

PLANNING COMMITTEE: 20th July 2021
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.

Page: 1

20/01783/FUL	Change of use of land from 1 traveller pitch and stables to the provision of 5 traveller pitches for extended family (additional 4 pitches). Mere Meadows, Mere Road, Bitteswell, Leicestershire, LE17 4LH
--------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Representations update:

As of 17:45 – 19.07.2021 a further 60 objections received. In summary objections raised:

- Many reasons as to why site should be moved completely (all of site) – HDC have met quota so why being considered, anti-social behaviour etc
- considerable inaccuracies in the application
- The scale of this development is already out of proportion with the size of Ullesthorpe and should not be increased any further. Infrastructure and services cannot cope.
- The site is NOT a safe walking distance from any other settlement - there are no footpaths and the road is a national speed limit.
- There is no need for this extension - there are already empty pitches on the site
- There has been indication of pitches being rented out which I do not believe has been properly investigated or stopped. These pitches should be used instead of creating more.
- It states that there will be no significant social impact. However, this is purely conjecture with no supporting evidence
- There is inadequate attention and priority given to the fear of crime
- There is currently 3 caravans on the site available to rent. Instead of allowing more sites which sets precedents for future requests, the council should look into how many existing caravans are rented and to whom.
- The planning department was also asked obtain details of crime statistics for this site which it has failed to do
- Should the application be allowed, HDC would be ignoring their safeguarding duties
- By granting a further 5 pitches would only heighten the already fragile tensions between settle and traveller communities.
- The application contravenes policy H6 section 5, of the local plan.

Cllr Phil King, Leader Harborough District Council

In the original application, attached as Appendix 1, the reason cited for the application is so that the applicants 4 sons can reside there when they are old enough, to continue living as Romany/Gypsy way of life. This I do not dispute, however, there is a plausible alternative scenario where some or none of the applicants extended family may decide **not to continue** with that way of life, or decide to move to live at another site.

Therefore, because the application has been made on the basis of a very personal reason, I would strongly urge the committee to consider imposing a condition, making the consent (if it agrees) to be personal to the family members only and not transferable.

Local Residents Investigation into HDC Planning Dept Recommendation Report July 2021

A seven-page document titled Local Residents Investigation into HDC Planning Dept Recommendation Report July 2021 was received today and placed online for public view before midday.

20/00770/FUL	Conversion of offices to 21 dwellings and erection of rear extension, Fisher German, 40 High Street, Market Harborough, Leicestershire
--------------	----------------------------------------------------------------------------------------------------------------------------------------

Additional Comments:

LCC Planning Obligations Team Manager (Dylan Jones)

I refer to the above planning application which is being discussed at the Harborough Planning Committee on the 20th July with an officer recommendation to approve.

The property known as 40 High Street lies in a prominent location in the town centre of Harborough and is a Grade 2 listed building that is currently used as offices. It is understood that the owner of the property wishes to convert it into 21 dwellings and as part of the planning application process, the County Council was consulted to ascertain the impact of the scheme on local infrastructure.

The County Council commented as follows in line with the requirements contained in its 2019 Planning Obligations Policy:

Civic Amenities – Advised that there was insufficient capacity at the Market Harborough HWRC site to accommodate the waste needs of the new residents of the site and as such a contribution of £1681 is required to make capacity improvements at the waste site.

Libraries – Advised that insufficient book stock would exist at the Harborough Library to accommodate the needs of the new residents of this development and a contribution of £770 is required to remedy this situation.

Secondary Education – The County Council advised that the scheme caused a deficit in school places at the Robert Smyth Academy and that £35,823 would be required to resolve this situation.

Post 16 Education – Advised that this scheme would cause a deficit at post 16 age education at the Robert Smyth Academy. A contribution of £7653 is required to facilitate changes at the school to accommodate the spaces generated by this development.

