational lifespan of the solar farm the site would be restored back to its former agricultural use with all equipment and below ground connections removed.

### **Supporting Documents**

As noted above in the planning history section of the site, the District Planning Authority has issued a screening opinion (reference 20/03/EIASCRC) determining that the proposed development does not require Environmental Impact Assessment.

The application is accompanied by the following supporting documents:

- Biodiversity Net Gain Assessment and Enhancement Note and Metric 3.0
- Preliminary Ecological Appraisal – Soltys Brewster Ecology
- Landscape and Visual Impact Assessment – Amalgam Landscape
- Landscape and Ecological Management Plan – Amalgam Landscape
- Arboricultural Survey Report – Barton Hyett Associates
- Arboricultural Impact Assessment – Barton Hyett Associates
- Flood Risk Assessment - Arcus
- Agricultural Land Classification Report – Askew Land & Soil Limited
- Construction Traffic Management Plan – Key Transport Consultants

- Geophysical Survey Report – Magnitude Surveys
- Noise Impact Assessment – 24 Acoustics
- Historic Environment Desk Based Assessment – Cotswold Archaeology
- Written scheme of investigation for Archaeological Evaluation – Pre-Construct Archaeology
- Report on Archaeological Evaluation – Pre-Construct Archaeology
- Planning Statement incorporating Design and Access Statement and Statement of Community Involvement - Tom Sylger Jones on behalf of Hill Farm Solar Ltd

## **EXPLANATORY NOTE:**

### **Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise. In this case the Development Plan comprises the Blaby District Local Plan (Core Strategy) Development Plan Document 2013, the Blaby Local Plan (Delivery) Development Plan Document 2019 and the Fosse Villages Neighbourhood Plan 2021.

The section below provides brief assessment of the proposed development against the relevant development plan policies.

## **DEVELOPMENT PLAN**

### **Blaby District Local Plan (Core Strategy) Development Plan Document (2013)**

#### **Policy CS2 – Design of new development**

Policy CS2 seeks to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. The design of new development should also be appropriate to this context.

#### **Policy CS14 – Green Infrastructure**

Policy CS14 notes that Green Infrastructure can include areas that are valuable for their biodiversity (flora and fauna network links), areas that are of cultural importance and areas that maintain natural and ecological processes, *inter alia*. The Council will seek to improve and enhance the Green Infrastructure network throughout the District. Opportunities to incorporate key landscape features such as woodlands, pond, rivers and streams and the local topography should be used to create high quality design incorporating a wide range of high quality, functional and use open spaces and links.

#### **Policy CS18 Countryside**

Core Strategy Policy CS18 states that within areas designated as countryside planning permission will not be granted for built development, or other development which

would have a significantly adverse effect on the appearance or character of the landscape.

Detailed consideration has been given to the justification for the countryside location and the impact of this development on the appearance and character of the landscape (this matter is explored in more depth later in this report) and it is concluded that the development would not give rise to significant adverse effects, subject to the implementation of the proposed landscaping strategy. It is therefore considered that the proposed development is consistent with policy CS18.

#### Policy CS19 Biodiversity and Geo-diversity

Policy CS19 seeks to protect and improve areas of biodiversity and wildlife habitat. The development site has been assessed for its habitat and species quality and it is not considered that the proposal will significantly impact on the biodiversity and geo-diversity. The application has demonstrated bio-diversity net gain in accordance with the DEFRA Metric 3.0 and landscaping and biodiversity enhancement measures are outlined in the framework Landscape and Ecological Management Plan (LEMP) submitted with the application. The County Ecologist has not raised any objections to this proposal, subject to conditions to secure landscaping implementation and on-going ecological management of the site for the lifetime of the solar farm. The proposal is thus compliant with Policy CS19.

#### Policy CS20 Historic Environment and Culture

When considering development proposals on, in or adjacent to historic sites, areas and buildings, Policy CS20 seeks to ensure development protects and enhances heritage assets and their settings (criterion (a)). Policy CS20 also expects new development to make a positive contribution to the character and distinctiveness of the local area (criterion (b)).

In accordance with paragraph 199 of the NPPF, 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. Compliance with Policy CS20 will therefore be significant and should be given considerable weight in the planning balance. There is also a statutory requirement under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building.

Having recognised the level of importance attributed to preservation of heritage assets the judgement should then be made as to whether there are any circumstances significant enough that outweigh this.

Given the spatial separation of the application site from nearby designated heritage assets, and the contained and well vegetated nature of the land form which limits views to and from such heritage assets, combined with the lack of objections from either English Heritage or the Council's Historic Buildings Advisor and the County Archaeologist, it is considered that no harm to the significance of heritage assets will result from the development. The proposal therefore complies with Policy CS20.

## Policy CS21 Climate Change

Policy CS21 acknowledges that climate change is one of the greatest long-term challenges facing human development. Blaby District Council is committed to tackling climate change.

Policy CS21 states the following in respect of renewable energies:

*“Development which mitigates and adapts to Climate Change will be supported. The Council will contribute to achieving national targets to reduce greenhouse gas emissions by (inter alia):*

*c) encouraging the use of renewable, low carbon and decentralised energy at the commercial, community and domestic scale. Renewable and low carbon energy generation will be supported within the District where the proposal:*

- i) ensures that the siting and scale of development avoids harm to the significance of designated heritage assets and nationally important archaeological remains or their setting.*
- ii) ensures that the impact of the development on local landscape character and historic landscape character is minimised.*
- iii) ensures that the proposal does not result in significant detriment to residential amenity for new or existing residents.*
- iv) includes measures to mitigate any adverse impacts on the built and natural environment resulting from the construction, operation and decommissioning of any development.*
- v) does not create an overbearing cumulative noise or visual impact, when considered in conjunction with similar developments and permitted proposals in the area.”*

Policy CS21 clearly supports proposals for renewable energy such as this application, subject to safeguards and assessment and does not differentiate between countryside and non-countryside locations. For the reasons set out in this report (including the responses received from statutory consultees) it is considered that the current proposal is acceptable, subject to the imposition of appropriate conditions, and therefore accords with Policy CS21.

## Policy CS22 Flood Risk Management

Policy CS22 seeks to ensure that development is directed to locations at the lowest risk of flooding, giving priority to Flood Zone 1. The use of Sustainable Drainage Systems to ensure that flood risk is not increased on site or elsewhere is also encouraged in new developments.

The majority of site lies within Flood Zone 1, however, land within the eastern part of the site is identified as lying within Flood Zone 3 for fluvial flooding and has a medium to low surface water flood risk of 1% (1:100). The PPG characterises solar farms as *Essential infrastructure* and can be located within Flood Zone 3 subject to satisfying the Sequential and Exception Tests. An appropriate Flood Risk Assessment supports the application and the Environment Agency and Local Lead Flood Authority (LLFA)

have raised no objections to the proposed development. It is therefore deemed that the proposal complies with Policy CS22.

#### Policy CS24 Presumption in favour of sustainable development

Policy CS24 reflects the overarching principle of the NPPF that plans and decision making should apply a presumption in favour of sustainable development. Policy CS24 requires that when considering development proposals the District Council will take a positive approach and will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible. The Council has worked with the applicant to make revisions to the proposals to render the scheme acceptable. It is considered that the proposal constitutes “sustainable development” and accordingly Policy CS24 is complied with.

#### **Blaby Local Plan (Delivery) Development Plan Document (2019)**

##### Policy DM2 – Development in the Countryside

Policy DM2 supports the strategic policy approach set out in Core Strategy Policy CS18 and provides more detailed guidance on appropriate development in the countryside. The policy does not explicitly refer to renewable energy projects but provides general criteria against which development proposals should be assessed. These require that the development is in keeping with the appearance and character of the existing landscape, development form and buildings, noting that the impact on landscape character and appearance will be informed by the Blaby Landscape and Settlement Character Assessment (criterion (a)). Development should also provide a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing or new occupiers (criterion (b)).

##### Policy DM8 – Local Parking and Highway Design Standards

Policy DM8 requires that all development provides an appropriate level of parking and servicing provision and complies with highway design standards as set out in the most up to date Leicestershire Local Highway Design Guidance (LHDG). Detailed consideration is given to the highways impacts of development later in this report. Desford Road in the vicinity of the site access, and the proposed site access itself, do not meet the standards normally expected in the LHDG. However, with suitable mitigation measures in place during the construction and decommissioning phases of the development, no harmful impact upon the surrounding road network or highway safety can be demonstrated and thus there is no basis on which to resist the proposal on highways grounds.

##### Policy DM12 – Designated and Non-designated Heritage Assets

Policy DM12 states that all new development should seek to avoid harm to the heritage assets of the District. Development proposals that conserve or enhance the historic environment will be supported. The policy states that designated heritage assets and their settings will be given the highest level of protection to ensure that they are conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment. Where substantial harm is identified, proposals will only

be supported in exceptional circumstances in accordance with national planning guidance. Where a less than substantial level of harm is identified, the scale of harm will be weighed against the public benefits of the proposal.

### **Fosse Villages Neighbourhood Plan 2021**

The Fosse Villages Neighbourhood Plan was made in 2021 and forms part of the statutory Development Plan. Its policies should therefore be given the same weight as the policies in the Blaby Local Plan Core Strategy and Delivery DPDs.

#### **Policy FV4 - Biodiversity**

Policy FV4 supports proposals for development which maintains and enhances existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines). to support biodiversity. The proposed development seeks to retain and enhance with new planting existing hedgerows and trees on the site. Biodiversity net gain has been demonstrated and as such the proposal is considered to comply with Policy FV4.

#### **Policy FV6 – Design**

Policy FV6 requires that development reflects the distinctive and traditional character of the Fosse Villages. Development should be in keeping with the scale, form and character of its surroundings; protect locally significant features such as traditional walls, hedgerows and trees; not significantly adversely affect amenities of residents; promote sustainable design and construction and provide a safe and suitable access.

#### **Policy FV16 - Renewable Energy**

Policy FV16 states that ground mounted solar photovoltaic farms will be supported where they are on previously developed or non-agricultural land (criterion (a)); where the location does not result in the proposals impacting on any heritage asset; and, where the proposal's impact has been fully assessed in accordance with the Landscape and Visual Impact Assessment set out in Planning Practice Guidance (5-013-20150327).

The policy is positively worded and whilst stating that that solar farms will be supported on previously development or non-agricultural land, the policy does not explicitly preclude their development in other locations, including on agricultural land. Paragraph 125 of the FVNP recognises that solar developments can cover large areas and are usually developed in rural areas.

### **OTHER MATERIAL PLANNING POLICY & GUIDANCE**

#### **National Planning Policy Framework (NPPF) (July 2021)**

The National Planning Policy Framework establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high

level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

It also sets out the planning approach that the Government wishes to see in relation to many aspects of the planning system, including meeting the climate change challenge with the golden thread running through the decision-making process being the presumption in favour of sustainable development.

In decision-taking, paragraph 11 explains that this means approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out of date, to grant permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole; or
- Specific policies in the NPPF indicate development should be restricted.

Chapter 14 (paragraphs 152 to 158) of the NPPF has specific relevance to the development proposals and deal with meeting the challenge of climate change.

**Planning Practice Guidance (PPG)** provides supporting guidance to the interpretation of the NPPF, including specific guidance relating to ground mounted solar farms.

## **PLANNING APPRAISAL**

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise, and whether those material considerations are of such weight that the adopted policies of the Development Plan should not prevail in relation to any proposal.

The following are considered the key planning issues in the determination of the proposal:

- The principle of the development assessed against strategic Development Plan and national planning policies;
- Landscape and visual impacts;
- Impact on heritage assets;
  - *Built Heritage*
  - *Archaeology*
- Impact on agricultural land;
- Flood risk and drainage impacts
- Ecology and biodiversity impacts
- Impact upon residential amenities
- Highway Impacts

## **The principle of the development assessed against strategic Development Plan and national planning policies;**

Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making.

Paragraph 11 of the NPPF and Core Strategy Policy CS24 set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise.

The application site is wholly located in designated countryside which should be recognised for its intrinsic character and beauty. Core Strategy Policy CS18 states that planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape. As noted in the response of the Council's Planning Policy team, policy CS18 does not explicitly support or exclude renewable energy projects within its designation. Essential to the appropriateness of scheme's countryside location will therefore be its resulting landscape and visual impact.

The Development Plan does not allocate specific locations for commercial scale renewable energy development due to limited opportunities within the District. The explanatory text to the policy states that all renewable and low carbon energy proposals will therefore be assessed against Core Strategy Policy CS21. Policy CS21 is broadly supportive of renewable energy schemes and this policy does not differentiate between urban and rural locations for its support.

Furthermore, the NPPF is supportive of renewable energy schemes. At paragraph 152, the NPPF states:

*“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”*

At paragraph 158, the NPPF goes on further to state:

*“When determining planning applications for renewable and low carbon development, local planning authorities should:*

*a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*

*b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”*

Whilst not a requirement of policy CS21 or national policy to demonstrate the need for the development and/or evidence for site selection, the applicant has provided supporting information that places the proposed solar farm development in the context of the overall national picture relating to climate change and carbon reduction. Specifically, the Sixth Carbon Budget published by the UK Climate Change Committee in December 2020 recommends that on average 3GW per year of solar generated electricity will be required to achieve the solar generation anticipated to be required to deliver the Government’s commitment to Net Zero by 2050. The proposed development represents a contribution of just over 1% of the annual national need for new installations.

The increased delivery of renewable energy, including solar farms, also aligns with Blaby District Council’s Climate Change Strategy 2020-2030, which includes its aspiration for the district to be carbon neutral by 2050.

The application also highlights in the accompanying Planning Statement that opportunities to deliver large scale solar installations only exist in specific locations. Having been offered the opportunity to feed electricity into the National Grid at the Enderby substation, the applicant proceeded to undertake a land search to identify land suitable for development with proximity to Enderby substation; generally south facing; unencumbered by physical constraints or restrictive planning policies.

Land at Hill Farm, Thurlaston has been identified as being potentially suitable for solar electricity generation due to its limited wider visibility and following assessment of key constraints including agricultural land quality, existing trees and hedgerows, ecological interest and flood risk. Subsequent refinement of the site boundaries excluded land with greater visibility to the northeast of the application site; removed all Grade 2 quality agricultural land from the development area and omitted solar panels in sensitive areas to the south (near Riverside Cottages) and the east (near Hill Farm), as well as moved panels away from PROW V67a.

Policy FV16 Renewable Energy states as criterion (a) that solar farms will be supported where they are on previously developed or non-agricultural land. This aligns with guidance on large scale solar farms set out in the PPG. Whilst the use of previously developed and non-agricultural land is encouraged, the policy does not explicitly preclude support for development on agricultural land. Indeed, the policy includes other criteria to be considered to address the likely impacts of such developments in rural areas. These relate to visual impact, heritage impact and decommissioning and are complied with by the proposals.

On balance, the policies of the Development Plan give support in favour of renewable energy proposals where their impacts are (or can be made) acceptable. Such proposals also support the Council’s commitment for the district to be carbon neutral. The principle of the proposed development is therefore considered to be acceptable

when assessed against strategic Development Plan policies, subject to other material considerations being appropriately assessed.

### Landscape and Visual Impact

The application site is situated in a rural location where there is clearly the potential for a large-scale solar farm to have an adverse impact upon the character and appearance of the surrounding countryside. Core Strategy Policy CS18 Countryside deals with landscape impact and states that planning permission will not be granted for development which would have a significant adverse impact upon the landscape.

Criterion C(ii) of Core Strategy Policy CS21 Climate Change also requires that impact of the development on local landscape character and historic landscape character is minimised.

Core Strategy Policy CS2 Design sets out that development proposals should be appropriate in their context and should demonstrate that they have taken account of local patterns of development, landscape and other features and views and are sympathetic to their surroundings.

Policy DM2 Development in the Countryside of the Delivery DPD provides criteria against which development proposals should be assessed. Criterion (a) requires that development is in keeping with the appearance and character of the existing landscape, development form and buildings. Decisions in respect of impact on landscape character and appearance will be informed by the Blaby Landscape and Settlement Character Assessment, Leicestershire and Rutland Historic Landscape Characterisation study, National Character Areas and any subsequent pieces of evidence.

The NPPF is also clear that the natural environment should be enhanced by protecting and enhancing valued landscapes. The NPPF also makes it clear that the adverse impacts of renewable and low carbon energy projects must be satisfactorily addressed, including cumulative landscape and visual impacts.

The site does not fall within any national or local protected landscape designations, such as Areas of Outstanding Natural Beauty. It would also not qualify as a “valued” landscape as this is set out in paragraph 174 of the NPPF.

In terms of its character, the application site occupies circa 36ha of land, comprising six field parcels, in a mix of pastoral and arable uses. Field boundaries are lined by a network of mature hedgerows and scattered trees, linear tree belts and woodland blocks with public rights of way (PROWs) running to the east of the site. Hedgerows along the field boundaries are largely intact but contain gaps, particularly along the northern site boundary, and are managed to a height of around 2m. The site is gently undulating falling from a high point of approximately 88m AOD along PROW footpath V67a along the eastern site boundary to approximately 79m AOD along the southern boundary in the vicinity of Riverside Cottages.

The landscape surrounding the application site is characterised by gently undulating arable and pastoral land, with moderately sized fields enclosed by hedgerows. The

local landscape includes smaller settlements linked by a network of local roads. Woodland cover is limited and apart from valley bottoms, the 'open' nature of the landscape enables long open views and wide vistas.

To support the planning application proposals, the applicants have submitted a Landscape and Visual Impact Assessment (LVIA) of the development. This has been reviewed by the Council's instructed Landscape Architect to assess its robustness for consideration of the proposals.

### *Landscape Mitigation Strategy*

The impacts outlined below are also based on the implementation of a landscape mitigation strategy as outlined on the submitted Landscape Masterplan and Landscape and Environmental Management Plan. Amendments have been sought to this strategy to provide additional hedge and tree planting on the northern boundary of the site to provide greater screening of the site in views from the north, particularly along PROW footpath V73 and properties along A47 Hinckley Road; further planting on the southern boundary to screen the substation compound and bolster screening of the site; consistent off-set of the 'deer' fencing from hedgerows and trees to ensure adequate space for growth and maintenance; relocation of the hedgerow from the east to the west side of PROW footpath V67a to reduce enclosure to the footpath and offer screening of the development. In addition to the revised elements, the strategy incorporates an area of managed grassland in the south of the site to enhance biodiversity; infilling of existing hedgerows with appropriate native species where gaps are present, new tree planting on the northern boundaries and a woodland copse in the northern corner of the site to provide greater enclosure to the site.

### *Impact on landscape*

The site lies within the Normanton Agricultural Parkland Landscape Character Area (LCA) as identified in the Blaby Landscape Character Assessment (2020). The key characteristics of the character area include;

- rolling landform which becomes more elevated in the east of the LCA;
- regular shaped fields with boundaries marked by well managed hedgerows;
- channelled views over short distances within the character area;
- open views within parkland contained by woodland and topography restricting views over longer distances with hedgerows and woodland creating an enclosed character;
- few urban influences though glimpses of movement along the A47 can be seen from some areas and pylons cross the western part of the character area and form intrusive skyline features.

The Normanton Agricultural Parkland LCA is assessed as a having a medium landscape sensitivity and medium sensitivity to development (housing and transport infrastructure).

It is considered that the site is representative of the landscape character described in the character assessment and exhibits rolling landform, a mix of agricultural land uses, hedgerow boundaries and woodland blocks.

Overall, there will be no direct impacts or effects on any landscape designations and a neutral landscape effect in respect of indirect impacts on the Earl Shilton Conservation Area, scheduled monuments and listed buildings within the 2.5km study area surrounding the site.

In respect of landscape character, the effects will be limited by the enclosure afforded to the site by the existing topography and planting. Given the low profile and arrangement of the solar panel arrays, the development would reflect the current topography of the site, albeit masking the underlying landform. Hedgerows and trees are also to be retained, with the exception of small areas of hedgerow that will be lost to accommodate access tracks within the site. The most noticeable change to the site and its surroundings will be in the temporary change in the character of the site as a result of the new land use, with areas of arable and pastoral land converted for use as a solar farm with associated panels and infrastructure. The Council's landscape advisor agrees with the submitted LVIA, that once implemented the development would have a moderate adverse effect on the Normanton Parkland LCA.

The landscape character of the site is to be strengthened with management of existing hedgerows and trees and new infill tree and hedge planting. The establishment and on-going management of the proposed landscaping is stated in the LVIA to restrict the influence of the proposed development over time and distance such that there would be minimal impact on the landscape character area as a whole, once mitigation is in place. The Council's landscape advisor disagrees with this conclusion and highlights that managing hedgerows to maintain a height of up to 3m, as proposed in the landscape strategy, would not be characteristic of the LCA where hedgerows between arable fields are generally kept low, enabling long views. Rather than neutral, it is considered that there would be a minor adverse overall effect on the Normanton Parkland LCA.

Considering other landscape character areas beyond the site itself yet within the development's zone of influence, the Council's landscape advisor has confirmed that the development's impact on the Newbold and Desford Rolling Farmland LCA (north of the A47 in Hinckley and Bosworth Borough Council's (HBBC) area), and Burbage Common Rolling Farmland LCA (south of Normanton within HBBC's area) will be neutral. Due to the distance from the site to Thurlaston village itself, the development is not considered to influence the urban characteristics of the village and the effect would be neutral. The impact on the Stoke Golding Rolling Farmland LCA (north of Earl Shilton in HBBC's area) would be a medium-low magnitude of impact and of minor adverse effect in the long term.

### *Visual Effects*

The LVIA uses 8 viewpoints to inform the visual assessment which were agreed with Blaby District Council and are considered to represent a range of potential visual receptors. These include views from settlements surrounding the development area; residential properties and scattered farms within farmland in the LVIA study area; users of local roads and the M69 motorway; and users of public rights of way and open access areas.

The Council's landscape advisor has considered the findings of the LVIA's assessment of visual effects and broadly agrees with the sensitivity ratings, magnitude of impact and overall effect attributed to landscape receptors.

### *Settlements and Open Access Areas*

The LVIA reports that expansive views across the wider landscape from the edge of Earl Shilton are already influenced by pylons and major road and within this landscape the solar will be perceived as a contained built elements with minor adverse effects. It is also agreed that the visual effects on the Normanton Wood and Peckleton open access areas would be neutral.

### *Roads*

To users of the M69 the effect is considered to be neutral as the proposed change would not be perceptible. The application site is generally well screened from users of the A47 by mature woodland and linear tree belt vegetation and the LVIA concludes that the effect would be neutral on this receptor. The Council's landscape advisor has highlighted, however, that views would be more open in winter months when deciduous vegetation is not in leaf. Nonetheless, both post-completion and following landscape strengthening, the overall effect would be negligible.

Expansive views will be possible towards the site from open and elevation positions on Earl Shilton Road. The development will sit within the lower landscape, against a backdrop of mature vegetation. Although the solar farm will be perceived the overall assessment is that it will not dominate the view and the effect will be minor-adverse. From Desford Road, views of the site are generally well enclosed and the Council's landscape advisor concurs with the LVIA that the level of effect from this viewpoint will be negligible adverse.

### *Residential Properties*

Scattered properties close to the site include Bassett Farm, Riverside Cottages, Bracknell Farm and Hill Farm. The LVIA explains that these nearby dwellings will have the potential to perceive the solar farm above the intervening boundary vegetation, however, the panels will not dominate the views. At worst, the level of effect will be moderate adverse, reducing to minor adverse through the growth of the landscape mitigation measures over time. The Council's landscape advisor concurs with these findings.

### *Public Rights of Way*

Understandably, the greatest level of change will be experienced by users of PROW footpath V67a which runs along the eastern boundary of the site. Here the view will change from a sloping field to a view influenced by solar panels, albeit for a relatively short length of time. The proposed development will be perceived as a prominent, noticeable feature and the overall effect is deemed to be moderate-adverse. A similar effect will be experienced further south along footpath V67a as it heads towards Earl Shilton Road. To offer some screening of the development for users of the footpath, proposed hedgerow planting is now positioned to the west of the footpath route. Whilst

this will restrict previously open views westwards across the site, it is considered preferable to the greater level of enclosure that would have been provided by locating the hedgerow to the east of the PROW as originally proposed.

From PROW footpath T73, to the east of footpath V67a and the site's boundaries, the land gently rises towards the large agricultural buildings associated with Hill Farm. The LVIA notes that open views towards the proposed development will be possible across the adjacent gently sloping fields. Nestled within the lower regular landscape, against a backdrop of rising ground, although perceived, the proposed development will not dominate the view. The Council's landscape advisor agrees that there with a moderate-adverse level of effect.

North of the site boundary towards the A47, views from PROW footpath T73 will be restricted by intervening boundary vegetation, including a woodland copse and variations in the intervening sloping landform. However, glimpsed views will be possible from some locations along the PROW and, overall, the LVIA considers the effect on users of this part of footpath T73 would be minor-adverse. The Council's landscape advisor agrees that the effect would be minor-adverse, however, this would only be the case in the long term once planting, including a new woodland area has matured. In the short term there would be clear views towards the proposed solar panels and transformers along the eastern site boundary. Footpath T73 continues northwards of the A47, however, views towards the site are heavily screened by vegetation and thus a neutral level of effect will result.

North of Church Street, Earl Shilton, PROW footpath T86 allows views across the application site. The LVIA sets out that the development will not dominate the view which is contained by mature woodland vegetation. The Council's landscape advisor agrees with this assessment and that the effects would be minor-adverse.

### *Cumulative Impacts*

The LVIA addresses potential cumulative effects with other consented solar farms within the study area. It is noted from the LVIA that there will be very limited opportunity for combined or sequential views of the permitted solar scheme at Desford Road (Blaby District permission 18/0242/FUL). The separation by sloping landform and enclosure by surrounding vegetation will ensure that the combined perception of solar schemes will not dominate any views or journeys. There are relatively few locations where the Proposed Development and that associated with Clump Farm to the north of the A47 would be visible; the viewpoints are confined to elevated areas on the edge of Earl Shilton and on parts of Earl Shilton Road. Clump Farm solar development and the application site are separated physically and visually by the mature woodland lined A47 such that the landscape would not be dominated by solar development.

### *Landscape Impact and Visual Effects Summary*

The proposed development of a solar farm on the site, albeit for a temporary period, will alter the site's character and its perception from the selected visual receptors, changing it from one of sloping fields and an agricultural landscape to a solar farm with associated transformers, fencing and infrastructure. Some harm is considered to

result to the landscape as a result of the development which would reduce to minor adverse effects following the implementation of the landscaping strategy.

Similarly, harmful visual effects are also identified ranging from negligible adverse to moderate adverse. These harmful effects will be experienced predominantly by users of the PROW network adjacent to the site and in the surrounding area, though also by nearby residents, motorists and cyclists using the local road network.

Notwithstanding, the identification of some harmful effects, the site is generally visually well-contained by existing vegetation and topography with impact on views limited to the near to middle distances. A revised landscaping masterplan has been submitted by the applicants which provides a stronger landscape belt on the northern boundary of the site, additional landscaping to the south of the site and better screening of the development from PROW footpath V67a. Together with on-going management and infilling of gaps within the existing vegetation on the site, the mitigation measures are considered appropriate and will reduce the impacts of the proposal. These measures can be appropriately secured by conditions, as set out in at the start of this report.

On balance, whilst there will some harm resulting from the development, this would not qualify as “*significantly adverse*” effects on the appearance or character of the landscape, which is the test set out in Core Strategy Policy 18 Countryside. Notwithstanding this, the development cannot be considered to be ‘*in keeping*’ with the appearance and character of the landscape as required by Delivery DPD Policy DM2 Development in the Countryside given the harm identified. It is considered that the development minimises the impact on landscape character, includes measures to mitigate adverse effects and would not create an overbearing cumulative visual impact when considered in conjunction with other permitted solar farms in the locality, as required by Core Strategy Policy 21 Climate Change. The matters will need to be considered in the planning balance.

### Impact on Heritage Assets

Core Strategy Policy CS20 Historic Environment and Culture states that the Council takes a positive approach to the conservation of heritage assets and the wider historic environment. This will be done, *inter alia*, by considering proposals against the need to ensure protection and enhancement of the heritage asset and its setting.

Delivery DPD Policy DM12 Designated and Non-designated Heritage Assets states that all new development should seek to avoid harm to the heritage assets of the District. Development proposals that conserve or enhance the historic environment will be supported. In respect of non-designated assets a balanced consideration will be applied to proposals.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation

area. These statutory duties need to be considered alongside the requirements of the Development Plan.

Section 16 of the National Planning Policy Framework (NPPF) is a material consideration and provides the national policy on conserving and enhancing the historic environment.

Paragraph 199 of the NPPF requires great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance. Paragraph 200 continues that any harm to the significance of a designated heritage asset should have clear and convincing justification.

NPPF paragraph 201 requires planning permission to be refused if there is substantial harm to or the total loss of a designated heritage asset unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 202 states that where a proposal will lead to less than substantial harm to the significance of the heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 203 of the NPPF also includes a requirement for the effects on the significance of non-designated assets to be taken into account. A balanced judgement will be needed having regard to the scale of any harm or loss and the significance of the heritage asset..

To enable assessment against the requirements of the policies above, the application has been supported by a Historic Environment Desk Based Assessment (DBA) and a Geophysical Survey. It should be noted that the Historic Environment DBA considered a larger site (subsequently reduced in size to limit visual impacts) than the current application site and therefore represents a 'worst case scenario'. Field evaluation (trial trenching) has also been undertaken on part of the site and a subsequent evaluation report prepared to respond to the comments of the County Archaeologist.

### *Built Heritage*

There are no designated or non-designated heritage assets within the site itself, however it must be assessed if the site falls within the setting of heritage assets. The NPPF (Annex 2) defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." Historic England provide advice on the setting of heritage assets in their 'Good Practice in Planning Note 3: The Setting of Heritage Assets (2017)' (GPA3), this identifies that the surroundings in which an asset is experienced may be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way an asset is experienced in its setting is also influenced by other factors such as noise, dust and vibrations from other land uses in the vicinity, and by an understanding of the historic relationship between places. The contribution that setting makes to the significance of the heritage asset

does not depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance.

Historic England recommends undertaking a five-step approach to assessing change in the setting of heritage assets in GPA3. The first step is to identify which heritage assets and their settings are affected by the proposal. Within the 1km study area are four listed buildings:

- Grade II\* Listed Church of All Saints, Church Street, Thurlaston c. 1km east of the site;
- Grade II Listed Garden Wall and Gazebo, 200m east of Tolley Park Cottages, c 860m north of the site, north of A47
- Grade II Listed Milestone, c 280m north of the site, adjacent to A47
- Grade II Listed Icehouse, approximately 20m north of Normanton, c. 540m south of the site.

The Historic Environment DBA does not consider that the site comprises part of the setting for the Listed Church of All Saints, Thurlaston. The setting of this Grade II\* Listed Church is assessed as comprising the settlement of Thurlaston and the immediately surrounding agricultural fields which provide the rural context for the location of the Church and inform the legibility of the asset. The church does not have a prominent spire and there is no intervisibility between the Church and the site due to land form, vegetation and post-medieval and modern development. The site makes no contribution to the historical, evidential or communal values of the listed church or its experience. These factors indicate that the site is not within the setting of the Church and thus there will be no harm caused to the significance of the Church of All Saints as a result of the development.

With respect to the Grade II listed garden wall and gazebo at Tooley Park Cottages, the historic setting for this listed building is assessed as being the land associated with Tooley Hall and Park, neither of which survive in the landscape. The results in a reduced setting which is limited to the immediate agricultural surroundings and which lies outside of the site.

The Grade II listed milestone's setting is considered to be the A47 road which provides context and historical value and contributes to the significance of the asset. The application site does not lie within the setting of the milestone due to the lack of intervisibility, physical separation and lack of functional or historical relationship. The setting of the milestone will not be affected and there will accordingly be no harm to the significance of the asset.

The setting of the Grade II listed icehouse is noted in the Historic Environment DBA to be Normanton Hall and Park. These provide the historical associations and context for appreciating the asset and the application site does not provide surroundings or historical connection which allow the asset to be experienced. Accordingly, the proposed development is not considered to impact on the setting of the listed icehouse and no harm to the significance of the heritage asset will result.

The Historic Environment DBA has considered additional designated heritage assets beyond the study area. These include the historic cores of Earl Shilton and Thurlaston. As a result of combinations of distance, topography, presence of intervening built

form/vegetation and the limited inter-visibility between the application site and these assets, together with a lack of discernible historic, functional or other relevant relationships or associations, the application site is not considered to fall within their setting. Due to the form of the proposal, it is considered this position would not be altered following the development.

Non-designated heritage assets within the study area, including Normanton House Farm (Earl Shilton Road) and The Holt (Desford Road), were also subject to a settings assessment to determine whether they would be potentially impacted by the proposals. Their settings were not deemed to be susceptible to impacts as a result of the development and further consideration is not given to these heritage assets in the Historic Environment DBA. Given the general landform and topography, as well as existing and proposed screening, it is agreed that the setting of these buildings will not be harmed.

The Council's Historic Buildings Officer has been consulted on the proposals and has reviewed the submitted Historic Environment DBA. His comments note that he has been unable to discern any harm to the significance of the listed buildings identified within the study area.

In respect of built heritage, the proposed development is not considered to affect the setting of any designated or non-designated heritage assets and will therefore result in **no harm** to the significance of any heritage assets. Consequently, the proposal complies with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework and Core Strategy Policy CS20 and Policy DM12 of the Local Plan Delivery DPD in this regard.

### *Archaeology*

Paragraph 194 of the NPPF provides that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The submitted Historic Environment DBA considers archaeological matters and the application is also supported by a Geophysical Survey of the site.

The Leicestershire and Rutland Historic Environment Record (HER) notes the presence of a Neolithic flint recorded in the Portable Antiquities Scheme (PAS) c. 330m north of the site, and 66 flints discovered c. 1km south of the site during A47 excavation work. Cropmarks suggesting the presence of a potential Bronze Age Barrow are found within the site area, and two possible Bronze Age ring ditches are located c. 600m south of the site. c. 155m south of the site an axe, bead fragments and a palstave from the Bronze Age were also discovered. Field walking has identified Iron Age pottery and quern stone fragments within the site area, and Roman pottery immediately north of these. Cropmarks for a possible prehistoric rectangular enclosure are observed c. 600m north of the site, and a pit alignment c. 790m southwest of the area. The site is located south of a medieval manor and north of a deserted settlement and could potentially be within associated open field systems. The results of a Geophysical Survey carried out on the site detected possible archaeological activity within the northwest of the site, likely cut features such as ditches, close by the Iron

Age and Romano-British artefact scatter found during fieldwalking. Linear anomalies to the southwest of the site could also indicate the presence of a cluster of features. The results of the Geophysical Survey and information ascertained from the Historic Environment Record (HER) suggest a high potential for both prehistoric and Romano-British archaeological remains within the site.

Since it is possible that archaeological remains may be adversely affected by this proposal, the County Archaeologist recommended that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals by field evaluation.

Due to the scale of the application site and crops present on the application site, the applicant was not willing to undertake trial trenching on the full extent of the site. Further to discussion with the County Archaeologist, it was agreed to carry out limited field evaluation exercise, focussing on the area (Area 7) with greatest potential for archaeological remains, as indicated in the Geophysical Survey.

The results of the field evaluation have largely confirmed the results of the geophysical survey. The evaluation revealed two phases of significant archaeological activity mostly relating to the Roman period. The first phase witnessed the establishment of a late Iron Age – early Roman field system, with additional features relating to storage and pitting activities. Additional features were identified associated with industrial activities (such as a keyhole kiln for pottery making and waste deposition pits yielding evidence of ironworking and ceramic manufacturing), as well as potential structural activity in the area suggested by possible mortar and floor/roof tiles.

In addition to the confirmed late Iron Age - Roman activity identified within Area 7, there is an additional potential for buried remains across the application area, as noted within the DBA. A circular cropmark identified immediately outside the site boundary north of Area 4 has been interpreted as a potential Bronze Age burial mound, supported by lidar data. A possible hammer stone recovered from the Area 7 evaluation may also indicate prehistoric activity in the vicinity. In addition to the prehistoric potential, Bronze Age barrow sites are often re-used as later Anglo Saxon cemeteries, and there may therefore be nearby Anglo Saxon activity focussed around this area. Whilst associated features have not been identified on the geophysical survey, not all types of archaeological deposit (including prehistoric, Anglo Saxon remains and human burials) are sensitive to detection by this method, and it has therefore not established the absence of further features. Indeed, a number of additional features were revealed during the Area 7 trenching evaluation that had not previously been identified in the survey.

Subsequent to the assessment of the field evaluation report, the County Archaeologist has advised, that the current results are sufficient to support the planning decision and do not present an obstacle to the determination of the application. Notwithstanding this advice, it is noted that the remains found are significant and the site warrants further archaeological mitigation prior to the development commencing. A condition is therefore recommended to secure further archaeological work on site, including trial trenching followed by intrusive and non-intrusive investigation, as necessary, and recording.

Subject to the imposition of the recommended condition it is considered that the proposed development satisfactorily addresses the archaeological interests of the site and thus complies with Core Strategy Policy CS20 and Local Plan Delivery DPD Policy CS12.

### Impact on Agricultural Land

The NPPF states at paragraph 174 that, *inter alia*:

*“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- 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;”*

Footnote 58 of the NPPF also states:

*“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.”*

The Agricultural Land Classification (ALC) system divides agricultural land into five grades (Grade 1 ‘Excellent’ to Grade 5 ‘Very Poor’), with Grade 3 subdivided into Subgrade 3a ‘Good’ and Subgrade 3b ‘Moderate’. Agricultural land classified as Grade 1, 2 and Subgrade 3a falls in the ‘best and most versatile’ (BMV) category. Planning Practice Guidance (PPG) identifies BMV land as *“the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non-food crops for future generations.”*

A detailed ALC survey has been undertaken on the site and the results presented in an Agricultural Land Classification Report. This identifies that the agricultural land at the site is predominantly Subgrade 3b (circa 22ha or 61% of the site area). A lesser proportion of soil profiles is limited by a mixture of soil wetness and/or soil droughtiness to Subgrade 3a (i.e. 14ha or 39%). All Grade 2 quality agricultural land has been excluded from the application site.

Pre-1988 ALC information indicates that Blaby District has a high proportion of agricultural land in Grade 3 (not differentiated between Subgrade 3a and Subgrade 3b), 82.5% compared with 48.2% in England as a whole. Post-1988 ALC information does not cover the application site. However, available data does show a mix of Grade 2, Subgrade 3a and Subgrade 3b to south of the site. This the predominant Subgrade 3b at the Site is therefore some of the lower quality land in the area.

Use of some BMV land within the application site would, to a degree, weigh against the proposed development in planning policy terms and the associated loss of production from this land is therefore a material consideration as part of the

determination of this application. This impact needs to be balanced against the national need for renewable and low-carbon sources of energy.

In weighing this matter in the planning balance, the applicant has requested that the following points are considered:

- The majority of farmland in Blaby District is Grade 3 and thus the land lost to farming would not represent a scarce resource;
- The use is temporary (40 years) and would not prejudice the long term existence and future use of the land for farming;
- The soil will lay fallow for 40 years and significant biodiversity enhancement would be achieved through the measures set out in the LEMP. These measures will also enhance the carbon storage capacity of the soil; and,
- The proposed LEMP land management will enhance the quality of soil across the site.
- The development of agricultural land at this site would not significantly harm national agricultural interests in terms of paragraphs 174 and 175 of the NPPF.

#### Flood risk and drainage impacts

Core Strategy Policy CS22 Flood Risk Management seeks to ensure that development is directed to locations at the lowest risk of flooding, giving priority to Flood Zone 1.

Paragraph 159 of the NPPF requires inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Paragraph 167 continues by explaining that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

The application is supported by a Flood Risk Assessment (FRA) due to the extent of the site area and areas of Flood Zone 3 within the site's boundaries. The FRA addresses the sequential and exception tests as required by paragraph 167 of the NPPF. Fluvial modelling analysis has been undertaken and no development is to be sited within the modelled fluvial depths. The solar arrays are set at 0.8m above ground levels and are therefore unlikely to be impacted by any flooding and will, themselves, be unlikely to displace flood water or significantly alter the current greenfield scenario in respect of surface water movement.

The maximum pluvial depths located at the site are 0.6m which are associated with the presence of an underground land drain and the likelihood of pluvial flooding is also assessed as being low. All electrically sensitive infrastructure will be located outside of the 1:100 year (+37%) flood events.

The Environment Agency and Lead Local Flood Authority have both commented on the application and neither has raised objections to the scheme. Both note that the solar panels will be sited above the modelled flood depths and any increased flood risk on the site and or to third parties will be negligible. No flood compensation or mitigation measures are necessary.

The proposal is therefore considered to comply with Core Strategy Policy CS22 and the requirements of the NPPF.

## Ecology and biodiversity impacts

Core Strategy Policy CS19 seeks to protect and improve areas of biodiversity and wildlife habitat. Core Strategy Policy CS14 relates to green infrastructure and seeks to improve and enhance this network within the district. Policy FV4 of the Fosse Villages Neighbourhood Plan supports proposals for development which maintains and enhances existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines) to support biodiversity.

Paragraph 174 (d) of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by (inter alia) minimising impacts upon and providing net gains for biodiversity.

### *Trees*

The planning application is accompanied by a Tree Survey and Arboricultural Impact Assessment (AIA) which identifies 36 trees, groups of trees and hedgerows. Of these, 30 trees/groups of trees/hedges fall within Category B – Moderate quality trees whose retention is desirable. The proposed site design for the solar farm accommodates all of the existing trees and hedgerows on the site with the exception of five short sections of hedgerow which it is proposed to remove in order to facilitate the erection of security fencing and access, leading to an overall loss of 15 linear metres. Given the scale of the proposed development, the loss of trees/hedgerow on the site is considered to be minimal and will be compensated for with additional tree and hedgerow planting.

The proposed deer fencing is to be erected beyond the root protection areas of trees and solar panels are set away from vegetation. Gravel tracks proposed within the site are to be constructed with compacted gravel and a geo-textile lining and will be of 'no-dig' construction. The submission and agreement of an Arboricultural Method Statement are considered necessary to safeguard the trees on the site during construction and this can be required by condition.

