

PLANNING COMMITTEE: 12th May 2020
SUPPLEMENTARY INFORMATION

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

Correspondence received is available for inspection.

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19/00646/FUL	Erection of a Class A1 Food Retail Store, with associated car parking, servicing and landscaping: Land Adj A4303 Rugby Road, Lutterworth
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Supplementary List 19/00646/FUL

Objection from Cllr Sarfas: (sent to Councillors) on 07/05/20:

I want to make it clear that, as Ward member for the area, I am not objecting to the principle of an Aldi store in Lutterworth. However, the location of the proposed store has raised serious objections from residents and Town Council alike.

My objection is based on these points

- That the proposal risks jobs in existing retail companies within Lutterworth. This included the national brands, but also includes the various corner shops that would suffer through more competition.
- That the proposal is not within the letter or spirit of the Local Plan. Developments such as this are supposed to be restricted to the SDA, and anything outside the SDA should use existing buildings or at least be built to reflect the character and heritage of the town – none of these criteria have been satisfied.
- The traffic impacts really are being ignored. The proposed road layout completely ignores the details of a planning application (Lutterworth East) which are known about by the committee - if the Lutterworth East proposals are subsequently accepted they would completely over-ride the proposals by Aldi, and indeed would make the development of the Aldi store at this location dangerous.
- That despite the potential impact on business within Lutterworth, Aldi are not prepared to make one penny of Section 106 contribution towards the town, despite there being a Town Centre masterplan proposal which could help existing retailers.

- That we have to recognise that Aldi will be a destination location for people outside of Lutterworth, and as a result will generate additional traffic through what is already an AQMA with serious pollution issues. Again, there is nothing in these proposals to off-set that impact, and no Section 106 contribution in respect of it.

I would urge you to reject the application, as it stands, on these grounds.

Officer comment:

1. A retail impact assessment (RIA) has been carried out and verified by the Council's retail expert (see para 6.1 of report)

“ The RIA has been critiqued by Lichfield's who prepared the Harborough Retail Study (HRS). Lichfield's observations, revised trade diversion figures, and overall conclusion, that the impact of the proposed development on Lutterworth town centre is not expected to be significant, are noted. Notwithstanding these, from a policy perspective, the critical issue is to maintain and enhance the viability and vitality of Lutterworth town centre. An Aldi store would add to consumer choice in Lutterworth. Lichfield's sensitivity analysis suggests that the impact on Lutterworth's convenience retail facilities will be -12.7% (Turleys estimates a lower figure of -7.7%), most of which will be focussed on Morrison's and to a lesser extent on Waitrose. The Morrisons store is expected to trade above the company average, and the impact on Waitrose would be that it would trade marginally lower than the current turnover. “This level of trading is still within the range we would expect stores would trade viably. There is no suggestion Waitrose would close their store”. (from Litchfields retail critique, June 2019, paragraph 4.3)”.

Lutterworth has a **minimum** requirement for additional convenience retail and the proposed development would add to consumer choice.

2. The fact that the site is not an allocated site, or within the Lutterworth SDA does not preclude development on this site, as detailed in the policy section of the report. Policy GD2 is shown below for ease of reference:

As detailed in the report (6.3), the SDA neighbourhood centre, whilst part of the outline submission is not detailed in terms of size and mix, thus it's detailed nature is not yet approved, or likely to be deliverable within the first phases of the development. Further the floor areas stated in the proposal (for the SDA), are up to 1,000 sq.m convenience and 500sq.m comparison floorspace, but no further details are provided. The SDA development cannot exceed these figures without providing their own impact/sequential statement. Thus, the SDA, as currently proposed, cannot accommodate Aldi.

There are 4 development phases of the SDA spread over 17-18 years, and the application is yet to be determined and even when determined would be subject to a Section 106 legal agreement. The community hubs are indicated to be in phase 2. If Phase 1 starts 2021/2022, Aldi (if permitted) is likely to be built before this (The Applicants have indicated that work will start as soon as relevant conditions are discharged).

Thus the SDA site does not provide a suitable or available site. The RIA and the work done by the Council's retail consultant has also considered the impact on the SDA as far as possible given the information available. The nature of a neighbourhood centre is likely to attract a smaller local store to serve the local population.