You confirm in your report to the Planning Committee that the County Council's requirements are in line with the CIL tests for infrastructure as contained in paragraph 56 of the NPPF and that they can be supported. However, the applicant has argued that as the building is listed, the cost of carrying out the work is more expensive than for an ordinary scheme and as such, it would not be viable to deliver the scheme and pay the requested infrastructure contributions. The officer's report to the planning committee confirms that the applicant's viability report which is required under paragraph 57 of the NPPF, has been independently assessed by a consultant nominated by the Council and that it agrees with the applicant's stance on the scheme.

The NPPF and the Harborough District Local plan put significant weight on supporting and delivering schemes that constitute sustainable development. By granting permission for this scheme as recommended by the case officer, 21 dwellings are to be built with the residents of the properties using and impacting on the local infrastructure. The contributions sought by the County Council were intended to mitigate the impact of this scheme on the local infrastructure to make it acceptable in planning terms. If the application is approved without this request, the increased demand for waste, library stock, secondary and post 16 education will put significant pressure on the County Council's finances as we will still be expected to meet our statutory responsibilities.

Therefore, as recommended Leicestershire County Council does not consider that this scheme constitutes sustainable development as it will have a negative impact on the residents of the locality. As such it will not meet the NPPF social objective as contained in paragraph 8 to provide a scheme that supports the local community's social and cultural wellbeing. Leicestershire County Council therefore objects to this scheme and requests that the Planning Committee resolves to refuse this scheme.

Cllr Phil King

As both the Leader of HDC and as the newly elected Leicestershire County Cllr for the Market Harborough West and Foxton division, I am very disappointed at these proposals by the applicants Fisher German in this prime part of the historic town centre site in Market Harborough

Having looked through the documents and report, I find that this is firstly from a design perspective overly modern and out of keeping with the character of the local area and surrounding Georgian properties. This is contrary to HLP GD8. I AGREE with the comments of the Market Harborough Civic Society and also with the concerns of the HDC Conservation Officer concerning the harm that these proposals will cause, as outlined in the report. However, I would go further and say that in my opinion, as presented this scheme is largely unsympathetic to its surroundings. I don't think this is good enough for this location or for future generations to accept.

Finally, the issue of viability- I am surprised that a top firm of Chartered surveyors have been unable to come forward with a scheme, which enables the necessary community contributions via s106 for education and other amenities to be paid, as well as no provision of affordable housing. They could have offered to reduce their profit from 20% on GDV to accommodate these needs. If, not and this was approved, then there must be a condition of a viability review mechanism so that if sales values are better than predicted that the s106 and AH off-site contribution can be recovered at a later point.

As it stands this is against policy H2, and in my mind contrary to GD8, 1)a,b,c,d,e,i ; the fact this scheme as proposed can't meet any of the necessary community contributions nor

affordable homes contributions in situ or off site, does make me question whether this application is in fact compliant with Policy GD1 ie it's not a sustainable development. The fall back is that these premises remain as office spaces which could be used and potentially redeveloped by others in a highly sustainable employment location.

Considering all this together, based on what I've read , I am objecting to this application and I would like my comments and objection to be notified to the committee and placed on the public record.

Report Amendments:

The HDC Open Space Contribution Table (pg69 onwards) should be replaced with the below, figures amended highlighted in yellow:

Site: High Street Market Harborough Ref 20/00770/FUL Dwelling Number 21 Assumed Population 48 <i>All figures are from Provision for Open Space Sport and Recreation 2015</i>		notes; The site is considered to be in an urban location for semi natural greenspace			
POS type		Minimum Area (ha)	Commuted sum for maintenance per ha	Total commuted maintenance for minimum area of POS (payable only if the POS is adopted by DC or PC)	Off site contribution if required
Parks and Gardens 0.5ha per 1000 pop	Off site contribution	0.02415	£574,757.00	£13,880.38	
Outdoor Sports Facilities 1.6ha per 1000 pop	Off site contribution		£141,111.00	£0.00	£34,293.00
Amenity Greenspace 0.9ha per 1000 pop	Off site contribution	0.04347	£224,692.00	£9,767.36	
Natural and Semi Natural Greenspace*	rural areas 8.5ha per 1000 pop		£260,117.00	£0.00	
	urban areas 1.5ha per 1000 pop	Off site contribution	£260,117.00	0.00	£47,140.00