### *Ecology*

The Preliminary Ecological Appraisal (PEA) submitted with the application confirms that the site does not form part of any statutory or non-statutory designation. An Extended Phase 1 Habitat Survey identified a limited range of habitats on the site which is typical of agricultural land. This included arable and improved grassland which is considered likely to support ground nesting birds (e.g. skylarks). Brown hare was also observed on site. The linear habitats (hedgerows and scattered trees) on the site represent the areas of greatest ecological importance, at a local scale, and have the potential to support foraging and commuting bats, nesting birds and small mammals, including badgers.

A biodiversity net gain (BNG) assessment has also been undertaken for the site utilising the DEFRA metric 3.0. This indicates that the development will achieve a net gain of 113% for habitat units and a net gain of 107% for hedgerow units.

The PEA and BNG assessment make a number of recommendations which have been incorporated into the Landscape and Ecological Management Plan also submitted with

the application in order to delivery biodiversity enhancements. These have been reviewed by the County Ecologist and deemed to be acceptable. These can be secured by condition and include:

- Proposed species rich grassland creation within the solar arrays;
- Rough grassland buffer and ground for nesting birds;
- New native species woodland copse;
- New native species rich hedgerows;
- Retention of existing hedgerows and trees;
- Strengthening of northern hedgerow with additional planting;
- 20cm gaps at the ground level of the security fencing to allow movement of protected species such as badgers and hares across the site;
- 6 no. bird boxes to be placed on retained trees around the site perimeter;
- 2 no. bat boxes to be installed on suitable mature trees;
- Security lighting designed to minimise impacts on bats and other wildlife;
- Wildlife refuge areas (habitat piles) to be installed in suitable places in hedgerows;
- During the construction phase cover excavations overnight or provide a means of escape;
- Nesting bird checks prior to undertaking any management works to hedgerows. Works to void small animal hibernation season (November to February)
- All new planting to be maintained for a 40 year operational period (or for the life of the proposed solar farm).

The implementation and subsequent adherence to a Landscaping and Ecological Management Plan which will secure the delivery of biodiversity enhancements across the site are a benefit of the proposed development which is consistent with the requirements of the NPPF paragraph 174(d) and the relevant policies of the development plan.

#### Impacts on Residential Amenity

Policy DM2 of the Local Plan Delivery DPD requires that development should provide a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing or new occupiers (criterion (b)), including consideration of, *inter alia*, privacy, light, noise, disturbance, overbearing effect, hours of working and vehicular activity. Similarly paragraph 130 (f) of the NPPF requires development proposals to create places which promoted health and well-being, with a high standard of amenity for existing and future users.

The closest properties to the application site are Riverside Cottages. These cottages are located on Earl Shilton Lane and are approximately 200m at an oblique angle at their nearest point to the solar arrays. There is some existing (gappy) vegetation to the north of the properties, alongside the river. The proposed landscape strategy includes new hedgerow planting around the southern and eastern boundaries of the site and infilling of hedgerow gaps which will offer improved screening over time. Whilst these properties will be able to perceive the solar farm, particularly from first floor windows, the separation distances are sufficient to ensure that the impact is not intrusive or results in a detrimental impact on residential amenities.

To the north and west along the A47, Bracknell Farm, Bungalow Farm (and Kings Richards holiday lodges) and Basset Farm are all approximately 300m from the site boundary. Bungalow Farm and Bracknell Farm will have views of the site which will become more filtered over time as the tree and hedge planting proposed for the northern boundary of the site. Basset Farm is already significantly enclosed by existing trees surrounding the buildings and by a regular woodland area between the house and the site. Given the separation and existing proposed landscaping, the development is not considered to be intrusive or overbearing.

The western side of the proposed solar farm would be visible from the north of Earl Shilton, including some properties on Thurlaston Lane and Church Street and Earl Shilton Road which are situated on a local high point. In these locations, it may be possible to perceive both the application proposal and the consented Clump Farm solar farm. Nonetheless, at distances ranging from circa 1km to 1.5km the installation is not considered to have a detrimental impact on residential amenities, being seen within a wider landscape that includes significant infrastructure and built development.

The planning application has been supported by a noise assessment which shows that noise arising during the operational phase of the solar farm will not be harmful to the amenities of the occupiers of nearby residential properties during the daytime or night-time. It should be noted that the Council's Environmental Services team has not raised any concerns about noise impact on residential amenities.

No permanent night-time illumination is proposed. Lighting is proposed to be limited to that necessary for security and maintenance and can be controlled by condition. Solar farms can at times emit reflected light. The panels, metal framework and other equipment are designed to absorb rather than reflect light. It is unlikely that any significant reflection would occur.

During the construction phase there is likely to be disturbance in the form of moving vehicles, noise, dust and light. These impacts could be controlled through the provisions of a Construction Environmental Management Plan (CEMP) which can be required by condition.

No significantly adverse impacts on residential amenity can be demonstrated and the proposal is therefore considered to be compliant with Local Plan Delivery DPD Policy DM2 Development in the countryside.

### Highway Impacts

Policy DM8 requires that all development provides an appropriate level of parking and servicing provision and complies with highway design standards as set out in the most up to date Leicestershire Local Highway Design Guidance (LHDG). In addition, Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe. The application has been supported by a Construction Traffic Management Plan (CTMP) and Technical Notes prepared during the consideration of the application in order to address the comments of the Local Highway Authority (LHA).

### *Site Access*

Access to the site is proposed from Desford Road to the east of the proposed solar farm via the existing access to the Hill Farm complex of buildings. Desford Road is a classified C road subject to a 60mph speed limit. It is rural in nature and consists of a 4.5m carriageway with a grass verge on either side. Swept path analysis undertaken by the applicant indicates that Desford Road does not afford sufficient width to allow two HGVs to pass. Tracking of the access also shows that for a HGV to egress the site, it would cross both sides of the Desford Road carriageway. The LHA therefore have concerns about HGVs overrunning the highway verge. A condition requiring a highway conditions survey and remedial plans for any damage caused is therefore recommended by the LHA.

Visibility at the site access is significantly constrained due to the presence of a hedgerow and the alignment of the road. The LHA have advised maximum visibility splays of 19m to the north and 18m to the south at a 4.5m setback. This is severely restricted when assessed against the minimum requirements set out within table DG4 of the Leicestershire Highway Design Guide which requires a minimum of 4.5m by 160m splay to the north and 4.5m by 120m splay to the south (based on the 85<sup>th</sup> percentile speeds recorded in the applicant's automatic traffic count). These splays would not be achievable without significant sections of the existing hedgerow being removed which was not considered desirable.

In order to address the visibility concerns, the applicants have submitted a Technical Note – Traffic Management (December 2022) which proposes three-way signal controls at the construction access, as well as localised widening of the access road to facilitate access to the site by HGVs. The LHA consider this an acceptable solution given the requirement relates only to the construction and decommissioning periods.

The signals would be active during the hours of operation for the site (from 07:00 to 18:00 during the week and 08:00 to 12:00 on a Saturday morning), and will operate in three stages, giving a green signal to traffic from one direction at a time. Outside the hours of construction and potential vehicle movements (evenings, Saturday afternoons and Sundays), the signals would be turned off to minimise potential delays to other road users. The Highway Authority has advised that they would continually review and require further amendments to the Traffic Management during the duration of the works. i.e. due to any safety issues or complaints etc.

Finally, the applicants propose a Temporary Traffic Regulation Order (TTRO) Order for a 30mph speed limit from the existing 30mph speed limit to the south near Thurlaston to north of the site access to cover the duration of the construction period. In the event that planning permission is granted, it will be necessary for the applicants to secure a TTRO through application to Leicestershire County Council. Conditions requiring the development to proceed in accordance with the approved Technical Note- Traffic Management and accompanying drawing covers this requirement.

### *Trip Generation*

The construction phase of the development is estimated to last approximately 28 weeks with the maximum personnel on the site at any one time to be around 60. It is

anticipated that a maximum of 5 two-way HGV daily movements would be associated with the development during the construction period. Approximately 40 cars/vans are expected to enter and leave the site within the highway peak hours. Vehicular movements during the decommissioning phase will be similar to that in the construction phase and the same impacts are anticipated.

The Construction Traffic Management Plan states that maintenance traffic would consist of one small van every week. Access would be via the existing farm access.

The construction period of the development would result in additional traffic and some queuing, however, bearing in mind the temporary nature of the construction period and the proposed signalisation proposed on Desford Road to ensure highway safety, the LHA does not raise any objections to the trip generation associated with the development.

#### *Internal Layout*

An area for a site compound is indicated on the plans, however, the internal layout of the compound is currently undetermined. These details can be secured by condition as part of a Construction and Environmental Management Plan (CEMP).

#### *Routing of Construction Traffic*

The originally submitted Construction Traffic Management Plan states that HGVs will not be permitted to turn right out of the site towards Thurlaston. Whilst most deliveries (and HGV movements) are expected to come from the motorway network and via the A5, A47 and then along Desford Road from the north, there are no restrictions in place to prevent movements towards Thurlaston. The access also appears to be arranged to allow vehicles to access the site from both directions. There are presently no methods available to enforce the routing of construction vehicles and the LHA are concerned that the proposed routing for construction vehicles would not be enforceable.

Given the above, the Technical Note -Traffic Management has been revised to incorporate a proposed TTRO in the form of a weight restriction to prevent large slow-moving vehicles routing from the site southwards towards Thurlaston. This is to be secured by condition requiring the provision of the Technical Note to be implemented.

#### *Highway Safety*

There has been one Personal Injury Collision on Desford Road in the past five years. The collision was recorded as slight in severity. Whilst unfortunate, a single collision does not represent any patterns or trends which could be exacerbated by the proposed development.

#### *Public Right of Way*

Public footpath T73 crosses the site access route and public footpath V67a runs alongside the eastern boundary of the site. A scheme for the management of the

footpaths during construction to ensure that users of these footpaths remain safe during the construction period can be secured through the imposition of conditions.

### *Highways Conclusions*

The assessment above shows that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021) or with Policy DM8 of the Local Plan Delivery DPD. Subject to the conditions and requirements outlined, the Highway Authority raise no objection to the development proposals on highways grounds.

### Other matters

The applicant has highlighted that the development will bring economic benefits as part of its contribution to sustainable development by helping to improve the UK's self-sufficiency and resilience in energy supply. It is noted that solar farms can be built quickly and, coupled with improvements in the efficiency of panels, large-scale solar is now viable in some cases to deploy subsidy-free and at little to no extra cost to the consumer.

The proposal will also secure additional income for a working farm which will enable the farm to continue operating, improve efficiencies and enhance biodiversity. Construction and decommissioning phases of the development will also create new employment, albeit for a short period.

### Planning Balance and Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

In respect of the principle of the development, Core Strategy Policy CS18 does not specifically exclude or allow the development of renewable energy projects in the countryside. The policy does, however, require that development does not have a significantly adverse effect on the appearance or character of the landscape. Core Strategy Policy CS21 Climate Change adopts a positive approach to renewable energy projects, subject to conditions. Policy FV16 of the Fosse Villages Neighbourhood Plan (FVNP) supports the development of solar farms on non-agricultural land but does not preclude their development in rural areas and includes policy provisions to address development of solar farms in such a scenario. It is therefore considered that the development of a solar farm is acceptable in principle and complies with the relevant policies of the of the Development Plan, namely Core Strategy policies CS18 and CS21 and FVNP policy FV16.

The site and its proposals are sited in a location which is well-contained by topography and vegetation and will respect the existing field parcels. Nonetheless, there is some residual harm that would occur during the operational period in respect of the landscape and visual impacts of the development. This would be particularly felt by

users of the of the public rights of way neighbouring the site and in the change in character of the site from a rural landscape to one containing an engineered landscape of solar panels. No harmful impacts are anticipated after decommissioning takes place. The identified harm to the character and appearance of the countryside is an element that weighs against the development proposals and conflicts with the requirements of Local Plan Delivery DPD policy DM2. It is not, however, considered to result in '*significantly adverse*' effects as set out in policy CS18.

The development proposals will result in the temporary loss of 14ha of best and most versatile agricultural (BMV) land which is a matter which weighs against the scheme.

The proposal seeks to minimise its impact upon landscape character and has prepared an acceptable landscape strategy masterplan which will mitigate the effects of the development. In this respect the proposals accord with the requirements of Core Strategy policy CS21. There are a number of other areas of compliance with development plan policies including matters surrounding heritage assets, drainage and flood risk, highways matters, environmental health matters and residential amenity. These are not considered benefits as such and are subsequently held in neutral weight when considering the overall planning balance.

In respects of benefits of the scheme, Paragraph 8 of the NPPF identifies the three strands of sustainable development broken down into social, economic and environmental benefits. The proposal would result in economic benefits through the construction of the scheme through creation of jobs and construction spend, albeit for a temporary period, therefore having limited weight.

The proposed solar farm will generate up to 22 MW of renewable energy which will provide clean energy to power homes. This is a significant environmental benefit of the scheme which makes a positive contribution to meeting the climate change challenge and it follows that this should be held in significant weight in the planning balance. The proposal also introduces other environmental benefits including enhanced green infrastructure and significant biodiversity net gain through the provision of new hedgerows and trees, and wildflower meadow habitats beneath the solar arrays. These benefits are held in moderate weight.

It is suggested that the significant benefits associated with the generation of renewable energy, together with the moderate benefits associated with the environmental enhancements and limited positive economic benefits, outweigh the limited elements of harm associated with the landscape and visual impacts arising from the development and the loss of agricultural land. The development is thus regarded to represent a sustainable form of development it is recommended that planning permission is granted with the conditions listed.

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19/1610/OUT

Registered Date  
18 December 2019

L&Q Estates

Outline application for demolition of existing buildings and erection of up to 885 dwellings, including public open space, land reserved for a primary school, landscaping and associated infrastructure (all matters reserved except means of access)

Land North of Hinckley Road  
Kirby Muxloe  
Leicestershire

Report Author: Stephen Dukes,  
Development Services Team Leader  
Contact Details: Council Offices. Tel: 0116 272 7520

**RECOMMENDATION:**

That application 19/1610/OUT be approved subject to:

**Recommendation A:**

The applicant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act to secure the following:

- 25% provision of affordable housing
- A new primary school on site/ provision of land for primary school and Primary school contribution
- Secondary school contribution
- Special school contribution
- Early years education contribution
- Library facilities contribution
- Health care facilities contribution
- On site open space provision and children and young people's equipment
- Off-site open space contribution (sport, cemeteries, allotments)
- Off-site open space maintenance contribution
- Community facilities contribution
- Police contribution
- Desford crossroads highway improvement contribution
- Traffic Regulation Order contribution
- Travel Packs
- Bus Passes
- Travel Plan monitoring contribution
- Provision of public transport through an agreed public transport strategy
- S106 monitoring contributions – District and County Councils

## **Recommendation B:**

**The imposition of conditions relating to the following matters:**

### **TIME LIMITS AND APPROVAL OF RESERVED MATTERS**

1. Time limits for implementation – 5 years from the date of permission or before expiration of 2 years from the date of approval of the first Reserved Matters application.
2. Submission of Reserved Matters – Appearance, landscaping, layout and scale.
3. Time limit for the submission of Reserved Matters.
4. Development to be in accordance with approved plans.
5. Maximum amount of development not to exceed 885 dwellings.

### **PHASING**

6. Details of primary infrastructure to be submitted and agreed.
7. Development to proceed in accordance with site-wide phasing and severability plan (unless otherwise agreed). Details of sub-phases to be agreed.

### **MASTERPLANNING AND DESIGN**

8. Each phase of development to adhere to overall Design Code (or any agreed revision)
9. Parcel Passports to be submitted and agreed for each phase or sub-phase in advance of Reserved Matters approvals.
10. Reserved Matters applications to include statement demonstrating compliance with Design Code and Parcel Passport.
11. Reserved Matters applications to include details of existing and proposed site levels, finished floor levels of buildings, hard surfaced areas, landscaping and green infrastructure.
12. External materials to be agreed.

### **HOUSING**

13. Each Reserved Matters application shall provide an appropriate mix of market and affordable housing, to be submitted as part of a 'Housing Mix' plan and agreed with the Council's Housing Strategy team.
14. Each phase to provide a minimum of 5% of dwellings as Accessible and Adaptable Homes, meeting the Building Regulations Standard M4(2), unless there are site specific requirements why this requirement cannot be met.

### **DRAINAGE AND INFRASTRUCTURE**

15. Surface water drainage scheme to be submitted, agreed and implemented for each phase or sub-phase.
16. Foul water drainage scheme to be submitted, agreed and implemented for each phase or sub-phase.
17. Details relating to management of surface water on site during construction to be submitted, agreed and implemented for each phase or sub-phase.
18. Details relating to the long-term maintenance of surface water drainage systems to be submitted, agreed and implemented for each phase or sub-phase.

19. Infiltration testing to be carried out to confirm the suitability of the site for infiltration, and submitted and agreed.
20. Surface water modelling to be reviewed by a competent third-party consultant and submitted and agreed for areas at high surface water flood risk.
21. Submission of details of electricity substations to be submitted and agreed.

#### **LANDSCAPE, ECOLOGY AND BIODIVERSITY**

22. Site-wide Landscape and Biodiversity Strategy (including BNG provision and management plan) to be submitted and approved.
23. Landscape and Biodiversity Delivery and Management Plan for each phase or sub-phase to be submitted, approved and implemented.
24. No trees or hedgerows to be lopped, topped, felled or removed (other than to implement primary infrastructure) unless otherwise agreed.
25. Buffer zones maintained alongside retained hedgerows.
26. Bat Mitigation Strategy to be submitted, approved and adhered to.
27. Amphibian Mitigation Strategy to be submitted, approved and adhered to.
28. Badger Mitigation Plan to be submitted, approved and adhered to, and monitoring of badgers reviewed prior to each phase of development.
29. Great Crested Newt Mitigation Plan to be submitted and approved and adhered to.
30. Resurvey of Great Crested Newts prior to each phase of development, and any recommendations adhered to.
31. Resurvey of Reptiles before development commences.
32. Ecologically sensitive lighting scheme to be agreed.

#### **HERITAGE AND ARCHAEOLOGY**

33. Programme of archaeological work to be undertaken in accordance with a Written Scheme of Investigation to be submitted and approved.

#### **ENVIRONMENTAL MANAGEMENT AND PROTECTION**

34. Submission and approval of a Construction and Environmental Management Plan for each phase or sub-phase.
35. Scheme to address the management and/or safe disposal of asbestos to be submitted and approved.
36. Methodology for dealing with unexpected contamination.
37. Site-wide Waste Management Strategy to be submitted and approved.
38. Waste Collection Strategy for each phase or sub-phase to be submitted, agreed and adhered to.
39. Noise mitigation measures for dwellings closest to A47 to be submitted, agreed and implemented.
40. Noise mitigation measures for dwellings closest to sports clubs to be submitted, agreed and implemented.
41. Scheme to avoid the risk of ball strikes to be submitted, approved and implemented.
42. Scheme to mitigate the impacts of existing floodlighting to be submitted, approved and implemented.

#### **HIGHWAYS AND TRANSPORT**

43. Access, footway and cycleway proposals along A47 to be implemented prior to any occupation.

44. Improved cycleway connection between A47 at Beggars Lane and V82 Public Right of Way to Lubbethorpe to be implemented prior to any occupation.
45. Pedestrian and cycle access between the site and A47 at Beggars Lane to be open and available prior to any occupation in phase 3.
46. Existing redundant accesses on A47 to be closed.
47. A47/ Beggars Lane highway improvements to be implemented prior to any occupation.
48. A47/ Kirby Lane highway improvements to be implemented prior to 301<sup>st</sup> occupation.
49. Amended Framework Travel Plan to be submitted, approved and implemented.
50. Scheme to protect Public Rights of Way to be submitted and approved and implemented.
51. Public Transport Strategy to be submitted, approved and implemented.
52. Details to comply with design standards of Leicestershire County Council.

## **NOTES TO COMMITTEE:**

### **Site Description**

The site, which is located to the north of Hinckley Road (the A47) in Kirby Muxloe, has been allocated for a minimum of 750 dwellings in Policy SA1 of the Blaby District Local Plan (Delivery) Development Plan Document (the “*Delivery DPD*”, adopted February 2019), of which the policy states a minimum of 510 dwellings will be delivered during the current local plan period (up to 2029).

The application site itself comprises a total of 44 hectares of mainly agricultural land, consisting of the land to the north side of the existing sports clubs on Hinckley Road and extending south to meet Hinckley Road beyond the western edge of the sports clubs. To the west, the site is bound by further agricultural land and the farm access to Oaks Farm which would be realigned as part of the proposals. To the north of the site is Kirby Muxloe Golf Club and the boundary of the application site would retain some separation from Oaks Farm, a Grade II listed building. To the east, the site is bordered by the access track to Forest Farm and smaller fields/ paddocks further north which separate the site from the ‘Kirby Meadows’ Barry Close development.

The red line site area includes the majority of the land allocated in Policy SA1, with the exception of the area of land closest to Oaks Farm, and the existing sports clubs on Hinckley Road. The only additional land included in the site is no.259 Hinckley Road, a bungalow which has recently been demolished.

### **The Proposal**

This outline planning application is for the erection of up to 885 dwellings, along with public open space, a primary school, landscaping and associated infrastructure.

The original planning application (19/1610/OUT), as submitted, proposed up to 750 dwellings on a site of 39.11 hectares, with vehicular access via a roundabout onto the A47. A separate application (19/0789/OUT) submitted by Hazelton Homes proposed a further 137 dwellings on a site of 4.8 hectares, with vehicular access via a new road off the A47 opposite Beggars Lane. Planning application 19/0789/OUT has since

been withdrawn, with L&Q Estates (the applicant for planning application 19/1610/OUT) taking over the proposals for both sites.

The application site in 19/1610/OUT has therefore been increased to 44 hectares with a total of up to 885 dwellings now proposed (combining the totals proposed in both original applications), with all vehicular access being from the proposed roundabout on the A47, with a pedestrian and cycle only access onto the A47 opposite Beggars Lane also proposed.

### **Documentation**

As an application for outline planning permission, detailed layout plans, floor plans and elevations have not been submitted for consideration at this stage. Nevertheless, consideration is still required as to the principle and amount of development proposed. The key plans and documents are listed below which set out the development proposed:

- Planning application form
- Location Plan
- Illustrative Masterplan
- Parameters Plan
- Phasing and Severability Plan
- Off-site highway works plans
- Design and Access Statement (and Addendum)
- Design Code
- Planning Statement (and Addendum)

The application is also supported by the following documents which provide further technical information on specific matters:

- Air Quality Assessment
- Arboricultural Impact Assessment
- Archaeological Evaluation Report
- Archaeological Geo-Physical Survey
- Badger Survey Report
- Bat Survey Report
- Biodiversity Net Gain calculations and Proposed Habitats Plan
- Bird Survey Report
- Consultation Statement
- External Lighting Assessment (for LFE Rugby Club)
- Flood Risk Assessment (and Addendum)
- Framework Travel Plan
- Geotechnical Interpretive Report
- Great Crested Newt Survey Report
- Heritage Desk-Based Assessment
- Noise Assessment
- Phase 1 Geo-Environmental Assessment (former Hazelton site)
- Phase 2 Geo-Environmental Assessment (former Hazelton site)

- Reptile Survey Report
- Rugby Clubs and Cricket Club Ball Strike Assessments
- Rugby Club Sound Assessment
- Site Investigation Factual and Environmental Interpretive Report
- Stage 1 Road Safety Audit
- Toad Mitigation Strategy
- Transport Assessment (and Addendum)
- Utilities Appraisal

### **Environmental Impact Assessment**

The process of Environmental Impact Assessment in the context of town and country planning in England is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental impacts.

The applicant has undertaken the 'Screening' and 'Scoping' processes with the District Planning Authority as the proposed development met the relevant threshold in Schedule 2 of the Regulations of 'urban development projects', comprising of more than 150 dwellings. The Screening Opinion was that an Environmental Statement was considered necessary. The Scoping Opinion identified that the Environmental Statement should cover the following aspects:

- Landscape and Visual Impacts
- Transport and Transportation
- Noise
- Air Quality
- Biodiversity and Ecology
- Cultural Heritage and Archaeology
- Agricultural Assessment
- Cumulative Effects.

The Environmental Statement was therefore submitted alongside the original planning application and included the following chapters, alongside a number of separate appendices:

- Chapter 1 – Introduction
- Chapter 2 – Assessment Scope and Methodology
- Chapter 3 – The Application Site
- Chapter 4 – The Proposed Development and Alternatives Considered
- Chapter 5 – Socio Economic Assessment
- Chapter 6 – Landscape and Visual Impacts
- Chapter 7 – Ecology and Nature Conservation

- Chapter 8 – Cultural Heritage
- Chapter 9 – Traffic and Transport
- Chapter 10 – Air Quality
- Chapter 11 – Noise and Vibration
- Chapter 12 – Agricultural Land Quality
- Chapter 13 – Summary
- Chapter 14 - Statement of Competence
- Chapter 15 – References
- Chapter 16 – Glossary and Acronyms

Consultation was carried out in in December 2019 in accordance with the requirements of the Regulations, and the Secretary of State was notified of the application.

Following amendments being made to the planning application, which increased the maximum number of dwellings from 750 to 885, an Environmental Statement Addendum was submitted in November 2021. The ES Addendum covered the same chapters and structure as detailed above, but included up to date information, taking into account the larger site. A full reconsultation was again carried out in accordance with the Regulations in November 2021, and the Secretary of State was notified. Finally, in March 2023, following amendments being made to the application, further consultation was carried out in accordance with the Regulations.

The Regulations state that when determining an application to which an Environmental Statement has been submitted, the local planning authority must examine the environmental information, reach a reasoned conclusion on the significant effects of the proposed development on the environment, integrate that conclusion into the decision as to whether planning permission is to be granted, and consider whether it is appropriate to impose monitoring measures.

### **Relevant Planning Policies**

#### **National Planning Policy Framework (NPPF)**

#### **Planning Practice Guidance (PPG)**

#### **Blaby District Local Plan (Core Strategy) Development Plan Document (February 2013)**

- Policy CS1 – Strategy for locating new development
- Policy CS2 – Design of New Development
- Policy CS5 – Housing distribution
- Policy CS7 – Affordable housing
- Policy CS8 – Mix of housing
- Policy CS10 – Transport infrastructure
- Policy CS11 – Infrastructure, services and facilities to support growth
- Policy CS12 – Planning obligations and developer contributions
- Policy CS14 – Green Infrastructure (GI)
- Policy CS15 – Open space, sport and recreation
- Policy CS19 – Bio-diversity and geo-diversity
- Policy CS20 – Historic Environment and Culture

Policy CS21 – Climate change  
Policy CS22 – Flood risk management  
Policy CS23 – Waste  
Policy CS24 – Presumption in favour of sustainable development.

**Blaby District Local Plan (Delivery) Development Plan Document (February 2019)**

Updated Policy CS15 – Open Space, Sport and Recreation  
Policy SA1 – Land north of Hinckley Road, Kirby Muxloe  
Policy DM1 – Development within the Settlement Boundaries  
Policy DM4 – Connection to Digital Infrastructure  
Policy DM8 – Local Parking and Highway Design Standards  
Policy DM9 – A47 High Load Route  
Policy DM10 – Self and Custom Build Housing  
Policy DM11 – Accessible and Adaptable Homes  
Policy DM12 – Designated and Non-designated Heritage Assets  
Policy DM13 – Land Contamination and Pollution

**Blaby District Council Planning Obligations and Development Contributions Supplementary Planning Document (February 2010)**

**Blaby District Council Housing Mix and Affordable Housing Supplementary Planning Document (July 2013)**

**Leicestershire Highways Design Guide**

**Blaby Landscape and Settlement Character Assessment (January 2020)**

**Blaby District Council Open Space Audit (December 2015)**

**Blaby Playing Pitch Strategy 2020**

**Blaby Residential Land Availability Report (March 2021)**

**Joint Strategic Flood Risk Assessment Final Report (October 2014)**

**Leicester and Leicestershire Housing Market Area Housing and Economic Land Availability Assessment (SHELAA) 2019**

**Consultation Summary**

Initial consultation was undertaken on the original submitted application for 750 dwellings and Environmental Statement in January 2020. Following changes to the application to increase the site area and the number of dwellings from 750 to 885, and the submission of the Environmental Statement Addendum, further reconsultation was carried out in November 2021. Final reconsultation was undertaken in March 2023 in relation to any changes made to the application since the reconsultation in November 2021.

## **Blaby District Council, Environmental Services**

June 2021 (Original application) - Request a financial contribution of £46,000 for the provision and maintenance of a new air quality monitoring station.

April 2022 (Revised application) - No objections but makes comments in relation to land contamination risk, asbestos, flooding, drainage, air quality, and noise, vibration and dust.

April 2022 (Revised application) – Comments that a Section 106 contribution towards air quality monitoring alone would not assist in mitigating the impacts of the proposed development, and therefore would not meet the tests in the Community Infrastructure Levy Regulations. The proposal already includes provisions for limiting the traffic generation from it, which would therefore assist in mitigating the air quality impacts. Appropriate planning controls should be employed to ensure that those provisions are delivered, and so realise the predicted levels set out in the air quality assessment documentation that has been submitted.

March 2023 (Final comments) - Refers to previous comments which are not affected by the recent revisions. Notes that a Rugby Ball Trajectory Analysis has been submitted and that Sport England have made comments.

## **Blaby District Council, Health and Leisure**

December 2020 (Original application) – Provides recommendations informed by utilising Sport England's Playing Pitch Calculator which uses data from the latest version of the Blaby District Playing Pitch Strategy. This is a nationally recognised process of assessing and quantifying requirements for developers with regards to the provision of sport and physical activity. The calculator generates increased demand levels from the development with associated costs and the Playing Pitch Strategy evidence is used to determine the current provision and demand for various sports and provide a set of recommendations.

November 2022 (Revised application) – Provides amended recommendations informed by utilising Sport England's Playing Pitch Calculator and the Blaby District Playing Pitch Strategy. Taking into account any surpluses in existing provision, the District Council's Health and Leisure team advises that a contribution of £1,044,288 would be required to meet the increased demand for sports facilities arising from the development, with lifecycle costs of £60,196 per annum. The capital costs could be used to improve pitches and ancillary facilities.

March 2023 (Final comments) - Provide amended recommendations informed by utilising Sport England's Playing Pitch Calculator and the Blaby District Playing Pitch Strategy. The District Council's Health and Leisure team advises that a slightly reduced contribution of £1,027,179 would be required to meet the increased demand for sports facilities arising from the development. The contribution is to be split between capital costs towards provision of an Artificial Grass Pitch (which could be combined with other funding to allow increased provision at Lubbesthorpe), improvements to the grass pitches at Kirby Muxloe Recreation Ground, and cricket pitch provision (which could be used at Leicester Ivanhoe Cricket Club), along with

ancillary facilities. In addition, maintenance (lifecycle) costs are requested for the Artificial Grass Pitch and cricket provision, £22,991 per annum.

## Blaby District Council, Housing Strategy

December 2020 (Original application) – Provides an analysis for Kirby Muxloe and Leicester Forest East of the existing stock, household size, bidding analysis and supply, and uses this to provide a current recommendation for the affordable and market housing mix for the new 750 dwelling development, as follows:

### Affordable Mix

Bed Size	Total	%	Strategic Housing Affordable Mix		Recommended	
			Rent	Intermediate		
1 bed houses/flats	10	5%	10	5%	0	0%
2 bed houses	85	45%	68	36%	17	9%
3 bed houses	60	32%	48	26%	12	6%
4+ bed houses	4	2%	4	2%	0	0%
2 bed bungalows	29	15%	23	12%	6	3%
<b>Totals</b>	<b>188</b>	<b>100%</b>	<b>153</b>	<b>81%</b>	<b>35</b>	<b>19%</b>

### Market Mix

Bed Size	Strategic Market Mix	Housing	Recommended
1 bed houses/flats	10		2%
2 bed houses	225		40%
3 bed houses	208		37%
4+ bed houses	56		10%
2 bed bungalows	67		12%
<b>Totals</b>	<b>562</b>		<b>100%</b>

August 2022 (Revised application) - Provides an updated analysis for Kirby Muxloe and Leicester Forest East of the existing stock, household size, bidding analysis and supply, and uses this to provide a current recommendation for the affordable and market housing mix for the new 885 dwelling development, as follows:

### Affordable Mix

Bed Size	Rent		Intermediate	
1 bed quarter houses	36	20%	0	0%
2 bed houses	62	35%	23	50%
3 bed houses	44	25%	22	50%
4+ bed houses	15	8%	0	0%
2 bed bungalows	20	12%	0	0%
<b>Totals (222)</b>	<b>177</b>	<b>80%</b>	<b>45</b>	<b>20%</b>

### Market Mix

Bed Size	No.	%
1 bed quarter houses	20	3%
2 bed house	166	25%
3 bed house	212	32%
4+bed house	199	30%
2 bed bungalow	66	10%
<b>Totals</b>	<b>663</b>	<b>100%</b>

The Housing Strategy team draw attention to a significant change in mix since the last assessment. This concerns the increase in need for one bed accommodation – since the emergence of Covid 19 the team has experienced a large increase in working age adults requiring this form of accommodation. Considering this, the recommended housing mix requests a higher number of one bedroom quarter houses. This property type sees a far smaller churn of tenants due to being seen as more suitable by residents and is also preferred by Registered Providers due to the reduction of management issues in comparison to flatted accommodation.

The Housing Strategy team advises on the inclusion of a condition requiring future reserved matters applications to provide for an appropriate mix of market and affordable housing. It also highlights the need for each parcel of the overall development to contain 25% affordable housing and also a representation of the stated market mix to avoid disparate parcels (for example a parcel solely of larger properties and then to make up for this a parcel with an oversupply of affordable and smaller market housing which would be contrary to the Council's aims of creating mixed and sustainable communities).

### Blaby District Council, Neighbourhood Services

January 2020 (Original application) - No objection, but provides guidance in relation to access to properties for waste and recycling collection services.

December 2021 (Revised application) – Advises to refer to previous comments.

March 2023 (Final reconsultation) – Refers to previous comments.

### Environment Agency

January 2020 (Original application) - No objection. Comments that the Lead Local Flood Authority should be consulted on the requirements regarding disposal of surface water arising from the development, and Severn Trent Water consulted to demonstrate that sewerage and sewage disposal have sufficient capacity to accommodate the additional flow. Request a copy of the decision notice.

November 2021 (Revised application) - No further comments.

March 2023 (Final reconsultation) – No further comments to make. Refers to comments made in November 2021.

## **Health and Safety Executive**

January 2020 (Original application) - No objection. The proposed development site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline, therefore the HSE does not need to be consulted on any developments on this site.

November 2021 (Revised application) – No further comments

## **Hinckley and Bosworth Borough Council**

January 2020 (Original application) – No objections to make subject to there being no material impacts on the strategic highways network.

March 2022 (Revised application) – Comments that the nearest settlement of Desford has seen significant growth in the last 2 years and this should be factored into the highways work if it hasn't been already, so that an up-to-date position can be assessed when determining what mitigation is required. There are two developments of 80 dwellings each currently under construction and a development for the extension to the Neovia/ Caterpillar Employment Site which has been permitted and is due to start imminently. These sites should be factored into any transport work – LCC Highways are aware of these sites and will be able to advise. It is noted that this application is EIA development and that an Environmental Statement has been submitted, however it does not appear that the application has been advertised in accordance with the EIA Regs as HBBC received the standard 21-day consultation.

March 2023 (Final reconsultation) – Note that the Local Highway Authority now has no objections to the proposal (subject to conditions). No further comments, subject to determination in accordance with the relevant local and national policies.

## **Historic England**

January 2020 (Original application) - No comments to make. Recommends seeking the views of specialist conservation and archaeological advisors, as necessary.

November 2021 (Revised application) - No further comments.

March 2023 (Final comments) - No further comments, recommends seeking views of specialist conservation and archaeological advisors.

## **Kirby Muxloe Parish Council**

January 2020 (Original application) -

*“Kirby Muxloe Parish Council’s material considerations in relation to the above planning application are:-*

*That this application for 750 houses cannot be considered in isolation: consideration must be given to the adjacent application for 137 houses (19/0789/OUT). Some time*

ago there was a public consultation presented by "Pegasus" in which they quite rightly thought it correct to present both applications.

The implications for traffic, schools, health services and the impact of another 887 houses bringing another 2,000 plus cars onto Hinckley Road, 2,000 additional children and their needs, together with 2,000 adults requires that the 2 applications must be considered together not only by yourselves but also by the statutory consultees.

Consideration must also be given to the other sites identified in the recent DPD and the impact this will have on our area. In recent years planning permission has been granted for 4659 houses, 600 or so have been built, leaving another 4000 or so to be built and as members of your department have said publically well before the DPD was presented.

"We cannot go on adding more houses in the PUA, the infrastructure simply cannot cope".

During the period previously referred to, and up to now, no road improvements have been made to Hinckley Road and no new health facilities have been provided. These new planning applications therefore cannot be considered as sustainable and should be deferred until the planned infrastructure projects from previous developments come on stream.

A new report commissioned by the Government, which is about to be published, recommends exactly this way forward in respect of infrastructure. It is our understanding that such a Government statement carries significant weight.

In order to reduce the number of vehicle movements on Hinckley Road, particularly for everyday shopping, we feel strongly that the developments should have within in:

- Doctors' surgery, Pharmacy, small shop (One Stop type) and cash point
- That all the recreational facilities along the A47 are able to be accessed from within the developments.

As you are no doubt aware the local bus service frequently has recently been reduced causing residents a great deal of inconvenience and hard ship. The situation and pollution would be greatly eased if the 'Arriva Click' system could be extended to include these new developments and the village of Kirby Muxloe.

When the Lubbethorpe development was being planned it was recognised that traffic would use the Barry Drive estate as an alternative route. This was deemed unacceptable by both the B.D.C planning department and L.C.C highways department. Funding was provided by the Lubbethorpe landowner to enable the L.C.C highways department to design and implement a scheme that would prevent the traffic using the estate as an alternative route. This funding has proven to be inadequate, and the highways department has requested additional funding from the landowner via B.D.C which has not yet been forthcoming. In the meantime, the problem of through traffic has got increasingly worse and will be made worse by these 2 proposed developments.

Should the applications be approved our s.106 funding requirements for the Parish Council are:

- (i) Additional funding to be made available to the highways department in order for the desperately needed solution to be designed and implemented.
- (ii) The creation of a path and bridge to create a circular walk within the centre of the village. Funding requirement – Guide cost £38,000
- (iii) Our Library/Community Hub with the monies going directly to them as they are now self-financing – operating independently of County Hall. Guide cost £2,000.
- (iv) The Village Hall, which is so valued by our community, to enable it to have its facilities upgraded so that it is better able to serve what will be an increased client base. Guide cost £3,500
- (v) Funding for improvements to our cricket pavilion. Guide cost £3,000.
- (vi) Our final request in 106 terms is for monies to give much needed and substantial improvements to the Village skateboard park. A team of volunteers aided by residents has been fund raising for many months but have still to raise many thousands of pounds. Guide cost £45,000.”

December 2020 (Original application) -

“Thank you for the recent update in regard to the above, the Parish Council have found it almost impossible to decipher the pdf because of the development size being squeezed on to the pdf. We are also unsure as to whether we have all of the information in view of the difficulty you have had in sending it. We have however made our best endeavour to comprehend the information and our material considerations are:

- A. The development is in what is considered to be open countryside and therefore should not be given approval.
- B. We consider what appears to be a single access and egress point from the Hinckley Road to be unacceptable because of the problems of providing access at all times for emergency vehicles. It would appear that the criteria re the number of access and egress points v the number of dwellings has been breached by a considerable margin.
- C. The proposed access and egress point/offset island on Hinckley Road will lead to delaying the flow of traffic on Hinckley Road and uncontrolled islands in themselves are a very real safety concern re national statistics. We think it requires a solution similar to that which is currently in place at the crossroads of Hinckley Road and Leicester Lane. We are given to understand that Highways England have previously ruled that no further direct access and egress points are to be permitted on to Hinckley Road.
- D. The positioning of the Primary School is of considerable concern to us in that it is positioned to the far west of the site close to the main access and egress roads and not far from Hinckley Road. As most people are aware the roads around all schools become heavily congested with vehicles at the start and finishing times for pupils. In addition to this we think there is a pollution issue re the heavy traffic on Hinckley Road particularly at peak times. There is also the

*traffic accessing and egressing the development, 1000 dwellings (both developments) will generate at least 2300 vehicles plus visitor and delivery vehicles. In our opinion the school should be positioned centrally to the site on its East/West axis and to the rear of the site on its North/South axis. This re-siting will go a long way to reducing safety issues and health risks due to pollution.*

- E. We have previously outlined the advantages of having a small number of shops located centrally within the development e.g. One Stop type, post office, cashpoint, chemist, provision of these services will result in far less vehicle movements to the shops further along Hinckley Road thus reducing congestion and pollution. We can find no evidence of this suggestion being taken on board. Here in Kirby Muxloe the shops on the Main Street and in the surrounding side streets flourish and have done so for many years. There is an optician, post office, a chemist who delivers prescribed medication at no cost to the recipient, delicatessen, cashpoint, florist, hairdressers, open air fruit and vegetable market twice per week, fish market twice per week, newsagent, village hall, community hub/library, which is thriving, 2 public houses, 2 places of worship and church halls. It's very much the case of, if the facilities are provided in the right location local residents will use them. These facilities are highly valued by the residents of Kirby Muxloe, the community as a whole benefits in a number of ways and it generates community spirit. There are circa. 1796 dwellings in Kirby Muxloe and 1000 (both developments) are planned in the Hastings Meadows development, we therefore believe that there is more than enough potential business on the development to sustain a small hub of essential facilities as previously described.*
- F. We have previously suggested that residents are provided with pedestrian access to the rear of the existing sporting facilities thereby enabling them to walk to these venues rather than being tempted to use their vehicles to access the facilities via Hinckley Road with all its attendant risks, we can find no evidence of this suggestion being acted upon.*
- G. If this application is approved, then it is not unreasonable to assume that the demand for recreational and sporting facilities will increase. We therefore think that the developer should provide more land adjacent to the existing facilities.*
- H. We would like to see evidence that our request has been considered and hopefully adopted, to provide public footpath linkage. We refer to public footpath V82 and in the opposite direction linking the public footpath in Gullet Lane/Links Road/The Golf Club, together with the Elms Farm route and the numerous public footpaths some leading to Leicester Lane and others to Hinckley Road.*
- I. Trees and hedges as we all know make a very valuable contribution to reducing pollution, they also contribute to the 'feel good' factor when walking by their effect on our mental faculties. We are therefore requesting that extensive planting is made a condition to any planning approval that may be given to this application.*

- J. We believe it is vital that we support B D C's green agenda, not only to protect the environment but also to live up to B D C's aspirations to make Blaby District a good place to live and work in. To support these goals which are so essential for our and future generations welfare we are asking that all the dwellings are fitted with solar panels and electric vehicle charging points as standard.
- K. We think that the name of the development should reflect that it is part of Kirby Muxloe for a number of reasons e.g., access to allotments and cemetery facilities, we suggest Kirby Parva or Muxloe Parva.
- L. Regarding Street names for the development, we suggest the following names: D H Blunt, H Bury, R W Chambers, C E Cullen, G E Cullen, F J Dickson, J G Hollis, G Madder, G A Over, C J Russell, H W Sleath, W H Smith, J S Upton, E E Wilshire. These are names of Kirby Muxloe residents who lost their lives in the Great War (1914-1918).
- M. Items D through to I are items that are either related to planning core strategy or the latest versions of it or are referred to in the B D C's Green agenda. Because of the importance of the contents of these documents in relation to these planning applications we believe it is necessary to make the Portfolio holders and the Green Champion aware of our material considerations, we are therefore copying in these people.