GD2 Settlement development

1. In addition to sites allocated by this Local Plan and neighbourhood plans, development within the existing or committed built up area of Market Harborough, Key Centres, the Leicester Principal Urban Area (PUA), Rural Centres and Selected Rural Villages will be permitted where:
 - a. it respects the form and character of the existing settlement and, as far as possible, it retains existing natural boundaries within and around the site, particularly trees, hedges and watercourses; or
 - b. it includes the redevelopment or conversion of redundant or disused buildings, or previously developed land of low environmental value, and enhances its immediate setting.
2. In addition to sites allocated in this Local Plan and neighbourhood plans, development adjoining the existing or committed built up area of Market Harborough, Key Centres, the Leicester Principal Urban Area (PUA), Rural Centres and Selected Rural Villages will be permitted where:
 - a. it does not disproportionately exceed the settlement's minimum housing requirement in Policy H1, taking into account allocations, completions and commitments (where there is no residual minimum housing requirement due to allocations, completions and commitments, only minor additional residential development will be supported); or
 - b. it is necessary to meet an identified district-wide housing need, or local housing need as evidenced through a housing needs survey or a neighbourhood plan; or
 - c. it comprises the redevelopment or conversion of redundant or disused buildings, or the development of previously developed land of low environmental value, and enhances its immediate setting;
 - d. its scale, individually or cumulatively with existing and committed development, reflects the size of the settlement concerned and the level of service provision within that settlement;
 - e. it is physically and visually connected to and respects the form and character of the existing settlement and landscape;
 - f. it retains as far as possible existing natural boundaries within and around the site, particularly trees, hedges and watercourses;
 - g. it complies with Policies GD6 and GD7.

In respect of floorspace restrictions, it is noted that the floorspace figure is a **minimum (see RT1 reproduced below for ease of reference).**

The design is considered acceptable in its context as set out in the report, and would include green space and significant landscaping.

7 Retail, town centres and tourism

RT1 Provision of new retail uses

1. During the plan period additional retail provision will be made for a minimum of 4,300 sq.m (gross) of convenience floorspace and a minimum of 10,100 sq.m (gross) of comparison floorspace.
2. Retail or mixed use developments contributing to the delivery of the following settlement-specific retail floorspace targets to 2031 will be permitted provided they are in accordance with Policy RT2:
 - a. Market Harborough: 3,100 sq.m (gross) convenience and 8,000 sq.m (gross) comparison;
 - b. Lutterworth: 1,000 sq.m (gross) convenience and 1,500 sq.m (gross) comparison; and
 - c. Broughton Astley: 200 sq.m (gross) convenience and 200 sq.m (gross) comparison.
3. Market Harborough Allocations
 - a. The Commons Car Park and adjoining retail unit as shown on the Policies Map is allocated for retail and town centre uses. Development will be permitted where it:
 - i. delivers a mixed use development including a net increase in retail floorspace of at least 1,500 sq.m (gross);
 - ii. delivers a sensitively designed comprehensive scheme which conserves and enhances the Conservation Area and complements the character of the town centre in terms of scale, height, mass, design, materials and layout;
 - iii. provides safe, attractive pedestrian linkages within the site and to the wider town centre;
 - iv. results in no net loss of public car parking spaces either on site or through additional equivalent provision elsewhere; and
 - v. is sensitive to the River Welland and its role as a wildlife corridor.
 - b. Land off High Street as shown on the Policies Map is allocated for retail and town centre uses. Development will be permitted where it:
 - i. delivers a mixed use development including a net increase in retail floorspace of at least 2,000 sq.m (gross);
 - ii. delivers a sensitively designed comprehensive scheme which conserves and enhances the Conservation Area and complements the character of the town centre in terms of scale, height, mass, design, materials and layout, including a significant improvement to the appearance of the frontage onto High Street; and
 - iii. ensures any development to the rear of frontage properties has suitable, prominent, safe and attractive pedestrian access from High Street.