Children and Young People Provision 0.3ha per 1000 pop	off site		£3,051,803.00	£0.00	£1,787.10
Allotments 0.35ha per 1000 pop	over provision of typology		£60,223.00	£0.00	
Greenways 1.3ha per 1000 population	off site		provision of additional signage and other enhancements of the sustainable travel infrastructure		£5,747.70
Cemeteries and Burial Grounds 0.375ha per 1000 pop	Off site contribution				£3,815.70
Total		0.06762			£92,783.50

All POS to be provided on site, except Cemeteries and Burial Grounds contribution. Any off site contributions to be through negotiation of S106 with officers. If off site contributions are required this will either be for enhancement of existing facilities or provision of new facilities within the accessibility thresholds of the site for each typology. If more Open Space than the minimum provision for any typology is proposed by the developer, then commuted sums will be calculated on a pro rata basis.

Conclusion and contributions sought including appropriate projects.	Parks and Gardens	0.02415ha of Parks and Gardens provision should be made on site as part of the general POS provision. This should be a more formal area with seating and perhaps specimen tree/s.
	Outdoor Sports	Not provided on site, but off site contribution of £34,293.00 required in accordance with the Playing Pitch Strategy for provision of or enhancement of sports facility within Market Harborough
	Amenity Greenspace	0.04347ha on site provision of informal grass areas for recreation usually planted with trees/ shrubs
	Natural and Semi Natural Greenspace	Off site contribution of £47,140.00 to enhance existing natural habitat. This may include enhancements to watercourse or provision of woodland in Harborough District or other suitable environmental project
	Children and Young People	off site provision of £1,787.00 for enhancement of play area at Roman Way, Symington Recreation Ground or other play area to serve the development
	Allotments	Over provision of typology. Contribution is not required.

	Greenways	Off site contribution of £5,747.70 to enhance the existing cycle, walking and bridleways within the vicinity of the development. For signage, improved or new surfacing, creation of cycle ways and removal of barriers to access e.g. stiles, gates and poor surfacing
	Cemeteries	Off site cemetery contributions of £3,815.70 for provision of additional burial facilities at Market Harborough or a new facility to be provided that serves Market Harborough
CIL Compliance	Necessary to make development acceptable in planning terms	The Open Spaces Strategy 2016 to 2021 and Provision for Open Space Sport and Recreation 2015 (both adopted in 2016 as policy) state that open space contributions should be sought for developments for 11 dwellings or more. The Playing pitch Strategy 2017 has identified specific investment priorities for outdoor sports provision. Although outdoor sports provision is provided in sufficient quantity in the accessibility threshold of 4km, there are quality issues that need to be addressed at many sites The Playing Pitch Strategy has identified the requirement for improved facilities at Welland Park Community College and provision of a new pavilion at Airfield Farm. Additional project include enhancement of facilities at RSA and improvements to Symingtons Pavilion. An off site contribution will be sought to contribute towards one or other of these projects.
	Directly related to the development	The contributions have been calculated using evidence for Great Bowden and Market Harborough and are directly related to the requirements of those settlements and the new development. The off site contributions will be used to enhance the existing provision or provide new facilities. On site provision is proportionate to the size of the development.
	Fairly and reasonably related in scale and kind to the development	The contributions are in proportion to the size of the development and relate to the new population taking into account the minimum quantity provision and existing population within the accessibility thresholds
Pooling	No more than 5 contributions to any one project	Five contributions have not been sought or secured for any one project within the vicinity of the site
Trigger Points	1st Trigger on site	On site open space to be delivered prior to occupation of 90% of dwellings on site. The on site open space appears to be within private grounds. It is therefore unlikely public access will be required and in such cases the Local Authority will not adopt the open space.
	2nd Trigger on site	N/A