The material considerations listed above do not supersede those previously sent to you in regard to these planning applications they are in addition to those. For your convenience we are attaching our previous communication to you containing our material considerations."

February 2023 (Final reconsultation) –

"Further to a Planning meeting on 3rd February 2023, please be advised of the below.

Members consider that the large development to the land north of Hinckley Road (19/1610/OUT) will impact on the demand of the existing community buildings in Kirby Muxloe, in particular the Village Hall, which will result in necessary improvements needing to be made, which are estimated to be in the region of £50k and include:

- Completely updating and renovating all 3 toilets including the hand dryers Replacing the:
- Fire doors along the sides of the building.
- Inner glass double doors with proper fire doors.
- Badly worn carpets in the main hall and foyer.
- Worn out commercial gas oven and hob in the kitchen.
- Damaged gutters and fascia boards and leaking windows around the main hall
- For safety reasons, installation of CCTV is also needed.

If the above improvements were made, more people could utilise this facility, enabling the additional demand to be catered for.

Furthermore, the Bowls Club are keen to welcome visitors and players who have mobility and/or disability issues. A dropped kerb therefore needs to be installed to allow 'inclusive' access, along with a disabled toilet. Additionally, a new secure entry door is required. These necessary improvements are estimated to be in the region of £25k, but would allow this facility to be accessible to all, enabling additional demand to be catered for.

*In terms of Sports facilities, Council wish to maximise investment at Kirby Muxloe Recreation Ground both for pitches and facilities."*

### **Leicester Forest East Parish Council**

January 2020 (Original application) –

*"Leicester Forest East Parish Council wish for the following comments to be considered in relation to planning application number 19/1610/OUT:*

- (a) The positioning of the roundabout from the development onto the A47 will cause unnecessary disruption to traffic flow.*
- (b) Despite the development being located in Kirby Muxloe, there will be no access to Kirby Muxloe village. The only access will be onto the A47.*
- (c) Lastly, the Parish Council objects to the increase in traffic volume on the A47 which the development will cause. This will lead to a consequential increase in air pollution in Leicester Forest East."*

December 2021 (Revised application) -

*"Leicester Forest East Parish Council wishes to make the following objections to planning application 19/1610/OUT:*

- The proposed development would result in a huge increase in the volume of traffic using the A47 through Leicester Forest East; this road is already heavily congested with traffic as referenced by the Highway Department information attached to the planning application. Despite mention of encouraging the new residents to use bikes etc, the plans do not take into account that most people who have a car will use it. Additionally, the cycle lanes on the A47 are not ideal for cyclists to use anyway due to the volume of traffic on the A47.*
- As a result of the increase in traffic, the air quality in Leicester Forest East will be affected, having a negative impact on residents' health.*
- The scale of the development means a large amount of natural habitat will be destroyed having a negative impact on local wildlife.*
- If the development does go ahead then pavements will also need to be built along the A47 to allow safe pedestrian access."*

### **Leicestershire County Council, Archaeology**

January 2020 (Original application) – Advises that there are several archaeological sites located within the boundaries of the proposed development. Geophysical survey and assessment of LiDAR data has identified two areas requiring further investigation. The applicant has been advised to proceed with targeted trial trenching and a Written Scheme of Investigation has been approved, with investigation due to commence in

March. Recommends that the determination of the application is deferred pending the results of the trial trench investigation.

September 2020 (Original application) – Comments that the archaeological evaluation of the site has now been completed and advises that the application can be recommended for approval with conditions to secure a programme of archaeological mitigation. The mitigation will comprise an initial phase of further trial trenching and a final stage of excavation, followed by post-excavation assessment, analysis, reporting and archive deposition.

December 2021 (Revised application) – the site lies in an area of significant archaeological potential. Repeats advice of September 2020 recommending approval with conditions to secure a programme of archaeological mitigation. The mitigation will comprise two stages, an initial phase of further trial trenching and a final stage of excavation. This will be followed by post-excavation assessment, analysis, reporting and archive deposition.

Notes the inclusion of land which was previously the subject of a separate application by Hazelton Homes (19/0789/OUT). As part of this application an archaeological evaluation was undertaken by University of Leicester Archaeological Services, also showing that the site lies in an area of significant archaeological potential.

March 2023 (Final reconsultation) – Considers that an overarching Written Scheme of Investigation for the site will not be necessary as the archaeological areas are discrete and could therefore be addressed independently, with separate WSIs covering the archaeological requirements for each phase. Recommends a single condition requiring WSIs for each phase which would be sufficient to satisfy the archaeological requirements.

### **Leicestershire County Council, Civic Amenities**

January 2020 (Original application) - The closest Household Waste Recycling Centre at Whetstone will be able to meet the demands of the proposed development within its current site thresholds without the need for further development and therefore no contribution is required on this occasion.

January 2022 (Revised application) – Repeats comments above and advises that no contribution is required on this occasion.

### **Leicestershire County Council, Ecology**

January 2020 (Original application) – No objection. Comments about reasonable layout, likely to result in net gain. Requests access to results of badger, bat, amphibian, reptile, and bird surveys.

February 2020 (Original application) – Satisfied in principle with the proposal. The habitats are generally of low biodiversity value and most of the hedgerows are being retained. There are habitat creation opportunities and the layout allows for buffering of hedgerows. Areas of open space are indicated on the layout, but the distinction between the areas which are allocated as wildlife creation and which are amenity are

not clear. Expect the areas of open space to the north, the southwest corner and the corner to the north of the tennis club to be allocated as wildlife creation/ ecological mitigation areas. The ecology reports submitted are considered acceptable and comments are made in relation to the following:

- Bat roost found within the house/garage on the site which would be lost as a result of the development. A licence will be required and any required mitigation will need to be covered by planning condition.
- Badger sett on site has not been accommodated for in the current layout. The existing sett could be retained with appropriate buffer zone, but concern if the adjacent land to the east was subsequently developed. An artificial sett could be created and the existing sett closed under licence, covered by planning condition.
- Great Crested Newt report is lacking a mitigation plan. The surveys conclude there would be low risk to GCN but a mitigation plan and re-survey prior to each phase of development is required.
- Common Toad – pond 6 had a large population of common toad which classifies this pond as a Local Wildlife Site and therefore needs to be retained with an appropriate buffer zone.

Holding objection pending an updated layout to demonstrate retention of pond 6. The layout plan should also show the areas of open space with a clear distinction between areas which are for biodiversity/ wildlife creation and areas which are amenity space. Wildlife creation areas do not preclude public access.

Conditions recommended as follows:

- Detailed landscaping plan to be submitted and approved.
- Compensatory planting for loss of hedgerow
- Buffer zones of at least 5m of natural vegetation to be maintained alongside all retained hedgerows.
- Biodiversity management plan for all retained and created habitats including SUDs to be submitted and approved.
- SUDs to be designed to maximise benefit to wildlife.
- Recommendations in section 5.4 of the Bat Survey Report (CSA Environmental – Jan 19) to be followed.
- Mitigation required for the badger sett either in situ with appropriate buffer zone, or creation of an artificial sett and closure of existing under licence. Details to be agreed and monitoring of badgers kept under review at each phase of development.
- Great Crested Newt mitigation plan to be approved and resurvey prior to each phase.
- Light spill onto retained hedgerows to be minimised to 1 lux or lower at the edge of the habitats.

June 2020 (Original application) – Toad Mitigation Strategy is satisfactory and implementation should be a planning condition.

October 2020 (Original application) – GCN population is of low significance and adequate mitigation should be achievable within the submitted masterplan layout, which shows the retention of the pond within some open space, and with corridor connectivity to a wider landscape. Happy for details to be provided with reserved matters.

December 2021 (Revised application) - No further comments. The updated ES Addendum Ecology chapter and surveys are satisfactory, no new issues have arisen as a result of the extension of the site.

January 2023 (Final reconsultation) – No objections to the Biodiversity Net Gain (BNG) metric. The conditions assessments for the created habitats are considered achievable and not downplayed for the baseline habitats. Comments that it needs to be clarified whether the habitats proposed are going to conflict with Public Open Space. There is very little scope in the BNG calculations for any more loss of habitats, therefore if the habitats are essential for open space then the BNG designs will need to be amended to incorporate biodiversity offsetting elsewhere on or off the site. Comments that whilst a greater percentage of net gain would be better, currently only 'measurable' net gain is enforceable. There will also be integrated bird and bat boxes within the properties which will also provide net gain in addition to the calculations. Agree with the conditions recommended in February 2020. The Biodiversity Management Plan condition can ensure that measurable BNG is provided using the latest DEFRA version of the metric. Discussions have also taken place regarding the precise wording of the recommended conditions.

## **Leicestershire County Council, Education**

January 2020 (Original application) -

*Primary education* – a contribution is sought to fully fund the build of a new one form entry school (210 places) on land supplied by the developer. Contribution request – estimated £4,410,000.00.

*Early years* – a contribution is sought to be used at the primary school due to be built on site of the development to accommodate the early learning capacity issues created by the proposed development or, by improving, remodelling or enhancing existing facilities at other schools or other early learning provision within the locality of the development. Contribution request - £194,038.99

*Secondary education* – a contribution is sought to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Brookvale Groby Learning Campus or any other school within the locality of the development. Contribution request - £1,866,154.00.

*Special schools* – a contribution is sought to provide additional capacity at the school nearest to the development. Contribution request - £423,363.24.

February 2020 (Original application) – The Primary School contribution is increased to £6,000,000 to reflect the current estimate to create a one form entry school, although it is stated that the costs will vary depending on design and site constraints.

The actual costs will need to be established by the developer and Leicestershire County Council and the agreed sum will form part of a Section 106 Agreement and be index linked. The land is to be transferred at nil value and is expected to be transferred in time to allow delivery of the school by the appropriate time required.

All other contributions remain as outlined above.

February 2022 (Revised application)

*Primary education* – to accommodate the capacity issues created by the proposed development, a contribution is sought to build a new one and a half form entry school (315 places) minus the cost of two classrooms, on land supplied by the developer of 2 hectares. Contribution request – estimated £5,687,619, advises that the actual costs will need to be established by the developer and Local Authority and the agreed sum will form part of the Section 106 agreement and should be index linked.

*Early years* – a contribution is sought to be used at the primary school due to be built on site to accommodate the early learning capacity issues created by the proposed development or, by improving, remodelling or enhancing existing facilities at other schools or other early learning provision within the locality of the development. Advises that if the contribution is to be used to accommodate the early learning capacity issues created by this development at the new primary school, this would need to be accommodated on additional land to that provided for the primary school. Contribution request - £639,433.53

*Secondary education* – a contribution is sought to accommodate the capacity issues created by the proposed development by contribution to a new secondary school or by improving, remodelling or enhancing existing facilities at Brookvale Groby Learning Campus or any other school within the locality of the development.

Advises that there is a new secondary school due to be built on the New Lubbethorpe development which will be closer than Brookvale Groby Learning Campus. The County Council would look to create the new places at the new school and so would seek a pro rata rate contribution of the cost of the new school build. Contribution request - £3,067,610

If the new school is not given planning permission the County Council would seek to provide the additional 11-18 school places anticipated by the proposed development at Brookvale Groby Learning Centre. Contribution request - £2,355,340

*Special schools* - a contribution is sought to provide additional capacity at the school nearest to the development. Contribution request - £499,401.18.

November 2022 (Revised application)

*Primary education* – the Primary School contribution is increased to £11,018,192 to reflect the current estimate (based on two schools currently under development) to create a one form entry, less the cost of two classrooms, although it is stated that the costs will vary depending on design and site constraints. The actual costs will need to be established by the developer and Leicestershire County Council and the agreed

sum will form part of a Section 106 Agreement and be index linked. The land is to be transferred at nil value and is expected to be transferred in time to allow delivery of the school by the appropriate time required.

*Secondary education* – The Secondary School contribution is increased to £3,306,112.20 to reflect the Educational Building and Development Officer Group (EBDOG) June 2022 report which shows the costs of a new building secondary school build at £2,884 per square metre.

All other contributions remain as outlined above in the February 2022 response.

*Early March 2023 (Final reconsultation)*

*Primary education* – the Primary School contribution is reduced to £10,765,760 to reflect the site constraints which has negated the need to include additional abnormal costs.

*Secondary education* – The Secondary School contribution (for new build school at Lubbesthorpe) is reduced to £3,098,695,60 to reflect the National Benchmarking report for 2022, accounting for a Leicestershire adjustment. If the new school is not given planning permission, the County Council would seek to provide the additional places at Brookvale Groby Learning Centre. The contribution for this has increased to £3,046,391.06 to reflect the National Benchmarking report for 2022.

All other contributions remain as outlined in the February 2022 response.

*Late March 2023 (Final reconsultation)* – In a further response, the Local Education Authority acknowledged a potential reduction in the number of dwellings with two or more bedrooms being provided. LCC would not seek a primary education contribution against one-bedroom dwellings. The District Council's Housing Strategy team has requested 56 one-bedroom dwellings. On the basis of 829 two or more bedroom dwellings, LCC has advises that a one form entry school only would be required, with the current cost for LCC to design and build the school being £8,736,000, based on actual costs for projects currently in construction.

In relation to the secondary school request, LCC has comments that the amounts requested include a local uplift factor and are inflation priced to quarter 1 of 2023 from the June 2022 National Benchmarking report. In relation to special educational needs, LCC comments that the rates are based on 2019 and are being reviewed. In relation to early years, LCC comments that the rates are based on 2016 data and are due to be updated in line with Department for Education guidance.

**Leicestershire County Council, Forestry**

*February 2020 (Original application)* - No objections. Should the scheme be approved a detailed landscaping plan and strategy should be conditioned for the whole site. The landscaping strategy should demonstrate the methodology and planting designs to allow trees to be incorporated into the street scene as well as within the green corridor to an adoptable standard. An Arboricultural Method Statement should also be

conditioned to ensure the development does not have a negative impact on the retained trees across the site.

December 2021 (Revised application) - No objections. The Arboricultural Report has been updated to include the extension to the site and identifies appropriate protection methodologies for trees proposed for retention.

### **Leicestershire County Council, Highways**

January 2020 (Original application) - The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required.

The Local Highway Authority comments that the Transport Assessment, dated November 2019, does not include the adjoining site (19/0789/OUT) in the transport modelling. Further testing to inform the Transport Assessment should be carried out that includes the adjoining development and tests with and without the link through. The LHA advise the applicant to rescope the required testing in consultation with the LHA.

January 2021 (Original application) - The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required.

The LHA refer to the modelling carried out using the LLITM model which considered various development scenarios, as agreed with BDC and LCC. The LHA advises that the modelling shows that several junctions on the A47 are either approaching or at capacity in the 'Core' (without development) scenarios, along with other key junctions near the development site. The LHA are therefore concerned that in the absence of a package of highway mitigation and infrastructure improvements, the residual cumulative impact of development on the highway network is very likely to be severe.

The modelling shows that the inclusion of a fourth arm at the A47/Beggars Lane junction introduces potential for increased congestion at this junction and a scheme of capacity improvements should therefore be investigated. Whilst this planning application does not necessarily rely on a junction at Beggars Lane, the LHA note the wider benefits of this link in terms of mode shift and improved connectivity of the wider allocation. In any case, the junction will be significantly impacted by development traffic so this cannot be ignored.

The LHA also comment that the modelling validates the infrastructure requirements of the Delivery DPD which sets out junction improvements along the A47 as an essential requirement. The LHA comments that modelling shows that the development displaces trips from preferred strategic routes onto less desirable routes due to congestion which causes other routes to become heavily congested, for example the Foxhunter Roundabout, 5 miles away.

The LHA therefore advise that offsite highway improvements are considered along the A47 corridor to mitigate the otherwise severe impact of development traffic. Where

existing proposals exist, such as the Desford Crossroads improvement scheme, the LHA would support a proportionate contribution being secured.

The LHA also comments that proposals for walking and cycling connectivity and public transport proposals have been submitted and review of these documents is ongoing.

December 2021 (Revised application) - The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required.

The LHA comments that the approach which has been taken is disappointing and that the strategic mitigation which the LHA understood was being developed has not materialised. Despite the scale of the development proposals, situated on one of the main arterial routes in the principal urban area, and the extent of strategic mitigation prescribed by the Local Plan policy, the Transport Assessment has considered only three junctions in detail. The submitted Transport Assessment concludes that whilst the Desford Crossroads and A47/Beggars Lane junctions will both operate over capacity in the base and future year scenarios without development, the development will not cause a significant impact over and above the existing congestion. The LHA strongly refutes the conclusion that the assignment of several hundred trips through an already congested network would not demonstrate a significant impact. The applicant's own modelling work also significantly greater levels of queuing and delay brought about by the introduction of development traffic.

The LHA therefore requests details of the required, previously requested, Local Plan prescribed highway mitigation to be provided, otherwise the final observations and highways reasons for refusal previously alluded to will be provided.

December 2022 (Revised scheme) – 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.

Comments that since the LHA's previous response, the applicant has worked collaboratively with the LHA and stakeholders to develop a safe and suitable access strategy for all users of the development site, and a mitigation strategy to mitigate the otherwise severe impact of the development on the highway network.

In relation to access, the LHA comments that the vehicular access is considered acceptable, and a pedestrian/cycle access at Beggars Lane replaces the previous vehicular access which could not be satisfactorily accommodated in capacity or highway safety terms. Footway/cycleway provision has been proposed to provide additional sustainable connectivity along the A47 corridor, along with off-site enhancements connecting to the Lubbesthorpe development.

In relation to highway impact, the LHA comments that the latest proposals have been assessed using the Pan-Regional Transport Model (PRTM) to determine the impact of the proposals on the transport network. This identified an agreed junction study area for further investigation from which the development impact and a mitigation strategy emerged. The main vehicular impacts of development were observed at the Desford Crossroads, Beggars Lane and Kirby Lane junctions and were the basis on

which the mitigation strategy was developed. The LHA comments that the approach is in line with the Blaby Local Plan requirements. The development requires a proportionate contribution towards a preferred scheme for Desford Crossroads, an improvement scheme for the A47/Beggars Lane junction (prior to first occupation of the development) and an improvement scheme for the A47/Kirby Lane (prior to the 301<sup>st</sup> occupation).

In relation to transport sustainability, the LHA comments that the applicant has investigated options to utilise and extend the existing frequent bus services along the A47 including diverting services into the site to increase catchment of residents residing within 400 metres. For the early phases of development, the existing services would continue to operate along the A47 using the proposed new bus stops and once the development becomes built out the preference would be that services are diverted to loop into the site via the primary internal route. This approach is considered acceptable to the LHA.

The LHA recommends ten conditions relating to the following:

1. Footway/cycleway proposals along the A47;
2. Footway/cycleway connection at Beggars Lane;
3. Existing accesses to be closed;
4. A47/Beggars Lane highway improvements;
5. A47/Kirby Lane highway improvements;
6. Agreement of amended Framework Travel Plan;
7. Scheme for treatment of Public Rights of Way;
8. Public Transport Strategy;
9. Compliance with Design Standards; and
10. Construction Traffic Management Plan.

Contributions are also sought for the following:

1. Desford Crossroads highway improvement scheme - £1,104,000;
2. Traffic Regulation Orders - £15,000;
3. Travel Packs for new residents - £52.85 per pack;
4. 6 month bus passes for new residents - £360.00 per pass; and
5. Travel Plan monitoring - £11,337.50

January 2023 (Final reconsultation) – Following receipt of a technical note by RPS (on behalf of the Drummond Estate) objecting to the Hastings Fields application), and a rebuttal by Vectos on behalf of the applicant, the LHA has considered the contents of both reports and maintains the formal position advised in its advice of 23<sup>rd</sup> December 2022.

#### **Leicestershire County Council, Historic Buildings Officer**

January 2020 (Original application) - Comments that part of the application site lies within the setting of Orchard Farmhouse, a grade II listed building. Agrees that the harm to the listed building would be at the low end of the less than substantial spectrum (although the actual level will only be established at reserved matters stage) but disagrees that the effect on the heritage significance is not significant.

Notes that the land to the east of the principal elevation of the listed farmhouse is not indicated for built development. However, there are concerns that residential development on the prominent northern edge of the application site is shown encroaching towards and onto heritage sensitive land. Considers that insufficient space has been left to preserve adequately the long-standing rural setting of the listed building.

December 2020 (Original application) – Comments that the position has not changed, and the applicants continue to state that slight harm will be caused to the setting of a listed building and rather than trying to remove this harm completely they intend to rely on the public benefit of their proposal outweighing the harm at the planning balancing exercise stage. Agrees with the expected level of harm but points out that the statutory obligation to preserve the setting of listed buildings requires that great weight is given to such matters. The decision maker should assess whether the same or similar benefits could be achieved in a way without causing any harm to the historic environment. In this case additional planting or relocating, removing or redesigning a small area of development would help the applicants to argue convincingly that the harm identified could be avoided completely.

December 2021 (Revised application) - It appears that the minor harm to the setting of Oaks Farm, a statutorily listed building, has largely been mitigated against by an extended woodland edge and a slight reduction in the indicative built form area adjacent to the Northern Green. The assessment of the impact of the development on the setting and significance of the designated heritage asset may change, potentially from neutral to positive or negative, following the submission of reserved matters and it is suggested that this aspect of the development be kept under review and taken into account as necessary in any future planning balancing exercise.

### **Leicestershire County Council, Lead Local Flood Authority**

January 2020 (Original application) - Comments that the site is wholly in Flood Zone 1 being at low risk of fluvial flooding. The LLFA recommends that surface water modelling relied upon for the purposes of the planning application be peer reviewed by a competent third-party consultant to demonstrate suitability – this may be conditioned for approval at reserved matters stage.

A preliminary drainage strategy identifying the catchments that exist for the developed site and identifying outfalls has been produced. Although the proposals shown are acceptable at this stage, an allowance for urban creep to contribute to the sizing of the attenuation basins should be considered at reserved matters stage.

Conditions are recommended relating to the following:

- Approval of a surface water drainage scheme in line with the principles detailed in the Flood Risk Assessment;
- Approval of details in relation to the management of surface water on site during construction;
- Approval of details relating to long term maintenance of the surface water drainage system;

- Infiltration testing to be carried out to confirm the suitability of the site for the use of infiltration as a drainage element;
- Requirement for third party review of surface water modelling.

December 2021 (Revised application) – Comments that an addendum to the flood risk assessment has been provided explaining that the same principles are to be used in the surface water drainage for the new part of the site. Subsequent to the previous LLFA response the applicant has added a new site sub-catchment with the same principles to drain surface water. Upon review of the extended site the LLFA advises the same as in the former revision of the consultation, with the same conditions recommended.

March 2023 (Final reconsultation) – Recommends amendments to the wording of conditions to allow for a phased approach for the approval of drainage details.

### **Leicestershire County Council, Libraries**

January 2020 (Original application) – requests a contribution of £22,640 to provide the additional materials required to meet the needs of the increase in population.

November 2022 (Revised application) – requests a contribution of £26,710 to provide the additional materials required to meet the needs of the increase in population.

### **Leicestershire County Council, Minerals and Waste**

January 2020 (Original application) – No comments to make. The proposed development does not lie within the Mineral Consultation Area and therefore the Mineral and Waster Planning Authority have no comments.

December 2021 (Revised application) – No further comments

### **Leicestershire Fire and Rescue –**

January 2020 (Original application) – No objections. Provides guidance for planners and developers relating to incorporating adequate access for the fire service when planning new developments. Also provides guidance relating to ensuring adequate supply of water in the event of fire.

### **Leicestershire Police**

January 2020 (Original application) – makes comments and recommendations regarding site access, emergency access, CCTV, lighting, bin and cycle storage, natural surveillance, security and fencing, and the consideration of ‘Secured by Design’ principles.

December 2021 (Revised application) – make comments with regards to the site access, vehicle parking, use of CCTV, lighting, wheelie bin and cycle storage and landscaping. Makes a general expression of interest in respect to Section 106 provision for policing with detail to follow.

December 2022 (Revised application) – requests a contribution of £228,533.25 to meet the anticipated additional demand for policing generated by this development, including those elements which relate to costs to support necessary investment in centralised infrastructure.

March 2023 (Final reconsultation) – requests a contribution of £166,000.00 for capital investment to meet the anticipated demand for policing generated by this development.

## **National Grid**

April 2021 (Original application) – Holding objection – requests additional information to clarify clearances to High Voltage Transmission Overhead Line.

August 2021 (Original application) – No objections to the proposal which is in close proximity to a High Voltage Transmission Overhead Line.

## **National Highways (formerly Highways England)**

November 2020 (Original application) - No objection. The assessment of the development's impact on the surrounding highway network has been carried out using the Pan Regional Transport Model (PRTM). The impact of the proposal has been tested both in isolation and in combination with the Hazelton Homes application (ref. 19/0789/OUT) to which Highways England issued no objections. Having reviewed the assessment's results, it is noted that the volume of traffic using the M1 mainline and travelling through M1 J21 and 21a in 2031 is minimal, with maximum 21 trips crossing the junctions. The reported maximum increase in delay is 15 seconds at J21. These are not considered to be significant increases of traffic for a motorway junction. However, all approaches to J21 operate over capacity in the 2031 scenarios, as does the A50 approach to the A46 Trunk Road. There is also an indication that existing M1 traffic is being displaced and so the 2031 results may not capture the full volume of trips that would be using the Strategic Road Network (SRN) under less congested conditions.

However, testing shows that the development's impact on the SRN would be minimal in the opening year as well, regardless of the level of congestion and spare capacity of M1 J21 and J21a. Due to the location of the site, which allows the development traffic to access Leicester, Hinckley and villages in the surroundings without having to use the DRN, Highways England consider this to be a sensible result.

No further assessment is required in support of the application from Highways England's perspective.

December 2021 (Revised application) - No objection. The proposed increase of 135 dwellings results in an additional 63 two-way trips in each of the peak hours when compared to those in the previous application. This in turn results in an additional 27 two-way trips at junction 21 of the M1, which equates to an additional 4 vehicles compared to the impact from the original application. Based upon the above assessment it is considered that the increase in the size of the development is unlikely to result in a material impact upon the Strategic Road Network in this instance.

## Natural England

January 2020 (Original application) - No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Comments are made in relation to Green Infrastructure, Biodiversity Net Gain and Soils.

*Green Infrastructure* - Natural England welcomes the retention of green infrastructure and hedgerows, additional planting and landscaped buffers, appropriate management of retained vegetation, the green corridor extending east to west through the site, SUDs to be integrated through the open space areas, and the creation of an area of meadow/ species rich grassland below the power lines in the southwest corner of the site. Natural England recommends a condition requiring a management plan for the site, which also refers to 'Blaby Green Space Strategy' (2012) and 'Landscape Sensitivity and Green Infrastructure Study for Leicester and Leicestershire (October 2017) to ensure that proposals conform to the requirements of these documents.

*Biodiversity Net Gain* - Natural England is highly supportive that the applicants follow the net gain approach and take the opportunity for this to be an exemplar development. The use of metrics for calculating the amount of biodiversity required to achieve net gain is recommended.

*Soils* – The land is classified as subgrade 3b agricultural land, which is outside the best and most versatile (BMV) category. Natural England notes that whilst there is no mitigation for the permanent change of use of agricultural land, the proposed development will safeguard soil resources for use in domestic gardens and open space areas. Natural England would welcome the production of a Soil Resource Plan as part of the Construction Environmental Management Plan, to be secured by planning condition.

December 2021 (Revised application) – Comments that the advice provided in the original response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

March 2023 (Final consultation) – No further comments to make.

## **NHS, Leicester, Leicestershire and Rutland Integrated Care Board (LLR ICB), formerly the Clinical Commissioning Groups**

January 2020 (Original application) - The Leicestershire CCGs submitted a combined response which requests a financial contribution to be split between Ratby Surgery and Forest House Medical Centre. The contribution for Ratby Surgery will go towards the building and fitting out costs of the proposed new surgery which is required to meet future demand in the area (a site has already been acquired). The contribution for Forest House Medical Centre will enable the surgery to reassess and provide additional clinical space to meet the needs of the increased population. Contribution request - £452,131.00

May 2022 (Revised application) – The Leicestershire CCGs submitted a revised response which requests a financial contribution to be split between Ratby Surgery and Forest House Medical Centre. Contribution request - £563,722.21.

March 2023 (Final reconsultation) – Confirmed that the LLR ICB would still be seeking the full sum of £563,722.21 Section 106 funding. Advised that the population predicted from the development remains the same and the new population will still require health provision, whether the original practice the funding was requested for moves, and that the new premises at Lubbethorpe has not been designed to meet current patient list size, and not for additional numbers.

### **Secretary of State for Housing, Communities and Local Government (Planning Casework Unit)**

December 2019 (Original application) – No comments to make on the Environmental Statement.

November 2021 (Revised application) – No further comments made.

**Severn Trent Water** – No comments received.

### **Sport England**

January 2020 (Original application) - Objection. In its statutory role, Sport England raises concern with regards to the proposed development giving rise to a potential conflict with the use of the cricket field and rugby pitches, due to the possibility of balls leaving the sports club areas and landing on the development site. Sport England recommends that an independent risk assessment is carried out.

In its non-statutory role, Sport England comments that the development will generate demand for sporting provision and considers that the new development should contribute towards meeting that demand 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 Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment. In its non-statutory role, Sport England is unable to support the application until such time as the sports requirements have been assessed and appropriately addressed. Also encourages the concept of Active Design.

October 2020 (Original application) – Objection - Makes further comments in respect of additional information submitted relating to ball strikes. With respect to cricket, the risk of ball strikes would be limited to the amenity area, and it is recommended that the design of this amenity area is refined such that access is restricted to the area within 80 metres of the wicket by use of appropriate planting and on this basis no ball strike assessment is required. However, with respect to rugby it is considered that a ball strike assessment is required.

In addition, Sport England is also unable to support the application until the indoor and outdoor sports requirements of the development have been assessed and appropriately addressed.

February 2021 (Original application) – Following the submission of additional information seeking to overcome the issues in respect of the adjacent rugby club site, Sport England comments that the submitted ball strike assessment is considered appropriate to minimise the risk of ball strike from rugby balls kicked from the playing field over the boundary into the proposed residential area. The construction of ball stop fencing/ netting at the recommended heights is supported, subject to an appropriate mechanism to secure the submission, approval and construction prior to the occupation of any dwelling, and retention and maintenance thereafter. Recommends that the fence is erected on the rugby club side and a commuted sum is paid for maintenance.

Also makes comments in relation to indoor and outdoor sports provision:

Off-site contribution to outdoor sport – Sport England supports the principle of an assessment using the Playing Pitch Strategy to understand if the demands generated by the development can be met at existing facilities off site or could be met with improvements to create additional capacity.

Off-site contribution to indoor sport – refers to previous comments about the likely demand that will be generated by the development for indoor facilities, but states that there is uncertainty about whether this demand can be accommodated in existing facilities or if improvements or new facilities are required.

July 2022 (Revised application) – Confirms that Sport England is content with the potential to overcome the concerns with respect to rugby ball strike for both the Old Newtonians and Leicester Forest RUFC boundaries. This is subject to an appropriate mechanism which secures the submission, approval and construction of a fence/netting system prior to the occupation of any dwelling and thereafter ensures the retention, maintenance and integrity of the approved fence/netting. In terms of ball strike risk from Leicester Ivanhoe Cricket Club, Sport England and the England and Wales Cricket Board (ECB) supports the realignment of the footpath on the Illustrative Masterplan.

In its non-statutory role, Sport England remains unable to support the application until such time as the sports requirements have been assessed and appropriately addressed. Sport England would be happy to comment further on indoor and outdoor sports requirements once any further assessment has been completed.

March 2023 (Final reconsultation) – Reiterates comments made in July 2022.

### **Third Party Representations**

Initial consultation was undertaken on the original submitted application for 750 dwellings and Environmental Statement in January 2020. Following changes to the application to increase the site area and the number of dwellings from 750 to 885, and the submission of the Environmental Statement Addendum, further reconsultation was carried out in November 2021. Final reconsultation was undertaken in March 2023 in relation to any changes made to the application since the reconsultation in November 2021.

157 objections were received to the original planning application submitted (for up to 750 dwellings). 21 further objections were received to the revised scheme (for up to 885 dwellings). One neutral response was received to the application (neither objecting nor supporting), and one representation supporting. Four further objections were received from members of the public to the reconsultation.

## **Objections**

The objections raised the following issues:

### Need for the development/ principle of the development

- Enough houses being built in the area;
- Kirby Muxloe has contributed already to increasing housing stock in Leicestershire;
- Brownfield sites should be used for housing development;
- Questions about the need for additional houses with New Lubbethorpe creating thousands of homes; as well as other developments in Kirby Muxloe, Leicester Forest East, Ratby and Desford;
- City homes and abandoned homes should be regenerated instead;
- Other counties do not seem to have as much new build housing as Leicestershire;
- Better sites in Blaby District that offer multiple travel options;
- Asks why the developer cannot be offered land on Lubbethorpe; and
- Questions why there needs to be an increase in housing numbers.

### Impact on/ loss of countryside

- Green space would be taken up by housing;
- No green space left for dog walkers;
- Local residents want to keep the countryside;
- Green spaces supporting positive well being are being destroyed;
- People moved to Kirby Muxloe for the proximity to the countryside;
- Lack of green spaces in the area; and
- Removal of good agricultural land.

### Environmental impacts

#### *Air Quality*

- Concerns about impact on air quality;
- Concern about air quality for those who use the sports clubs;
- Query with regards to how the government will fulfil the obligation to reduce greenhouse gas emissions;
- Legally binding air quality standards will not be met;
- Health concerns about poor air quality contributing to asthma;
- Comments that the Council's own reports indicate that the standards for air pollution are not being met and the developer's report indicates this would add to the problem;

- Failure to consider cumulative air quality impacts;

#### *Flooding*

- Concern about flooding – the brook flowing through Kirby Muxloe and Leicester Forest East floods each year;
- Lake dug 20 years ago to rear of Shepherd Close to deal with annual flooding;
- Clay soil holds water and could cause flooding;
- Residents not convinced building a new lake or drainage area will solve problems;

#### *Biodiversity*

- Impact on local wildlife and ecosystems;
- Trees and green space being destroyed;

#### *Noise*

- Increased noise pollution, particularly for residents living on the A47; and

#### *Construction management*

- Concern about management of building site – fly tipping, security issues, established hedgerow being cut down, fencing cut down, encroachment onto neighbouring land, loud music.

#### Transport and highway impacts

##### *Roads and traffic*

- Impact on traffic on A47 Hinckley Road – already at high levels;
- Volume of traffic has already increased from existing new developments;
- Recent Barry Close development producing 250 plus additional cars;
- Only access will be from the A47 which is only a single carriageway main road;
- Concerns about impact on traffic on Kirby Lane/ Station Road;
- Concerns about Barry Drive estate which is used as a ‘rat run’;
- Barry Drive, Station Road, Main Street, Desford Road already struggle with cut through traffic;
- Traffic on Hinckley Road can queue back as far as Desford crossroads at peak times;
- Main Street, Kirby Muxloe has problems with HGV traffic using the road to access to Poundstretcher HQ;
- Query what is being done to improve Desford crossroads;
- Number of potholes in roads increasing;
- Concern about emergency services accessing the development with one entry and exit point;
- School will attract pupils from other areas – adding to traffic impacts;
- Dwellings must have adequate off-street parking and dedicated cycle storage;

##### *Public Transport*

- Travel Plans ignore the lack of direct bus services to hospitals, train stations and Fosse Park;
- Public transport in this area is poor;
- Poor evening and weekend bus services on Hinckley Road;

- Travel Plan ignores Arriva Click bus service;
- Ideal bus service would be on demand style;
- Developer should be required to fund another bus route or an Arriva Click style service;
- Buses struggle to keep to timetable due to congestion;
- Diverting buses into the development would be detrimental to those that travel further by increasing journey times;
- Bus services entering the site should not be the Market Bosworth/ Hinckley buses which already have long enough;

#### *Pedestrians and cyclists*

- Poor conditions for cyclists and pedestrians using Beggars Lane;
- No segregated cycle facilities on Hinckley Road;
- Pedestrian facilities are poor on Hinckley Road, discouraging walking;
- No direct access to Kirby Muxloe;
- Dangerous to walk children to school due to traffic;
- Beggars Lane dangerous for pedestrians and cyclists;
- Bus and cycle priority lanes needed on A47; and
- Walking and cycling routes should connect with bus stops.

#### Impact on services and infrastructure

- Pressure on existing services;
- Infrastructure unable to cope with additional homes;
- Kirby Muxloe Primary School is at capacity;
- Query about whether the primary school will be big enough;
- Secondary schools are oversubscribed.
- Difficult to get appointments at GP surgeries;
- S106 money does not go near supporting increased workload on primary health care;
- Facilities not yet built on Lubbethorpe estate;
- More pressure on emergency services;
- Restrict potential to further develop the sports/leisure facilities on Hinckley Road which are operating at capacity; and
- No shops – closest shops are a small Tesco and Sainsburys.

#### Social impacts

- Community atmosphere in Kirby Muxloe will be eroded;
- Development will destroy Kirby Muxloe as a village – becoming a suburb of Leicester;
- Query about percentage of homes which will be affordable;
- Plans do not state where the social housing will be – want assurances this will not be on the side where there is already housing;
- Concern about an increase in crime; and
- Natural surveillance needed to design out crime.

## Other

- Lubbesthorpe still being developed and impact yet to be realised;
- Impact of current development being built should be assessed before anything else is considered;
- Development will obstruct views;
- Impact on existing house prices;
- Proposed houses will be overpriced;
- Proposal will benefit wealthy developers;
- Help to Buy scheme only designed for new build homes;
- No mention of the green credentials of these homes;
- Area should be planted with trees instead, but doesn't make money for developers';
- Objection to access road being extended in future into adjacent field – query about the future intentions of the developer; and
- Objection to houses being seen from existing ones or overlooking existing ones.

## **Neutral**

The comment neither supporting nor objecting raised the following points:

- Existing boundary hedges should be maintained and protected;
- Building contractors should not dump waste;
- Building contractors should not trespass on neighbouring land; and
- New cycle way must not change or impede vehicular access to neighbouring land.

## **Support**

The comment made in support of the planning application raised the following points:

- There is currently a shortage of housing and schools and the proposed development would contribute to meeting these needs.

## **Other comments**

Other representations were received from the following:

- Leicester Forest East Tennis Club
- Member of Parliament
- Lubbesthorpe Developers
- Go Travel Solutions

## **Relevant History**

**19/0789/OUT** - Outline application for residential development of 137 dwellings with associated access (all matters reserved except means of access) – Application withdrawn.

**22/1182/DEM** - Application to determine if prior approval is required for the demolition of bungalow – Prior approval given 3 January 2023.

## **EXPLANATORY NOTE:**

### **Planning Policy and Legislation**

#### **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

#### **Chapter 1 – Introduction**

Paragraph 2 reiterates that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

#### **Chapter 2 – Achieving sustainable development**

Paragraph 8 sets out the three overarching objectives of the planning system, which are interdependent and need to be pursued in mutually supportive ways – the economic, social and environmental objectives.

Paragraph 11 sets out the presumption in favour of sustainable development in relation to plan making and decision making. In relation to decision making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) The application of policies in the 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 the Framework taken as a whole.

#### **Chapter 4 – Decision making**

Paragraph 38 states that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

Paragraphs 55 and 56 refer to planning conditions and state that these can be used to make developments acceptable. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should only be imposed where they are necessary, relevant to

planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 57 states that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development.

#### Chapter 5 – Delivering a sufficient supply of homes

Paragraph 73 states that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as significant extensions to existing villages and towns, provided they are well located and designed and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes).

#### Chapter 8 – Promoting healthy and safe communities

Paragraph 92 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.

Paragraph 93 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan for the provision and use of shared spaces, community facilities and other local services; support strategies to improve health; guard against the loss of valued facilities and services; ensure shops, facilities and services are able to develop and are retained; and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 95 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities.

Paragraph 99 states that existing open space, sports and recreational facilities should not be built on unless they are surplus to requirements or can be replaced.

Paragraph 100 states that public rights of way should be protected and enhanced.

#### Chapter 9 – Promoting sustainable transport

Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 112 states that applications should give priority first to pedestrian and cycle movements and facilitate access to high quality public transport; address the needs of people with disabilities and reduced mobility; create places that are safe, secure and attractive; allow for efficient delivery of goods and access by emergency services; and be designed to enable electric charging.

Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

#### Chapter 11 – Making effective use of land

Paragraph 124 states that planning policies and decisions should support development that makes efficient use of land.

Paragraph 25 states that area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places.

#### Chapter 12 – Achieving well-designed places

Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Paragraph 129 states that landowners and developers may choose to prepare design codes in support of a planning application. It states that design codes should be based on effective community engagement and reflect local aspirations for the development, taking into account the guidance contained in the National Design Guide and the National Model Design Code.

Paragraph 130 states that planning policies and decisions should ensure that developments:

- a) Will function well and add to the quality of the area;
- b) Are visually attractive;
- c) Are sympathetic to local character and history;
- d) Establish or maintain a strong sense of place;
- e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and
- f) Create places that are safe, inclusive and accessible and which promote health and well-being.

Paragraph 131 refers to trees making an important contribution to the character and quality of urban environments and ensuring that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in developments and secure long-term maintenance.

Paragraph 133 states that local planning authorities should ensure that they have access to and use tools and processes for improving design, including design advice and frameworks such as Building for a Healthy Life.

## Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Paragraph 152 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

Paragraph 154 states that new development should be planned for in ways that avoid increased vulnerability to the impacts arising from climate change and reduces greenhouse gas emissions such as through its location, orientation and design.

Paragraph 167 states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.

Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

## Chapter 15 – Conserving and enhancing the natural environment

Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils;
- b) Recognising the intrinsic character and beauty of the countryside – including the best and most versatile agricultural land and trees and woodland;
- c) Maintaining the character of the undeveloped coast;
- d) Minimising impacts on and providing net gains for biodiversity;
- e) Preventing development contributing to unacceptable levels of soil, air, water or noise pollution or land instability.
- f) Mediating and mitigating degraded, derelict, contaminated or unstable land, where appropriate.

Paragraph 180 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Paragraphs 183 and 184 refer to ground conditions and pollution and states that sites should be suitable for the intended use and that where a site is affected by contamination, responsibility for ensuring a safe development rests with the developer.

Paragraph 185 states that development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and limit the impact of light pollution from artificial light on local amenity.

Paragraph 186 states that 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. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

Paragraph 187 states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.

#### Chapter 16 – Conserving and enhancing the historic environment

Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 199 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.

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Paragraphs 201 and 202 categorise harm as substantial or less than substantial. Substantial harm should be avoided unless this is necessary to achieve substantial public benefits. Less than substantial harm should be weighed against the public benefits of the proposal.

#### **Planning Practice Guidance**

Provides guidance on a variety of subjects to support the National Planning Policy Framework and its application.

#### **Development Plan**

The policies of the Development Plan comprise of the Blaby District Local Plan (Core Strategy) Development Plan Document, and Blaby Local Plan (Delivery) Development Plan Document

#### **Blaby District Local Plan (Core Strategy) Development Plan Document (2013)**

##### Policy CS1 – Strategy for locating new development

Policy CS1 states that most new development in the District of Blaby, including housing, will take place within and adjoining the Principal Urban Area (PUA) of Leicester, which includes Kirby Muxloe. A minimum of 8,740 houses will be developed in the District between 2006 and 2029, of which, at least 5,750 houses will be provided within and adjoining the PUA.

As of 31<sup>st</sup> March 2021, 5,707 dwellings had been completed within the District as a whole, with 2,122 dwellings completed within the PUA. Taking into account both completions and commitments, the figure as of 31<sup>st</sup> March 2021 is 7,078 dwellings.

However, the commitments includes those dwellings which are allocated, have outline planning permission, detailed planning permission and dwellings currently under construction.

This proposed development of up to 885 dwellings would add significantly to the District's housing supply in a sustainable location adjoining the Principal Urban Area which is supported by Policy CS1 and in line with the Council's overall strategy for locating new development.

#### Policy CS2 – Design of new development

Policy CS2 seeks to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. The design of new development should also be appropriate to this context.

Although the planning application is an outline application, a masterplan is provided which provides an indicative layout and framework for the site and shows the location of the school, open space, street layouts and hierarchies, footpaths, and sets out the development parcels. The masterplan has been through a series of iterations and has been amended as a result of input from urban design consultants and in response to other issues and constraints.

#### Policy CS5 – Housing Distribution

Policy CS5 states that in order to focus new development in the most appropriate locations, the Council will seek to distribute housing by settlement in accordance with the table included in the policy. It gives a combined figure of 5,750 dwellings for the settlements in the PUA (including 4,250 within the Lubbethorpe SUE). As previously mentioned in relation to Policy CS1, the proposed development would add significantly to the District's housing supply in a sustainable location adjoining the Principal Urban Area.

#### Policy CS7 – Affordable housing

Policy CS7 states that the Council will seek to secure a minimum of 25% of the total number of dwellings as affordable housing on all developments of 15 or more dwellings. Affordable housing should be provided on site unless there are exceptional circumstances preventing this. To ensure mixed and sustainable communities, residential development should integrate affordable and market housing through the dispersal of affordable housing units within residential development and use a consistent standard of design quality. The tenure split and mix of house types for all affordable housing will remain flexible and will be assessed on a site-by-site basis, although affordable housing should be integrated into each phase and sub-phase of development.

#### Policy CS8 – Mix of housing

Policy CS8 states that residential proposals for developments of 10 or more dwellings should provide an appropriate mix of housing type (house, flat, bungalow, etc.), tenure

(owner-occupied, rented, intermediate) and size (bedroom numbers) to meet the needs of existing and future households in the District, taking into account the latest Strategic Housing Market Assessment and other evidence of local need. The Council will encourage all housing to be built to 'Lifetime Homes' standards, where feasible.

### Policy CS10 – Transport Infrastructure

Policy CS10 refers to seeking to reduce the need to travel by private car by locating new development so that people can access services and facilities without reliance on 'private motor vehicles'. The policy also refers to providing new routes for pedestrians, cyclists and public transport (as part of development proposals). Designs which reduce the impact of road traffic should be encouraged, for example through greater allocation of street space to more sustainable forms of transport, and links to existing key services and facilities should be provided. The policy states that the Council will seek solutions for improving public transport that are likely to be sustainable in the long term. Developments should seek frequent, accessible and comprehensive public transport links to Leicester City Centre and other key service/ employment centres and facilities. Other measures such as discounted bus ticketing for residents of new developments will be required where appropriate. In relation to residential parking, it states that the Council will be flexible in the implementation of residential parking standards. Residential developments of 80 or more houses will require a Transport Assessment, and the Council will require Travel Plans in accordance with the requirements of the Leicestershire Highways Design Guide.

The applicant has worked extensively with Officers at both Blaby District Council and Leicestershire County Council to identify the impacts of the development, provide appropriate mitigation, and propose new sustainable travel routes to better connect the development to the surrounding area and encourage walking and cycling. Further to this, discussion with local bus companies have taken place, with an agreement in principle reached for existing bus services to be re-routed to serve the development site.

The following infrastructure works are therefore proposed, to be implemented by the developer:

- New A47 site access roundabout;
- A47 Beggars Lane junction improvements;
- A47 Kirby Lane junction improvements;
- New 3 metre shared footway/cycleway also north side of A47 from site access to Beggars Lane;
- Cycle route from Beggars Lane to New Lubbethorpe with new sections of cycle way and signed on-road routes.

In addition, the applicant will provide a financial contribution towards work to Desford Crossroads, proposed by Leicestershire County Council.

Regarding public transport provision, the site masterplan has been designed to enable a proposed public transport route through the site, with a primary and secondary route from the site access on the A47. The applicant has been in dialogue with two operators of existing services along the A47, Arriva and Stagecoach, regarding the

extension of one of their services through the site and they have through initial discussions indicated that they would undertake the small primary loop through the site. Whilst the exact location of bus stops would be subject to future agreement, isochrone drawings have been provided which demonstrates that the majority of the site would be within a 400-metre isochrone of a potential bus stop, therefore according with Policy SA1. With the addition of a walking and cycling route to the A47 at Beggars Lane, existing and proposed bus stops on the A47 would serve the majority of the southern section of the site.

A condition on any planning permission can be used to require a Public Transport Strategy to be submitted, agreed and implemented to provide a bus service to serve the development.

#### Policy CS11 – Infrastructure, Services and Facilities to support growth

Policy CS11 states that new developments must be supported by the required physical, social and environmental infrastructure at the appropriate time. The Infrastructure Plan in Appendix D of the Core Strategy identifies strategic infrastructure to support the scale and distribution of development proposed in the Core Strategy. This identifies requirements for health, education and police infrastructure provision on a per dwelling basis where no capacity exists. In the case of this application, assessments have been undertaken by the relevant infrastructure providers which take into account existing provision and capacity, and identify where investment in infrastructure is required to support a growth in population arising from the proposed development. This is discussed further in Policy CS12.

#### Policy CS12 – Planning Obligations and Developer Contributions

Policy CS12 states that where requirements for infrastructure, services and facilities arising from growth are identified through robust research and evidence, it is expected that developers will contribute towards their provision (and in some cases maintenance). Planning obligations and developer contributions will be guided by the Council's latest Planning Obligations and Developer Contributions SPD and other evidence of need.

Any requests for contributions must be assessed by the Council under the requirements of Community Infrastructure Levy Regulations 2010. Section 122 of the Regulations set out in statute 3 tests against which requests for funding under a section 106 agreement has to be measured. These tests are that the obligation is:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

#### Policy CS14 – Green Infrastructure

Policy CS14 states that Blaby District Council and its partners will seek to protect existing, and provide new, 'networks of multi-functional green spaces'. The proposed development provides traffic free green infrastructure corridors and other area of natural green space and informal open space.

### Policy CS15 – Open space, sport and recreation

Policy CS15 seeks to ensure that residents have access to sufficient, high quality, accessible open space, sport and recreation facilities. The policy sets standards for the provision of open space, sport and recreation per 1000 population, along with desirable access standards in distance or time. These standards will be used to ensure that development proposals provide sufficient accessible open space, sport and recreation, taking into account any local deficiencies. It states that new on-site provision or financial contributions to improve the quality of, or access to, existing open space, will be expected and commuted maintenance sums will be sought. The policy also seeks to protect areas of existing open space from development, unless certain criteria are met.

The policy has now been superseded by Updated Policy CS15 in the Blaby Delivery DPD.

### Policy CS19 – Bio-diversity and geo-diversity

Policy CS19 seeks to safeguard and enhance sites of ecological and geological importance of national, regional and local level significance. The policy also states that the Council will seek to maintain and extend networks of natural habitats to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats. The policy also seeks to protect those species which do not receive statutory protection but have been identified as requiring conservation action. Development proposals should ensure that these species and their habitats are protected from the adverse effects of development through the use of appropriate mitigation measures. The policy also states that the Council will seek to ensure that opportunities to build in biodiversity or geological features are included as part of the design of development proposals.

### Policy CS20 – Historic Environment and Culture

Policy CS20 states that the Council takes a positive approach to the conservation of heritage assets and the wider historic environment through a set of criteria which includes ensuring the protection and enhancement of heritage assets and their settings, securing the viable and sustainable future of heritage assets, and promoting heritage assets in the District as tourism opportunities where appropriate.

### Policy CS21 – Climate change

Policy CS21 states that development which mitigates and adapts to climate change will be supported. It states that the Council will contribute to achieving national targets to reduce greenhouse gas emissions by:

- a) Focusing new development in the most sustainable locations;
- b) Seeking site layout and sustainable design principles which reduce energy demand and increase efficiency;
- c) Encourage the use of renewable, low carbon and decentralised energy.

The policy also states that the Council will ensure that all development minimises vulnerability and provides resilience to climate change and flooding.

### Policy CS22 – Flood risk management

Policy CS22 states that the Council will ensure all development minimises vulnerability and provides resilience to flooding, taking into account climate change by:

- a) Directing development to locations at the lowest risk of flooding;
- b) Using Sustainable Drainage Systems to ensure that flood risk is not increased on site elsewhere;
- c) Managing surface water run off to minimise the net increase in surface water discharged into the public sewer system;
- d) Closely consulting the Environment Agency in the management of flood risk.

### Policy CS23 – Waste

Policy CS23 states that new developments should, inter alia, seek to encourage waste minimisation, ensure flexibility in design to allow for new technological developments, ensure waste collection is considered in the design, and promote the use of site waste management plans.

### Policy CS24 – Presumption in Favour of Sustainable Development

Policy CS24 indicates that when considering development proposals Blaby District Council will take a positive approach that reflects the presumption in favour of sustainable development.

## **Blaby Local Plan Delivery Development Plan Document (Delivery DPD) (2019)**

### Policy SA1 – Land north of Hinckley Road, Kirby Muxloe

This is the Policy which allocates the site for development. The wording of the policy is included in full below:

#### **SITE ALLOCATIONS POLICY SA1**

#### **Land North of Hinckley Road, Kirby Muxloe**

Land will be allocated for a minimum of 750 dwellings, of which a minimum of 510 will be delivered during the plan period. The site's boundaries are set out on the Policies Map.

The site should meet the following requirements:

#### Housing

##### a) Affordable housing

25% affordable homes in accordance with policy CS7 should be provided on the site. The affordable housing mix should be 80% Social / Affordable rent and 20% intermediate housing unless evidence indicates otherwise.

##### b) A mix of housing

A mix of housing to meet local needs in accordance with policy CS8 of the adopted Local Plan Core Strategy.

c) Accessible and adaptable housing

At least 5% of homes are Accessible and Adaptable Homes in accordance with policy DM11.

Services and Facilities

d) Education

Provision of a new primary school (within a 2-hectare site) on-site and financial contributions towards secondary and special education, to meet the identified need for additional school places.

e) Health care facilities

Provision of financial contributions towards improving capacity in primary care facilities to meet the identified need.

f) Other uses

Other uses on the site will be considered on their merits. Proposals for town centre uses will only be allowed where an independently verified retail impact assessment indicates that there are no sequentially preferable sites within centres and no harm would result to existing facilities. Financial contributions will be required towards community services and facilities in accordance with policy CS12.

Play, Open Space and Green Infrastructure

g) Existing sports pitches and facilities

Existing sports pitches and facilities within the site shall either be retained in situ or replacement facilities be provided elsewhere within the site of at least equal quantity, quality (including flat, well-drained pitches) and accessibility in accordance with policy CS15 of the Core Strategy. Details of any relocation of sports pitches and facilities will be included in a masterplan.

h) Play and open space provision

In addition to the retention / replacement of existing sports facilities, play and open space shall be provided on site in accordance with policy CS15 of the Core Strategy. Details of how open spaces will be subsequently maintained will need to be provided as part of any planning application.

Environmental features

i) Built, historic and natural environmental considerations

In order to protect the natural environment, development should respond to important landscape and topography, long distance views, important natural and man-made features (such as woodland, trees, scrub, ponds and hedgerows).

Detailed proposals should also respect the integrity of important heritage assets, including the setting of the listed building at Oaks Farmhouse.

j) Pylons

The development shall maintain a buffer from the overhead electricity supply lines and pylons located on the western side of the site.

### Transport

#### k) Highway improvements

A comprehensive package of transport improvements informed by a robust transport assessment will be required. The improvements should include:

- Improvements to junction and link capacity on Hinckley Road (A47);
- New junction into the site; and
- Traffic calming measures.

#### l) Sustainable transport

- Contributions towards enhanced bus services (including Park & Ride) connecting the development with Leicester City Centre;
- All new housing development should, where possible, be within 400 metres of bus stops on Hinckley Road;
- Other measures that seek to achieve a modal shift away from private car use including provision of a Travel Plan for new residents which includes measures to encourage the use of public transport; and
- Provision of new walking and cycling routes within the site and connections into the cycle lanes on the A47.

### Masterplan

m) A masterplan should be prepared and agreed in advance of, or as part of, submission of a planning application for the allocation. The masterplan will set out in detail: the proposed distribution and location of land uses; the mitigation required to protect and enhance important environmental features; areas of green infrastructure and green space and landscaping; and design principles including urban design and architectural parameters.

n) The masterplan will be prepared in consultation with key stakeholders. Planning permission will not normally be granted until a comprehensive masterplan has been completed to the satisfaction of the Local Planning Authority.

### Phasing and delivery plan

o) A phasing and delivery plan should be prepared and agreed in advance of, or as part of, submission of a planning application for the allocation. The phasing and delivery plan will set out in detail the timescale for delivery of key infrastructure including the proposed primary school and transport improvements. The delivery plan will indicate how transport mitigation will be co-ordinated with that proposed as part of the approved Lubbethorpe Sustainable Urban Extension.

### Updated Policy CS15 - Open space, sport and recreation

This supersedes the Core Strategy Policy CS15 and seeks to ensure that residents have access to sufficient, high quality, accessible open space, sport and recreation facilities. The policy has been updated as the Council commissioned an updated assessment of open space, sport and recreation facilities in the District (Open Space Audit 2015). The information gained was used to review the locally derived standards, contained in Policy CS15, to ensure that existing and future communities have access to sufficient open space, sport and recreation facilities. The standards for the provision

of open space per 1000 population have therefore been updated accordingly. There are no specific standards for the provision of outdoor sports space but the Open Space Audit gives guidance on where there are quantity and quality deficiencies.

#### Policy DM1 – Development within the Settlement Boundaries

Policy DM1 states that within the Settlement Boundaries, development proposals consistent with the other policies of the Local Plan will be supported where certain criteria are met, relating to the relationship with neighbouring uses, being in keeping with the character and appearance of the area, not resulting in overdevelopment, being of satisfactory layout, design and external appearance, and not prejudicing the comprehensive development of a wider area.

#### Policy DM4 – Connection to Digital Infrastructure

Policy DM4 states that all new build major residential and commercial development should be served by fast, affordable and reliable broadband connection in line with the latest Government target. It states that developers will liaise with broadband infrastructure providers to ensure that a suitable connection is made. The wording of the policy was amended following public examination to state that new development *should* be served by this type of infrastructure rather than specifically requiring it. This was considered necessary to introduce flexibility into the policy given that delivery of a broadband connection would likely be reliant on a third-party contractor over which a developer is unlikely to have any control.

#### Policy DM8 – Local Parking and Highway Design Standards

Policy DM8 seeks to provide an appropriate level of parking provision within housing development which complies with Leicestershire Local Highway Guidance and is justified by an assessment of the site's accessibility, type and mix of housing and the availability of and opportunities for public transport. It states that all new development will be required to meet highway design standards as set out in the most up-to-date Leicestershire Local Highway Guidance.

#### Policy DM9 – A47 High Load Road Route

Policy DM9 states that development will not be supported where it would impede the passage of high loads along the A47 High Load Route as set out on the Policies Map.

The proposed development would result in the creation of a new roundabout on the A47. However, no concerns have been raised by the Local Highway Authority (LHA) that the roundabout would impede the passage of high loads on this route.

#### Policy DM10 – Self and Custom Build Housing

Policy DM10 states that proposals for self and custom build housing will be supported in suitable locations. The original wording of the policy in the version of the Delivery DPD which underwent public examination included a requirement for developments of over 100 dwellings to supply 5% of a site's dwelling capacity as serviced plots for self and custom-build housing. The Planning Inspector, however, identified a number of

reasons why this requirement was not justified by the evidence available and the wording of the policy was therefore amended to ensure that the Council's aspiration to provide custom and self-build housing was still met by making it clear that such applications would be supported, whilst removing the specific requirement for 5% of plots to be provided on large housing sites. The requirement for 5% of plots at the Land north of Hinckley Road site allocation to be provided as serviced plots for self or custom builders was also removed. This is because the 5% requirement was not justified by the available evidence and analysis showed that it would not be viable for the allocation to meet this policy requirement, and that its implementation may have negative consequences for the provision of affordable housing.

#### Policy DM11 – Accessible and Adaptable Homes

Policy DM11 requires development proposals for housing of 20 dwellings or more to meet the Building Regulations Standard M4(2) for 5% of the dwelling unless there are site specific factors which make the site less suitable for M4(2) compliance dwellings, and/or where the applicant can demonstrate that the use of this Building Regulation Standard is not viable through an independent viability assessment to be submitted with the application.

Amendments were made to the policy during public examination which changed the threshold for the application of the policy from 10 dwellings to 20 dwellings, and inserted criteria into the policy to ensure that there is sufficient flexibility in applying the policy requirement to take account of circumstances where it can be demonstrated that it would not be viable.

#### Policy DM12 – Designated and Non-designated Heritage Assets

Policy DM12 states that all new development should seek to avoid harm to the heritage assets of the District. Development proposals that conserve or enhance the historic environment will be supported. The policy states that designated heritage assets and their settings will be given the highest level of protection to ensure that they are conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment. Where substantial harm is identified, proposals will only be supported in exceptional circumstances in accordance with national planning guidance. Where a less than substantial level of harm is identified, the scale of harm will be weighed against the public benefits of the proposal.

#### Policy DM13 – Land Contamination and Pollution

Policy DM13 states that development proposals will be required to clearly demonstrate that any unacceptable adverse impacts related to land contamination, landfill, land stability and pollution (water, air, noise, light and soils) can be satisfactorily mitigated.

#### Policy DM14 – Hazardous Sites and Installations

Policy DM14 states that development proposals within the consultation zones for major hazard sites and major hazard pipelines, as set out on the Policies Map, will take account of the requirements to keep separate housing and other land uses that

may be incompatible with the major hazard and prevent damage to major hazard pipelines or installations.

### **Blaby District Council Planning Obligations and Development Contributions Supplementary Planning Document (February 2010)**

This Supplementary Planning Document outlines Blaby District Council's strategy for securing relevant developer contributions in relation to new development. It sets out when Blaby District Council will request contributions, whether for the District Council or on behalf of another service provider, and how the payments will be collected, distributed and monitored.

### **Blaby District Council Housing Mix and Affordable Housing Supplementary Planning Document (July 2013)**

This Supplementary Planning Document contains additional detail and guidance on how Blaby District Council will interpret and apply specific policies contained in the Local Plan and will be a material consideration in the determination of planning applications. The objectives of the SPD are:

- 1) To provide guidance regarding the interpretation of policies CS7 and CS8 of the Blaby District Local Plan (Core Strategy);
- 2) To address local imbalances in both the market and affordable housing stock; and
- 3) To optimise the provision of affordable housing to meet identified needs.

### **Leicestershire Highways Design Guide (LHDG)**

The LHDG deals with highways and transportation infrastructure for new developments in areas for which Leicestershire County Council is the highway authority.

### **Blaby Landscape and Settlement Character Assessment (January 2020)**

Provides up-to-date landscape and settlement evidence to inform the emerging Blaby Local Plan and help guide development management decisions. The assessment states that *"understanding the character of a place is a key part of ensuring the protection and enhancement of built and natural environments, managing sustainable economic growth and improving the health and wellbeing of local communities"*.

### **Blaby District Council Open Space Audit (December 2015)**

This assessment reviews the standards set out in Blaby District Council's Policy CS15 for the open space, sport and recreation facilities requirements of local communities, covering quantity, quality and access. It carries out an audit of the district's open space, sport and recreation facilities, including an assessment of the current quality of provision, identifying current surpluses or deficiencies.

## **Blaby Playing Pitch Strategy 2020**

Provides a strategic framework for the maintenance and improvement of all formal outdoor playing pitches and accompanying ancillary facilities in the District up to 2037. The strategy has been developed in accordance with Sport England guidance and under the direction of a steering group led by the Council, Sport England and including National Governing Bodies of Sports. It provides planning guidance to assess development proposals and inform the protection and provision of outdoor sports facilities.

## **Blaby Residential Land Availability Report (March 2021)**

Shows the progress that has been made towards meeting the District's housing requirements that are set in the adopted Local Plan (Core Strategy) Development Plan Document (2013). The residential land availability position is monitored on an annual basis and this statement shows the latest published position as of 31<sup>st</sup> March 2021.

## **Joint Strategic Flood Risk Assessment Final Report (October 2014)**

The purpose of this document is to provide information on the changes to planning, policy and guidance since the previous Strategic Flood Risk Assessment, provide a detailed assessment of any flood hazard within the Flood Zones, provide information on existing defences and flood risk management measures, allow a sequential approach to site allocation.

## **Leicester and Leicestershire Housing Market Area Housing and Economic Land Availability Assessment (SHELAA) 2019**

Provides evidence on the potential supply of both housing and economic development land in the District of Blaby. This document updates and combines the previous Blaby District Strategic Housing Land Availability Assessment (SHLAA) and Economic Development Land Availability Assessment (EDLAA), published in 2017, into one document.

## **Planning Considerations**

This section considers the material planning considerations in further detail, and is divided into the following sections:

Principle of the development

Housing

- *Housing numbers*
- *Housing density*
- *Affordable housing*
- *Housing mix*
- *Self and custom build housing*

Socio-Economic Impacts

Employment and Retail

## Transport

- *Access proposals*
- *Highway impacts and mitigation*
- *Walking and cycling*
- *Public transport*

## Flood Risk and Drainage

- *Flood risk from rivers*
- *Flood risk from surface water*
- *Surface water drainage*
- *Foul water drainage*

## Ecology and Biodiversity

- *Trees and hedgerows*
- *Bats*
- *Badgers*
- *Great Crested Newts*
- *Amphibians*
- *Birds*
- *Reptiles*
- *Biodiversity Net Gain*

## Landscape and Visual Impact

- *National Character Assessment*
- *Leicester, Leicestershire and Rutland Landscape Strategy*
- *Blaby District Landscape and Settlement Character Assessment*
- *Landscape Visual Impact Assessment*
- *Landscape Strategy*

## Heritage and Archaeology

- *Archaeology*
- *Designated Heritage Assets*

## Education Provision

- *Primary school provision*
- *Early years provision*
- *Secondary school provision*
- *Special school provision*

## Open Space, Recreation and Sport

- *On site open space*
- *Off-site open space*
- *Sports provision*
- *Allotments*
- *Cemeteries*

## Community Facilities

## Other Infrastructure and Services

- *Health Care*
- *Police*
- *Libraries*
- *Waste management*

## Agricultural Land

## Air Quality

- *Construction phase*
- *Operational phase*
- *Mitigation and enhancement*

## Land Contamination

### Environmental Management and Protection

- *Noise*
- *Light*
- *Ball strike risk*
- *Impact on amenities of existing residential properties*

## Construction Management

## Waste Management

## Sustainability and Climate Change

## Urban Design Principles and Masterplan

## Design Code

## Phasing

## Section 106 Agreement

## Coordination of infrastructure requirements with Lubbesthorpe development

### **Principle of the development**

The application site has been allocated for housing development in the Blaby District Local Plan (Delivery) Development Plan Document, with Policy SA1 requiring a minimum of 750 dwellings.

The requirement for additional housing allocations in the Delivery DPD was identified through monitoring of progress towards the housing requirement in the Blaby District Local Plan (Core Strategy) Development Plan Document (the “*Core Strategy*”, adopted February 2013), which showed a need to identify suitable sites for housing for at least 605 dwellings in the settlements which form part of the Principal Urban Area of Leicester (the PUA). In order to meet this residual requirement in the PUA, Land North of Hinckley Road, Kirby Muxloe, and several smaller sites were identified to be allocated.

The latest available and published Residential Land Availability Document for Blaby District indicates that as of 31 March 2021, 2,122 dwellings had been delivered in the PUA, compared to 3,585 dwellings in the non-PUA over the Local Plan period (2006-2029). Policy CS1 of the Core Strategy, however, requires at least 5,750 dwellings in the PUA and at least 2,990 dwellings in the non-PUA. During the earlier years of the Local Plan period, there was an imbalance in the location of housing delivery, with more dwellings being delivered in the non-PUA than in the PUA, contrary to Policy CS1. However, in more recent years, particularly since the New Lubbesthorpe development has commenced, this imbalance has begun to be addressed. The proposed development will further help to address this imbalance, enabling more dwellings to be built within the PUA over the remaining years of the current Local Plan period, in accordance with the spatial strategy set out in Policy CS1.

The Land North of Hinckley Road site was selected as it provides the opportunity to deliver a sustainable expansion to the Principal Urban Area in the medium to long term. In addition, because of its scale, the site can deliver the required level of housing

and support a range of services and facilities, including a new primary school on site. The site is also located on an established public transport route, with two bus companies providing a 20-minute service at peak times to Leicester and Nuneaton (via Hinckley). Transport assessments carried out prior to the adoption of the Delivery DPD identified that the proposal would have impacts on the local and wider transport networks, most notably the A47 corridor, junctions along its route and corridors north and south of the development in Kirby Muxloe, Leicester Forest East and Enderby. However, the transport modelling indicated that the adverse impacts of the development were capable of mitigation.

The site was known to have a willing promotor and the involvement of developers, and the Local Plan Viability Assessment 2017 indicated that the proposal would be able to secure the necessary infrastructure and policy requirements without undermining financial integrity. Market evidence (Housing Market Capacity Study 2017) indicated that some 60 units per year could be delivered and so the site was considered to be deliverable and an effective option that could deliver at least 510 houses during the remaining plan period.

The existing sports pitches and facilities to the north of Hinckley Road are included within the site allocation, with Policy SA1 requiring these to be either retained in situ or replacement facilities to be provided elsewhere within the site. The application site area does not include these sports pitches and facilities, with these remaining in their current locations, and being excluded from the red line site area. There is also a small amount of land to the northwest of the site, close to Oaks Farm, which formed part of the allocation but is not within the application site. The entirety of the application site comprises of land allocated by Policy SA1, with the exception of a bungalow at no.259 Hinckley Road which falls outside the allocation. The bungalow had been unoccupied for some time and presents an opportunity to better connect the application site to the rest of the built-up areas of Kirby Muxloe and Leicester Forest East. Prior approval was granted for demolition of the bungalow in application 22/1182/DEM.

Overall, the principle of the development is considered to be acceptable as the site adjoins the Principal Urban Area of Leicester and provides an opportunity to rebalance housing delivery in favour of sites within and adjoining the PUA. Furthermore, the site has been allocated for housing development in Policy SA1 and as such the principle of development on this site has already been assessed through the Local Plan process.

## **Housing**

### *Housing numbers*

Policy CS1 states that most new development in the District of Blaby, including housing, will take place within and adjoining the Principal Urban Area (PUA) of Leicester. The PUA comprises the 'built-up' areas of Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva. It states that a minimum of 8,740 houses will be developed in the District between 2006 and 2029, of which, at least 5,750 houses will be provided within and adjoining the PUA. This requirement is reiterated in Policy CS15.

The Council's Residential Land Availability Report 2020-21 indicates that, as of 31 March 2021, 2,122 dwellings had been completed in the PUA within the Local Plan period (combining the totals for each of the PUA settlements and including Lubbesthorpe completions). Outside of the PUA, the number of completions within this period totalled 3,585 dwellings. This shows that in the first fifteen years of the Local Plan period, housing completions had actually been higher in the non-PUA than in the PUA. The Inspector's report for the Delivery DPD examination referred to a delayed start to the Lubbesthorpe SUE which has led to a shortfall in the level of housing delivered within the PUA as a consequence. The report also referred to housing being delivered in the non-PUA at a rate above the expectations of the Core Strategy. The Inspector commented that *"if this trend were to continue then this would not be in line with the Core Strategy's spatial strategy"* (i.e., to focus new development within and adjoining the PUA).

When taking into account housing commitments in the latest Residential Land Availability Report (which includes allocations and permissions), there were 4,956 dwellings committed in the PUA as of 31 March 2021, compared to 629 dwellings in the non-PUA. The figure for commitments includes sites such as Lubbesthorpe which have outline planning permission, and the proposed development in this planning application to the north of the A47, which is an allocated site.

As such, it is expected that completions in the PUA in the final years of the Local Plan period (to 2029) will be concentrated in the PUA, in line with the Council's spatial strategy set out in Policy CS1. The application site, north of the A47, will therefore contribute to delivering the Council's spatial strategy of focusing new development within and adjoining the PUA, alongside the other smaller sites allocated for development in the Delivery DPD – Land at Ratby Lane (Kirby Muxloe), Grange Farm (Leicester Forest East) and Webb Close (Leicester Forest East).

Policy SA1 requires a minimum of 750 dwellings, of which a minimum of 510 will be delivered within the Local Plan period. The maximum number proposed by the outline planning application exceeds this level, proposing up to 885 dwellings. The Inspector's report for the Delivery DPD examination identified a shortfall in housing delivery within the PUA of 605 dwellings. The housing site allocations within the Delivery DPD were expected to deliver approximately 638 dwellings delivered during the plan period should the sites deliver in line with expectations.

### Housing density

The proposal for up to 885 dwellings is 135 dwellings (or 15.25%) over the minimum requirement set out in Policy SA1 of 750 dwellings. It is considered that the additional dwellings will help address the current imbalance across the District, providing the additional numbers can be accommodated appropriately on the site. With the exception of the existing dwellinghouse at 259 Hinckley Road, the development is entirely located within the red line of the application site.

Housing densities will vary across the site, but the Density Plan (contained within the Design and Access Statement Addendum) indicates that the majority of the site will be built at approximately 35 dwellings per hectare, with areas at the centre of the site at a density of 40 dwellings per hectare, and peripheral areas at 30 dwellings per

hectare. It explains that the lower density frontage will allow for larger dwellings to continue the character of existing dwellings along Hinckley Road. This is contrasted against a higher density core, where a linear road pattern allows for higher density development closer to the schools and larger public open spaces, encouraging higher levels of activity in these areas. Policy SA1 does not set out specific density requirements for the development, and similarly this does not appear elsewhere in the Development Plan. However, by way of comparison, it is noted that Policy CS3 of the Core Strategy which set out the policy requirements for the Lubbesthorpe development set a notional minimum net density of 30 dwellings per hectare (dph).

Paragraph 125 of the NPPF states *“where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site”*.

The Leicester and Leicestershire Housing Market Area Housing and Economic Land Availability Assessment (HELAA) (March 2017) provides guidance to local authorities in the area undertaking housing and economic development land availability assessments. It provides guidance on gross to net development ratios, allowing for items such as roads, green infrastructure and sustainable drainage systems. The development site is 44 hectares and for sites over 35 hectares it indicates a gross to net development ratio of 50% is appropriate. Of the 44-hectare site, 24.97 hectares (56.75%) is shown as the residential development area (which includes tertiary streets and private drives), 15.02 hectares (34%) is allocated on the masterplan as public open space (although 0.72 ha is shown as having restricted access), with a further 2.04ha allocated to the primary school site. Despite the additional 135 dwellings proposed over and above the minimum requirement, the net development ratio nevertheless appears appropriate and broadly in line with the guidance in the HELAA.

A standardised set of densities is also used across the Leicester and Leicestershire HMA to calculate the housing potential of a site. For Leicester, densities in the city of at least 50 dph are appropriate, with 30-50 dph elsewhere in the city. It states that sites within and adjacent to the Principal Urban Area and in selected Centres will be 40 dph, and all other sites 30 dph. Despite the additional dwelling numbers included, the density remains at an average of 35 dph, in line or even below the recommendations of the HELAA. This allows for higher density development in the centre of the site, with lower densities at the rural edges to provide a sensitive relationship with the surrounding countryside and respecting the character of existing areas.

Given that the scale and layout of the development are not being determined at this outline stage, the submitted Design Code will be used to ensure that densities are appropriate across the development site.

### Affordable housing

Policy CS7 of the Core Strategy states that the Council will seek to secure a minimum of 25% of the total number of dwellings as affordable housing on all developments of 15 or more dwellings and indicates that this will be provided on site except in exceptional circumstances where a commuted sum may be allowed. The policy also

requires affordable and market housing to be integrated through the development to ensure mixed and sustainable communities.

The Blaby Housing Mix and Affordable Housing Supplementary Planning Document provides guidance regarding the interpretation of policies CS7 and CS8, aims to address local imbalances in both the market and affordable housing stock, and aims to optimise the provision of affordable housing to meet identified needs.

The applicant's Planning Statement and Planning Statement Addendum confirm that affordable housing will be provided on the site in accordance with the policy requirement. It is anticipated that each phase of development will provide 25% affordable housing, and the applicant has not suggested otherwise. The total number of units of affordable housing expected to be delivered will therefore be 222 dwellings (25% of the total of 885 dwellings)

The Council's Housing Strategy team has provided a 'Housing Mix Requirements Assessment' (updated August 2022) which provides detailed analysis and conclusions relating to both affordable and market housing. The assessment provides a recommended affordable housing mix requirement for the development as follows:

Affordable Housing Mix				
Bed Size	Rent		Intermediate	
1 bed quarter houses	36	20%	0	0%
2 bed houses	62	35%	23	50%
3 bed houses	44	25%	22	50%
4+ bed houses	15	8%	0	0%
2 bed bungalows	20	12%	0	0%
Totals (222)	177	80%	45	20%

The provision of 25% of the dwellings as affordable housing will be secured through the Section 106 Agreement. The Housing Strategy team also advise that a condition be included on any grant of planning permission requiring an appropriate mix of affordable housing, and also that there is a need for each parcel which forms part of the development to contain 25% affordable housing in order to create mixed and sustainable communities. The exact size and tenure breakdown for the affordable housing will be agreed as part of subsequent Reserved Matters applications, with the above preferred mix forming a starting point for discussions with the Council's Housing Strategy team.

### Housing Mix

Policy CS8 of the Core Strategy states that residential proposals for developments of 10 or more dwellings should provide an appropriate mix of housing types, tenures and sizes to meet the needs of existing and future households in the District, taking into account the latest Strategic Housing Market Assessment and other evidence of local need. It states that the Council will work with partners to meet any identified needs of

specific groups, and also indicates that the Council will encourage all housing to be built to ‘Lifetime Homes’ standards, where feasible.

The Blaby Housing Mix and Affordable Housing Supplementary Planning Document provides guidance regarding the interpretation of policies CS7 and CS8, aims to address local imbalances in both the market and affordable housing stock, and aims to optimise the provision of affordable housing to meet identified needs.

The applicant’s Planning Statement and Planning Statement Addendum indicate that as the application is for outline planning permission, the precise mix of development is not set out and will be subject of further discussions with officers.

The aforementioned ‘Housing Mix Requirements Assessment’ (updated August 2022), produced by the Council’s Housing Strategy team, identifies that the existing housing stock in the Kirby Muxloe area is predominantly made up of medium to larger homes (3 and 4+ bed houses), amounting to just over 73% of the existing housing stock. Almost 68% of households in the parish consist of one or two people which when compared to the size of homes in the parish suggests that there are a considerable number of households under occupying properties. In terms of housing available in Kirby Muxloe to buy on the open market, the majority (80%) are medium to larger properties (3 and 4+ beds), directly opposing the need for smaller homes.

The Housing Strategy team provides the following suggested mix for market housing. The preferred mix is based on achieving the balance of larger homes and sufficient supply of smaller homes. Bungalows are also in demand in both the rental and open market, so these are required to be part of the overall mix for both tenures.

<b>Market Mix</b>	<b>Number</b>	<b>Percentage</b>
<b>Bed Size</b>		
1 bed quarter houses	20	3%
2 bed house	166	25%
3 bed house	212	32%
4+bed house	199	30%
2 bed bungalow	66	10%
Totals	663	100%

The preferred mix is a starting point for future discussions, and the requirement for the development to provide an appropriate housing mix will be secured by condition.

*Self and custom build housing*

Policy DM10 of the Delivery DPD provides support for proposals for self and custom build housing in suitable locations. Officers have raised the possibility of self and custom build housing being provided on the application site, given the size of the site. However, the applicant has commented that there is no specific requirement within the policy as this was removed by the Planning Inspector when the Delivery DPD underwent public examination given this was not justified by the available evidence and analysis showed that it would not be viable to meet this policy requirement and

that its implementation would have negative consequences for the delivery of affordable housing.

The National Planning Policy Framework indicates that under Section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area.

### **Socio-Economic Impacts**

The chapter of the Environmental Statement relating to socio-economic impacts identifies that the proposed development would result in several positive socio-economic effects through the provision of a mix of new housing, including affordable, a new primary school, and open space and green infrastructure. The proposed development will help meet future housing requirements including the need for affordable housing, and the provision of jobs during construction and operation.

### **Employment and Retail**

There is no requirement within Policy SA1 for the provision of employment uses on site. Policy SA1 indicates that any other uses on the site will be considered on their merits, with proposals for town centre uses only being allowed where an independently verified retail impact assessment indicates that there are no sequentially preferable sites within centres and no harm would result to existing facilities.

Being located on the edge of the Principal Urban Area, the site is in reasonably close proximity to a number of Key Employment Sites within the District and surrounding areas, including Oak Spinney Park on Ratby Lane and the neighbouring Braunstone Frith Industrial Estate (in Leicester), Meridian Business Park, sites off Mill Hill in Enderby, the Lubbethorpe Strategic Employment Site, and employment sites at Peckleton and Newtown Unthank in Hinckley and Bosworth Borough. The closest existing retail areas are the Neighbourhood Centres at Cherry Tree Court, Kirby Muxloe (off Barry Drive, 0.3 miles from the edge of the application site), Warren Court, Leicester Forest East (Medical Centre and Pharmacy, 0.3 miles from the edge of the application site), 146-150 Hinckley Road, Leicester Forest East (Tesco Express, 0.7 miles from the edge of the application site). In addition, the first proposed local centre at Lubbethorpe (adjacent to the primary school) will be 0.6 miles from the edge of the application site.

No employment or retail development is proposed on the application itself (aside from the primary school which will provide some employment opportunities). A small coffee shop building with a community use element is shown on the Illustrative Masterplan and referred to in the Design Code. However, this is indicatively shown only, and the applicant has indicated that this will only come forward if there is market demand for this and an end user comes forward. Whilst no employment or retail development is proposed, the proposed development will bring additional population to the local area, helping to support and sustain existing facilities and services.

## Transport

### Access proposals

The application proposes a single point of vehicular access to the site via a new roundabout junction on the A47 to the west of the existing sports clubs. This roundabout would provide two access arms into the site. There would also be a separate pedestrian route from the roundabout, providing a direct route to the proposed primary school. In addition, a sustainable connection for pedestrians and cyclists onto the A47 in the south-eastern corner of the development site is proposed (within the parcel of land that previously formed an application submitted by Hazelton Homes, reference 19/0789/OUT). This sustainable access replaces the previous vehicular access at the Beggars Lane/A47 junction that the Local Highway Authority considered could not be satisfactorily accommodated in capacity or highway safety terms. Following several design iterations brought about by comments raised by the LHA and the Road Safety Audit process, the latest access proposals are considered generally acceptable for the purposes of the planning application.

The new roundabout access would be required to be in place prior to any of the dwellings on the site being occupied, and this will be conditioned accordingly. A Traffic Regulation Order will require the existing 50mph speed limit on Hinckley Road to be reduced to 40mph up to a point just to the west of the proposed access roundabout. The pedestrian/ cycle route, connecting the site to the A47 at Beggars Lane would be delivered later on as the development progresses, with the Local Highway Authority requiring this to be delivered prior to any occupations within phase 3 of the development.

### Highway impacts and mitigation

The latest development proposals have been assessed in the LHA's Pan-Regional Transport Model (PRTM) to determine the impact of the updated development proposals on the transport network. This work identified an agreed junction study area for further investigation and from which the development impact and required mitigation strategy emerged.

The main vehicular impacts of development were observed at the Desford Crossroads, Beggars Lane and Kirby Lane junctions and this was the basis on which the mitigation strategy was developed. This is in line with the Infrastructure Delivery Plan within the Delivery DPD which identified a requirement for improved junctions along the A47 corridor from Desford Lane to Braunstone Crossroads.

On the basis that the LHA already has a preferred scheme for Desford Crossroads junction, the LHA request a proportionate contribution of £1,104,000 towards this improvement scheme which would be required and secured via Section 106 agreement. This would be required prior to any occupations on the basis of the existing congestion levels at this junction, the development impact and the necessity for the delivery being prioritised.