3. The traffic impact has been fully assessed throughout the consideration of the scheme, including the junction layout and includes the impact of the SDA. There has been a road safety Audit, various modelling and a parking accumulation study, plus various technical notes to address the points raised. The highways Officer now raise no objections, subject to conditions and Section 106.

4. Any Section 106 contributions must meet the CIL tests.

The tests are:

- a. necessary to make the development acceptable in planning terms.
 - b. directly related to the development
 - c. fairly and reasonably related in scale and kind to the development.
- It is not considered that a contribution towards "Lutterworth town centre" would meet these tests

5. An Air Quality assessment has been submitted, due to likely increase in traffic in the Lutterworth AQMA.

Following submission (19/09/19), it was considered acceptable by the Council's Environmental Health Officer. No S106 contributions were deemed necessary and in accordance with the CIL tests.

Further objection on behalf of Morrison Supermarkets: (06/05/20 to Cllr Champion):

I am writing on behalf of Wm Morrison Supermarkets, who as you will be aware operate a foodstore in the centre of Lutterworth. The Morrisons store and its neighbour, Waitrose, play a crucial role in bringing shoppers into Lutterworth town centre and generating footfall for other local shops and services. We fear the proposed Aldi store would do the opposite – drawing trade away not just from our own store but also having a hugely damaging impact on Lutterworth town centre itself.

We know a number of local residents and Lutterworth Town Council have raised serious concerns about the application – particularly regarding traffic / access, flood risk, loss of green space and the way this application undermines the Council's wider aspirations for development in the Lutterworth East SDA (that includes provision for a new local centre). We agree with these representations and hope you take them into account. In addition, we also ask you take on board our very real concerns for the future of the town centre.

The Council's own retail consultants, Lichfields, agree *"the Waitrose and Morrisons stores are important anchors attracting linked trips to other shops and services"* with an estimated 50% of our customers generating such linked trips. They also agree that because of its location and poor connection to the town, *"customers of the proposed store are less likely to undertake linked trips"*.

Throughout the application process we have argued the applicant has used unrealistic assumptions about trade diversion to underestimate the impact on Lutterworth's existing retailers. Again, Lichfields agree – both our estimate (19.5%) and Lichfields' (12.7%) are significantly greater than that provided by the applicant. In our view, both these figures represent a significant adverse impact on the town, and in the current climate with many businesses facing an uphill challenge to respond to the coronavirus pandemic, we think that risk is simply not worth taking.

Next week's Planning Committee meeting will be a crucial one for Lutterworth. I appreciate you will be looking at a range of factors in your deliberations; for the health of the town centre we ask you refuse this application.

Officer comments;

1. Please refer to paragraph 6.3 in report. Turley's on behalf of Aldi has also provided responses to previous objections from Morrison and Waitrose (for summary see para 4.18)
2. All technical issues have been addressed to the satisfaction of statutory consultees, such as highways, flooding, etc.

An additional representation has been received (dated 10/05/20), from the neighbouring property at "The Lodge" raising further detailed questions in regard to privacy, security and additional noise/disturbance

1. Requests additional tree planting to northern boundary (near brook).

Officer response: There is already quite a boundary of existing trees and the footpath is set in at least 10m from the brook. Aldi have agreed to plant a further 3 trees will be planted to the northern boundary to assist (species to be agreed)

2. Additional security to northern boundary:

Aldi have said: "we will commit to repair the existing fence. However, as the fence is within 10m of the river we do not propose to replace it as this would mean excessively disturbing any wildlife near the river unnecessarily. I would also point out that a new timber post and rail fence is to be installed on the boundary of the car parking area with minimal access to the greenspace.

3. Request carpark restrictions at night:

Aldi: "We will install telescopic bollards across the site entrance so the car park can be closed when staff are not at the store".

4. Increased traffic concerns: Aldi response: " The increases in traffic associated with Aldi are 37 movements in the weekday am peak hour with a total flow of 1838 including all committed developments (the Aldi traffic is 2% of the total) and 82 movements in the weekday pm peak hour with a total flow of 1712 (Aldi is 5% of the total). These changes in traffic flow are marginal as opposed to having any significant effect. In the weekday pm peak hour the flow equates to 28.5 vehicles per minute, at this flow rate the traffic flow is virtually always present. The Aldi effect is 1.4 vehicles per minute, which does not change the characteristic of the road flow. i.e. with or without Aldi traffic will be present".