	1st Trigger off site	50% Off site contributions to be paid on first occupation of development. 50% to be paid on 5th occupation. All contributions to be spent within 7 years of receipt.
	2nd Trigger off site	N/A

21/00340/FUL	Erection of 33 dwellings, associated car parking provision and ancillary works in respect of Phase 4 of 15/01665/OUT Land At Coventry Road,Lutterworth
--------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------

Leicestershire Highways

The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and/or planning obligations outlined in this report

Site Access The LHA previously advised the applicant to consider removing the proposal for the agricultural access as it does not form part of the development proposals and is not mentioned or assessed in the transport statement. The applicant has now outlined in paragraphs 2.8 to 2.10 of the TS that the temporary agricultural access will provide access for the agricultural tenant to the fields to the west of the site. The access track will keep agricultural movements away from residential areas and remove the requirement for agricultural vehicles to use the initial section of Public Rights of Way X35 and X57 which was the case prior to the development proposals. Notwithstanding the above the LHA has confirmed with the LPA that the permanent use of this access is not being determined as part of this application. The applicant will need to apply for the permanent access and include all relevant drawings in their submission, including the vehicle tracking drawing as shown on drawing number: 17416-5-LUTT-525.

After further design checks the LHA now considers the revised layout shown on drawing number: 18546/1002 Revision D has been designed in accordance with the LHDG and is therefore considered suitable for adoption by the LHA. This is subject to further approval at the Section 38 technical stage outside the planning arena.

Parking After a spot check of the parking strategy as shown on drawing number: 18546/1004, Revision B the LHA is satisfied with the level of parking across the site.

Private Drives If the LPA are minded to grant approval of this application the width of the private access drives should be consistent for the number of dwellings being served in accordance with the Highway Authority's Design Guide. This means that for private drives that serve two - five dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the highway boundary. Conclusion The applicant has demonstrated that a safe and suitable access to serve the proposed development can be delivered. The applicant has also tested the impact of the proposed development on the local highway network and the LHA considers that the residual cumulative impacts of development can be mitigated. A review of the revised internal layout submitted now demonstrates a development which the LHA would consider acceptable for the purposes of the planning application and potentially

adoptable as part of a future Section 38 submission. Therefore the LHA would not seek to resist application 21/00340/FUL on highway grounds subject to the inclusion of the following conditions and contributions

Recommendation update:

Highway conditions, note and obligations recommended:

1. No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period. a) the parking of vehicles of site operatives and visitors; b) loading/unloading and storage of plant, materials, oils, fuels, and chemicals; c) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing; d) wheel washing facilities and road cleaning arrangements; e) measures to control the emission of dust during construction; f) a scheme for recycling/disposing of waste resulting from site preparation and construction works; g) measures for the protection of the natural environment; h) hours of construction work, including deliveries and removal of materials; i) full details of any piling technique to be employed, if relevant; j) location of temporary buildings and associated generators, compounds, structures and enclosures k) routeing of construction traffic l) full details of any floodlighting to be installed associated with the construction of the development. Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.
2. No residential unit shall be occupied until the parking and turning facilities associated with that unit have been implemented in accordance with Woods Hardwick, drawing number: 18546/1004, Revision B. Thereafter the onsite parking provision shall be so maintained in perpetuity. Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).
3. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity. Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, and to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).
4. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015

(or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary and shall be hung to open away from the highway. Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2019).

5. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of all private accesses with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity. Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2019).

Contributions To comply with Government guidance in NPPF and commensurate with Leicestershire County Council Planning Obligations Policy the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use: 1. Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge. Justification: To inform new residents from first occupation what sustainable travel choices are available in the surrounding area. 2. 6 month bus passes, two per dwelling (Application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass (cost to be confirmed at implementation). Justification: To encourage residents to use bus services as an alternative to the private car

Additional Note

The proposal to utilise temporary construction access for permanent agricultural access (drawing 18546/1001) does not form part of this consent and should be subject to a separate planning application specifically for that permanent use if proposed.