With regards to the A47/ Beggars Lane junction, the applicant has considered the committed improvement scheme obligated for by the Lubbesthorpe development in

testing the strategic impact of the proposed development. The trigger point for the committed Lubbesthorpe improvements to this junction has passed without the full improvements being undertaken (although the central pedestrian refuge has been removed and a pedestrian crossing installed). However, it is understood that this was due to the motorway bridge over the M1 coming forward sooner than anticipated when outline planning permission was granted for Lubbesthorpe, resulting in the A47/ Beggars Lane junction not being so impacted by Lubbesthorpe traffic. The applicant in this application proposes a holistic improvement scheme for this junction, which is based on those improvements originally obligated for by the Lubbesthorpe development. The LHA require the A47/ Beggars Lane junction improvements to be undertaken prior to first occupation of the development to ensure that this important scheme is delivered to enhance vehicular capacity along the A47 corridor from the outset.

With regards to the A47/ Kirby Lane scheme, this again is based on the existing scheme which is obligated for delivery by the Lubbesthorpe development. The latest scheme incorporates highway land which abuts the adjacent care home on Kirby Lane and takes into account the addition of the new Tesco store and signals that have been delivered since the Lubbesthorpe SUE gained planning permission. The Kirby Lane scheme was predicted to be obligated for delivery prior to occupation of the 1500<sup>th</sup> dwelling at Lubbesthorpe SUE. A 301<sup>st</sup> occupation trigger has been agreed with the revised scheme for this application. As of 22 November 2022, 825 homes were occupied within the Lubbesthorpe SUE. It is therefore likely that the two trigger points would be reached at a similar time and so the LHA advise that a coordinated approach to delivering the revised scheme would be welcomed. Notwithstanding this, the LHA notes that the applicant 19/1610/OUT is content to deliver this scheme, along with the Beggars Lane junction improvement on behalf of both developers.

### Walking and cycling

Footway and cycleway provision, compliant with the latest design standards, have been proposed to provide additional sustainable connectivity along the A47 corridor. The shared use footway/ cycleway on the north side of the A47 will enable off-carriageway walking and cycling access to Kirby Muxloe and beyond where they will tie in with existing provision. The Local Highway Authority has welcomed this provision, and a condition will be imposed to require this to be implemented prior to any occupations, to ensure that the site is linked to the existing settlement from the beginning.

In addition, a pedestrian and cycle link into the site is proposed at the A47/ Beggars Lane junction. This will provide a more direct access between the site and existing parts of Kirby Muxloe and Leicester Forest East (particularly for those residents living in the eastern part of the site). This will be required to be implemented by condition, prior to any occupations in phase 3 of the development. The current design proposes a 5-metre width access with removable bollards. On the basis that this access is for non-motorised access only it may not be necessary for this provision to be 5 metres wide with removable bollards. The LHA does, however, note that the design may intend to permit emergency access. The design and gate treatment would therefore be required to be in accordance with the Leicestershire Highways Design Guide as

necessary, but the LHA is content that this detail can be established through the detailed design and Road Safety Audit process.

Further to the above, the applicant also proposes to improve links between the application site and the Lubbesthorpe development, in particular the proposed local centre. A cycle route is proposed from the A47/ Beggars Lane junction, along Beggars Lane, Mallard Way, Warren Lane and Forest House Lane to link with public right of way V82 towards Tay Road. The route includes a combination of shared footway/cycleway along Beggars Lane from the end of the service road, with transition to signed carriageway route along Mallard Way and Warren Lane. Along Forest House Lane, the footpath will be widened to provide a 3.5-metre-wide shared route, with a dropped kerb crossing to link to V82 on the opposite side of Forest House Lane. This will also be required by condition.

### Public Transport

The proposed development is located adjacent to the A47, a key arterial route into Leicester City, with plentiful supply of bus services operating in the area. The current bus services which operate on the A47 past the site are run by Arriva (Service 158 between Leicester and Nuneaton) and Stagecoach (Service 48L between Leicester and Nuneaton). Arriva Service 158 currently runs three buses an hour throughout the day on Monday to Friday, two an hour on Saturdays and one an hour on Sundays. Stagecoach Service 48L also runs three buses an hour Monday to Saturday, and one an hour on Sundays.

Policy SA1 requires that all new housing development on the site should, where possible, be within 400 metres of bus stops on Hinckley Road. Currently, there are two existing bus stops on Hinckley Road within the vicinity of the development site, the closest being 80 metres from the proposed pedestrian/ cycle access at the Beggars Lane junction. Only a small proportion of the site is currently within 400 metres of this bus stop, with the majority of the site being within 800 metres (including the primary school). With the introduction of the proposed new bus stops close to the roundabout access, the southern half of the site (generally south of the proposed greenway) would fall within 400 metres of one of the bus stops (including the primary school), with the rest of the development being within 800 metres of a bus stop.

The applicant has investigated various options to utilise and extend the existing, frequent services including discussing options to divert the existing services into the site to increase catchment of future residents residing within 400 metres of services. Within the submitted Transport Assessment, the applicant has reported on dialogue held with Arriva and Stagecoach concerning existing services. In both cases, it was indicated that for the early phases of development the existing services would continue to operate along the A47 using the proposed new bus stops and once the development becomes built out the preference would be that services are diverted to loop into the site via the primary internal route. Both operators have agreed to this diversion in principle subject to the appropriate road and bus stop infrastructure being completed. One of the operators has indicated that there would be an incremental cost attached to this diversion, and that they would expect to agree a level of funding with the developer proportionate to the additional costs. The LHA has confirmed that this approach to diverting the existing bus services is acceptable and a suitably worded

condition is recommended to obligate its delivery and finalise the infrastructure requirements for the agreed strategy. With an existing bus service diverting into the site, over 75% of the site would be within 400 metres of an existing bus stop, which is considered to accord with the requirement in Policy SA1.

## **Flood risk and Drainage**

Paragraph 167 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Policy CS22 of the Core Strategy states that the Council will ensure all development minimises vulnerability and provides resilience to flooding, taking into account climate change. This includes directing development to locations at the lowest risk of flooding giving priority to land in flood zone 1, using Sustainable Drainage Systems (SuDS) to ensure that flood risk is not increased on-site or elsewhere, managing surface water run-off, and ensuring that any risk of flooding is appropriately mitigated, and the natural environment is protected.

### *Flood risk from rivers*

The application site is located entirely in Flood Zone 1, with this indicating a low risk of flooding from river sources, assessed as having a less than a 1 in 1,000-year probability of flooding (0.1% in any year). A Flood Risk Assessment has, however, been submitted with the application, given that the site is greater than 1 hectare in size, as required by the NPPF. This concludes that as a consequence of the Flood Zone 1 designation, fluvial and tidal flood risk is low and does not pose a developmental constraint.

### *Flood risk from surface water*

The Environment Agency Risk of Flooding from Surface Water map shows that the majority of the site is at a very low risk of surface water flooding (defined as an area with less than 0.1% chance of flooding each year), with parts of the site at low risk (defined as an area with between 0.1% and 1% chance of flooding each year) to high risk (defined as an area with a greater than 3.3% chance of flooding each year). Surface water flooding is associated with a flow path through the south part of the site. This is generated from both within the site itself and the cricket ground. The flow path eventually forms a relatively large accumulation of water on the east boundary, before draining away from the site to the northeast. There is another drainage ditch adjacent to the northern site boundary that drains to the east. The drainage ditches eventually drain into the Rothley Brook at Mill Lane Industrial Estate, approximately 3km north-east of the site.

The existing site is believed to rely on natural drainage processes whereby surface water that is unable to infiltrate into the ground will runoff as overland flow following the topography and into the existing ditches within and along the site boundary. A desktop investigation of the topography has concluded that there are six separate drainage catchments within the site. It is proposed to replicate the existing drainage regime when considering the surface water drainage strategy for the site.

## Surface Water Drainage

One of the effects of built development is typically to reduce the permeability of a site and consequently change its response to rainfall. Therefore, a drainage strategy is required to ensure that the surface water runoff regime is managed appropriately and that the proposed development does not increase flood risk on the site and/or to surrounding areas.

The Planning Practice Guidance states that the types of sustainable drainage system which may be appropriate to consider will depend on the proposed development and its location. It states that where possible, surface water should be discharged according to the following hierarchy of drainage options:

1. Into the ground (infiltration);
2. To a surface water body;
3. To a surface water sewer, highway drain, or another drainage system;
4. To a combined sewer.

Particular types of sustainable drainage features may not be practicable or appropriate in some locations, such as the use of infiltration techniques. Ground investigations have been carried out on the site including soakage tests to determine the potential for infiltration. The results have indicated a very limited infiltration rate, therefore infiltration drainage is not considered to be viable on this site. The development therefore proposes to use an attenuated-led surface water drainage strategy which will have conveyance routes across the site and a restricted discharge to an appropriate receptor. There are a number of drainage ditches within and along the site boundary, and therefore these features are proposed to be used for surface water.

SuDS will be used to manage surface water runoff from the site. This will largely consist of a series of detention basins and swales. The surface water drainage strategy has been based on the discharge of surface water from the site into the adjacent ditches. This will be restricted to the QBar greenfield runoff rate by using a hydrobrake (or similar) at the outfall of each detention basin.

The detention basins are vegetated depressions incorporated into the form of the site and are designed to store surface water runoff from extreme storms and gradually release it. The earthworks will be designed to be no greater than 1 in 3 which will enable those detention basins which are not permanently wet to be used by members of the public during drier periods. The swales are shallow, flat bottomed, vegetated open channels designed to convey, treat and infiltrate surface water runoff. Where possible, runoff from impermeable areas will drain into a local swale, which will eventually lead to a detention basin.

Leicestershire County Council, as the Lead Local Flood Authority (LLFA), has a statutory role in reviewing the surface water systems for all major development applications. The LLFA has commented that the surface water drainage from the site, which is limited to greenfield Qbar runoff rates at 4.4 litres per second per hectare across the whole site before being discharged into adjacent ditches, is acceptable. However, the LLFA comments that an allowance for 'urban creep' to contribute to the sizing of the attenuation basins should also be included at reserved matters stage.

The LLFA recommends the imposition of conditions requiring the submission and approval of a surface water drainage system, details in relation to the management of surface water on site during construction, and details relating to the long-term maintenance of the surface water drainage system. Following discussions with the LLFA, these conditions have been adjusted to allow the details to be submitted and agreed in connection with each phase or subphase. Conditions are also recommended regarding further infiltration testing, and third-party review of the surface water modelling in areas at high surface water flood risk.

### Foul Water Drainage

An analysis of sewer records obtained from Severn Trent Water have indicated that there are foul water sewers in proximity to the site, at Hinckley Road to the south and Station Drive to the northeast. Severn Trent Water has confirmed, in discussions with the applicant, that its preference would be for a gravity connection to the larger diameter sewers to the northeast. However, as a gravity connection from part of the site would result in a deep sewer, due to the topography of the site, a pumping station is instead proposed to the north of the site, the indicative location of which is shown on the Illustrative Masterplan. Severn Trent Water were consulted on the increased number of dwellings and confirmed that the previously agreed point of connection was still suitable.

### **Ecology and Biodiversity**

Policy CS19 of the Core Strategy has the strategic objective of protecting the important areas of the District's natural environment (species and habitats), landscape and ecology and to improve biodiversity, wildlife habitats and corridors through the design of new developments and the management of existing areas.

The application site currently comprises largely of fields in arable use, with three semi-improved grassland pastures, one field currently in use as a horse grazed pasture, and two dwellings with associated gardens. There are several ponds on-site, with a network of dry ditches. The application site hosts a good network of mature hedgerows and established treelines with numerous mature trees.

There are no statutory designations covering any part of the site. No international statutory wildlife designations were identified within 10km of the site. One national statutory wildlife designation is located within 3km of the site (Botcheston Bog SSSI). One local statutory wildlife site is located within 3km of the site (Kirby Frith Local Nature Reserve). A desktop study identified 12 Local Wildlife Sites locally (within 2km of the site). There are also 39 potential or candidate Local Wildlife Sites within the search area, four in close proximity to the site.

The Leicestershire County Council Planning Ecology team has been consulted on the application. They accept that the habitats on site are generally of low biodiversity value and welcome most of the hedgerows being retained. They comment that there are habitat creation opportunities being provided as part of the proposals and that the layout appears to allow for buffering of the hedgerows in most cases.

The LCC Ecology team initially commented that the masterplan did not distinguish between areas which were to be allocated as wildlife creation and which were amenity areas and expected that the areas of open space to the north, southwest corner and the corner to the north of tennis club should be allocated as wildlife creation/ ecological mitigation areas. This has been clarified through the provision of a 'Proposed Habitats Plan'. This shows how Biodiversity Net Gain, discussed further below, could be provided on site. At this stage, given the layout is reserved for future consideration, the proposed layout is indicative only. However, it is considered that both areas for amenity use and wildlife creation or biodiversity can be satisfactorily provided on the site.

### Trees and hedgerows

Based on the illustrative layout, construction will result in the permanent removal of approximately 420 metres of hedgerow (representing approximately 11% of this habitat within the application site) to facilitate vehicular and pedestrian accesses to and within the proposed development. The Illustrative Masterplan also demonstrates that the proposed development can accommodate the retention of the majority of existing mature trees. A total of five individual trees and nine tree groups are proposed for removal, the majority to accommodate the new access roundabout junction from the A47.

The planning application also considers the impact of the development on protected species, discussed in more detail below:

### Bats

With regards to bats, the Bat Survey Report (CSA Environmental), January 2019 recorded a minimum of seven bat species during transect and automated bat activity surveys. Roost surveys found evidence of brown long-eared bat within the main house and garage of Rose Gardens (proposed to be demolished). The report comments that it will be necessary to obtain a licence from Natural England to permit the demolition of the house and garage buildings. The report also notes that several trees were identified as supporting bat roosting potential and recommends that once more detailed development proposals are available, an updated assessment of all trees to be affected shall be carried out. The report advises that future development proposals should seek to retain hedgerow, tree and pond habitats wherever possible and recommends a sensitive lighting strategy and inclusion of multiple artificial bat roosting boxes within buildings or on retained mature trees.

The LCC Ecologist advised that a bat licence will be required and that any mitigation will need to be covered by planning condition.

### Badgers

With regards to badgers, the Badger Survey Report (CSA Environmental), January 2019 records one badger sett on-site and evidence that badgers are active across the site. The sett comprises of five entrances in active use and evidence suggests it functions as a 'main sett'. The report concludes that ideally the sett should be retained alongside the development within a suitable area of greenspace and with suitable

connections to foraging areas and green corridors. If the sett cannot be retained in situ, the report advises that a licence would be required from Natural England and an artificial sett would be required to compensate for the loss of the main sett.

The LCC Ecologist initially expressed concern that the badger sett had not been accommodated for in the indicative layout and that the existing sett could be retained with an appropriate buffer zone (although this could be compromised if the adjacent land to the east was later development). However, the ecologist did advise that an artificial sett could be created instead, and the existing sett closed under licence. A condition has been recommended requiring either mitigation for the badger sett in situ with an appropriate buffer zone, or the creation of an artificial sett and closure of the existing sett under licence. This can be provided as part of a 'Badger Mitigation Plan'. It is also recommended that the monitoring of badgers is kept under review at each phase of development as part of each reserved matters application.

### Great Crested Newts

With regards to Great Crested Newts, whilst past survey information collected by third parties had confirmed the presence of GCN on off-site and on-site ponds, the GCN report included an updated survey of on and off-site ponds which identified no GCN or evidence of their presence at the time of investigation. Whilst pond P5 has previously recorded a positive eDNA result in 2018, this was the minimum positive score and in the context of six negative surveys carried out in 2019, this suggests a low number of newts have occurred at the pond, but that it is not a breeding habitat resource due to site specific factors. The GCN report concludes that given the location of the site and known populations within the local area, it is likely that GCN will occasionally disperse across the site.

The LCC Ecologist agrees that the population is of low significance, and therefore mitigation should be achievable within the submitted masterplan layout, which shows retention of the pond within some open space, and with corridor connectivity to a wider landscape (shown as the 'ecological mitigation area' on the masterplan). The LCC Ecologist is happy for the details to be provided with future reserved matters applications. A condition is recommended requiring a GCN mitigation plan to be approved and resurvey prior to each phase of development.

### Amphibians

An outline Toad Mitigation Strategy (CSA Environmental), May 2020, has been submitted. This concludes that on completion, the proposed development will secure a significant net increase in both aquatic and terrestrial habitat suitability and availability for common toad, supporting the viability of the local population. The mitigation strategy proposes to permanently remove Pond P6 to accommodate the proposed development. However, a new dedicated wildlife pond in the southwest of the site will be established, with a temporary amphibian exclusion fence. Toads and toad spawn will be captured from Pond P6 and released into the dedicated wildlife pond. The mitigation measures outlined may be secured by planning condition, and as a result the report concludes that the proposed development will have no significant negative effect on the local toad population. The report states that the finalised approach to impact mitigation for toads should be set out within a wider Amphibian

Mitigation Strategy (including measures for Great Crested Newts) at reserved matters stage and suggests that the wider strategy may be secured by appropriately worded planning condition. The LCC Ecologist comments that the Toad Mitigation Strategy is satisfactory, and that implementation should be a planning condition.

### Birds

The proposed development will result in the cessation of farming activities on the site and the permanent and total loss of all farmland habitats present, which surveys have identified are being used for foraging and nesting birds. However, the majority of bird species identified in surveys will adapt to the suburban environment. New and retained planting within the scheme will provide nesting and foraging opportunities and new drainage features will also provide enhancements and enable new bird species to nest within the site. Whilst there will be a permanent loss of habitats for ground nesting farmland birds, the site is surrounded by farmland and so is not considered to represent a significant negative effect at the local level. In relation to overwintering birds, the establishment of new habitats within the significant green corridors within the development will provide new opportunities for foraging and shelter by overwintering birds.

### Reptiles

No reptiles have been found at the site during surveys, which would suggest that these species are likely absent from on-site habitats. It is therefore not considered appropriate or necessary to provide significant reptile mitigation, although it is recommended that precautionary working methods be applied to the clearance of suitable reptile survey. Given that more than two years has passed since the previous survey, it is also recommended that a further survey is undertaken to ensure that the situation is unchanged.

### Biodiversity Net Gain

Biodiversity net gain (BNG) is a strategy to develop land and contribute to the recovery of nature. It is a way of ensuring that habitats for wildlife are in a better state after development than before. The Environment Act 2021 made provisions for all planning permissions in England (with a few exemptions) to deliver at least 10% biodiversity net gain. The habitats can be delivered on-site, off-site or via statutory biodiversity credits. This mandatory duty will, however, only apply from November 2023. Biodiversity Net Gain will be measured using Defra's biodiversity metric and habitats will need to be secured for at least 30 years.

In the meantime, whilst 10% BNG is not yet a statutory requirement, BNG is already required through national policy. Paragraph 174 of the NPPF refers to "*minimising impacts on and providing net gains for biodiversity*". Whilst the Development Plan for Blaby District does not currently include any policies requiring BNG to be provided, the NPPF is still a material consideration in decision making, and so the District Planning Authority has already begun to require developers to demonstrate how BNG can be provided, particularly in relation to major planning applications.

The applicant has provided a Proposed Habitats Plan as a way of demonstrating how BNG could be provided on site. As the layout is reserved for future consideration, this does not form an approved plan but rather demonstrates an example of how BNG could be achieved. The plan is accompanied by plans showing usable and non-usable public open space, to demonstrate that the provision of BNG does not compromise the provision of open space which will be available to the public – the open space which is ‘usable’ will still be within the policy requirement for those open space types being provided on site. Alongside the Proposed Habitats Plan, the applicant has provided Biodiversity Net Gain calculations, using Metric 3.1. This demonstrates that a net gain of 0.19% of habitat units and 1.43% of hedgerow units can be provided, if the site is developed in line with the Proposed Habitats Plan. The LCC Ecologist has commented that whilst it would be good to see a greater percentage of net gain, currently only ‘measurable’ net gain is enforceable. The BNG detailed proposals will be required to be provided by condition as part of a Green Infrastructure and Biodiversity Strategy and Habitats Plan, with a management plan also provided.

### **Landscape and Visual Impact**

The NPPF places an onus on the planning system to perform a role in relation to the environment that ‘contributes to the protection and enhancement of our natural, built and historic environment’. This underpins the strategic guidance set out in the NPPF in relation to landscape and visual matters. Section 12 of the NPPF (‘achieving well-designed places’) aims to ensure that developments are ‘visually attractive’, are sympathetic to local character (including the surrounding built environment and landscape setting) and to establish and maintain a strong sense of place. It also makes specific reference to the use of tree planting which can make an important contribution to the character and quality of urban environments. Section 15 of the NPPF (‘conserving and enhancing the natural environment’ states that decisions should protect and enhance existing valued landscapes and also recognise the intrinsic character and beauty of the countryside.

Various local planning policies are relevant to landscape and visual matters, including CS14 (Green Infrastructure), CS15 (Open space, sport and recreation), CS16 (Green Wedges) and CS18 (Countryside) of the Core Strategy. The site allocation policy, Policy SA1 of the Delivery DPD, means the site is no longer designated as ‘Countryside’ but is within the ‘Settlement Boundaries’ of Kirby Muxloe, part of the Principal Urban Area. However, the site adjoins land designated as Countryside on three sides of the site and so the policies of the Local Plan relating to Countryside, CS18 and DM2, are still considered to be of some relevance.

Policy DM2 requires development to be in keeping with the appearance and character of the existing landscape, development form and buildings. It states that decisions in respect of the impact on landscape character and appearance will be informed by the Blaby Landscape and Settlement Character Assessment, Leicestershire and Rutland Landscape Characterisation Study, National Character Areas and any subsequent pieces of evidence.

The application site is located within the Leicestershire Vales (NCA94) National Character Area. It is part of the ‘Upper Soar’ LCA within the Leicester, Leicestershire and Rutland Landscape and Woodland Strategy, and falls within the ‘Thurlaston

Rolling Farmlands' (LCA16) within the Blaby District Landscape Character Assessment.

### National Character Assessment

Within the National Character Assessment, the key characteristics of the Leicestershire Vales NCA are:

- An open landscape of gentle clay ridges and valleys with occasional moderately steep scarp slopes.
- Overall visual uniformity to the landscape and settlement pattern;
- Land use characterised by a mixture of pasture and arable agriculture;
- Distinctive river valley of the Soar and Swift with flat flood plains;
- Woodland character derived largely from spinneys and copses on the ridges and undulating land, and waterside and hedgerow trees and hedges;
- Diverse levels of tranquillity with contrasts between busy urban and deeply rural parts. Large settlements dominate the open character of the landscape and are often visually dominant;
- Frequent towns and villages characterised by red brick buildings and stone buildings;
- Frequent imposing spired churches;
- Rich and varied historic landscape.

### Leicester, Leicestershire and Rutland Landscape Strategy

The Leicester, Leicestershire and Rutland Landscape and Woodland Strategy indicates that the 'Upper Soar' Landscape Character Area has the following characteristics:

- Large villages with evidence of industrial past;
- Urban influences from larger settlements and Leicester;
- Mixed agriculture – arable emphasis to west, pasture to east;
- Little woodland;
- Local rock outcrops and former quarries;
- River Soar a significant feature through built up area.

The document also sets out guidelines to achieve an enhancement of landscapes within this character area. This includes enhancing existing woodland through improved management, increasing woodland cover in small and medium sized blocks, and strengthening the hedgerow network through improved management and new planting.

### Blaby District Landscape and Settlement Character Assessment

Within the Blaby District Landscape and Settlement Character Assessment (BDLSCA) the Thurlaston Rolling Farmland LCA is an extensive area which extends from the edges of Kirby Muxloe, westward towards Leicester Forest West and south towards Thurlaston and meeting the wider settlement edge again at Enderby and Narborough. The summary of the overall character of this area states as follows:

*“The landscape character area is located in the western part of the district to the west of Kirby Muxloe and Leicester Forest East. It extends towards the M69 in the central part of the district. The LCA is primarily arable agriculture, with pasture fields located close to settlements and farms. The low-cut hedgerows and undulating landform often enable long views across the landscape. To the east, the LCA is bounded by significant amount of urban development, although this is relatively well contained by boundary vegetation. The M69 motorway and several pylon lines detract from the otherwise rural character.”*

The study describes various development pressures for the LCA. Those most relevant to the site and the proposed development include:

- Removal or loss of field boundary and roadside hedgerows and trees which could result in a more simple or open landscape;
- Urban pressures along the fringes of settlements could reduce the distinction between urban and rural areas. The housing allocation of 750 dwellings to the north of Hinckley Road is referenced;
- Increased urban influences from new roads and developments could degrade the rural character of the LCA;
- Knock-on effects from an increase in population close to the LCA, including levels of traffic impacting on tranquillity and more demand for countryside access;
- Perceptual qualities influenced by the M69 and A47, with busy traffic impacting on levels of tranquillity; and
- Diversification of land use uses to non-agricultural enterprises (i.e., residential).

The document also sets out guidance and opportunities for the LCA which includes:

- Enhancing hedgerow management and increasing hedgerow trees;
- Protecting the mixture of open farmland with expansive views and localised enclosed areas through appropriate siting of new woodland;
- Preventing the coalescence of settlements
- Avoiding siting development in the more open, visible slopes and where ridge and furrow is evident;
- Ensuring new development is sensitively sited;
- Exploring opportunities to strengthen and increase the public rights of way network.

The site is not included in any landscape related designations and no statutory or local landscape designations apply. The BDLSCA study concludes that the LCA is of medium sensitivity to residential development.

### Landscape Visual Impact Assessment

In addition to the analysis of published guidance, the developer has commissioned a Landscape and Visual Impact Assessment to consider the landscape character at a local level. This concludes that the proposed development will result in a limited impact at a highly localised level. Notwithstanding the scale of the site (and proposed development), the nature of the local landscape context is such that the scale and

form of proposed development is likely to result in impacts which are limited to the site area and immediate context only. The assessment uses a total of twelve different viewpoints in the vicinity of the site which are considered to be representative of visual receptors in the area. These illustrate views towards the site in the context of the surrounding landscape and are used to inform judgements on impacts.

To the north of the site the layers of trees and woodland associated with Kirby Muxloe Golf Club, combined with the slightly more elevated and flatter plateau of the landform on the application site serve to screen potential views of the majority of the site. To the east, the existing residential edge forms an effective screen to views of the site from locations further afield. From the south, views are generally limited by the combined influence of vegetation along the highway corridor of the A47, and the emerging built form of new/recent residential development. Areas to the west are most likely to have views to the wider extent of the site, with the site sitting on a slightly elevated plateau and only hedgerow field boundaries present along that edge to screen views.

The main visual impacts are therefore limited to the section of Hinckley Road in the vicinity of the site, a Public Right of Way immediately to the west of the site and also to a limited number of residential properties along the western edge of the existing settlement. The western edge of the existing settlement (Kirby Muxloe/ Leicester Forest East) is currently relatively discreet within the landscape and largely filtered or screened by tree belts, layers of field boundary hedgerow and landform. The proposed development has a mitigation strategy which incorporates a substantial buffer on its western edge so as to, in the longer term, retain the context of the settlement which is characterised in part by trees and woodland belts.

### Landscape Strategy

The analysis of landscape impacts has informed the landscape strategy for the site. The following components of the landscape strategy have been incorporated into the initial design of the proposed development:

- Retention of existing green infrastructure on the northern and southern boundaries, and the retention of internal hedgerows through the centre of the site;
- Retention of hedgerow along the western boundary, to be augmented with additional planting and a further landscape buffer along the western edge of the site to filter and screen views from the west;
- Consideration of appropriate management of retained vegetation in the long term;
- Development offsets to various site boundaries to soften edges and allow for additional planting;
- Linear open spaces dividing development cells, reducing scale and massing;
- A green corridor extending east to west through the centre of the site, connecting key green spaces;
- SUDS integrated throughout the open space providing multiple locations for green/blue infrastructure;
- Creating an area of meadow/ species rich grassland below the power lines in the southwest corner;

- Limit overall height of buildings to ensure existing trees to north and built form to the south and east continue to form an adequate screen.

Given that the application is for outline permission, with layout, scale, appearance and landscaping reserved at this stage, a Green Infrastructure and Biodiversity Strategy will be required by condition, along with a Green Infrastructure and Biodiversity Delivery and Management Plan to ensure that those elements of the landscape strategy which avoid any detrimental visual or landscape impact are implemented accordingly.

## **Heritage and Archaeology**

### Archaeology

An assessment of the Leicestershire and Rutland Historic Environment Record, supported by the results of the archaeological evaluation undertaken by Pre-Construct Archaeology, shows that the site lies in an area of significant archaeological potential. The Leicestershire County Council Archaeology team has been consulted, who comment that initial archaeological investigation has indicated the presence of significant archaeological remains, notably associated with a rectangular enclosure to the west of the application area, previously identified as a cropmark and geophysical anomaly. In addition to the enclosure, a range of further targets, including groups of prehistoric material to the west and centre of the site and Roman finds to the north and associated with the projected line of the Roman Leicester to Manchetter road warrant targeted excavation. The LCC Archaeologist commented that in each case further trial trenching is warranted to refine and localise the necessary mitigation.

The LCC Archaeologist has recommended a condition requiring a Written Scheme of Investigation (WSI) to be submitted and agreed prior to further archaeological investigations taking place. The proposed development is to be phased, but the archaeologist considers that an overarching WSI for the site will not be necessary as the archaeological areas of interest identified are discrete and therefore could be addressed independently, with separate WSIs covering the archaeological requirements for each phase. The archaeologist is therefore satisfied that the overall phasing plan would allow for sufficient investigation of each archaeological mitigation area, none of which are fragmented by the four phases. However, there is a possibility that further sub-division of the archaeological investigation could result in fragmentation of the mitigation areas, and therefore a condition recommended by the LCC Archaeologist requires sub-phases to be delivered in accordance with the WSI for each relevant phase.

### Designated Heritage Assets

Part of the application site lies within the setting of Oaks Farm, a Grade II listed building. The submitted Environmental Statement notes that the level of harm to the heritage significance of the asset, as arising through change to its setting, is considered to be at the low end of the less than substantial harm spectrum.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have 'special regard' to the desirability of

preserving listed buildings and their settings or any features of special architectural or historic interest which they possess. Paragraph 199 of the NPPF 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*. Paragraph 202 of the NPPF 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 including, where appropriate, securing its optimum viable use”*.

The Council’s Principal Historic Buildings Officer consultant was consulted on the proposals, who agreed with the level of harm that would be caused, whilst acknowledging that the actual level will only be established when relevant reserved matters applications are submitted. However, he disagreed in relation to the lack of significance of the building, commenting that there is a strong presumption against granting planning permission for development that fails to preserve the setting of a statutorily listed building.

The masterplan shows that most of the land to the east of the principal elevation of the listed farmhouse, identified as being of significance to the historic setting of the listed building, is not indicated for built development. However, the Principal Historic Buildings Officer did initially raise concerns that new, potentially intrusive, residential development on the prominent northern edge of the application site was shown encroaching towards heritage sensitive land and considered that insufficient space had been left to preserve adequately the long-standing rural setting of the listed building.

However, following the submission of an amended masterplan, the Principal Historic Buildings Officer commented that the less than substantial harm to the setting of Oaks Farm had largely been mitigated against by an extended woodland edge and slight reduction in the indicative built form area adjacent to the Northern Green. He suggested that this aspect of the development be kept under review as the impact of the development on the setting and significance of the listed building could change from neutral to positive or negative as part of future reserved matters applications.

Whilst acknowledging that the current application is only in outline form, it is considered that the impact on the Grade II listed Oaks Farm can be appropriately mitigated through the separation of the built development from the listed building, and additional landscape planting. Whilst the rural setting of Oaks Farm will be altered by development in closer proximity to the building than exists currently, any harm caused would be less than substantial. Applying the balancing exercise set out in paragraph 202 of the NPPF, there are considered to be substantial public benefits of the proposed development, including the delivery of housing in a sustainable location, affordable housing provision, new public open space, and economic benefits both in terms of employment opportunities and spending within the local economy. These benefits are considered to outweigh any less than substantial harm to the setting of Oaks Farm, notwithstanding the great weight that does need to be given to the conservation of designated heritage assets.

There are no other designated heritage assets within the vicinity of the site which would be impacted by the proposed development.

## **Education Provision**

Policy SA1 of the Delivery DPD requires the development to provide a new primary school (within a 2-hectare site) on site, as well as financial contributions towards secondary and special education, to meet the identified need for additional school places. Leicestershire County Council (LCC), as the Local Education Authority (LEA), has been consulted on the planning application and has provided responses detailing the contributions required, which will be secured as part of the Section 106 Agreement. Whilst these contribution requests refer to the closest schools in the locality where developer contributions are likely to be used, the LEA acknowledge that with the rapidly changing environment of education provision in Leicestershire it is becoming difficult to state which school or schools will serve a development once it is complete, and therefore flexibility is requested by the LEA in the use of Section 106 funding to be used for the provision, improvement, remodelling or enhancement of education facilities at schools in the locality of the development which the residents of the development would usually be expected to attend.

### Primary school provision

Regarding the Primary School sector requirements, LCC comments that the site falls within the catchment area of Kirby Muxloe Primary School, but that this school does not have the potential for extension to accommodate the large number of additional pupils as it occupies a constrained site with no potential to extend. LCC projected a deficit of 255 pupil places should the development proceed, and the LEA therefore require the developer to build, procure or fund a new primary school on site on land supplied by the developer (2 hectares). The size and cost of the school have been the subject of discussions between the applicant, the District Planning Authority and the Local Education Authority.

During the consideration of the planning application, LCC has increased the financial contribution required for the primary school to reflect the costs of primary schools currently under construction in other parts of Leicestershire. In its recent response (early March 2023), LCC advised that a one and a half form entry school was required (315 places) minus the cost of two classrooms to reflect the 255 pupil places required. The cost estimate to create a typical one and a half form entry school is £11,727,692. With the cost of two classrooms deducted from the total, and an adjustment to account for the lack of abnormal costs on the site, the amount requested from LCC is £10,765,760. This would be the amount payable by the developer to Leicestershire County Council to construct the school in the event that the applicant elects not to build the school.

The applicant has raised some concerns regarding the cost of the school, particularly given the significant increase in costs during the course of determining the application. The costs have, however, been based upon the costs of two new schools currently under construction in Leicestershire, both one form entry schools costing £8.5 million and £8.95 million, which LCC indicates support the claim for the primary school on site.

In further recent discussions, LCC has indicated that it would not seek a contribution from any one-bedroom properties to be provided on the site (potentially 56 properties would be one-bedroom based on Blaby District Council's preferred mix provided by the housing strategy team). In its most recent response (late March 2023), LCC has advised that only a one form entry school may therefore be required on the site if 56 dwellings are only one-bedroom as this would only generate 221 pupil places, but with the option of an expansion if required. The proposed primary school or the primary school contribution will be secured via the Section 106 agreement and will be index linked.

The illustrative masterplan indicates that the primary school will be on the western edge of the site. In earlier iterations of the masterplan (prior to the planning application being submitted), the primary school was more centrally located on the site. However, the Design and Access Statement indicates that the relocation of the school to the western edge helps to soften the transition from the wider landscape character of the countryside and the proposed development. This also states that the school is situated closer to the site entrance and at the end of a primary street and so the school building becomes a focal point for the scheme. It is also understood that the proposed location of the school will enable its earlier delivery during the development process. Although located on one side of the site, the east-west pedestrian walkway proposed through the site (Queens Walk) will enable good connectivity to the school from the rest of the development. LCC has indicated that the land proposed for the school must comply with the County Council's Primary School Land Specification. The applicant has completed this checklist and indicated that the school site either does meet, or will meet, the relevant criteria.

#### Early Years provision

Regarding the Early Years sector requirements, LCC comments that there will be a deficit of 72 pupil places arising from the development. The Early Years contribution would be used at the proposed primary school to be built on site to accommodate the early learning capacity issues created by the development, or by improving, remodelling or enhancing existing facilities at other schools or other early learning provision within the locality of the development. If the contribution is to be used to accommodate the early learning capacity issues created by this development at the new primary school, the LEA initially advised that the site for the new early learning provision would need to be accommodated on additional land to that provided for the primary school, although part of the same site offering. However, following further discussion, the LEA has confirmed that this can be accommodated on the same 2-hectare site as the primary school. The contribution will be secured via the Section 106 agreement.

#### Secondary school provision

Regarding the Secondary School sector requirements, LCC comments that the site currently falls within the catchment area of Brookvale Groby Learning Campus which, if the development should proceed, would have a deficit of 142 pupil places (reduced to 130 places taking into account pupil places secured from other S106 agreements in this area). However, the LEA acknowledge that there is a new secondary school

due to be built by 2026 on the New Lubbethorpe development which will be closer to the application site than Brookvale Groby Learning Campus. LCC would look to create the additional places at the new school and therefore seek a pro rata contribution of the cost of the new school build. In the event that the new school at Lubbethorpe is not given planning permission, LCC would seek to provide the additional secondary places required by the proposed development at Brookvale Groby Learning Campus.

The applicant has questioned the discrepancy between the contribution figures requested towards the built costs of the Lubbethorpe secondary school as compared to extending Brookvale Groby Learning Campus. However, in its latest response, LCC has undertaken further analysis of costs using the National Benchmarking report for 2022 which provides a cost of £3,098,695.60 towards the cost of the Lubbethorpe new build for the 130 pupil places, or £3,046,391.06 for the cost of an extension to Brookvale Groby Learning Campus. The costs towards the new build have been revised down slightly from an earlier response, with the costs of the extension revised upwards, based on the new analysis and are now more equitable and reflective of the figures derived from the Department for Education National Benchmarking Report 2022. The secondary school contribution will be secured via the Section 106 agreement and will be index linked.

#### Special school provision

Regarding the special school sector requirements, LCC advises that currently 1.21% of the primary age population and 2% of the secondary age population in Leicestershire are educated in special schools. All special schools in Leicestershire are full and have a deficit of available places and are forecast to remain so. LCC therefore asks for developer contributions towards the cost of expanding special school provision for developments of 100 dwellings or more. The proposed development of 885 houses will generate 3.21 primary and 3.54 secondary SEN pupils. The closest school to the development is the Birkett House Community Special School in Wigston, and LCC requests a contribution for expanding special school provision, which will be secured via the Section 106 agreement.

#### **Open Space, Recreation and Sport**

Open space, sport and recreation facilities make an important contribution to the quality of life, health and well-being of communities. Updated Policy CS15 of the Delivery DPD states that the District Council will seek to ensure that all residents have access to sufficient, high quality, accessible open space, sport and recreation facilities. In order to achieve this, the policy sets standards for the provision of open space, sport and recreation per 1000 population in the District, and indicates that these standards will be used to ensure that development proposals provide sufficient accessible open space, sports and recreation, taking into account any local deficiencies. It states that new on-site provision or, where appropriate, financial contributions to improve the quality of, or access to existing open space, sport and recreation facilities, will be expected and commuted maintenance sums will be sought.

Blaby District Council's Planning Obligations and Developer Contributions Supplementary Planning Document includes guidance to support the Local Plan in relation to open space, sport and recreation requirements for developer contributions.

Its states that open space and play facilities should normally be provided within the development but recognises that open spaces of less than 2200 square metres in size are of limited recreational value, are expensive to manage and maintain, often lead to conflict with neighbours and therefore have little overall community benefit. It states that for developments of 500 dwellings or more the required new public open space and onsite facilities should all be provided within the development site.

### On site open space

Based on the requirements of Policy CS15, the following amounts of public open space required to serve the development have been calculated. The calculations assume a household size of 2.4 persons per dwelling (meaning the development of 885 dwellings would have a total population of 2,124 people). This is consistent with the average estimated household sizes in the 2021 Census where the average household size is 2.41 for England, 2.4 for Leicestershire, and 2.42 for Blaby District.

The masterplan and open space provision plan in the Design and Access Statement indicates that a total of 14.5 hectares of public open space is to be provided on site. This comprises of 2.53 hectares of land forming parks and recreation grounds, 8.28 hectares of natural green space, 3.39 hectares of informal open space and 0.14 hectares of children and young peoples' spaces, as well as 0.16 hectares of public realm outside the school. This is shown in the table below, in comparison with the Updated Policy CS15 requirements:

Open space typology	Amount required per 1000 people (in hectares)	Amount required on site (in hectares)	Site provision (in hectares)	+/- required amount
Parks and Recreation Grounds	0.23	0.49	2.53	+2.04
Natural Greenspace	2.6	5.52	8.28	+2.76
Informal Open Space	1.0	2.12	3.39	+1.27
Provision of children and young people	0.06	0.13	0.14	+0.01
Allotments and community gardens	0.25	0.53	0	-0.53
Cemeteries and churchyards	0.21	0.45	0	-0.45
Outdoor sports space	Refer to open space audit for guidance		0	
Village and community halls	1 per 2,200 people	96.5% of a village/ community hall	0	
<b>TOTAL</b>	<b>4.35</b>	<b>9.24</b>	<b>14.51</b>	

The overall amount of open space proposed exceeds the total requirement of 9.24 hectares. In particular, this is due to the amount of land for Parks and Recreation Grounds and Natural Greenspace significantly exceeding the amount required by the policy. The area proposed as Natural Greenspace include drainage features which may not provide full useable access to the public. Furthermore, with the NPPF now requiring developments to provide measurable biodiversity gains (i.e., Biodiversity Net Gain or BNG) some of these areas would be those set aside for such provision and again, would not necessarily be fully accessible to the public. The applicant has provided a separate plan which shows that 8.94 hectares of the open space proposed

would be 'usable open space' (comprising footways, cycleways, areas of public realm, play spaces, grassland and meadow and orchard), with the remainder being areas largely required for BNG which would not be usable. Nevertheless, the ample provision of open space on site would help to provide a high-quality development and create a pleasant environment for future residents.

The main area of open space on the site is the 'Central Green' (or Caeri Park as it is referred to in the Design Code) which provides approximately 2.4 hectares of public open space at the heart of the development, providing a mixture of formal parks/recreational ground and natural green space (including drainage infrastructure). From here, Queens Walk extends to the southwest, providing a 25-metre-wide traffic free route to the proposed primary school. To the northwest, a traffic free route extends to the 'Northern Green' which provides approximately 2.5 hectares of public open space on a triangular area of land to the northern tip of the site.