Further responses from Aldi in bold;

From neighbour: "Lastly, there has been very little detail around the planning path to run along the side of our property and would like to understand the following:

What are the final plans for the new pathway that is planned to run down the side of our property?" **The path will run along the existing highway verge adjacent to the A428 Rugby Road.**

"What is happening for the draining for that path?" **The path will slope towards the road, and rainwater will be captured in the road drainage system.**

"Lighting... are there going to be additional street lights put it along that path? If so, what are the hours of these lights?" **As part of the design of the path, the road lighting will be reviewed. However, the road is already lit by street lights, so any changes will be marginal.**

If the greenspace path is being referred to then this is as per the drawings already submitted (P007), i.e. self-binding gravel footpath that allows water to soak through. No lighting is proposed.

Officer: The footpath alongside the road will be adopted highway so will need to go through highways technical approval and built to the required standards in terms of drainage and lighting.

Clarification on bike provision: (from Aldi D&A Statement):

The redirected Public Right of Way this will also incorporate provision for cycles. Access to the site will be via level access off the new junction to Rugby Road and new pavement. The access provides a direct route to the store entrance for both pedestrians and cyclists. Cycling is further promoted by adding to ALDI's standard of 8no. covered cycle parking spaces to include provision for a further 8 cycle spaces bring the total to 16. These cycle parks are located in well-lit areas next to the main entrance and in full view, at all times, from the glazed elements of the store. The Cycle hoops are of steel construction and are concreted into the ground to which cyclists can easily lock their bikes securely to. All areas around the main entrance are covered by CCTV which will provide further security.

Officer comment: The minimum LCC adopted highways requirement for cycle provision is 6 covered spaces (16 are provided).

Further Officer Comment on retail impact assessment, including compliance with Paragraph 89 a) of the NPPF:

89. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.

The Councils retail advisor has confirmed that the impact on the SDA which is an allocated site in the Local Plan, has been taken into account as part of his assessment of the proposal, as far as is possible to do, given the lack of detail in terms of size, type and delivery timescales (as per S6.3 of report).

Recommended amendment to conditions:

2. Approved plans schedule should refer to the latest D&A Statement (D16A87A) and Greenspace Masterplan(D16A87-P004E)

8.The landscaping scheme shall also include the planting of the 3 additional trees as detailed in Plan D16A87-P004E. (species to be agreed)

19/00852/FUL	Demolition of agricultural buildings. Conversion and extensions to existing farm buildings to form 6 dwellings and extensions to the existing farmhouse. Hinch's Farm, Hallaton Road, Medbourne
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19/01900/FUL	Removal of existing storage shed and erection of 2 dwellings with off road parking and communal side garden Land Opposite No 10 Harrod Drive, Market Harborough
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Additional information supplied by the applicants agent Richard Norwood (07/05/2020):

1. Land Stability

One of the reasons Councillor Champion has 'called in' this application in was the number of objections on the subject of Land Stability and stating "relating to both this site and neighbouring properties..." The council requested the applicant commission a land stability assessment by a qualified structural engineer and this was undertaken by PRP Consulting ensuring it met the guidelines set out in The National Planning Policy Guidance (NPPG) on Land Stability and concluded that "the existing sloping ground did not reveal any obvious signs of movement that would indicate historical or recent instability" and that "...the likely presence of shrinkable clay soils underlying the site and proximal mature trees, foundations for the proposed development would be limited to specialist designed pile foundations and based on a "comprehensive intrusive ground investigation..."

What the objectors fail to raise or understand it that the very same structural engineers were commissioned by the owners of no. 22 to investigate the reported movement within their property and they undertook many months of investigation by installing 'crack monitoring gauges' around that property of which the conclusions were that there was no evidence of 'significant movement and mostly seasonable' and in part effected by the removal of large trees on their boundary by the industrial site owners below and having shallow strip foundations probably contributed and that there was no evidence of land instability.