21/00567/FUL	Erection of a dwelling (Revised Scheme of 19/01211/FUL), 41 Main Street, Great Bowden
--------------	---------------------------------------------------------------------------------------

LCC Highways (19th July)

A site visit has been carried out to review the access:

- Main Street is subject to a 30mph speed limit, and this is an existing vehicular crossover type access which already serves a number of dwellings.
- Visibility splays of 2.4m x 43m are achievable in accordance with the requirements for a 30mph road, in accordance with the Leicestershire Highway Design Guide (LHDG)

21/00770/FUL	Erection of a detached dwelling, alteration to access, amenity space and associated works, 87 Leicester Road, Kibworth Harcourt
--------------	---------------------------------------------------------------------------------------------------------------------------------

21/00677/REM	Application for the approval of reserved matters (layout, scale, appearance, landscaping and internal access) plots I and H of hybrid application ref 15/01531/OUT and APP/F2415/W/18/3206289. Land At Mere Lane, Magna Park, Bittesby
--------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

21/00798/FUL	Removal of existing workshop/garage and erection of a dwelling (revised scheme of 19/01900/FUL), Land Opposite No 10 Harrod Drive, Market Harborough
--------------	------------------------------------------------------------------------------------------------------------------------------------------------------

21/00983/FUL	Conversion of double garage into reception, bedroom and wet room for elderly relative, erection of a workshop and erection of a tool shed in rear garden, enlargement of front drive to accommodate additional two cars with permeable (resin bound) surface, 36 Alvington Way, Market Harborough
--------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Officer Report	
21/00250/FUL	Amendments to S106 and update on Legal position regarding Lutterworth East

Additional Representations Received:

Marrons Planning (obo Applicants)(15th July)

I refer to the above report which is being considered by planning committee next week. Having reviewed its content there are a number of matters that the Applicant would like to raise.

1. The scope of Recommendation A is considered to be too narrow and should be expanded to provide the Development Planning Manager with delegated authority to agree more than just the final amount of safeguarded land. We suggest the wording is amended to reflect the resolution of Planning Committee in July 2020, with delegation to the Development Planning Manager to agree the final wording and trigger points of the obligations set out in Appendix B.
2. This is important because as you acknowledge in your Report at paragraph 3.6 (footnote 1), the detail of the S106 clauses has not been agreed with the Applicant (particularly in terms of the length of time the land is to be safeguarded). It would be unhelpful for this matter to have to be reported back to Committee following negotiations on the wording and trigger points.
3. Further, it should be noted that the Applicant has concerns with the suggestion within Appendix B (Delivery Column) that land for the leisure centre be safeguarded for five years following the occupation of the final dwelling (currently projected to be 2045). Safeguarding for this period goes far beyond what is reasonable and would fail the necessary tests. It is not consistent with the District Council's own commitment in its Built Sports Facilities Strategy (BSFS) to address the issue of Sports Centre provision in Lutterworth well in advance of the end of the Plan period in 2031 (as noted in your Report at paragraph 4.1). Indeed, the BSFS suggests that the District Council takes the lead on identifying long term site options for Lutterworth Sports Centre in 2023 (Figure 57: Actions for forward and development planning, page 207). Leaving an area of undeveloped land at the heart of the new community for such a long period will not support the aim of creating an attractive, high quality community hub serving the needs of the new community. The length of time the land is to be safeguarded requires further discussion before being agreed. Moreover, we note that Appendix B refers to land being safeguarded within the Community Hub, whereas it may be that alternative locations are more appropriate and we would not want to unnecessarily preclude those options at this stage. The BSFS also demonstrates that there is no requirement for two sports centres in the town. Therefore, the main function of the proposed planning obligation is to ensure that Lutterworth does not lose its Leisure Centre altogether. Thus, the Section 106 should also provide that if the existing Leisure Centre site is not chosen for retention and investment, HDC's lease on the Site should be relinquished.
4. In respect of the request for a financial contribution towards Wheelie Bin provision, the Applicant is concerned that the District Council are not applying Policy IN1 consistently. If the District Council are of the view that wheelie bins are infrastructure that should be provided by the developer in accordance with IN1, then this should be applied to all planning applications for residential development. It is therefore questioned why to our knowledge this Application is the only proposed development where this is being sought. For example, it is not in the planning obligations schedule for 20/00891/FUL (350 homes) which was recently determined by Planning Committee on 15 June. This date is after the initial request was made to the Applicant for Wheeled Bin provision. Nor it is included within the schedule for 21/00340/FUL