Although the proposed masterplan is illustrative only and layout is to be agreed as part of future reserved matters applications, it is anticipated that the development will come forward broadly in line with the masterplan. The Section 106 agreement can ensure that a minimum amount of open space is provided on-site and that this will be distributed across the development and trigger points included to ensure that areas of open space are provided in a staged way in connection with associated phases of development.

#### Off-site open space

There are some open space typologies which are not being provided on site however. The on-site open space does not include provision for outdoor sports space, allotment/community gardens, or cemeteries/churchyards. As such, it is considered necessary for contributions to be provided to provide for new or improved off-site open space of these types. The financial contributions will be secured through the Section 106 agreement.

#### Sports provision

Whereas the original Policy CS15 in the Core Strategy set a standard in hectares for outdoor sports provision per 1000 population, the Updated Policy CS15 in the Delivery DPD instead refers to the Open Space Audit for guidance on quantity and quality requirements. The Open Space Audit was produced in 2015 for the Council and was the evidence that informed the Updated Policy CS15. In relation to outdoor sports provision, the audit provides detailed evidence in relation to various sports and playing pitch types. However, the accompanying text to Policy CS15 states that the quantity and type of provision will be assessed on a site-by-site basis, taking into account the scale and location of development, the Open Space Audit data, and other relevant Council strategies and policies. The Open Space Audit identifies for most types of playing pitch, Kirby Muxloe is well served, and the standards are within the per capita levels suggested for most types of pitch. However, Kirby Muxloe does not benefit from some types of football, rugby and 3G provision, according to the audit. Neighbouring Leicester Forest East does benefit from rugby provision. However, when considering existing supply, the quality of pitches and the number of matches they can be used for

also needs to be considered. The Open Space Audit is also now eight years old and more up to date evidence is available.

The Council's Health and Leisure team has therefore used Sport England's Playing Pitch Calculator and the Council's Playing Pitch Strategy to identify the additional demand for sports facilities as a result of the development, along with an assessment of existing sports provision in both Kirby Muxloe and Leicester Forest East to identify to extent to which this additional demand can be met through existing facilities. This has identified that the main need is for additional football provision, with some need for additional cricket provision. A contribution is therefore sought for new or improved facilities for both these sports. The Health and Leisure team has recommended that this could be achieved through a combination of improvements to existing pitches at Kirby Muxloe Recreation Ground, a contribution towards a new artificial grass pitch (to be provided in the vicinity of the development), and improvements to cricket pitches (suggested to be used at Leicester Ivanhoe Cricket Club adjacent to the development site). The applicant has indicated a willingness to provide the off-site sports contribution, and the exact amount requested and associated maintenance costs is still under discussion between the applicant and the Council, and will be agreed prior to the completion of the Section 106 agreement.

#### Allotments

Updated Policy CS15 of the Delivery DPD sets a standard of 0.25 hectares per 1000 people for allotments, meaning the development would result in a requirement for 0.53 hectares of additional allotment space. The Open Space Audit 2015 identifies that there is a deficiency in allotments across the District as a whole. Kirby Muxloe allotments on Desford Road are identified as measuring 1.1 hectares in area. There are no other allotment sites in Kirby Muxloe and therefore the current provision in the parish is 0.24ha/1000 people. The proposed development and associated increase in population would change this to 0.16ha/1000 people, below the Updated Policy CS15 standard. In addition, neighbouring Leicester Forest East has no allotment sites. Furthermore, it is noted that Kirby Muxloe Parish Council's website indicated that there is currently a waiting list for acquiring an allotment. Therefore, a contribution to allotment provision off-site is considered to be justified. The costs and maintenance costs can be calculated using the Developer Contributions Supplementary Planning Document which identifies costs for allotments per square metre. The contribution can be sought via the Section 106 agreement.

#### Cemeteries

Updated Policy CS15 of the Delivery DPD sets a standard of 0.21 hectares per 1000 people for cemeteries, meaning the development would result in a requirement for 0.45 hectares of additional cemetery space. The Open Space Audit 2015 identifies 2.02ha of provision in Kirby Muxloe. The proposed development and associated increase in population would change this to 0.297ha/1000 people, above the CS15 standard. Leicester Forest East, however, has an undersupply with only 0.086ha/1000 people. Kirby Muxloe Parish Council's website advises that since 2015 they have not accepted burials or interment of cremated remains of Leicester Forest East residents or other non-Kirby Muxloe residents. As such, the proposed development and associated increase in population may further restrict the ability of the cemetery to

serve the needs of the parish. As such, a contribution to allotment provision is considered to be justified. The parish council has advised that the existing cemetery on Desford Road is reaching capacity, and that they have had discussions with neighbouring landowners about purchasing additional land in the past but have not managed to agree a purchase. The costs and maintenance costs for cemeteries are not outlined in the Developer Contributions SPD, but the Open Space Audit does outline costs. The contribution can be sought via Section 106 agreement and could be used to either expand the existing cemetery or acquire an additional site.

### **Community facilities**

In addition to requiring the provision of open space, Updated Policy CS15 of the Local Plan identifies a requirement for one village or community hall per 2,200 people which should be within 800 metres or 10 minutes travel time (revised from one per 2,500 people in the Core Strategy Policy CS15). Based on an average household size of 2.4 persons per dwelling, the development would generate a population of approximately 2,124 people, just short of the requirement for a new village hall or community centre. The site masterplan does show an area of public realm outside the school with a flexible space for community use. However, the applicant has indicated that a building for social or community use (such as coffee shop with flexible use space) will only be provided if there is market demand for this and there is an end user willing to take the building on. The applicant has referred to previous instances where it has been required to provide a community or commercial building on other sites where no end user has been found. The District Planning Authority does not have evidence to demonstrate that a community building or commercial enterprise would be necessary or commercially viable on a site of this size.

However, Policies CS11 and CS12 support the provision of appropriate facilities to support development. Policy CS11 states that *“new developments must be supported by the required physical, social and environmental infrastructure at the appropriate time”*. Policy CS12 meanwhile states that *“where requirements for infrastructure, services and facilities arising from growth are identified through robust research and evidence it is expected that developers will contribute towards their provision (and in some cases maintenance)”*. It goes on to state that *“planning obligations and developer contributions will be sought and guided by the Council’s latest Planning Obligations and Developer Contributions SPD and other evidence of need. Contributions should be made by providing the infrastructure (on or off site) or by making financial contributions towards its provision and/or maintenance.”* Policy SA1 of the Delivery DPD, meanwhile, states that financial contributions will be required towards community services and facilities in accordance with Policy CS12.

The Planning Obligations and Developer Contributions SPD refers, in Appendix 1.5, to Community Facilities. It indicates that extended, improved or new community facilities such as community/ village halls, community transport facilities or village car parks are the type of facilities where provision may be needed, and that local needs will be identified by the Parish Councils.

It states that *“new community facilities will be needed where facilities such as community halls, are proven to be required due to a lack or a capacity issue as a result*

*of new development. For example, significant developments are likely to generate the need for new community halls or expansion/ improvement of existing facilities.”*

The proposed development is located within Kirby Muxloe parish, but in close proximity to Leicester Forest East and Lubbethorpe. As such, the three parish councils of Kirby Muxloe, Leicester Forest East and Lubbethorpe have been consulted during the course of the application and asked to identify any needs for new or improved community facilities within their parishes as a result of the development. Only Kirby Muxloe Parish Council has identified a need for improvements to its existing Village Hall on Main Street, to enable more people to utilise the facility and enable the additional demand resulting from the development to be catered for, requesting a financial contribution towards improvements to the existing building.

In addition, Kirby Muxloe Parish Council has indicated that improvements are required to the bowls club allow for inclusive access and provided better facilities for people with disabilities. It is noted from the Open Space Audit 2015, that whilst the bowling green and changing rooms were rated '5' (high quality), the disabled facilities were only rated '3' (average). As such, it is considered that improvements to the bowls club to better serve the needs of disabled person do appear to be necessary.

Further evidence has been requested from Kirby Muxloe Parish Council to demonstrate that the contribution requests for improvements to the Village Hall and Bowls Club are justified and would comply with the tests for planning obligations as set out in the Community Infrastructure Regulations 2010. However, the applicant has agreed in principle to the contribution request, providing this can be demonstrated to be 'CIL compliant'.

### **Other Infrastructure and Services**

Policy CS11 states that new developments must be supported by the required physical, social and environmental infrastructure at the appropriate time. It states that the Council will work in partnership with delivery agencies to ensure that development provides the necessary infrastructure, services and facilities to meet the needs of the community and mitigate any adverse impacts of development. Policy CS12 states that where requirements for infrastructure, services and facilities arising from growth are identified through robust research and evidence, it is expected that developers will contribute towards their provision (and in some cases maintenance).

### **Health Care**

Policy SA1 states that financial contributions will be required towards improving capacity in primary care facilities to meet the identified needs. The Leicester, Leicestershire and Rutland Integrated Care Board (LLR ICB) is now responsible for primary medical care in the area and ensuring that there is sufficient estates infrastructure to meet the needs of the population. LLR ICB has replaced the two Clinical Commissioning Groups (CCGs) in Leicestershire. A request for funding has been received to be split between Ratby Surgery and Forest House Medical Centre (and their branches).

Ratby Surgery has received an increasing number of requests from residents residing within Kirby Muxloe. The surgery premises currently comprises of two converted terraced houses on Station Road, Ratby but the practice has invested in land on Desford Lane in the village to relocate. A financial contribution has therefore been sought towards the building and fitting out costs of the proposed new build.

Forest House Medical Centre (and their branches) in Leicester Forest East has recently undertaken extension works (to the Warren Lane surgery) to accommodate growth from other developments in the area. The surgery would need to reassess and provide additional clinical space to meet the needs of the significant increase in population resulting from this development. A financial contribution has therefore been sought towards the extension/ refurbishment of the surgery and its branches to increase and improve patient access.

Since the requests for financial contributions were initially received a decision has been made to relocate services from Forest House Medical Centre to a new build premises on the New Lubbethorpe development (with Warren Lane Surgery to remain at its current location). The LLR ICB has therefore been reconsulted and has confirmed that it would still be seeking the full sum as the population predicted from the development remains the same and the new premises proposed at New Lubbethorpe has been designed to meet current patient list size (including the projected increase from Lubbethorpe) and not for additional population numbers.

Blaby District Council is currently considering a planning application (reference 22/0827/RM) for the local centre at New Lubbethorpe (which includes a medical practice at first floor to accommodate the relocated and expanded Forest House surgery). This includes an area to be used as a surgery expansion or office.

### Police

Leicestershire Police has advised that the proposed development will result in an increase in policing demand as a result of the additional residents in the area. Leicestershire Police states that the area in which the proposed development is to take place is largely undeveloped and therefore places no significant demand on policing resources, whilst the proposed development will substantially add to the size of the existing settlement in Kirby Muxloe.

Leicestershire Police has therefore requested a financial contribution for capital investment to provide additional capabilities to enhance facilities at police locations within the area in which the development is located and/or to assist with enabling support services. The financial contribution is requested for the following:

- New environmentally powered vehicles including livery communication;
- Crime prevention and detection technology;
- Enhancement or adaptation of existing police premises to allow for new facilities that may assist the fleet or renewable power.

Following discussions between the District Planning Authority, Leicestershire Police and the applicant, and a number of revisions to the original request document, the developer contribution is considered to be justified as it would be spent on the

provision, improvement, replacement, operation or maintenance of infrastructure concerned with addressing demands that the development places on the area.

### Libraries

Leicestershire County Council has advised that the proposed development would be of a scale and size which would have an impact on the delivery of library facilities within the local area. The proposed development is within 1.25km of Kirby Muxloe Library on Station Road. The proposed increase in population would put additional pressure on the availability of local library facilities and therefore a contribution is sought to provide additional materials or to reconfigure the library space to account for additional usage of the venue.

### Waste Management

Leicestershire County Council has advised that their nearest Household Waste and Recycling Centre (HWRC) to the proposed development is located at Whetstone and residents of the proposed development are likely to use this site. After assessment, the County Council confirm that the HWRC at Whetstone will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required.

### **Agricultural Land**

The site is currently in predominantly agricultural use. Development of the site would result in agricultural operations ceasing on the developed land. The NPPF contains reference to agricultural land at paragraphs 174 and 175 and states that local planning authorities are required to take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

The Agricultural Land Classification (ALC) places land in England and Wales into five categories, with the 'best and most versatile agricultural land' being defined in the glossary to the NPPF as land in grades 1, 2 and 3a of the Agricultural Land Classification. A combination of climate, topography and soil characteristics and their interaction determines the limitation and grade of the land.

Natural England has an ALC map for the East Midlands which indicates that the application site is all grade 3 land (good to moderate value). However, further assessment is required to be undertaken to identify whether the land constitutes Grade 3a or 3b land and to therefore establish the level of significance of the loss of this land for arable crops.

An ALC survey carried out on behalf of the applicant determined that soil wetness is the main limiting factor which limits agricultural land quality on the entirety of the site to Subgrade 3b. Therefore, whilst the development would result in the loss of 38.6 ha of agricultural land, this land does not fall within the definition of 'best and most versatile agricultural land'. As the housing growth required in the District cannot be accommodated on previously developed land, there would inevitably be a loss of

agricultural land. Furthermore, the majority of the site has been allocated in Policy SA1 of the Blaby District Local Plan (Delivery) Development Plan Document. As such, the loss of agricultural land is considered to accord with the requirements of the NPPF.

## **Air Quality**

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by (inter alia) *“preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.”* It states that *“development should, wherever possible, help to improve local environmental conditions such as air quality”*.

Paragraph 186 of the NPPF states *“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.”*

Policy DM13 of the Blaby Delivery DPD states that “development proposals will be required to clearly demonstrate that any unacceptable adverse impacts related to land contamination, land stability and pollution (water, air, noise, light and soils) can be satisfactorily mitigated”. It sets out circumstances where development proposal will be supported if they are accompanied by a detailed investigation of the issues and appropriate mitigation measures are identified to avoid adverse impacts on the site or adjacent areas. This includes development close to or within an air quality management area or key transport corridors that may be affected by air quality.

Air pollution is a complex mix of particles and gases of both natural and human origin. Particulate matter (PM) and nitrogen dioxide (NO<sub>2</sub>) are both major components of urban air pollution. The main sources of man-made PM are the combustion of fuels and other physical processes such as tyre and brake wear. PM is often classified according to the size of particles as follows:

- Coarse particles (PM<sub>10</sub> particles that are less than 10 microns in diameter)
- Fine particles (PM<sub>2.5</sub> particles that are less than 2.5 microns in diameter)

Blaby District Council has five Air Quality Management Areas (AQMAs) where the annual mean concentrations of nitrogen dioxide exceed the national air quality strategy objectives. The AQMAs are principally associated with road transport emissions along the main routes through Blaby District, most notably the M1, A5460, A563 and A47 but also including the B4114 and B582. The closest AQMA to the application site (AQMA3) covers the M1 corridor between Thorpe Astley and Leicester Forest East, and also includes a section of the A47 east of the motorway bridge. AQMA3 was most recently amended in 2020 and was reduced in size, removing the section of the M1 to

the south of the Hinckley Road bridge and removing the section of the A47 to the west of the M1.

The submitted Environmental Statement (ES) undertakes a review of air quality monitoring sites and in the period 2016 to 2020 and notes a general improvement in annual mean NO<sub>2</sub> concentrations across this period, even prior to the Covid-19 pandemic. This is consistent with the Blaby District Council Air Quality Annual Status Report from April 2020 which indicates that monitoring shows that within the AQMAs the concentrations of pollutants are in general decreasing.

The ES goes on to consider the air quality effects of the proposed construction works upon existing sensitive receptors and the air quality effects from the proposed development in terms of operational road traffic, upon existing receptors, and includes an assessment of likely significant effects.

### Construction Phase

During construction, the main potential air quality impacts are the generation of dust from on-site activities and increases in NO<sub>2</sub> and PM<sub>10</sub> concentrations from plant and road vehicles. The most common impacts are dust soiling and increased ambient PM<sub>10</sub> concentrations due to dust arising from activities on the site. Assessment of dust and air quality impact from construction works upon nearby sensitive receptors has been undertaken with reference to procedures contained within the Institute of Air Quality Management's 'Guidance on the assessment of dust from demolition and construction' 2016 guidance (IAQM guidance). The IAQM guidance states that assessment will normally be required if there are human sensitive receptors within 350 metres of the site boundary, ecological receptors within 50 metres of the site boundary, and/or within 50 metres of the routes used by construction vehicles, up to 500 metres from the site entrances. In this case, sensitive receptors are located within 350 metres in residential areas off Hinckley Road, Barry Drive, Harene Crescent, Highland Avenue and Maytree Drive. There are no ecological receptors within 50 metres of the site or the access routes.

Without mitigation in place, the proposed development has been designated as 'medium' risk' to 'high risk' for dust soiling during construction activities, although only 'low risk' for human health. Nevertheless, given the risk from dust, mitigation measures are required to ensure that any potential impacts arising from the construction phase are reduced and, where possible, completely removed.

Mitigation measures are recommended in Appendix 10-4 of the ES Addendum. The measures relate to communications, monitoring, preparing and maintaining the site, operating vehicle machinery, sustainable travel, operations, waste management, and measures specific to earthworks, construction and track out. These measures can be secured by condition, through an appropriately worded Construction Management Plan. The Environmental Statement concludes that, with the implementation of the identified mitigation, there will be no significant adverse effects in terms of air quality during the construction phase.

### Operational Phase

For the operational phase of the development, air quality is most likely to be affected through increases in vehicular traffic in connection with the development. Pollution concentrations have been predicted using an air quality modelling package, which takes account of background pollutant concentration data, hourly traffic flows, vehicle speeds and vehicle classification. Modelling has been undertaken for 2026 and 2031 scenarios, with and without the proposed development. 2019 background and emissions data has been used. As background concentrations and vehicle emissions are projected to decrease year on year due to vehicle type and technological changes, using 2019 baseline data provides a 'worse case scenario' for 2031 scenarios.

For the purpose of the Air Quality Assessment, sensitive receptors can be thought of as areas within 200 metres of the roadside where people may be subject to change in air quality. The assessment therefore considers the potential impact of emissions from development-related traffic upon NO<sub>2</sub> and PM<sub>10</sub> and PM<sub>2.5</sub> concentrations at individual receptors along Hinckley Road, Kirby Lane, Ratby Lane and Braunstone Lane.

The assessment of road traffic emissions associated with the proposed development has considered impacts on both existing and new human receptors. The impacts of the proposed development on short-term and long-term NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations at all existing receptors was considered to be negligible. Unmitigated impacts associated with such pollutant concentrations at all assessed receptor locations was therefore considered to result in a 'non-significant' effect. Furthermore, the predicted concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> within the application site are well below the annual mean and short-term Air Quality Assessment Levels (AQALs) and therefore the site is considered in the ES to be suitable for the proposed use.

### Mitigation and enhancement

Regarding the construction phase, given the risk of dust impacts has been classed as 'medium risk', the general measures applicable to a medium risk site are recommended. These are contained within Appendix 10.5 of the Environmental Statement and include:

Regarding the operational phase, the assessment has shown that development-related traffic will not lead to a significant adverse air quality impact at existing receptors in the vicinity of the proposed development. The Environmental Statement therefore considers that development-specific mitigation will not be required to reduce or offset road traffic emissions. Nevertheless, measures to assist in offsetting incremental creep in pollutants are recommended including:

- Electric vehicle (EV charging points);
- Energy efficient boilers;
- Cycle parking in line with local policy, within the curtilage of proposed dwellings;
- Sustainable travel measures to be implemented via the Travel Plan;
- Provision of new cycling/walking infrastructure.

A number of these forms of mitigation can be required by condition, whilst others can be achieved through the detailed design or are required by other legislation (such as compliance with Building Regulations).

The Council's Environmental Services team initially requested a financial contribution for the provision and maintenance of a new air quality monitoring station. However, this was retracted, and the Environmental Services team commented that such a contribution would not assist in mitigating the impacts of the proposed development. Environmental Services commented that the provisions for limiting traffic generation (for example those to be implemented via the Travel Plan) would, however, assist in mitigating the air quality impacts.

In summary, it is therefore concluded that air quality is not a constraint to the proposed development and can be adequately mitigated, both in relation to the construction and operational phases of development.

### **Land Contamination**

Policy DM13 of the Delivery DPD requires development proposals to clearly demonstrate any unacceptable adverse impacts related to land contamination can be satisfactorily mitigated. A Geotechnical Interpretive Report and a Site Investigation Report (for the main part of the site) and Phase 1 and Phase 2 Geo-Environmental Assessments (for the former Hazelton Homes part of the site) have been submitted.

Both the Site Investigation Report and Phase 2 Geo-Environmental Assessment find that the concentrations of contaminants in the soil are low and below the relevant screening criteria. The contamination levels are generally representative of naturally occurring, uncontaminated soils, and there is considered to be no unacceptable risks to human health from land contamination. Similarly, the concentrations of contaminants recorded are not considered to represent a risk to groundwater or nearby surface water receptors.

No further assessment in relation to land contamination is therefore considered to be required. However, a condition will be imposed on any permission granted to deal with any unexpected contamination found during construction.

### **Environmental Management and Protection**

This section deals with other environmental impacts including noise and light which may impact on the proposed development.

Paragraph 187 refers to existing adverse effects which may impact on new development and states "*where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed*".

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location, including limiting the impact of light pollution from artificial light on local amenity, and avoiding noise giving rise to

significant adverse impacts on health and quality of life. Paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from, or being adversely affected by, issues including noise pollution.

### Noise

A Noise Assessment (by M-EC, dated September 2019) has been submitted with the application. This assesses the impact of existing noise sources on the proposed development. The site is located adjacent to Hinckley Road (A47), which is a source of road traffic noise. The Noise Assessment seeks to establish existing sound levels at the proposed site, identify whether adverse impacts on future residents may occur, and where necessary provide recommendations for mitigation.

The assessment finds that the proposed dwellings closest to Hinckley Road would exceed the recommended level for outdoor living areas and therefore mitigation will be required to reduce sound levels in gardens. It is not considered that mitigation measures specific to external school areas will be required. With regards to internal sound levels, the levels for the nearest proposed dwellings to Hinckley Road would exceed the recommended levels both during the daytime and at night and so mitigation measures will similarly be required here.

The report assumes a 25-metre separation distance of the closest properties to Hinckley Road and recommends mitigation measures comprising of suitable glazing and acoustically attenuated ventilation with sufficient sound reduction, careful consideration of the orientation of dwellings, and the installation of 1.8 metre high acoustically sound garden fencing where required. For dwellings with a line of sight to Hinckley Road, it is recommended that gardens are located at facades facing away from the road where practicable. For internal sound levels, it is anticipated that the requirement for enhanced glazing can be determined at the more detailed stages, but the report considers that sound levels across the proposed development can be attenuated to achieve acceptable external and internal sound levels.

A further report, entitled 'Rugby Club Sound Assessment' (by Airo, dated November 2019), was originally submitted for the Hazelton Homes application (19/0789/OUT), with those proposed dwellings now incorporated into this application, and considers the potential noise impact from the Leicester Forest East Rugby Club on the proposed residential development. The assessment undertook noise monitoring on the boundary of the site for a period of a week during October 2019, with the period of monitoring including weekly training sessions and several home matches. The report concludes that during periods of activity at the rugby club, sound from those activities may be expected to be audible within the gardens of the proposed development properties at the boundary with the rugby club land. However, it found that the overall daytime period sound levels would not be expected to exceed the external sound level guidance values presented in BS 8233. The report also notes that the rugby club activity is of relatively short duration and that close boarded fences are to be erected at the boundaries between the development property gardens and the rugby, the overall impact at the nearest sensitive receptors would be expected to be negligible to minor.

The impact of noise from the other sports clubs (rugby, cricket and tennis) has not specifically been investigated. However, it is considered that the impacts would be similar to those resulting from the Leicester Forest East Rugby Club. The potential impacts of noise from the proposed primary school, specifically its external areas, on proposed neighbouring dwellings has also not specifically been considered. However, it is not unusual for primary schools to be located in residential areas and in close proximity to residential properties, and so it is considered that any adverse impacts would be acceptable.

Conditions will therefore be included on any consent granted to require noise mitigation measures for those properties closest to the A47 and the sports clubs to be submitted to the District Planning Authority for approval, and subsequently implemented.

### Light

An External Lighting Assessment (by Graham Festenstein Lighting Design, dated October 2019), was originally submitted for the Hazelton Homes application (19/0789/OUT), with those proposed dwellings now incorporated into this application. The report considers the potential impact of the floodlights at Leicester Forest East Rugby Club on the proposed residential development. The rugby pitches are in use 6 days a week and in the evenings the use generally finishes at or before 9pm but from time to time they are used until 10pm.

The existing floodlights were installed when planning permission was granted for the installation of the artificial grass pitch in application 17/0293/FUL. Condition 4 restricted the use of the floodlights to between the hours of 0900 to 2200 Monday to Sunday including Public Holidays. Condition 8 also required the light fittings to be shielded in order that the luminance of the light source is not a source of nuisance.

The report assesses the light spillage levels against the best practice guidance published by the Institution of Lighting Professionals '*Guidance Notes for the Reduction of Obstructive Light*'. The site is considered to sit between zones E2 (Rural, low district brightness) and E3 (Suburban, medium district brightness) in the guidance. The report identifies that there would be an issue with the existing installation in respect to light nuisance for residents in some of the new properties. It states that the existing peripheral mature trees mitigate against this and if this arrangement could be repeated on the northwest boundary and the gaps filled between the existing trees on the northeast boundary, this should ensure that both light levels and direct views of the light sources are controlled to an acceptable level. This is providing that the trees will retain their leaves during the winter months, but the report indicates that this is not known.

The report indicates that some relocation of houses and roads may help but given the degree of light spill this alone is unlikely to resolve the issue. Additional shielding to the luminaries is also unlikely to resolve the problem on its own as much of the spill is the result of the lights being directed across the pitch and therefore shielding would negatively affect the performance of the lighting scheme.

As a result of the External Lighting Assessment, the original Hazelton Homes scheme was redesigned, relocating the dwellings to the northwest of the floodlit rugby pitch further away from the site boundary to move them out of the area which is non-compliant with the requirements for Zones E2 and E3, and reorientating the dwellings here to front on the pitches. This amended layout has been carried through to the masterplan for this application. To the northeast of the rugby pitch, the report indicates that with tree cover, light levels would be compliant with the requirements for Zone E2.

Following changes to the layout a further External Lighting Assessment was undertaken (by Graham Festenstein Lighting Design, dated March 2020). Since the original report was undertaken, new baffles had also been fitted to the floodlights which significantly blocked the back spill of light and reduced light spill onto the development area (as the light shielding required by condition 8 of 17/0293/FUL had not been appropriately implemented).

The revised assessment concluded that only three points within the development area would be non-compliant with the guidance for Zone E2. At two of these locations, the dwellings were proposed to be positioned side on to the light source and so the illuminance would not fall onto a window. The third point falls on the boundary between the sites and additional tree planting could avoid potential nuisance. The report concludes that illuminance levels on windows would now be in compliance with the current guidance on the reduction of obstructive light.

Although the lighting assessment has only been carried out in respect of the former Hazelton Homes part of the site, it is noted that there are only floodlit pitches at Leicester Forest East Rugby Club, and that the Ivanhoe Cricket Club and Old Newtonians Rugby Club do not have floodlit pitches and therefore no assessment is required in respect of these sites. The Leicester Forest East Tennis Club does have floodlit courts, and a covered 'dome' building which becomes illuminated when lit internally. The outdoor courts are further from the development site and separated by the 'dome' building. The dome building itself, whilst appearing bright when lit internally, would not have direct sources of light shining onto the development site and therefore the impacts are considered to be reduced.

### Ball strike risk

In its consultation response to the original application, Sport England raises the issue of the proposed development creating the risk of ball strikes to proposed new residential properties from the existing sports clubs which are adjacent to the site. Paragraph 187 of the NPPF states that *"where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed"*.

A 'Ball Strike Trajectory Analysis' was carried out to determine the potential impact of ball strikes from the Old Newtonians Rugby Football Club, and from Leicester Forest Rugby Football Club. A similar Boundary Risk Assessment had previously been carried out to assess the risk of ball strikes from Leicester Ivanhoe Cricket Club as part of planning application 19/0789/OUT. The reports found that there was a risk of ball strikes to future residential properties, but that this could be mitigated through the

construction of ball stop fencing or netting at the various heights recommended in the reports. The details of this should be submitted and approved by the District Planning Authority and constructed prior to the occupation of any affected dwelling, and subsequently retained and maintained in perpetuity thereafter. A condition will be used to secure the approval and implementation of the ball stop fencing or netting. In terms of the risk of ball strikes from Leicester Ivanhoe Cricket Club, the applicant has altered the alignment of the public footpath to the north of the boundary to avoid the public being put at risk from ball strikes.

Sport England comments that the submitted ball strike assessments are considered appropriate to minimise the risk of ball strikes from the playing fields over the boundary into the proposed residential area. The construction of ball stop fencing/ netting at the recommended heights is also supported, subject to an appropriate mechanism to secure this.

### *Impact on amenities of existing residential properties*

The proposed development is located on the edge of the existing Principal Urban Area, and so would be located in reasonably close proximity to some existing residential properties, in particular properties on Maytree Drive and Barry Drive which would back onto the site, and a few properties on Hinckley Road close to the Beggars Lane junction. According to the illustrative masterplan, a row of new dwellings would back onto the existing dwellings at Maytree Drive and Barry Drive. The proposed plots would be approximately 23.5 metres in depth and so it is considered that dwellings could be accommodated here whilst maintaining a separation distance of at least 10 metres to the boundary. The existing dwellings appear to have a separation distance of 10-15 metres to their rear boundaries. The access track to Forest Farm is located immediately to the rear of their boundaries, with significant vegetation on either side. As such, it is considered that appropriate separation distances of 20-25 metres can be provided between existing and proposed dwellings and furthermore, the presence of vegetation would help to avoid any loss of privacy to existing residents. Furthermore, the submitted Parameters Plan indicates that the proposed dwellings in this location would be a maximum of 10.5 metres in height, avoiding any overbearing impacts.

### **Construction Management**

A large development proposal of this scale could incur significant impacts and disruption during the construction phase. The District Council's Environmental Services team has advised that due to the environmental constraints and disturbances which are usually associated with the demolition and construction phases of a development, it is recommended that a Demolition and Construction Management Plan is submitted to and approved in writing by the District Planning Authority prior to the commencement of the operations, which should then be adhered to throughout the construction phase. The Construction Management Plan shall provide for:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Site compound locations;
- Storage of plant and materials used in constructing the development;
- Measures to control the emissions of dust and dirt during construction;

- Measures to control the emissions of noise during construction;
- Hours of construction and deliveries.

The Local Highway Authority has recommended a similar condition requiring a construction traffic management plan to be submitted and agreed. This will be combined into a single condition requiring a Construction Management Plan to be submitted and agreed and will be imposed on any grant of planning permission.

## **Waste Management**

Policy CS23 states that the Council will work with partners to develop coordinated services and appropriate infrastructure for waste collection, treatment, transfer and disposal. Among the measures outlined, it states that new developments should seek to ensure that waste collection is considered in the design.

Blaby District Council's Neighbourhood Services team are responsible for domestic waste and recycling collections and have been consulted on the planning application. In its response, the Neighbourhood Services team has referred to its guidance for new developments and has commented that households are required to present their bins for service at the boundary with the public highway. The guidance attached to Part H of the Building Regulations states that residents should not be expected to carry their waste more than 30 metres to a storage point, and that the storage point itself should not be more than 25 metres from the collection point.

The above advice will need to be taken into consideration when determining future reserved matters applications.

## **Sustainability and climate change**

Policy CS21 states that development which mitigates and adapts to climate change will be supported. The policy states that new development will be focussed in the most sustainable locations, in accordance with Policy CS1 and Policy CS5. As identified when considering the principle of development, the site adjoins the Principal Urban Area of Leicester and is therefore considered one of the most sustainable locations for new housing development, in accordance with Policies CS1 and CS5.

Policy CS21 also seeks to reduce energy demand and increase efficiency through appropriate site layouts and sustainable design features. This includes providing for safe and attractive walking and cycling opportunities, utilising landform, building orientation, etc. to reduce energy consumption, supporting the Government's zero carbon buildings policy and encouraging residential development to achieve Code for Sustainable Homes level 3, and encouraging the use of sustainable materials and construction measures. Finally, Policy CS21 also encourages the use of renewable, low carbon and decentralised energy and supports renewable and low carbon energy generation.

As this application is for outline planning permission, a number of these sustainability measures will need to be agreed at reserved matters stage when the site layout and design of individual buildings is agreed. However, the illustrative masterplan does allow for safe, attractive and direct walking and cycling routes through the

development, in particular ensuring that the primary school is accessible to reduce the need to drive. These connections are encouraged through the Design Code and will be agreed as part of future reserved matters applications. In addition, sustainable transport connections are being provided to better link the development site to surrounding areas, including Lubbethorpe, which will be conditioned accordingly.

Given that Policy CS21 was adopted in the Core Strategy in February 2013, several the measures referred to (such as the zero carbon buildings policy and Code for Sustainable Homes level 3) are now outdated. CS21 does, however, state that the sustainability measures will be “increased progressively over the plan period, where feasible, to support the Government’s longer-term aspirations for sustainable design”.

The Code for Sustainable Homes was a voluntary set of standards for assessing new homes, whose highest level (6) required zero carbon. The Code for Sustainable Homes was withdrawn by the government in 2015 following a review of technical housing standards. Local planning authorities were, however, able to continue to set and apply policies in Local Plans which required compliance with energy performance standards that exceeded the energy requirements of the Building Regulations.

In October 2019, the government began consultation on ‘The Future Homes Standard’ which is proposed to introduce changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings. In June 2022, changes to Part L of the Building Regulations came into force which require CO<sub>2</sub> emissions from new builds to be around 30% lower than the 2013 standards. Changes were also made to Part F to improve ventilation standards, Part O to require an overheating assessment, and Part S to require every dwelling to have access to a vehicle parking point.

The changes to the Building Regulations in 2022 are a stepping stone towards the Future Homes Standard. The Future Homes Standard is intended to require homes to produce at least 75% lower CO<sub>2</sub> emissions than one built to the 2013 standards and for homes to be ‘zero carbon ready’ meaning no further retrofit work will be required to enable them to become zero carbon homes. The Future Homes Standard anticipates that the carbon reductions will be achieved through heat pumps, heat networks and in some circumstances direct electric heating. It is understood that the technical specifications for the Future Homes Standard will be consulted on in 2023, with legislation introduced in 2024 ready for implementation in 2025.

The Planning and Energy Act 2008 enabled local planning authorities to set requirements for energy use and energy efficiency in local plans (in excess of Building Regulations requirements). As part of the 2019 consultation on the Future Homes Standard, the government asked whether the amendment should be made to the Planning and Energy Act 2008 to restrict local planning authorities from setting higher energy efficiency standards for new dwellings. In the immediate term the government has indicated that the Planning and Energy Act 2008 will not be amended but has suggested that such standards are likely to be set nationally in future.

Notwithstanding the above, Blaby District Council does not have any specific policy requirement to achieve specific energy efficiency requirements for new developments. The wording of Policy CS21 ‘supported’ and ‘encouraged’ such measures but did not

mandate a specific requirement. Furthermore, energy efficiency standards are now set at a national level through the Building Regulations, and this will be strengthened through the Future Homes Standard within the next two years. As such, it is not considered that the District Planning Authority has a policy position to be able to require higher energy efficiency standards to the proposed development.

### **Urban Design Principles and Masterplan**

Although the planning application is in outline form, with all matters reserved for future consideration except access, an Illustrative Masterplan has been provided with the planning application.

The Illustrative Masterplan has been through several iterations during the course of both initial pre-application discussions and during the determination of the application itself. The Design and Access Statement indicates that the masterplan concept was to retain and build upon the existing landscape features of the site with the retention of trees and hedgerows across the site to create linear routes. From these fixed points, larger public open spaces and pedestrian/ cycle routes have been created. Residential parcels are designed within the remaining areas. The vehicular strategy pays close attention to the retention of existing landscaping by positioning roads parallel to hedgerows reducing the number of crossing points.

The initial concept masterplan in October 2017 focused on the retention of trees and hedgerows and placed the school in a central location. However, the central location of the school meant that delivery could not come early enough in the phasing and would create unsupervised green links around its boundary.

In May 2018, the school was proposed to be relocated to the western edge to soften the transition from the wider countryside. Situated closer to the site entrance the school building becomes more of a focal point. An east to west link pedestrian/cycle link was created through the development helping to break up larger development parcels.

In February 2019, following a public exhibition and initial pre-application meetings with the Council, the development was pulled further back on the northern boundary in response to the heritage assessment and the challenging topography. The east to west green link was significantly widened becoming a linear park and safe route to school, opening up views of the school from around the site. A potential link to the adjacent scheme was shown.

In June 2019, further drainage analysis was undertaken informing the boundaries of development parcels. Development parcels were indicatively split into smaller areas promoting consistent building lines.

In December 2019, the outline planning application was formally submitted. The masterplan first introduced a 'central green', creating a park or large area of open space at the heart of the development. The size of the 'northern green' was also increased creating a secondary park, and a green link created between the two parks.

In June 2020, following a review of the masterplan by an urban design consultant, the size of the central green was increased further and linked better to the area of natural green space to the south of this area, removing an intervening development parcel which incurred into this area. The secondary road loop was also moved to avoid this cutting through the middle of the central area of open space. The size of the northern square, between the two 'greens' was increased.

In December 2021, the former 'Hazelton Homes' site (application 19/0789/OUT) was incorporated into the scheme and links between the two sites improved. Pedestrian and cycle access was proposed to the A47 at Beggars Lane to provide sustainable links with the surrounding area. Vehicular traffic was moved away from the edge of the central green by rerouting the secondary road loop. The road network was simplified to create more legible connections through the development and provide a possible future link to land to the east. In June 2022, minor changes were made to footpath links.

The Illustrative Masterplan will not be an approved plan given the planning application is in outline form, with layout reserved for future consideration. However, the Illustrative Masterplan has been used to inform the proposed 'Parameters Plan' which shows the built form blocks and illustrative alignment of primary and secondary streets. The Parameters Plan also shows the maximum height of the built form across the site, varying between 2, 2.5 or 3 storeys, with lower building heights at the edge of the site or adjacent to existing residential properties. The Parameters Plan also shows the illustrative alignment of pedestrian and cycle connections, the location of open space and green corridors, and landscape mitigation to the western edge of the site.

## **Design Code**

The NPPF places important emphasis on achieving well-designed places, stating that *"the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve"*. High quality design is also central to the Development Plan, with Policy CS2 seeking to secure a high-quality environment, with development respecting local character and contributing to creating places of a high architectural and urban design quality, contributing to a better quality of life.

Whilst the planning application is in outline form at this stage and therefore the layout, scale and the appearance of individual buildings will be agreed as part of future reserved matters application, principles in relation to design standards can be agreed at this early stage using design coding. This enables certain rules and parameters to be set to guide future development. This is particularly important in the case of a phased development such as this where different phases or parcels may be undertaken by different developers. Having a Design Code in place therefore ensures that the same design principles are followed across the whole development.

According to the Planning Practice Guidance, Design Codes are: *"a set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area. Their content should also be informed by the 10*

*characteristics of good places set out in the National Design Guide, and the National Model Design Code.”*

A Design Code has been prepared on behalf of the applicant by Dr Stefan Kruczkowski (Urban Design Doctor Limited). The Design Code includes 37 rules which will apply across the development or to specific locations within the development. The rules are design tools that will ensure that a good standard of design is achieved. Developers for individual parcels will be required to follow the Code step by step when drawing up detailed proposals to create attractive streets, buildings and public spaces. The Code is also a practical tool for the District Planning Authority to enable it to check the compliance of future reserved matters applications. A review mechanism will allow for the Design Code to be reviewed after each reserved matters application to ensure that it is working as intended. A condition will be imposed to require compliance with the Design Code (or any revision agreed in writing by the District Planning Authority).

The 37 rules are as follows:

Part A: The bigger picture

1. Review, understand and follow the Parcel Passport
2. Connect streets and paths within and across parcels and allow them to be extended easily
3. Perimeter blocks
4. Narrow depth and special blocks
5. Active frontages: front door to the street
6. The two important frontages to Hinckley Road

Part B: Streets

7. Put the right street types in the right places
8. Follow street type designs

Part C: Civic spaces

9. Memorable buildings and spaces
10. Western Gateway
11. School Square
12. Queen’s Walk
13. Caeri Park
14. Pocket spaces

Part D: Getting the details right

15. Street edges and building lines
16. Street corners
17. Angled buildings
18. Co-ordinated building compositions

19. Views along and down a street
20. Roofscape
21. Marker buildings and key building groupings
22. Car parking
23. Convenient, attractive and secure cycle parking
24. Convenient, attractive and well-overlooked car parking
25. Integrating front of home car parking
26. Street facing courtyards
27. Car parking within rear courtyards
28. Public and private spaces: feature stone walls
29. Left over spaces
30. Building styles, proportions and detailing
31. Building materials with a local connection
32. Apartments and non-market sale homes
33. Kerb appeal
34. Level changes and retaining structures
35. Interfaces between developers/ phases of development
36. Surface water management features
37. Public art

In addition to the Design Code rules, 'Parcel Passports' will be used to show how the Design Code rules will be applied to a development parcel or group of development parcels. Passports will comprise of a single plan for a particular parcel (effectively zooming into part of the overall masterplan) and will also include precedent images that help to show what should be achieved in particular locations. To help designers, the passports shall cross reference back to the relevant Design Code rules. The intention is that Passport Parcels will come forward in line with the proposed phasing plan, and a condition will be imposed requiring these to be agreed prior to the approval of reserved matters applications for a particular phase. A sample Passport Parcel for Phase 1 and part of Phase 2 is included in the submitted Design Code.

## **Phasing**

The Phasing and Severability Plan shows how the development is expected to come forward in a phased manner as separate parcels of development that are likely to be subject to separate reserved matters applications. The plan shows four broad phases of development. Phase 1 includes the majority of the Hinckley Road frontage and new roundabout, along with the centre of the site either side of the proposed 'Queens Walk' and Central Green. Phase 2 includes the western and north edges of the site, including the new primary school and Northern Green, extending up to the boundary with the golf course. Phase 3 comprises of the eastern part of the site, formerly included in planning application 19/0789/OUT, and includes the pedestrian and cycle connection to the A47 opposite Beggars Lane. Finally, Phase 4 comprises of the north-eastern section to the rear of the site, also extending up to the boundary with the golf course. The plan refers to 'Severability' to identify that the individual components of the development are to be phased and are severable. This would allow the developer, or a future reserved matters applicant to make amendments to a specific phase without affecting the overall outline permission, meaning the rest of the permission remains capable of implementation. This follows the UK Supreme Court judgement on Hillside Parks Limited v Snowdonia National Park Authority which has implications for sites where there are multiple planning permissions and the practice of 'drop in applications' are used, which may vary an earlier consent.