The engineers have been consistent on both sites in that there is no evidence of land stability that caused movement in the adjacent property at no. 22 nor on this application site and is therefore totally misleading to infer otherwise.

2. Drainage

Several objections refer to that the foul drainage is no located in the main road and rather located to the rear of the existing properties, however this has not been investigated or proven yet, but go on to say that none of the owners would therefore permit access for this connection. It's worth noting here that as of 2011 any shared drainage is now owned by the water authority and as such is public and therefore we would have to apply for the relevant licences and access permissions at that time although again this is not a planning matter.

Objection for Planning Application – Mr and Mrs Pepper

We strongly object to the application. Other than the letter selected residents received dated the 19th December there has been no other notification to advise residents and the public of proposal no signage in Harrod Drive or adjoining Great Bowden. If the

application was not only not advertised on the public highway was this also not advertised within the local press for public opinion, as is there right to do so

Objections have been submitted by every single residential address within Harrod Drive.

These two residential units been proposed will increase the homes on the street by a further 20% which is a grotesque increase.

- The current Shed permission only passed in March 2016. The Statement of Reason for the Granting of Planning Permission, **The alterations hereby approved, by virtue of its design, size and positioning, does not adversely affect the amenity of neither local residents nor result in a sub-standard level of off street parking, nor an unacceptable reduction in open space around the dwelling and would be subordinate to the main dwelling and of harmonious design, form and materials.** Based upon this permission been granted with these alterations to reducing the size of this shed the consideration to build this proposed two story dwelling 4 years on seems highly irregular and completely out of scope for development on this site.
- There is only one entrance to each Flat which raises the question of fire safety in means of escape if the entrance was blocked the only windows suitable for escape open directly onto the 40ft slope from either flat.
- The allocation of one car parking space for each flat is not sufficient, average household in the East midlands is at 1.6 cars in 2019/20. The street already has a residential parking restrictions in place, and will put additional pressure on the 4 existing spaces available.
- Allocated Parking-On exiting the allocated space directly on the highway the view is significantly obscured by the garden of number 21 Great Bowden road, this could cause accident to another road user including a cyclist that could be a child within this family established Drive. Highways stated that no accidents had occurred in five years which should be embraced and seen as a good position to be in, not to give go ahead to increase the risk of accident happening by increasing the traffic in this quiet Residential Drive
- The communal garden identified on the plans has no pedestrian access without traversing the public highway. The entrance to said garden is through an allocated parking space on the highway therefore does not give a safe entrance or exit, with possible damage to motor vehicles whilst trying to navigate in/out of the garden. This option cannot be suitable for long-term use.

We have taken Independent Structural Engineering advice in relation to the precipitous slope next to proposed dwelling that's runs adjoining to our property. We have been advised that if any substantial ground movement or alteration of the slope structure took place, this could cause significant structural damage to our property. We believe this would be the case if this proposed property was given consent based upon the ground works that would be required, the disturbance of adjoining trees their root system would cause damage to the infrastructure of the ground. Then in turn cause substantial damage to our property in the process. If any damage is caused to our property due to ground disturbance during or following construction this will be followed by legal action against ALL parties in relation to development. Again, Independent advice has initially been taken in relation to this.

20/00312/FUL	Conversion of agricultural building to five dwellings Land at Church Farm, Gaulby Road, Billesdon
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Planning Committee Speakers List – 12th May 2020

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

Application	Parish	Speaker	Type	Time (mins)
S				
19/00646/FUL	Lutterworth	Richard Nunn	O	9
		Ken Seymour	S	3
		Robin Williams	A	3
		David Moore	AG	3
		Cllr P Beadle	T/PC	3
		Cllr Sarfas	WM	5
19/00852/FUL	Medbourne	Mark Coombs	A	3
19/01900/FUL	Market Harborough	Timothy Clark	O	3
		Guyanne Saul	O	3
		Chris Gilliam	O	3
20/00312/FUL	Billesdon			

Key to Speaker Type: O = Objector, S = Supporter, PC = Parish Council, A = Applicant/to speak on behalf of applicant, AG = Agent, STC = subject to confirmation, WM = Ward Member

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PLANNING COMMITTEE MEMBERSHIP 2019/20

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

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