(33 homes) which is also being considered next week. Providing a contribution in these circumstances would not be fair, and therefore fails the necessary tests.

5. There is no reference within the Report or its Appendices to obligations relating to GP Provision (CCG) and the Police. Clarification is sought as to how the District Council intend to deal with these requests.

I would be grateful if you would give consideration to the above points and advise Committee accordingly next week.

We will provide you with a separate note with Heads of Terms for the Safeguarded Leisure Land which accords with Local Plan Policy L1, and the evidence in the Council's adopted Built Sports Facilities Strategy, and the sequential approach to finding establishing leisure provision in Lutterworth.

The Wilkes Partnership (obo University Hospitals of Leicester NHS Trust) (20th July)

This is a response to the Officer's report to the Planning committee on the 20.7.2021 in relation to the planning application 19/00250/OUT.

1. The additional appeal decisions (most recent update sent to the Council on 15.7.2021) are part of series of appeal decisions, which have been provided to the Council since the start of responding to planning the consultation. These are material to the planning consideration.
2. In the officer's report, the Council has stated that only in the Teignbridge decision the issue of revenue contribution to an NHS body was considered in detail because it was in disputed and therefore only the Teignbridge decision will have any weight. This analysis of the appeal decisions is misleading.
3. In every appeal, both the Appellants and the Council have been represented either by Leading Counsel or very Senior Junior. Some leading Counsels have dealt with the NHS Trust Contributions many times over. For example, Christopher Young QC has appeared in at least two appeals. Prior to the Hereford appeal he had already carried out a very vigorous questioning of the relevant Trust.
4. Further just because the matter has not been contested does not mean that it has not been considered. First of all this assertion fails to take into consideration the fact that it is possible that advocates and the Secretary of State and his Inspectors actually agree that the contribution requested to mitigate the impact on the acute and in some cases, community services is compliant with Regulation 122 test.
5. In the officer's report, stating "not contesting the matter" implies that the relevant Councils, Appellants and their very senior advocates have just agreed and not considered the matter in detail. This is simply not the case.
6. The officer also suggests that the Inspectors in the latest appeals provided had not assessed the legal and policy test independently. The Secretary of State and his Inspectors are required to assess that the contributions requested comply with the legal and policy test independently. The assertion that they have not done so is also without any evidence.
7. I can confirm that in the updated appeal decisions, which include the most recent ones, the relevant Trusts had submitted detailed consultation responses and other evidence including response to the issues raised in Wolborough Barton Decision in respect those decision that were dealt after Wolborough Barton. I have been involved with all of them. All Inspectors were fully aware of the Wolborough Barton decision, as were the Appellants and Councils' legal representatives. The Harborough District Council has been provided the same evidence and this evidence was repeated at the planning committee by the Trust and the CCG. Further, the Secretary of State and his Inspector did not question the legality of the contribution nor was the legality of the previous decisions of the Secretary of State or his Inspectors.
8. As I was also involved in the Teignbridge appeal and subsequent S288 Challenge, I can confirm that the Trust did not call three witnesses. S106 issues were discussed during the round table discussion, as has been the case with all the other appeals.

The discussion did not involve cross examination as the committee is made to believe by the officer.