It is expected that the development shall proceed in accordance with the site-wide phasing plan and a condition will be included in any permission requiring the development to be implemented in line with the phasing plan. The phasing of specific on-site facilities including the primary school and specific areas of open space will be agreed through the Section 106 agreement with trigger points specified.

## **Section 106 Agreement**

Policy CS12 states that where requirements for infrastructure, services and facilities arising from growth are identified through robust research and evidence, it is expected that developers will contribute towards their provision through planning obligations. Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal. This can be via a planning agreement entered into under Section 106 of the Town and Country Planning Act 1990 by a person with an interest in the land and the local planning authority.

Planning obligations assist in mitigating the impact of otherwise unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, as set out in Regulation 122 of The Community Infrastructure Regulations 2010. Planning obligations, the form of Section 106 agreements, should only be used where it is not possible to address unacceptable impacts through a planning condition. They must 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 planning obligations which have been requested and are deemed necessary to mitigate the otherwise unacceptable impacts of this development and comply with the requirements of policy are set out in the recommendation at the beginning of this report. The applicant has agreed, in principle, to the planning obligations requested, with the final amount of some of the obligations being subject to further discussion and negotiation before being finalised. The Section 106 agreement will be completed and signed prior to any outline planning permission being issued.

### **Coordination of infrastructure requirements with Lubbesthorpe development**

The outline planning permission granted for Lubbesthorpe (11/0100/1/OX, approved on 14<sup>th</sup> January 2014), and the associated Section 106 agreement, included various requirements to provide infrastructure including two primary schools, a secondary school, community facilities, provision of public transport, highway improvements, a health centre, and other contributions. Furthermore, Policy SA1 indicates that infrastructure requirements, in particular in relation to transport mitigation, will need to be coordinated with that proposed as part of the approved Lubbesthorpe development.

Representations have been raised on behalf of the Drummond Estate (the owners of the Lubbesthorpe development), raising concerns particularly in relation to highway and education provision.

#### Highway concerns

The Drummond Estate raised various representations in relation to highway concerns and also commissioned RPS to provide a Technical Note which reviewed the applicant's Transport Assessment Addendum (TAA). The Technical Note raised concerns about the modelling undertaken in the TAA which showed significant re-distribution of traffic movements with the proposed development in place resulting in very low changes at the junctions assessed and, in some case, an actual reduction in movements compared with the no development scenario. RPS argued that this assessment work was not suitably robust and, whilst accepting that there would be an element of re-distribution on the network by non-development traffic due to congestion, considered that the results for the junctions assessed were unrealistic given the proximity of these junctions to the proposed site access.

In response, Vectos (the applicant's transport consultants) provided a response on behalf of L&Q Estates. This stated that the modelling provided the reference case

flows for 2028 and 2033, which included appropriate growth, development and improvements to the network. Vectos argued that allowing displacement of non-development traffic in the model was reasonable considering that there are alternative longer distance routes and the fact that the network is already congested. They suggested that the approach advocated by RPS would be overly robust and not a reflection of real-world conditions.

In any case, the applicant's proposed highway mitigation comprises of works to Beggars Lane and Kirby Lane junctions, and a financial contribution to the Desford Crossroads improvements. It is noted that the Lubbesthorpe development also required improvements to both the A47/Beggars Lane junction (prior to occupation of the 51<sup>st</sup> dwelling) and A47/Kirby Lane junction (to be agreed but predicted to be prior to occupation of the 1500<sup>th</sup> dwelling). The A47/Beggars Lane improvements have not yet occurred (aside from the removal of the central pedestrian refuse at the junction), but it is understood that this requirement was relaxed as a result of the M1 bridge coming forward earlier than originally anticipated and the review mechanism which has suggested that the improvements were not yet required as a result of the Lubbesthorpe development. The Local Highway Authority notes that the trigger point agreed for the A47/Kirby Lane junction improvements as a result of the Lubbesthorpe development may be reached at a similar point to that recommended for the L&Q development. However, it is understood that L&Q are content to deliver this scheme, as well as the Beggars Lane improvements, on behalf of both developers. The two schemes proposed by L&Q are similar to the Lubbesthorpe schemes but offer slight differences (improving the crossing facilities at the Beggars Lane junction and taking into account the Tesco Express which is now open at the Kirby Lane junction). They also take into account the additional development traffic and the improvement schemes are sufficient to mitigate the impacts of both Lubbesthorpe and L&Q development traffic.

The Local Highway Authority has reviewed the contents of both the RPS and Vectos reports and has confirmed that it maintains its formal position advised in its final advice in December 2022.

The Lubbesthorpe developers have advised that the Lubbesthorpe Highway Delivery Strategy (required by the Lubbesthorpe Section 106) should be amended to reflect the highway works and junction improvements proposed by L&Q are to be carried out by L&Q and should be deleted from the Lubbesthorpe Highway Delivery Strategy, with this being done in parallel with the completion of the L&Q Section 106. However, whilst L&Q are committed to delivering these schemes, the Lubbesthorpe developers were originally obligated to deliver these schemes as a result of their own impacts. It is therefore not anticipated that the Local Highway Authority would support their removal from the Lubbesthorpe Highway Delivery Strategy as in the event that the L&Q scheme was not implemented or significantly delayed, Lubbesthorpe would still need to mitigate its own development impacts.

The Lubbesthorpe developers also request for traffic attributable to the L&Q development to be discounted in considering future reviews of the Highway Delivery Strategy. This would be a matter for the Local Highway Authority to consider when determining the timing of highway mitigation and infrastructure required as part of the Lubbesthorpe development. Both this, and the varying of the Lubbesthorpe Highway

Delivery Strategy are, however, both matters for the Lubbesthorpe developers to discuss with the Local Highway Authority if they would like mitigation they were obligated to provide to be varied and are considered to be discrete from the determination of this outline planning application.

### Education concerns

The Drummond Estate also raised various representations in relation to the education contributions, raising concerns that this would place an unreasonable burden on the education provision at Lubbesthorpe. They also commissioned EFM to provide a report assessing the impact of the education provision at Lubbesthorpe in the context of the L&Q development. In relation to the primary school contribution, the concern was that the New Lubbesthorpe Primary school may receive pupils from the L&Q development during its early stages before the on-site primary school is built, and the Lubbesthorpe developers requested that the proposed L&Q primary school be provided as early as possible, ideally by 100 occupations on the L&Q site. However, if a primary school has surplus capacity it is obliged to receive pupils from outside its catchment area. Furthermore, the Local Education Authority has advised that there is existing surplus capacity at Stafford Leys school in Leicester Forest East which could receive additional pupils in the early stages of development, before the on-site primary school is open. In addition, LCC has advised that for a school to open it has to be financially viable, and that the Secretary of State for Education would not sign off a funding agreement if a school wasn't sustainable at opening and so the school would not be able to open until 300-350 occupations.

In relation to the secondary school contribution, the concern was in relation to Leicestershire County Council wishing to accommodate the secondary pupils living on the L&Q through expanded provision at the New Lubbesthorpe secondary school which would in turn result in an additional land take. However, LCC has indicated that whilst a contribution is being sought from L&Q for the costs of a larger new build for the Lubbesthorpe secondary school, they would not require an additional land contribution from the Lubbesthorpe developers. This would be similar to the contribution being used at another secondary school, where additional land would not be available.

The Lubbesthorpe developers have suggested that a Deed of Variation to the Lubbesthorpe Section 106 agreement is required to reduce the size of the secondary school site and the number of pupil places (LCC is required to carry out the Secondary School review to determine the number of places at 900 occupations on Lubbesthorpe). However, again, as with the highway concerns, these are considered to be matters for the Lubbesthorpe developers to discuss directly with LCC and are discrete from the determination of the L&Q application. It is considered by your Officers that the L&Q development can mitigate their own impacts in terms of secondary school places through a fair and reasonable contribution to LCC to provide the required pupil places at the proposed Lubbesthorpe school in the first instance or otherwise at Brookvale Groby Learning Campus in the event that the Lubbesthorpe Secondary School is not delivered or is significantly delayed.

## **Conclusion**

A planning application should be considered by applying Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires it to be determined having regard to the adopted development plan unless material considerations indicate otherwise.

Policy CS1 of the Core Strategy sets out the strategy for locating new development in the District and indicates that most new development will take place within and adjoining the Principal Urban Area (PUA) of Leicester. The site has been allocated for at least 750 dwellings in Policy SA1 of the Blaby District Local Plan (Delivery) Development Plan Document, adjoins the PUA, and is therefore considered to be a sustainable location for new housing development. The proposed development would help meet the identified need for housing in the District and sustain the Council's housing land supply. It would also provide much needed affordable housing for the local area and the District as a whole. The site is located within reasonable proximity of existing employment, services and facilities which would reduce the need to travel by vehicle.

Through the planning application process, the application has been able to demonstrate that the highway impacts of the development would not be severe, subject to appropriate mitigation being provided including junction improvements, walking and cycling routes and public transport improvements. The proposed development would provide for the necessary infrastructure, services and facilities to meet the needs of the community and mitigate any adverse impacts of the development. This includes the provision of on-site affordable housing, open space and green infrastructure provision, sustainable urban drainage systems, and an on-site primary school. Developer contributions will also be secured via Section 106 agreement for additional education provision, health care provision, off-site open space (including sports provision, cemeteries, and allotments), libraries, improvements to community facilities, police infrastructure, travel packs and bus passes, and a contribution to improvements to Desford Crossroads. This would mitigate the otherwise unacceptable impacts of the proposed development and will provide the infrastructure, services and facilities necessary for the increase in population.

The application has also demonstrated that any other adverse impacts of the development would not be so significant as to warrant a refusal of planning permission, or can be satisfactory mitigated through the use of appropriate conditions. This includes impacts on ecology and biodiversity, landscape and visual impacts, archaeological impacts and impacts on designated heritage assets, the loss of agricultural land, air quality impacts, land contamination, and other environmental impacts including noise, light, construction management, residential amenity and climate change.

Although the planning application is in outline form, the applicant has worked with the District Planning Authority to produce a masterplan which demonstrates how the development can be provided in such a way that will create a high quality environment for future residents which demonstrates good urban design principles, provides quality open space provision, maximises opportunities for walking and cycling through the provision of green infrastructure links, links the site to surrounding areas, and creates

opportunities for social interaction. A Design Code has been provided which will ensure that the same high quality urban design principles are followed across the whole development. As such, it is considered that the development can achieve the high quality design which is required by both national and local policies, with the precise detail being agreed through subsequent reserved matters applications.

With regards to the Environmental Statement which accompanies the planning application, it is considered that this has adequately addressed the likely significant and cumulative impacts of the development on the environment and provided sufficient evidence to demonstrate that any significant environmental impacts can be adequately mitigated and managed. The mitigation measures required will be secured through a combination of conditions to be imposed on any grant of planning permission, or through planning obligations to be secured via the Section 106 agreement. Any monitoring measures deemed necessary will be secured by similar means.

Overall, the three dimensions of sustainable development have been considered (economic, social and environmental) as set out in the NPPF and your Officers are of the view that the proposal is acceptable and accordingly it is recommended that outline planning permission be granted subject to the applicant entering into a Section 106 Agreement to secure the necessary planning obligations set out at the beginning of this report, and subject to the conditions set out.

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19/1610/OUT

Registered Date  
18 December 2019

L&Q Estates

Outline application for demolition of existing buildings and erection of up to 885 dwellings, including public open space, land reserved for a primary school, landscaping and associated infrastructure (all matters reserved except means of access)

Land North of Hinckley Road  
Kirby Muxloe  
Leicestershire

Report Author: Stephen Dukes,  
Development Services Team Leader  
Contact Details: Council Offices. Tel: 0116 272 7520

### Supplementary Report

#### Introduction

This is a Supplementary Report which should be read in combination with the main Planning Committee Report for planning application 19/1610/OUT.

At the meeting of the Planning Committee on the 6<sup>th</sup> April 2023, the committee deferred a decision on the outline planning application for the following reason:

*“Deferred on the grounds of concerns about highway impact and further information was requested to be provided directly at the next meeting by the Highway Authority.”*

Members wanted a better understanding of how the highway mitigation would work and help to minimise traffic congestion on the highway network.

Since the previous Planning Committee, your Officers have liaised with both the Local Highway Authority (Leicestershire County Council) and the applicant (L&Q Estates) and their agent (Pegasus) and transport consultants (Vectos) to seek agreement on how the highway impacts of the development and the mitigation can be more comprehensively explained.

This Supplementary Report provides further explanation of the highway impacts of the proposed development.

The following documents should also be referred to:

- A Highways Mitigation Summary Transport Technical Note provided by Vectos, dated 15 June 2023, and can be found on [Blaby District Council's website](#)
- The Local Highway Authority's final consultation response which was provided on 23 December 2022 and can be found on [Blaby District Council's website](#)

## Transport modelling

In order to provide further explanation on the highway impacts of the development the applicant's transport consultants, Vectos, have provided a summary of the highway modelling and proposed mitigation works.

The highway modelling used the 'Pan Regional Transport Model' (PRTM) to determine the traffic impact (in terms of traffic volume) of the proposed development on the road network and to determine which off-site junctions required more detailed assessment. Prior to the model being run, the inputs were agreed with the Local Highway Authority. These included the following:

- Trip Generation – the level of vehicular movements generated by the proposed development for both residential and educational land uses. The applicant used data from the TRICS database, a national database which quantifies the trip generation of new development. However, the Local Highway Authority considered the trip rates to be out of date as they were obtained in 2019, and therefore provided an updated set of trip rates. These are approximately 50% higher and were therefore seen as a worst case scenario. The LCC data shows 637 vehicular trips in the am peak and 534 in the pm peak.
- Multi-Modal Trip Generation – this accounts for all modes of travel to and from the site such as walking, public transport, travelling as a car passenger, cycling, etc. The LCC data shows 1,336 trips in the am peak and 822 trips in the pm peak across all modes of transport.
- Future Year Assessment Scenarios and Build Out Rates – Scenarios for 2028 and 2033 were modelled. By 2028 it was anticipated that 50% of the dwellings (443) will have been constructed and a one-form entry primary school and took into account other committed development. By 2033 it was anticipated that 100% of the dwellings will have been constructed and a two-form entry primary school (over the requirement) and took into account other committed development.
- Committed Development – The PTRM model takes into account other committed developments in the surrounding area. For the 2033 scenario, this takes account of the full Lubbethorpe allocation of 4250 dwellings.

The traffic associated with the development was then distributed onto the highway network using the PRTM model. The modelling is used to determine the traffic impact the proposed development would have on the highway network and identify which offsite junctions required more detailed modelling for potential mitigation measures.

The model results found that detailed junction assessments were required at the following off-site junctions, and was agreed with LCC:

- A47 Hinckley Road / B582 Leicester Lane (Desford Crossroads);
- A47 Hinckley Road / Beggars Lane; and
- A47 Hinckley Road / Kirby Lane
- Site access roundabout

## Detailed junction modelling

The detailed junction models were set up with up-to-date traffic surveys (31<sup>st</sup> March 2022 and 27<sup>th</sup> April 2022) which were then compared and calibrated to the PTRM model to ensure they were accurate and matched the baseline and forecast flows.

In order to determine the traffic impact of the development at each of the junctions studied, a LINSIG model (an industry standard model used to model light signalled junctions) was run with the reference case or baseline (which took account of future year flows with other committed developments but no development traffic), along with the development case (all reference case inputs plus development flows routed through the junctions) for the existing layout. A mitigation scheme was then designed to take account of the impact at each junction. The development case scenario was then run again but with the mitigation layout for each junction. For the site access roundabout an ARCADY model was used (the industry standard model used to model roundabouts).

## Junction improvements

### Site Access Roundabout

The proposed roundabout will operate within capacity in the 2033 scenario with committed developments and 100% of development built. The maximum RFC (Ratio to Flow capacity) is 0.78 and maximum queue length is 3.3 vehicles and delays a maximum of 13.6 seconds (A47 east bound in am peak). An RFC of over 0.85 for a roundabout arm usually shows it is operating over capacity. The proposed access roundabout is therefore considered to operate within capacity in the 2033 scenario.

### A47 Hinckley Road/ B582 Leicester Lane (Desford Crossroads)

The mitigation scheme designed for Desford Crossroads involved widening the B582 Leicester Lane to the south into the existing verge and a rearranged traffic signal sequence. The development with the associated mitigation would improve the junction performance with reduced queuing and delay with a 0.3% improvement in the am peak and 2.0% in the pm peak. Although still operating above capacity, it would operate with reduced queuing and delay with the development and mitigation in place. However, LCC confirmed they already had a wider scheme planned for this junction and so a financial contribution to the LCC scheme was requested and accepted by LCC.

### A47 Hinckley Road/ Beggars Lane

The mitigation scheme designed for this junction involves widening the A47 and creating a dedicated right turn lane into Beggars Lane, a new signalised straight-over pedestrian/cyclist crossing over the A47 and road widening on Beggars Lane. The development with the associated mitigation would improve the junction performance. Whilst still operating above capacity in the am peak there is a 11.6% improvement, with reduced queuing and delay. For the pm peak, the junction still operates well within capacity with a slight reduction compared to the reference case (-1.1%) but would operate above capacity without the mitigation. The mitigation scheme will be secured as a 'prior to any housing occupations' trigger as a planning condition.

### A47 Hinckley Road/ Kirby Lane

The mitigation scheme designed for this junction involves carriageway widening on the Kirby Lane entry to the junction to provide a five passenger car unit long left turn lane. This generates a shorter green time for vehicles leaving Kirby Lane which can then be reallocated to the A47. The development with the associated mitigation would improve the junction performance with reduced queuing and delay, with a 16.0% improvement in the am peak and a 13.4% improvement in the pm peak. The mitigation scheme will be secured as a 'prior to 301 housing occupations' trigger as a planning condition.

### **Comparison with Lubbesthorpe Highway Improvements**

As a requirement of the Lubbesthorpe development, improvements were required to a number of off-site junctions to mitigate the impacts of this development. Some of these improvements were required by set trigger points as part of planning conditions, whilst others were required by Planning Obligation, through the 'Highways Delivery Strategy'. Many of these had estimated trigger dates and were subject to future reviews.

### A47 Hinckley Road/ B582 Leicester Lane (Desford Crossroads)

The Lubbesthorpe developers were obligated to provide a financial contribution of £806,650 (index linked) towards improvements at Desford Crossroads, required prior to the occupation of the 3,500<sup>th</sup> dwelling in Lubbesthorpe. The Local Highway Authority have asked for a financial contribution of £1,104,000 from L&Q to be secured by Section 106 Agreement prior to any occupations.

The Local Highway Authority has confirmed that £2.6 million has been secured to date for the Desford Crossroads improvements, with the total cost likely to be in the region of £7-10 million. The LHA has indicated that there may be opportunities for other sources of funding, and this may not be entirely reliant on developer contributions.

### A47 Hinckley Road/ Beggars Lane

Improvements to the A47 Hinckley Road/Beggars Lane were required by the Lubbesthorpe development, with condition 52 of outline planning permission 11/0100/1/OX allowing no more than 51 dwellings on Lubbesthorpe to be occupied until the improvements had been carried out. As of 31 May 2023, 927 dwellings have been occupied in Lubbesthorpe but the A47/Beggars Lane improvements have not been carried out. However, it is understood that the Local Highway Authority did not insist on the improvements being carried out as a result of the M1 bridge being delivered sooner (condition 60 of 11/0100/1/OX required this by 301 dwelling occupations).

The Local Highway Authority have been approached to confirm when they now require the A47/Beggars Lane improvements to be carried out given the original trigger point has now passed. They have, however, not specified a new trigger point but rather have advised that if the Lubbesthorpe developers wish to vary the trigger point they need to provide appropriate evidence. The L&Q development will require the improvements to be carried out prior to any occupations on the L&Q development.

The mitigation for the A47/ Beggars Lane is similar to the Lubbethorpe scheme. However, the Lubbethorpe scheme showed split pedestrian facilities over the A47 east and Beggars Lane, whilst the L&Q scheme shows straight over crossings. Although there is marginally better junction capacity with split crossings, the direct crossings give higher quality provision for pedestrians and cyclists. The Lubbethorpe scheme shows an additional left turn land for out-bound traffic into Beggars Lane, but L&Q's assessments concluded that this wasn't needed to mitigate the impact based on the junction geometry and would afford extra space for pedestrians and cyclists.

#### A47 Hinckley Road/ Kirby Lane

The A47/ Kirby Lane improvement is essentially the same as Lubbethorpe are obligated to provide. The Lubbethorpe Highways Delivery Strategy predicted that the A47/ Kirby Lane improvements would be required at 1,500 occupations on Lubbethorpe. However, this was an estimated trigger point, subject to future review. The Local Highway Authority have requested the A47/Kirby Lane scheme being delivered by L&Q prior to 301 occupations on its site, whilst acknowledging the Lubbethorpe and L&Q trigger points may occur at a similar time.

The Local Highway Authority has been asked whether the L&Q trigger point could be brought forward to be prior to any occupations. However, the LHA has indicated that there is no justification for earlier delivery of the works and that it is unlikely that works to the two junctions would be permitted at the same time given the impact this would cause on the network.

#### **Leicestershire County Council (Highways) Further Comments**

The Local Highway Authority has confirmed it is unable to provide attendance at Planning Committee on the basis that a full and thorough response has been provided to the application on an allocated site, which raises no objections, subject to conditions and contributions, and it has nothing further it is able to add.

However, a number of questions have been put to the Local Highway Authority, with the responses being incorporated into this Supplementary Report.

#### **Summary and conclusion**

This Supplementary Report provides a summary of the highway impacts of the proposed development. It sets out the proposed highway mitigation works, which comprises of improvements to the A47/ Beggars Lane, A47/ Kirby Lane junctions, a financial contribution to the A47/ Desford Crossroads junction, and the proposed access roundabout. In terms of the junction improvements, the modelling demonstrates that the proposed mitigation would improve the performance of the relevant junctions as compared to a baseline scenario without the development or improvements.

Paragraph 111 of the National Planning Policy Framework states that *“development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*. This means that where the impacts of a development can be demonstrated (through evidence) to be severe, mitigation is required. Where

there is no severe impact, justification cannot be justified. Whilst the proposed development may result in increase in traffic elsewhere on the highway network, based on the modelling, the mitigation works would address those locations where there is 'severe impact'. Furthermore, where a proposed development requires mitigation this cannot be to resolve existing transport issues, for example on the A47, but only to mitigate the additional impact caused by the development.

It is acknowledged that the proposed mitigation works required for the A47/ Beggars Lane and A47/ Kirby Lane are largely similar to the schemes required to be delivered by the Lubbesthorpe developers. However, the A47/ Beggars Lane scheme does offer preferable crossing facilities for pedestrians and cyclists, whilst the A47/Kirby Lane scheme now takes account of the Tesco Express store on the junction which has been developed since the Lubbesthorpe SUE gained planning permission.

In any case, each development needs to secure its required mitigation and cannot be reliant on another development if mitigation it required hasn't yet taken place. The L&Q development would require the improvements to the A47/Beggars Lane to be carried out before any dwellings can be occupied whilst this has not yet been delivered by the Lubbesthorpe developers. The A47/Kirby Lane scheme could also be delivered sooner by L&Q, with a trigger point of 301 occupations as opposed to the predicted 1,500 occupations by Lubbesthorpe (which is subject to a review and could be adjusted to a later date). The Local Highway Authority has indicated that there is no justification for any earlier delivery and if the works were carried out at the same time as the A47/Beggars Lane improvements this could cause issues on the A47.

The proposed development also provides for improved pedestrian and cycle connections, along the A47, a connection to the A47 at Beggars Lane and improved links to Lubbesthorpe, as well as proposals to provide improved public transport connections through new bus stops and routeing existing services into the development site, along with Travel Packs and Bus Passes for new residents. These 'sustainable transport' measures are detailed further in the main Planning Committee report and have the potential to offer improvements to the highway network over those modelled if they result in a 'modal shift', with increased uptake of sustainable transport methods.

Overall, the highway impacts of the proposed development have been demonstrated to be acceptable in planning terms and the Local Highway Authority does not object to the scheme and the overall highway impact is not considered to be severe with the proposed mitigation in place.

**22/0827/RM**

**Registered Date  
10 August 2022**

**Mr Giles Nursey  
Charterpoint (New Lubbesthorpe)  
Limited And Charterpoint (LE19 1)  
Limited And Mather Jamie  
On Behalf Of Trustees ERB  
Drummond (Deceased)**

**Reserved matters application for the erection of Local Centre 1 to include commercial units (units 1-3 use class E(a), unit 4 use class E(a) or E(b) and unit 5 use class E(b)), medical centre (use class E(e), potential medical centre expansion or offices (use class E(e) or E(g(i))), 66 bed residential care home (use class C2) together with sub-station and cash point to unit 1 (details of access, appearance, landscaping, layout and scale).**

**Tay Road, Lubbesthorpe**

**Report Author: Jill Sampson - Major Schemes Officer**

**Contact Details: Council Offices. Tel: 0116 272 7686**

**RECOMMENDATION:**

**THAT APPLICATION 22/0827/RM BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Development in accordance with approved plans & documents
2. Materials as per approved plan/schedule. TBC details to be submitted & agreed
3. Landscaping to be implemented in accordance with plans
4. Landscaping for commercial/mixed use development to be maintained in accordance with management plans and retained in perpetuity
5. Landscaping for care home to be maintained in accordance with management plans and retained for 5 years.
6. Restriction of amalgamation and pd rights re change of use of commercial units/health centre.
7. Development carried out in accordance with CEMP
8. Updated CEMP to be submitted and agreed if a phased development leads to occupation of care home before mixed use site substantially completed.
9. The commercial premises shall not be open for trade or yard use carried out other than between the hours of 07:00 - 23:00 Monday to Sunday. No deliveries shall take place outside of the hours of 07:00 - 20:00 Monday to Sunday.
10. Prior to occupation/first use of the care home and each relevant commercial unit, kitchen extraction details to be submitted, agreed & development carried out in accordance with the approved details.
11. Prior to occupation/first use of the care home and each relevant commercial unit, details of external plant to be submitted, agreed & development carried out in accordance.

12. Updated noise assessment required showing details of new sub-station and any necessary mitigation and development carried out in accordance with the approved details.
13. Land contamination intrusive ground survey required pre commencement of development
14. Unexpected land contamination post commencement requirements
15. No permission for adverts and public art shown indicatively on plans. Separate application/s required
16. The ground floor windows in the mixed use building shall not be obstructed or obscured by adverts, vinyls or other means unless otherwise agreed with by the DPA.
17. Exact location and/or glare details/mitigation for solar panels to be submitted
18. No occupation until the approved parking and turning facilities have been implemented - thereafter retained in perpetuity.
19. No occupation until such time as secure (and under cover) cycle parking has been provided – details to be agreed with the LPA in advance of installation.
20. No occupation until such time as secure powered two wheeler (motorcycle, scooter) parking has been provided - details to be agreed with the LPA in advance of installation.
21. No occupation until such time as a Servicing / Parking Management Plan has been submitted to and agreed in writing by the LPA - implemented in accordance with the approved details thereafter.

## **NOTES TO COMMITTEE**

### **Relevant Planning Policy**

#### **National Planning Policy Framework (2021)**

#### **National Planning Practice Guidance**

#### **Blaby District Local Plan (Core Strategy) Development Plan Document (February 2013)**

Policy CS2 – Design of new development  
 Policy CS3 – Sustainable Urban Extension  
 Policy CS6 - Employment  
 Policy CS10 - Transport Infrastructure  
 Policy CS11 – Infrastructure, Services and Facilities to Support Growth  
 Policy CS13 – Retailing and Other Town Centre Uses  
 Policy CS19 – Biodiversity and geo-diversity  
 Policy CS20 – Historic Environment & Culture  
 Policy CS21 – Climate Change  
 Policy CS22 – Flood Risk Management  
 Policy CS24 – Presumption in Favour of Sustainable Development

## **Blaby District Local Plan (Delivery) Development Plan Document (February 2019)**

Policy DM1 – Development within the Settlement Boundaries

Policy DM8 – Local Parking and Highway Design Standards

### **Other supporting documents:**

- Design Code Local Centre 1 New Lubbethorpe March 2021
- Leicestershire Highways Design Guide & HRfD

### **Consultations**

**Blaby District Council, Environmental Services** – have not objected subject to conditions.

**Blaby District Council – Green Officer** – provided comments in relation to the environmental sustainability of the new buildings and net zero targets.

**Blaby District Council - Housing Strategy Officers** – have provided the following comments -

*“We don’t have any objections to the application and are supportive of the inclusion of a care facility as we have a shortage of those in the district. Just to confirm we have previously received assurances from Drummonds that the housing allocation that was due on the site will be made up on other sites across the development.”*

**Blaby District Council, Neighbourhood Services** – have provided comments and have not objected.

**Environment Agency** – have no objections.

**Leicestershire County Council, Archaeology** – have provided the following comments –

*“The 2015 archaeological trial trenching report has been approved and found no evidence of significant archaeological activity within the current application area. We would therefore advise that the reserved matters application (22/0827/RM) warrants no further archaeological action.”*

**Leicestershire County Council, Ecology** – have no objections.

**Leicestershire County Council, Forestry** – have provided comments and have not objected.

**Leicestershire County Council, Highways** – have provided the following comments-

*“In relation to the mixed use commercial units which were the main cause of concern:*

*In the additional analysis undertaken by the applicant they have kept Unit 1 as a convenience store and Units 2 & 3 as retail. Assessing a 255m<sup>2</sup> area of café space (across Unit 4 and 5) and 285m<sup>2</sup> of retail (for units 2 and 3), the convenience store and GP, the local centre parking accumulation assessment results in a peak parking accumulation of 71 vehicles.*

*This would have been very close to the total number of 72 parking spaces previously proposed for the development site. However, to address the LHAs main concern about the lack of parking for the site the applicant has revised the layout and removed / relocated several trees to make way for nine additional car parking spaces. The proposed development would therefore be served by a total of 81 parking spaces (including five disabled spaces).*

*The applicant goes on to say that of the 81 spaces, 10 spaces will be allocated for GP staff only, and all other spaces will remain as unrestricted given the mixed-use nature of the development. The applicant has highlighted that given the GP generates a parking accumulation of 38 vehicles in the AM, this would leave 43 spaces available for the remainder of the site (convenience store, retail unit, and cafe).*

*The applicant has also indicated that an Automatic Number Plate Recognition (ANPR) management system could be implemented to restrict free parking and ensure the car parking spaces are used by visitors / employees of the proposed development and not used by other drivers. The LHA proposes a condition requiring applicant to provide further details as to how the car parking to serve the proposed development will be managed.*

*The LHA was satisfied with the level of parking for the Care Home (30 spaces), based on the scale of that element of the development, and with the highways layout.*

*Notwithstanding the additional information provided by the applicant the LHA would still prefer more parking spaces to serve the proposed development to provide more resilience at the various peak development times during the day. Nevertheless, based on the further evidence provided by the applicant the LHA does not believe it can sustain a reason for refusal of the Reserved Matters application subject to the suggested conditions and informatives.”*

**Leicestershire County Council, Lead Local Flood Authority** – have provided comments and have no concerns subject to standing advice.

**Leicestershire Fire and Rescue** – have not provided comments.

**Leicestershire Police** – Have provided comments and have not objected.

**NHS** – The NHS provided comments requesting S106 developer contributions to support the increase in impact on primary healthcare from the 66 bedroom care home.

The NHS were advised that it is not possible to secure financial obligations through a reserved matters application and the principle of the care home had had already been established through the non-material amendment application 22/0057/NMAT.

Members are advised that the NHS had been consulted as part of the process for the non-material amendment application and the NHS had advised the Council at that time that no developer contributions were to be sought for the introduction of the care home into the local centre.

The NHS were also reminded that the proposals include a new health centre as part of the local centre and in addition, the Lubbesthorpe developer has previously paid financial obligations to offset the impact of the development on healthcare that were secured at the original Outline planning application stage.

**Severn Trent Water** – have not provided comments.

### **Parish Council Comments;**

**Braunstone Town Council** provided the following response –

*“Braunstone Town Council has the following comments, which need to be addressed, and recommends that the plans and documents be modified accordingly and re-submitted for consideration: a) the trip generation figures in the transport surveys need to be reviewed and clarified; since the number of journeys by particular modes of transport did not appear to relate to the type and scale of the proposed development; b) the proposed location of the Health Centre solely on the first floor of the commercial units presented accessibility concerns both in terms of stair and lift access for elderly and disabled users and over intensification of this area of the site; c) the design of the car park to the rear of the commercial units needed to properly facilitate deliveries and collections; the number of parking spaces would also need to be reviewed (in relation to (a) above) since the proposed provision seemed insufficient for both the commercial units and the Health Centre; d) the site and buildings should include sustainability measures such as solar PV panels, low carbon heating, rainwater storage and electric vehicle charging points; e) Cycle hoops should be included at the front of the commercial units along Tay Road and the Cycle hoops proposed for the car park should include a cycle shelter; f) the area for deliveries (currently a layby adjacent to the access road) would conflict with other users and uses of the car park and footways; g) the road junction with Tay Road needed to be redesigned given the addition to the site of the Health Facility; options could include a signal controlled junction, a second access (either to provide a one way system or separate access for deliveries), or separate access to the Care Home; and h) pedestrian walking routes and additional pedestrian crossing points needed to be included in the public car park.*

*Reasons: The Town Council was interested in ensuring the site was sustainable, usable and also accessible to local residents to avoid unnecessary vehicle journeys out of Lubbesthorpe and any adverse impact on the climate and air quality. a) The daily trip generation figures included a significant number of journeys by “Train” (GP Surgery 23, Care Home 2, Mixed Use 105) and “passenger in a car or van” (GP 114, Care Home 11, Mixed Use 640). b) Many patients with mobility issues would struggle to access a first floor health facility; the proposed access to the facility was among the rear accesses to the commercial units, where deliveries and collections would be undertaken; raising concerns about the suitability of the access both from a health & safety perspective and an accessibility perspective. An alternative could be that half the unit on both floors be reserved for the Health Centre and some of the other*

commercial units be located on the first floor above the grocery store. c) Large delivery vehicles would not be able to use the parking spaces. There was no turning area for refuse and delivery vehicles, these vehicles were expected to do a three point turn at the junction at the top of the car park, presenting safety concerns. Parking provision of 63 spaces for a grocery store, four other retail units plus a health facility accommodating 6 GPs, 4 nurses, 5 consulting rooms and potential expansion was unlikely to satisfactorily provide for employee, patient and customer parking. d) To ensure the site and buildings have a low carbon impact and to mitigate the effects of climate change. e) Commercial Unit customers using cycles were unlikely to travel to the rear to lock up their cycles, in practice they would lock them to street furniture at the front. However, employees at the site would need a shelter facility to lock up their cycles while at work. f) The delivery layby was disconnected from the retail unit and other local centre units by the public areas and footways. The service area for the commercial units was also the front access to the Health Centre resulting in a conflict of use and users and raising health and safety concerns. g) While it was understood that the junction with Tay Road had been approved as part of the wider Lubbethorpe Transport Assessment; the services at the site had subsequently been increased as a result of planning application 22/0057/NMAT. Therefore, the design of the junction needed to be reviewed and potentially remodelled to ensure the safety of vehicles (including cyclists) entering and leaving the site, along with those on Tay Road and to ensure pedestrian safety, including safe crossing across the entrance and Tay Road. h) It was unclear how pedestrians who had parked their vehicles on the northern side of the public car park would safely access the facilities on site, there appeared to be a lack of connecting footways and safe crossing points.”

**Enderby Parish Council** – have provided the following comments –

“Enderby Parish Council wishes to raise the following concerns regarding Planning Application 22/0827/RM: -Insufficient visitor parking provision. The development will not just be used by local residents and is expected to generate a lot of additional traffic for the supermarket, shops and GP surgery. The GP surgery is to replace the existing GP surgery at Leicester Forest East which means it will have a wider catchment area and many patients will need to drive to appointments. 14 parking spaces for visitors to the Care Home is deemed to be inadequate. The proposed cycle parking is considered to be insufficient when staff and visitors are being encouraged to use other sustainable modes of transport. In addition, the proposed fixing method is regarded to be less robust which could lead to cycle theft. Consideration should be given to increasing the number of cycle parking bays available. This development will result in displaced parking along Tay Road where there are no parking restrictions, which could lead to visibility issues on the ingress and egress at Tay Road and it is requested that consideration be given to how this can be mitigated.

Information regarding Bus Services to the area, contained within the Transport Statement, refers to proposed bus services which will not be put in place until the number of residential dwellings reaches the trigger point, and therefore cannot be relied upon as a means of transport to/from the proposed development. Given the above points it is felt the transport infrastructure and parking provision should be revisited.”

**Kirby Muxloe Parish Council** – have provided the following comments –

*“Kirby Muxloe wish to make the following observations: The car park proposal, which has now been reduced to sixty spaces, is completely inadequate for all users, especially when this is located next to a School. Access via the path to the Medical Centre is an issue and furthermore poses a risk to users. It is virtually impossible to get through the swing gate, to then have to cross the stream by crossing over planks and being faced with a path, which is not made up. Furthermore, this is far too narrow for pushchairs and mobility users.”*

**Leicester Forest East Parish Council** – have provided the following comments –

*“Leicester Forest East Parish Council comments: Planning Application 22/0827/RM: Parking. Despite the intention for residents to cycle, walk and use public transport the proposed centre will not just be used by Lubbesthorpe residents and will generate a lot of additional traffic for the centre. The GP surgery is to replace that at Park Drive, LFE and supplement the existing GP surgery on Warren Lane, LFE which means it will have a much wider catchment area and many patients will need to drive to appointments. 14 parking spaces for visitors to the Care Home is not sufficient. Provision of 63 spaces for the commercial centre and GP is insufficient covering employees, patients and customers. Does not appear to be provision for motorcycle parking. Proposed bus services will not be put in place until the identified trigger point is achieved, No public transport available until the trigger point is adequate access to public transport guaranteed? Unlikely. Residents from the east of LFE will require to use cars / taxis as there is no direct public transport links. Many are elderly and cannot walk that far. Health and Safety It appears that cars, pedestrians, delivery vehicles and waste disposal all must use the same entrance / exit for the commercial centre and GP and intermingle. Turning around in the parking / access areas for commercial vehicles will be dangerous for pedestrians, moving vehicles and parked vehicles. It would be prudent for all to build in separated access for commercial vehicles, delivery and waste.”*

**Lubbesthorpe Parish Council** – have provided the following comments –

*“Lubbesthorpe Parish Council are concerned that the provision for sufficient parking has not been addressed. This observation is also supported by neighbouring Parishes and in addition;*

*The Council support this planning application. The Council feel that this is a much needed asset to the community and hope that it will go through planning and be built as soon as possible. The Council also have the following comments:*

- There is currently not access to all of the shops from the carpark side of the building meaning that people will need to walk around the building to get into the shops. This may encourage people to park on Tay Road. Access required to each shop from carpark.*
- The Council feel that there are not enough parking spaces within this planning application. There are approximately 61 spaces, if you do not include the EV charging points and disabled spaces. This parking will also be used by the employees of the shops and surgery. We estimate 5 employees per shop and 15 employees at the surgery therefore 40 parking spaces being used by employees, leaving only 20 parking spaces for people visiting the surgery and shops. As the surgery is replacing one from*

outside Lubbesthorpe it can be assumed that the vast majority of patients will be arriving by car. Lubbesthorpe Parish Council feel that it is very important to have enough parking as it not desirable to have cars parking on Tay Road or the surrounding side streets. The Parish Council makes the following suggestions as to where extra parking could be accommodated relatively easily. o More parking in the corners within the carpark (approx. 3 spaces), please see picture 1 o Additional parking along the north side boundary (approx. 30 spaces) please see picture 2. • Include parent and child parking. • Can there be an area in the carpark allocated for recycling. • Include an area for motorcycle parking. This can be accommodated within the corners of the carpark that are unsuitable for cars to park. • Should there be a restriction on the parking times in the carpark including the EV points during the day to ensure there is no long-term parking. • There is a layby on the right-hand side of the access road. What is this for? Is it for deliveries, if so, it needs to be clearing signed. If it is not for deliveries then an appropriate place needs to be allocated. • Car park needs lighting. On the plans we can see that there is lighting fixed to the buildings, but we cannot see any lighting within the carpark area. • Ensure that the parking restrictions nearby are strict, so that people do not park on Tay Road. • Put bollards on the corner of Tay Road and the access road to prevent parking on the corner. • Possible gated access to staff parking at the back of the care home so that the public do not parking in these spaces. • Relocate the cash machine. On the front of the building opposite a side road makes it susceptible to being ram raided. Possibly move it round to the left-hand side of the building (moving the bollards with the cash machine). Please see picture 3. • Classification of use. The Council would hope that one of the units be classified for the sales and consumption of alcohol enabling a café - bistro the possibility of using that unit (unit 5 preferably).”

## **Representations**

Thirteen 3<sup>rd</sup> party representations have been received, 9 objections and 4 in support of the application. The public comments include the following points;

- Care home not needed
- Care home too large
- Reduction in house value from the care home
- More community type uses wanted, including a pub and a children’s day nursery
- What is the vacant land to the north to be used for?
- Accessibility of medical centre at 1<sup>st</sup> floor
- Is it possible to tie down a unit for pharmacy only?
- Parking provision and impact on local roads
- Additional traffic on Tay Road
- Public transport to the medical centre
- Poor pedestrian link from Leicester Forest East
- Eagerly anticipated, much needed services for local residents
- Plans look exciting
- Potential for local employment
- Welcome the investment into New Lubbesthorpe
- Would locals have a say in the end users?

## **Relevant History**

11/0100/1/OX – Approved 14<sup>th</sup> January 2014 - Outline application for 4,250 dwellings, a mixed use district centre and two mixed use local centres featuring a supermarket, retail, commercial, employment, leisure, health, community and residential uses, non-residential institutions including a secondary school, primary schools and nurseries, an employment site of 21 hectares, open spaces, woodlands, new access points and associated facilities and infrastructure, and detailed proposals for two new road bridges over the M1 motorway and M69 motorway, and two road access points from Beggars Lane and new accesses from Meridian Way, Chapel Green/Baines Lane and Leicester Lane

23/0152/NMAT – Approved – 17<sup>th</sup> March 2023 - Non-material amendment to planning permission 11/0100/1/OX to allow amendments to the Schedule of Development to refer to use classes A1-A5 alongside the A1 convenience store, rather than class A3-A5 uses within the local centres.

Members are advised that this non-material amendment application sought permission to rectify an anomaly between the quantum of retail uses assessed and found acceptable as part of the Outline planning application and the uses then set out within the approved Schedule of Development which formed part of the approved Outline planning permission documents.

22/0057/NMAT – Approved - 6<sup>th</sup> June 2022 - Non-Material amendment to Outline planning permission 11/0100/1/OX to change the description of development to incorporate the words - 'with the provision of care' after 'residential uses', to alter the schedule of development to provide for a 66 bed care home facility at Local Centre 1, to remove the envisaged 40 residential dwellings and to relocate the proposed health centre from the District Centre to the Local Centre 1.

Members are advised that the request for the introduction of a 66 bedroom care home into Local Centre 1 to replace 40 residential dwellings was a decision taken by the developer which is supported by Blaby District Council's Housing Strategy officers who made the following observations; *we don't have any objections to the application and are supportive of the inclusion of a care facility as we have a shortage of those in the district.*

The continuing use of the building as a care home is restricted by condition on the amended Outline planning permission to that for occupants who by reason of impairment (physical or mental) are in need of controlled and managed care, including end of life care which cannot be properly provided at home This condition removes permitted development rights regarding change of use to any other use within Class C2.

The Outline planning permission in 2014 expected a new health centre to be delivered on the District Centre site in phase 3 of the Lubbethorpe development. Further to consultation between Forest House Medical Practice, its patients, the Clinical Commissioning Group and the Lubbethorpe land owners, a decision was then taken to provide the health centre as part of Local Centre 1 site in Phase 1.

Comments have been received in relation to the health centre at Local Centre 1. Enderby Parish Council have commented '*The GP surgery is to replace the existing GP surgery at Leicester Forest East.*' Members are reminded that a new on-site health centre at Lubbesthorpe, in addition to financial contributions for improvements to the Warren Lane branch of the Forest House Medical Practice were secured through the Outline planning permission in 2014. This was on the basis of the projected additional health needs arising from the Lubbesthorpe development and the impact on the two nearby surgeries at Warren Lane and Braunstone Crossroads (both of which then went on to form the Forest House Medical Practice). In 2021 the Clinical Commissioning Group, in consultation with Forest House Medical Practice approved the relocation of the Braunstone Crossroads surgery to Lubbesthorpe. The new health centre at Lubbesthorpe will form part of the Forest House Medical Practice alongside its Warren Lane surgery in Leicester Forest East, with health care being offered across both sites. The new health centre at Lubbesthorpe will not replace the existing GP service at Leicester Forest East.

## **EXPLANATORY NOTE**

### **The Site**

The Local Centre site fronts Tay Road, approximately 230 metres from the Beggars Lane junction into the development. Tay Road is the principal highway running through the Lubbesthorpe development from Beggars Lane to the M1 motorway bridge into Braunstone Town.

The application site is formed of approximately 1.1 hectares of vacant land located towards the northwest of the wider Lubbesthorpe development site. The Local Centre 1 site fronts onto Tay Road, with Old Warren Park to the north, the feature square, children's play areas and Lubbesthorpe Primary School also to the north and east and residential dwellings opposite on Tay Road to the south. A mature hedge to the west separates the site from Girvan Drive and its residential dwellings.

To the immediate north is an undeveloped parcel of land (approx. 0.2 hectares) which is also set aside, through the Outline planning permission, as part of the Local Centre 1 site but its development does not form part of this application. It is anticipated that this parcel will come forward as a separate reserved matters application as part of a later phase of the Local Centre 1 works.

A pedestrian footpath/cycleway is located to the east, between the site and the feature square and school, it links Lubbesthorpe with Leicester Forest East to the north and crosses Tay Road to the south and continues through the development, joining the wider cycle/pedestrian network.

Tay Road in this location is tree lined and is fronted by two and three storey dwellings and the mixed height primary school is close by to the east. The site slopes gently with a 1.5 metre fall northwest to southeast. An existing brick built sub-station fronts Tay Road just off-site to the southwest.

## The Proposal

At 31<sup>st</sup> May 2023, the Lubbethorpe development has provided 927 occupied dwellings as part of this sustainable urban extension. The proposal seeks permission for the first of two local centres which includes a range of uses, facilities and services which will enable, for the first time, residents to access essential shopping, socialising and primary health care without the need to travel by car to areas outside of Lubbethorpe.

The application seeks reserved matters approval for details in relation to the Outline planning permission 11/0100/1/OX. It seeks approval for details for Local Centre 1, including the access, appearance, landscaping, layout and scale for two buildings; a mixed use commercial building and a 66 bedroom care home.

The access into the site is from Tay Road, a new internal link road positioned between the care home building and the commercial mixed use building. This road will connect to the care home and its car park to the east of the site which has two points of access, and to the commercial mixed use building and its associated car park to the west. A total of 111 car parking spaces will be provided, 81 for the commercial uses and 30 for the care home, including 7 disabled spaces and EV charging bays. A mix of secure covered and uncovered cycle parking facilities, along with dedicated motorcycle parking areas are also proposed. A dedicated service lay-by to serve the commercial units is located adjacent to the shared link road. This road will also provide future access into the vacant plot to the north which forms part of the larger local centre site but is envisaged will come forward as a separate reserved matters application as part of a later phase of the development. The applicant has stated that the care home and the commercial mixed use buildings will be built together, as a single phase.

### Commercial (mixed use) building

The commercial mixed use building has heights between 10-12 metres over 3 floors, with the roof void to be used for plant. This building is located on the eastern part of the site and fronts Tay Road. It cranks in at the eastern edge to address the feature square. It has its customer accesses from Tay Road and some additional accesses from the rear and side. It proposes 5 units for Class E uses at ground floor, with medical space/health centre at first floor.

Ground floor;

- Units 1-3 inclusive - use class A1/class E(a) covering 707square metres GIA including internal storage areas. These units have their customer accesses from Tay Road. A cash machine (ATM) is proposed on this elevation near the entrance to unit 1 and is protected by bollards set into the pavement. Servicing to this unit will be via the rear (north elevation).
- Unit 4 – use class A1/class E(a) and class A3/Class E(b) (café bistro) covering 101 square metres GIA also has its customer access from Tay Road with a servicing access on the rear (north elevation). This unit proposes a more flexible use to allow units 4 & 5 to potentially amalgamate to provide a larger café/bistro should such a commercial offer be necessary.

- Unit 5 – use class A3/class E(b) (café bistro) covering 154 square metres GIA including internal storage areas is located on the end of the building on the corner with Tay Road and the feature square. This unit has 3 customer entrances on all 3 elevations to address the important and prominent corner location. The rear of this unit also includes an enclosed stair access to the first floor of the building (health centre) and an access to an internal refuse storage area.

First floor;

- Medical/health centre - use class D1/class E(e) covering 855 square metres GIA;
- Potential expansion space in association with the medical centre covering 308 square metres - use class D1/class E(e) and/or offices use class B1/E(g)(i).

Second floor (roof void)

- Plant

together with access, parking (81 car spaces including five disabled spaces, EV charging bays, cycle parking hoops and 8 motorcycle parking spaces) and associated landscaping.

The originally submitted application included potential for a mobility hub as part of the scheme. The applicant was asked for further details about this use so that its impacts could be properly assessed as part of the proposal. The applicant at this time did not have a specific end use in mind and so could not provide that information and chose to remove this potential use from their scheme. The scheme no longer proposes a mobility hub as part of this application.

Care home

The care home building has heights between 9-12 metres over three floors with the roof space proposed for non-residential uses. This 66 bedroom care home is located on the western part of the site and is a reverse 'C' shape, with its primary frontages facing Tay Road and towards the car park to the commercial area. However, it proposes active frontages to all elevations. The building is set in, approximately 18 metres from Tay Road, with landscaping and some car parking between and approximately 18 metres at its closest point from Girvan Drive with existing and proposed landscaping between.

The care home will cover a total of 3,731 square metres (external and 3,452 square metres (internal) over three floors.

The care home (use class C2) proposes the following;

- Ground floor – 33 bedrooms, lobby entrance and reception, office, small café area, lounges, two dining rooms with outdoor patios, bathrooms and ancillary space;
- First Floor – 33 bedrooms, lounge with balcony, two dining rooms with balconies, breakout space, hairdressers, family room, bathrooms and other ancillary space;
- Second floor (roof space) – staff facilities, kitchen, laundry and plant;

together with parking (30 car spaces including 2 disabled spaces, EV charging points, covered and uncovered cycle parking (for staff and visitors) and 2 motorcycle spaces) and landscaping, including residents and visitors private shared courtyard gardens and seating areas.

## **Planning Policy**

### **National Planning Policy Framework (2021)**

The National Planning Policy Framework establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are:

- An economic objective
- A social objective
- An environmental objective

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - 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.

## **Blaby District Local Plan (Core Strategy) Development Plan Document (2013)**

### Policy CS2 – Design of New Development

Policy CS2 Seeks to ensure that a high quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. The design of new development should also be appropriate to this context.

### Policy CS3 – Sustainable Urban Extension

The Policy sets out the vision for the Lubbesthorpe SUE and states that it should be a high quality, sustainable, mixed-use development that is well connected and has a functional relationship with the wider area. The Policy seeks to ensure that key services and facilities are delivered within the development to maximise the potential for communities to grow and transport movements to be minimised. The policy, which was adopted in advance of the SUE receiving Outline planning permission, sets out the parameters for the development including expectations for housing, employment, education, local and district centres, green infrastructure, general infrastructure and transport and movement. The policy also sets out what areas any detailed proposal will be expected to address.

For the two local centres this policy expected appropriate uses to include;  
Retail provision (Use Class A1–A5),  
Health care facilities,  
Community / Faith facilities,  
Residential uses,  
Small workspaces (Use Class B1)

### Policy CS6 – Employment

This policy seeks to provide the appropriate quantity, quality and mix of employment opportunities to meet the needs of the district's current and future populations and to meet strategic employment, education and training needs.

### Policy CS10 – Transport Infrastructure

Seeks to limit the impacts of new development on levels of vehicle movements by reducing the need to travel by private car by locating new development so people can access services and facilities through more sustainable forms of transport (including walking and cycling) without reliance on private motor vehicles.

### Policy CS11 – Infrastructure, Services and Facilities to Support Growth

Seeks to ensure that development provides the necessary infrastructure, services and facilities to meet the needs of the community and mitigates any adverse impacts of development.

### Policy CS13 – Retailing and Other Town Centre Uses

The strategic aims of this policy seek to deliver the infrastructure, services and facilities required to meet the needs of the population of the district, including those arising from growth and to make services accessible to all, whilst encouraging and developing the use of more sustainable forms of transport, including walking, cycling and public transport.

### Policy CS19 – Biodiversity and Geo-diversity

Indicates that important areas of the district's natural environment, landscape and geology will be protected and enhanced where appropriate and seeks to maintain and extend natural habitats where appropriate.

### Policy CS21 – Climate Change

This policy states that development which mitigates and adapts to climate change will be supported but will seek to protect the district's important areas of landscape and ecological value. It will seek to minimise the risk of flooding and other hazards to property, infrastructure and people and encourage development designed to encourage the use of sustainable forms of transport, including walking, cycling and public transport. This Policy also seeks to encourage the use of renewable, low carbon and decentralised energy at the commercial, community and domestic scale subject to certain design criteria.

### Policy CS22 – Flood Risk Management

The strategic objectives of this policy seeks to minimise the risk of flooding (and other hazards) to property, infrastructure and people by ensuring new development minimises vulnerability and provides resilience to flooding, taking into account climate change. This will be achieved through a number of measures, one of which being to direct new development to locations at the lowest risk of flooding. The Local Centre 1 site is located within Flood Zone 1, a location considered to be at the lowest risk of flooding.

### Policy CS24 – Presumption in Favour of Sustainable Development

Indicates that when considering development proposals, Blaby District Council will take a positive approach that reflects the presumption in favour of sustainable development.

## **Blaby Local Plan Delivery Development Plan Document (Delivery DPD) (2019)**

### Policy DM1 – Development within the Settlement Boundaries

This Policy seeks to support suitable development located within the boundaries of existing settlements where the proposal; would not unduly impact on neighbouring uses, is in-keeping with the character and appearance of the area, is not overdevelopment, is acceptable in layout design and external appearance; and would not prejudice the development of a wider area.

## Policy DM8 – Local Parking and Highway Design Standards

This Policy requires employment and other uses be required to provide an appropriate level of parking and servicing provision to meet highway design standards as set out in the most up to date Leicestershire Highways Design Guidance (HDG). Whilst the Highways Requirements for Development (HRfD) document has been superseded by the HDG the development elements of it are still referred in areas where the HDG is silent.

### New Lubbesthorpe Local Centre 1 Design Code dated February 2021

The Design Code for Local Centre 1 (required by condition 13 on the Outline planning permission 11/0100/1/OX) forms the basis for guiding the design development of Local Centre 1. The reserved matters application must be substantially in accordance with the Code. The objectives of the Code are to;

- Meet the landowners and Blaby District Council's aspirations for excellent design;
- Ensure that strategic design requirements to enclose the square and define the street are achieved to the prescribed parameters;
- Ensure compatibility between the proposed uses so they are good neighbours and work well together;
- Optimise the potential to mix and bring uses together to create a vibrant and attractive and commercially successful place, and;
- Meet requirements for safe and efficient access and servicing and encourage access by foot and by bike.

### Leicestershire Highways Design Guide and Highways Requirements for Design

The Highways Design Guide (HDG) and in this instance the Highways Requirements for Development (HRfD) set out the County Council's principles and polices for highways Development Management. The guidance is intended to in the design development layouts that provide safe and free movement for all road users.

They aim to:

- provide road layouts which meet the needs of all users and do not allow vehicles to dominate;
- create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; and
- help create quality developments in which to live, work and play.

### **Material Considerations**

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise. All material considerations must be carefully balanced to determine whether the negative impacts outweigh the positive impacts to such a degree that the adopted policies of the Development Plan should not prevail.

Taking into account the Development Plan Policies set out above, the material considerations relevant to the determination of this application are:

- The principle of the development;
- The impact of the development on the amenity of nearby and future residents;
- The impact of the development on the character and appearance of the area (Lubbesthorpe and the wider landscape);
- The impact of the development on the surrounding highway network;
- The impact of the development on the biodiversity, historic environment and wider environment;
- Compliance with outline planning permission & other documents;
- Other material considerations.

### **The principle of the development**

The principle of the development of the Local Centre 1 site was established through the approval of the of the Outline planning permission 11/0100/1/OUT in 2014 which granted permission for 4,250 dwellings, a mixed use district centre and two mixed use local centres, featuring a supermarket, retail, commercial, employment, leisure, health, community and residential uses, non-residential institutions including a secondary school, 2 primary schools and nurseries, an employment site of 21 hectares, open spaces, woodlands, new access points and associated facilities and infrastructure, and detailed proposals for two new road bridges over the M1 motorway and M69 motorway, and two road access points from Beggars Lane and new accesses from Meridian Way, Chapel Green/Baines Lane and Leicester Lane.

As previously set out, a non-material amendment approval was granted on 6<sup>th</sup> June 2022 under 22/0057/NMAT to change the above description of development to incorporate the words - 'with the provision of care' after 'residential uses', to alter the schedule of development to provide for a 66 bed care home facility at Local Centre 1, to replace the envisaged 40 residential dwellings; and to relocate the proposed health centre from the District Centre to Local Centre 1.

A second relevant non-material amendment approval was granted on 17<sup>th</sup> March 2023 under 23/0152/NMAT to rectify an anomaly between the quantum/range of retail uses assessed and found to be acceptable as part of the consideration of the Outline planning application, and the (reduced) quantum/range of uses then set out within the Schedule of Development approved as part of that Outline planning permission. The approval of this non-material amendment application allowed for the previously assessed (additional) quantum of A1 retail uses to be included at the local centre.

The approved Phasing Strategy for New Lubbesthorpe expects the first local centre to come forward as part of phase 1 (sub-phase 2) of the wider Lubbesthorpe development, in order that appropriate facilities and services are provided for residents within the wider site. The Phasing Strategy expects that approximately 1,270 dwellings will have been granted approval by the end of Phase 1 (sub-phase 2). At April 2023, 1,253 units had their reserved matters approval, with 927 of those homes now built and currently occupied by residents.

The wider Lubbesthorpe development will comprise of 4 phases and 8 sub phases.

Whilst the principle of the Local Centre 1 development is established under the above amended planning permission, the reserved matters application must still be weighed against all other material considerations to ensure that there are no negative impacts on the surrounding environment which would outweigh the benefits.

### **The impact of the development on the amenity of nearby existing and proposed residents**

The mixed use building and the care home will front onto Tay Road. Tay Road in this location is characterised by three storey residential dwellings opposite, approximately 40 metres from the proposed care home building, over 20 metres from its visitor car parking area to the front and approximately 22 metres from the commercial building.

Residential dwellings to the west, front on to Girvan Drive. These dwellings are two storey in height and are separated by Girvan Drive itself and located approximately 30 metres from the proposed care home building. An enclosed bin store serving the care home is to be positioned on the western side of the care home site approximately 23 metres from the nearest dwelling on Girvan Drive. The proposed car parking for the care home is located approximately 20 metres from the nearest dwelling on Girvan Drive. A new electricity sub-station to serve the care home is proposed on the north western corner within the grounds of the care home and to the east of the staff parking area which separates the site from Girvan Drive. An existing managed, mature hedgerow to the west of the staff parking area further separates the length of the western edge of the care home site from Girvan Drive.

Lubbesthorpe Primary School is the closest building to the east, separated by the feature square which includes the community hub modular building and is approximately 36 metres away. Old Warren Park, the children's play area and the multi-use games area are also within close proximity to the north and east.

When assessing impact from the whole development, consideration must also be given to the future occupiers of the care home.

### Operational Noise

As required by conditions 27 & 28 imposed on the Outline planning permission, the reserved matters application included a noise assessment which assesses the impact of the development on existing and future occupiers and a scheme of mitigation to protect the amenity of those occupiers. Blaby District Council's Environmental Services officer has assessed the submitted acoustic report and is satisfied with the conclusions of that report. The officer has commented that the acoustic report has not included details of the new sub-station to serve the care home and has requested a condition requiring those details, and any necessary noise mitigation be submitted for approval prior to installation of the sub-station.

### Vehicles

In terms of potential noise nuisance from the operational uses on nearby affected residents, the commercial building which will likely see the most activity has been

designed so that its car parking (and associated noise and movements, door slamming, headlight sweep etc) is located away from Tay Road residents and instead is positioned to the rear of the building within an enclosed parking courtyard. There is some car parking for the commercial building also proposed to the west of this part of the site, adjacent to the care home. Brick pillars and railings and an evergreen hedge are proposed along this boundary with the care home in order to provide some screening into the semi-private patio areas and ground floor bedrooms.

The care home will likely see a different type and level of activity. Visitor car parking is located on the front adjacent with Tay Road and behind a landscaped edge (shrub and hedge). Staff car parking for the care home is proposed on the western side of the site (accessed from the shared new internal road). A new hedgerow is proposed here alongside an existing managed, mature hedgerow which further separates the car parking here from the nearest dwellings on Girvan Drive.

### Plant

Blaby District Council's Environmental Services officer has requested a pre-occupation/first use condition be imposed on any approval, requiring the details of the external plant be submitted for approval. The condition will require the plant operates within the targets set out within the approved acoustic report.

### Opening hours

The submitted acoustic report sets out opening hours for the commercial/mixed use units of 07:00 – 23:00 on any day of the week for the purpose of the assessment of potential noise. Blaby District Council's Environmental Services officer has considered the findings of the acoustic report acceptable and as such the opening hours are therefore considered acceptable. A condition restricting the opening hours and yard use for the mixed-use development within these times is therefore considered appropriate.

In terms of delivery times, the acoustic report also recommends delivery hours of 07:00-23:00 hours. The report assumes that HGV refrigeration units can be switched off during deliveries. Blaby District Council's Environmental Services officer has commented that if this cannot be achieved, the robustness of the assessment is affected. It is therefore considered, given the difficulty of enforcing such a condition, that a reduced delivery time restricting deliveries within the hours of 07:00 - 20:00 Monday to Sunday is considered appropriate in order to protect nearby residents from late night noise from large, refrigerated vehicles.

### Odour

#### Commercial building

It is not considered that the use classes proposed for units 1-3 or the health centre are likely to give rise to significant impacts in terms of odour. Units 4 & 5 (café bistro ancillary takeaway) will require the use of extraction equipment. Blaby District Council's Environmental Services officer has requested that a pre-occupation condition be imposed in relation to the submission of extraction details with an

appropriate level of odour control to reflect the proposed business activities once the end user is identified.

### Care Home

The residential accommodation for the care home is to be provided at ground and first floors and the second floor includes the kitchen, fixed plant and facilities. A small café area and private dining rooms are also proposed on the ground floor. Blaby District Council's Environmental Services officer has requested that a pre-occupation condition requiring kitchen extraction details for the care home be submitted and agreed.

### Refuse Storage

The applicant has set out the proposals for waste storage and collection. Internal refuse storage rooms are to be provided within the commercial building in two locations to serve units 2, 3, 4 & 5. The applicant has confirmed that the mixed use commercial units will all be served by a private contractor for waste collection services. No waste is to be stored externally.

The care home proposes a separate external timber, bin store within the site, on the western edge of the development, adjacent to a covered bicycle storage area and smoking area. The applicant has also confirmed that a private contractor will be responsible for waste collection for the care home.

### Lighting

A lighting scheme for the development has been submitted and shows artificial lighting proposed on the exterior of the buildings (entrances), car park, access road paths and building perimeter. In order to comply with dark sky compliance criteria, no upward lighting is proposed. External lighting is to be controlled by time clock and photo cells. A submitted External Lighting Statement states that lighting has been designed in compliance with the relevant guidance to reduce obtrusive lighting. Blaby District Council's Environmental Services Officer has stated that the lighting scheme is generally acceptable.

### Glare from Solar Panels

Consideration has been given to any potential glare from solar panels located on the three storey roof and their impact on the three storey windows in the dwellings opposite on Tay Road. Blaby District Council's Environmental Services officer has commented '*solar panels are intended to absorb solar radiation rather than reflecting it. The roofs that are to be covered with the panels are at 3<sup>rd</sup> storey height and the angle of the panels is likely to be similar to that of the roof covering i.e. facing the sky rather than the 3 story residential properties on the opposite side of Tay Road. However I understand that it is possible to apply anti-reflective coatings to panels, and I would suggest that the panels that are on the facades of the buildings facing Tay Road have such a coating applied. A condition requiring a final layout and specification of the solar panels to be submitted and approved, together with appropriate maintenance would be useful.*' A condition requiring these details be submitted has been included.

## Construction Impacts

In terms of potential nuisance from the construction activity, a revised Construction Environmental Management Plan (revision 5) (CEMP) was submitted as part of the application and the document was assessed by Blaby District Council's Environmental Services officer and found to be acceptable.

It is understood by officers that both the commercial mixed use building and care home will be built at the same time with the works being undertaken by a single contractor in order to minimise the duration of the works and impacts on the local communities. However, a separate condition is considered appropriate which will require a further, updated CEMP be submitted and agreed in the unlikely scenario where the care home is delivered and occupied prior to the construction of the mixed use building. Such a condition is considered appropriate in order to protect residents of the care home where the existing CEMP does not account for a phased development.

The CEMP restricts core construction working hours to between the following:

7.00am to 17.30pm (Monday to Friday)

7.30am to 1.00pm (Saturday)

No Sunday or Bank Holiday working

Notwithstanding the above hours, any activities likely to cause noise beyond the site boundary shall not commence prior to 7.30am.

Deliveries will be timed to take place within normal working hours Monday to Friday  
Deliveries on Saturdays will be avoided whenever possible.

A condition will require the development be carried out in accordance with the proposals set out within the approved CEMP.

## Over-bearing, over-looking & loss of privacy

The scheme has been designed to meet the Council's amenity standards. It would provide sufficient separation distances between the proposed and existing buildings, and views of and through to open spaces.

The nearest affected existing residents are on Tay Road and Girvan Drive. Consideration in this respect must also be given to the future occupiers of the residential home and any impact in terms of over-bearing, over-looking or loss of privacy on these residents.

## Commercial building

The two storey commercial building proposes windows facing south (Tay Road) at first floor serving the health centre. Some clear glazing is proposed where they will serve communal rooms such as reception and office areas. Obscure glazing (lookalike) and vertical timber louvers are proposed on windows serving private clinical space. It is not proposed, given the front to front orientation and the 20metres + separation distance between the building and the Tay Road residents opposite that there would likely be any adverse impact on those residents from over-bearing, over-looking or loss of privacy

The western elevation faces towards the proposed care home. A mix of clear and obscure/lookalike glazing is also proposed on this first floor elevation. The commercial building is set forward of the care home by approximately 16 metres and so the majority of this side elevation faces the visitor car parking area to the front on the care home. There may be some window to window orientation here but the respective windows in the care home in this location serve a communal break out room rather than private bedrooms. In addition, the separation distance at this point is approximately 24 metres. It is therefore considered that there would not likely be any adverse impact on the residents of the care home in terms of over-bearing, over-looking or loss of privacy.

### Care home

The two storey care home also fronts onto Tay Road but is set in and away from Tay Road by approximately 23 metres to accommodate a small parking area, with those nearest dwellings being approximately 35 metres from the building. Windows at first floor serving private bedrooms, shared dining room, family room and breakout area are proposed on this elevation. Windows at second floor serving kitchen, store and plant room are also proposed on this Tay Road facing elevation. Given the wide, main street nature of Tay Road and the distance between the care home and the dwellings opposite, it is not considered that the occupiers of those dwellings and the care home would likely be adversely impacted in terms of over-bearing, over-looking or loss of privacy.

The western elevation of the care home faces towards Girvan Drive and is set behind an area of existing and proposed landscaping. This elevation is positioned approximately 30 metres from the nearest dwellings on the opposite side of Girvan Drive. The heights of the care home building along this closest elevation range from between 9 – 12 metres. The ground and first floor have windows serving bedrooms. A dining room with a small balcony area is located at first floor and windows serving a staff training area are located at 2<sup>nd</sup> floor (roof space). Given the distances proposed between the care home and the front facing dwellings on the opposite side of Girvan Drive, it is not considered that there would likely be any adverse impact in terms of over-bearing, over-looking or loss of privacy.

It is therefore not considered that the proposed development would harm the residential amenities of existing nearby residents or future occupiers of the care home, complying with Policy CS2 the adopted Blaby Core Strategy 2013 and Policy DM1 of the Delivery Development Plan Document (Delivery DPD) (2019).

### **The impact of the development on the character and appearance of the area (Lubbesthorpe and the wider landscape)**

It is recognised that the New Lubbesthorpe development on open fields would impact on the character and appearance of the area. This was one of the elements considered at the time of the outline application. It was concluded at that time that the proposal would not unduly harm the intrinsic character of the surrounding area and the benefits of delivering housing outweighed the negative impacts.

A design code is required by the Outline planning permission for each Local and

District Centre prior to the submission of the respective reserved matters applications. The design code for Local Centre 1 sets out the concepts and design requirements for the Local Centre within the parameters approved by the Outline planning permission which granted approval for the principle of this development. The parameters approved by the Outline planning permission include the location of the Local Centre, the uses and their floor areas and maximum dimensions and heights of buildings (see further in the report for compliance with Outline planning permission).

The design code expected Local Centre 1 to address four key concepts;

- Complete the feature (civic) square with prominent frontages
- Complete the edge of Tay Road
- Address the park (Old Warren Park to the rear)
- Have amenity at its core

Local Centre 1, located on Tay Road (the main street running through New Lubbethorpe) has been designed to be outward facing to allow both the commercial mixed use building and the care home to face onto and positively participate with Tay Road. The commercial building cranks at the east to address the feature square and children's play areas, the nearby open spaces and pedestrian footpaths and linkages. It is designed, so far as is commercially possible, so that the building also shares as much activity as possible with the rear car parking area which has been designed with attractive landscaping and formal tree planting in order to provide a visually pleasing, safe, busy and overlooked shared space. The care home is also designed so that all elevations are active, although ground floor rooms are screened with boundary treatments to provide appropriate privacy. The design of the care home provides interest and activity to the street scene and interest for the occupants of the rooms looking out on the public areas.

The design of the buildings are traditional in form, with steep pitched roofs. Gables form a prevalent feature throughout New Lubbethorpe and so repeating feature gables are also proposed as part of the Local Centre design, along with a colonnade facing Tay Road and the feature square. A curved point feature on the entrance elevation of the care home, alongside two large art windows opposite on the commercial building, together frame the main vehicular and pedestrian entrance into the site from Tay Road. The specific design details of the art windows will be subject of a further application and controlled by condition.

The principal material is brick with vertical cladding and coloured panels. Window louvres fronting Tay Road and also fronting the feature square provide additional interest and reflect the similar louvres and modern style of the nearby primary school. Decoratively designed boundary fencing is also proposed, along with traditional hedgerow and tree planting.

The design of the Local Centre and the proposed materials are considered acceptable and compliant with the design code.

It is therefore considered that the proposed development would not unduly harm the character and appearance of the surrounding area and it would comply with Policy CS2 the adopted Blaby Core Strategy 2013 and Policy DM1 of the Delivery Development Plan Document (Delivery DPD) (2019).

## **The impact of the development on the surrounding highway network**

The impact of the development on the surrounding highways network was considered at the time of the Outline planning permission. The Outline permission was accompanied by a Highways Strategy which proposed a large set of mitigation measures to offset the highways implications. These measures, which included the now delivered bridge across the M1 motorway, will be delivered strategically throughout the life of the development in accordance with the Strategy.

The impact was also re-considered as part of the later non-material amendment application 22/0057/NMAT which sought approval for the removal of 40 dwellings at the Local Centre site, the introduction of the care home and the relocation of the health centre from the District Centre into Local Centre 1.

Leicestershire County Highways Authority assessed the impact from the proposed amendments and concluded that when considering the loss of 40 dwellings from the local centre site against the introduction of the new uses, the changes in trip generation would not have a significant impact on the highway network and when considering cumulatively with other developments, the impacts on the road network would not be severe.

Leicestershire County Highways Authority have reviewed the reserved matters for the local centre / care home and, whilst they would prefer more parking spaces to serve the proposed development to provide more resilience at the various peak times during the day, the LHA did not believe it could sustain a reason for refusal in this instance. The LHA has, on the basis of the information submitted, concluded that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

To address the LHA's initial objection the applicant has increased the number of spaces related to the care home from 72 to 81 which would complement the proposed secure cycle and motorbike parking. The applicant has also indicated that an Automatic Number Plate Recognition (ANPR) management system could be implemented to restrict free parking and ensure the car parking spaces are used by visitors / employees of the proposed development and not used by other drivers. A condition requiring the applicant to submit and agree a Servicing / Parking Management Plan prior to occupation has been included. The increase in parking space numbers added to the potential for parking / servicing management has resulted in the conclusion that the impact would not be severe enough to sustain a reason for refusal.

The LHA also considered that the details submitted in respect of the access arrangements and the level of parking for the Care Home were, based on the latest submissions, would not be severe enough to sustain a reason for refusal.

Given the above it is considered that the proposed development would not have a severe impact on the highways network or on highways safety and as such complies with Policies CS10 and CS11 of the adopted Blaby Core Strategy 2013 and Policy DM8 of the Delivery Development Plan Document (Delivery DPD) (2019).

## **The impact of the development on biodiversity, historic environment and wider environment**

The Outline planning application for the wider Lubbesthorpe development was supported by a raft of strategies and assessments. The strategies themselves, along with the conditions of the Outline planning permission, secure the provision of on-going and updated assessment and information throughout the life of the development to ensure that it remains relevant and the continuing development respects the approved overarching environmental strategy. The documents to date have reviewed the wider environmental implications of the Lubbesthorpe development, including impacts on biodiversity, historic assets, flood risk and the wider environment (pollution/noise etc.). Each of these overarching strategies have been considered and the proposed mitigation is shown to be acceptable in order to offset any impact caused by the development.

The County Council's Ecology officers, Archaeology officers and Lead Local Flood Authority officers have been consulted over this application as have Blaby District Council's Environmental Services officers. No objections have been raised in relation to the proposal, subject to the conditions set out earlier in the report.

It is considered that the proposed development would not have an unacceptable impact on the surrounding environment and complies with policies CS19, 20 & 22.

### **Flood risk**

The site is located within Flood Zone 1, considered an area at the lowest risk of flooding. Conditions 33 & 34 on the Outline planning permission require the submission of a design strategy for the provision of sustainable drainage systems (SuDS) for each sub-phase and an implementation strategy for each reserved matters land parcel. The Local Centre 1 site is located within sub-phase 2 of the development site. The SuDS first submitted for the wider sub-phase 2 development, omitted the Local Centre 1 site given that at the time it wasn't known how the Local Centre 1 site would be laid out. The applicant, as part of their reserved matters application has now provided the SuDS required by conditions 33 & 34 and Leicestershire County Council as lead local flood authority, have commented on those submitted details and have no concerns subject to standing advice.

### **Compliance with the Outline Planning Permission and other documents.**

#### Land uses

The 2014 Outline planning permission granted approval for use classes A1 – A5, B1, C2/C3, D1 & D2 at Local Centre 1. Members are advised that since the Outline planning application was approved, the Town and Country Planning (Use Classes) (England) Order has been amended. Through this amendment to the Order in September 2020 & 2021, the use classes A1-A5, B1 & D1 are now classified as various sub-groups within the single use, class E. The amendments to the Order have also granted a greater degree of permitted development right flexibility of movement to the E sub-classes. Condition 41 of the 2014 Outline planning permission removed permitted development rights for the A1-A5 & B1 uses. In acknowledgement of the

amendment to the Use Class Order (and new class E) and to ensure the Local Centre continues to provide a broad range of appropriate services and facilities for residents, it is considered necessary to impose a new condition referring to the new Class E uses and removing permitted development rights and preventing further amalgamation of units without the prior permission from the District Planning Authority.

The following documents have set out the expected uses at the Local Centre;

**Policy CS3** (approved prior to the determination of the Outline planning permission 11/0100/1/OX) expected the Local Centres at Lubbethorpe to provide the following; Two local centres, where appropriate uses will include;

- Retail provision (Use Class A1–A5) (combined retail floorspace 1,250 sqm (gross));
- Health care facilities
- Community / faith facilities,
- Residential uses,
- Small workspaces (Use Class B1)

The policy further sets out the following cumulative expectations for the District and Local Centres;

- Cumulative retail provision in the District and Local Centres shall be up to circa 4,500 sq m (net)
- Cumulative Health care facilities (circa 1,200 sq m)
- Cumulative Community / Faith facilities (circa 3,000 sq m)

**Schedule of Development** (as amended) (approved as part of the Outline planning permission and supersedes the requirements of above policy CS3) allows the following proposed range of uses for Local Centre 1;

- Retail convenience (A1) – 310 sqm (net sales area)
- Retail, professional services, restaurants & cafes etc (A1/A2/A3/A4/A5) - 310 sqm (net sales area)
- Flexible workspace (B1) – 250 sqm
- Assembly & Leisure (D2) – 700 sqm
- Residential (C2) – 3,500 sqm
- Health Centre (D1) – 1,330 sqm

Total 6,400 sqm

**Reserved Matters application** seeking approval for the following range of uses at Local Centre 1;

- Retail convenience A1 / E(a) - 213 sqm (net) 422 sqm (gross)
- Retail, restaurants & café/bistro (A1 & A3 / E(a) E(b) - 308 sqm (net) 540 sqm (gross)
- Medical (D1) / E(e) - 946 sqm (gross)
- Potential medical ancillary expansion space D1/B1a / E(e) E(g)(i). – 308 sqm
- Residential care home (C2) – 3,452 sqm

Total 5,227 sqm

The calculations above show a remainder of 1,173 sqm against the Schedule of Development's allocation for land uses at Local Centre 1. Members are reminded of the 0.2 hectares (approx.) area to the north (also allocated as Local Centre 1 by the Outline planning permission) which does not form part of this application. That part of the development site of Local Centre 1 is expected will come forward separately.

### Building dimensions

Schedule of Development - (as amended) (approved as part of the Outline planning permission) allows the following at Local Centre 1;

- 5m-50m width depth
- 6m – 100m frontage
- 6m – 15m height

The reserved matters application is seeking approval for a scheme that falls within the above building dimension parameters.

It is considered that the proposal would comply with the principles and parameters of the Outline planning permission and the necessary elements of the supporting documents to a satisfactory degree and it proposes a development which is considered acceptable in that regard.

### Other Material Considerations

#### Air Quality

Blaby District Council's Environmental Services officer has commented on the applicant's submitted Air Quality Technical Note which concluded;

*This technical note provides a review of the potential air quality impacts associated with the proposed changes from the SUE which was granted outline consent. Changes in traffic flows are below the indicative criteria for when a detailed assessment is required. It can be concluded that any change in traffic emissions will have a negligible impact upon air quality. Point source emissions will be reduced: any additional plant would be all electric and the mixed-use proposals are now all electric. It can be concluded that any change in plant emissions will have a negligible or slight beneficial impact upon air quality. With regards to air quality, the Non-Technical Summary of the EIA which supported the outline planning application concluded: "The effect of introducing new sensitive receptors within the site is considered to be of negligible significance. The Project is not predicted to lead to any exceedances of the air quality objectives or lead to an extension of an Air Quality Management Area (AQMA)." Even with the changes proposed via the NMMA (22/0057/NMAT), these conclusions remain valid and considers the document acceptable.* Blaby District Council's Environmental Services officer has commented that the document appears to be acceptable.

## Land Contamination

Blaby District Council's Environmental Services officer has assessed the Desktop Study submitted as part of the reserved matters application and found it acceptable. The Study recommends an intrusive (ground) survey be carried out. It is therefore considered appropriate and necessary to impose a pre-commencement condition requiring the survey to be carried out and the findings of that survey to be submitted and approved prior to commencement of development. The condition will require the development be carried out in accordance with the approved recommendations.

## **Environmental Sustainability**

Conditions on the Outline planning permission require a Green Energy/Sustainability Statement be submitted prior to development of each sub-phase. The Outline planning permission requires that 10% of energy supply to each sub-phase be secured from decentralised and renewable or low-carbon energy sources and / or that the energy saving measures reflect best practice and the use of the most appropriate technology available at that time.

A Sustainability Statement was submitted to accompany the application demonstrating that it meets those targets.

Blaby District Council's Green officer provided comments on the initial scheme and its accompanying Sustainability Statement, making recommendations in relation to future net zero carbon reduction targets for the new buildings. The applicant, through their consultants, reviewed their Sustainability Statement on the basis of these comments and submitted a revised strategy. The amended scheme now also proposes high efficiency roof mounted photovoltaic panels on both the care home and the mixed use centre along with high coefficient air source heat pumps as part of the proposal.

## **Environmental Impact Assessment**

The application was considered in relation to the Environmental Impact Assessment Regulations 2017 and the Environmental Impact Assessment which accompanied the Outline planning application which pre dated the 2017 Act. The document was re-visited and tested against the proposed amendments to the Outline planning permission subject of non-material amendment applications 22/0057/NMAT and 23/0152/NMAT. It is not considered that there is any evidence to suggest that the development of the site would change the original reasoned conclusion of the Environmental Impact Assessment or suggest that any significant environmental effects are likely to arise as a result of the proposal.

## **Public Transport Provision**

In response to concern raised from some adjacent parish councils with regard the public transport provision at Lubbethorpe and the accessibility of the new health centre for any residents outside of Lubbethorpe, Members are advised of the following;

The Outline planning permission required, through the associated S106 Legal Agreement, the provision of a Public Transport Strategy which secures the provision of a fixed 20 minute interval bus service linking Lubbesthorpe and Leicester city centre. The Strategy was submitted and approved in 2015 and updated in 2018 which set out that this service was to be provided by Arriva Click which began in April 2019. The Strategy was updated again in February 2023 to reflect a change in provider (Vectare) and the new NovusDirect service to replace Arriva.

In response to the legal requirement for the above single fixed service between Lubbesthorpe and Leicester city centre, the landowners for Lubbesthorpe took an opportunity to fund a demand responsive transport (DRT) bus (NovusFlex) linking Lubbesthorpe to the wider area which has been running since 2019.

In response to recent resident feedback and following analysis of passenger travel patterns, NovusFlex, the DRT element of the Novus service, is soon to be replaced with NovusFosse, which, from 16th July 2023, will provide 30 minute scheduled bus links from Tay Road, adjacent to the local centre and primary school via;

Jewsbury Way, Thorpe Astley  
Meridian Business Park  
Fosse Park  
Palmers Garden Centre  
Brockington College  
Next HQ  
Enderby.

NovusDirect will run alongside NovusFlex

### **Overall Planning Balance and Conclusion**

As previously set out, at 31<sup>st</sup> May 2023, the Lubbesthorpe development has provided 927 occupied dwellings within this sustainable urban extension. The proposal seeks permission for the first of two local centres which includes a range of uses, facilities and services which will enable, for the first time, residents to access essential shopping, socialising and primary health care without the need to travel by car to areas outside of Lubbesthorpe.

Officers have worked with the applicant and their urban designer over many months to provide an accessible, well-designed and attractive scheme. Over-all it is considered that the scheme substantially complies with the principles set out in the Outline planning permission and the design code and balances all elements with the principles of good urban design. The scheme will offer residents the first in a range of essential, accessible facilities and services originally envisaged for this sustainable urban extension, whilst contributing to a high quality sense of place in accordance with the expectations of all development at Lubbesthorpe.

It is considered that the proposed development would broadly accord with the principles of the NPPF, the three dimensions of sustainable development (economic, social and environmental), local Policies CS2, CS3, CS6, CS10, CS11, CS13, CS19, CS20, CS21, CS22 and CS24 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013, and Policy DM1 and DM8 of the Blaby District

Local Plan (Delivery) Development Plan Document. The proposal has also been considered against all relevant material considerations and in the absence of any technical objections the application is considered acceptable in Planning terms and recommended for approval subject to the précised conditions set out above.

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