9. In the Wolborough Barton decision, the Secretary of State and his Inspector relied on incorrect assumptions and facts as explained to the Council hence the challenge made (please see emails to Andrew Senior).
10. The Inspector and the Secretary of State mistakenly believed that NHS England can take into consideration all Local Plans and allocated Sites in England, plan accordingly, and pay for the impact that the new developments will create if it is made aware of those plans. In other words, that NHS England will mitigate the impact created by the developments (Decision letter paragraph 358) in relation to allocated Sites in the Local Plan irrespective of when (or indeed if) those allocations are delivered.
11. The funding model for NHS Trusts as approved by Parliament is not affected or otherwise influenced by planned development through allocations in an adopted development plan. The local Trust cannot influence the contractual terms of its funding model and the Secretary of State for Housing, Communities and Local Government cannot either change the spending priorities of another Government department by suggesting that that the Department of Health should mitigate the impact created by a development.
12. As to the mitigation calculation, the Inspector and subsequently the Secretary of State mistakenly believed that there is a 'lag' in the funding when in fact there was a permanent 'gap'. This has been previously explained to the Council in detail. The contribution is not "advanced payment" as indicated by the officer. The mitigation contribution requested is towards the permanent gap in the funding. There will be a practical and financial long-term effect on the services if the impact is not mitigated as explained to the Council.
13. The Trust has given a very detailed evidence on the impact that this development will create on the Trust's services. This has also been recognised by the Developer in the EI Assessment.
14. The assertions made in paragraph 3.36 ignores the legislative and policy framework, the Trust's consultation responses and comments. It is also a comment made without any evidence and therefore is misleading to the members and the public.
15. As to the High Court Case against the Secretary of State decision in relation Wolborough Barton Appeal, that matter was compromised; the developer providing the Claimant with a contribution towards provision of its health care services (as previously explained to the Council). The Secretary of State for Housing, Communities and Local Government paying their own legal costs. The relevant Trust was not against the development subject to that the Developer would mitigate the impact created and the Case was independently brought against the relevant Council.
16. The quoted (Abbotskerswell Parish Council v Secretary of State [2021] EWHC 555 (Admin) is incorrect case as the issues raised in that case were different and not related to the relevant Trust's S288 challenge. Any reliance on Abbotskerswell case has no effect contrary to the officer's comments made.
17. It is unfortunate that the Council has ignored the responses made to the Council as they clearly demonstrate together with the Appeal decisions provided why Wolborough Barton decision is an outlier and that the contribution requested complies with Regulation 122 test. The Council's bare assertion is not a reasoned explanation and lacks of careful analysis of the information and evidence provided. The approach is also inconsistent with Council's other requested s 106 contributions.
18. The mitigation of adverse impacts arising from residential development upon the delivery of healthcare services is a crucially important issue to the Trust and in particular, the ability to access health services is critical to the residents of this development and to the existing local population.

The Wilkes Partnership (obo University Hospitals of Leicester NHS Trust) (20th July)

This is a note to be read out at the Planning Committee re: 19/00250/OUT

This is a response to the Officer's report to the Planning committee on the 20.7.2021 in relation to the planning application 19/00250/OUT.

1. First of all the Trust would like to clarify that the Trust is not against the development subject to the impact on health services being adequately mitigated.
2. The Trust is assured that in all respects its application is CIL compliant. No substantiated evidence has been provided by officers to the contrary during discussions / correspondence.
3. During correspondence with officers it is evident that Committee Members and the public have been informed that the Trust is requesting S106 contributions to subsidise something that should be paid through national taxation. We have provided evidence that the Trust and local Commissioners (CCGs) are not able to influence the national funding formula for the NHS. Our CCG colleagues confirmed this at the Council meeting last year. It is simply irrational for the Local Planning Authority to assert that the arrangements could be amended by NHS Providers and Commissioners when the evidence provided outlines that there is no such possibility in practice. We also fail to understand why the NHS should be treated differently from other National / Local Taxation funded services such as Education and Highways.
4. The additional appeal decisions (most recent update sent to the Council on 15.7.202) are part of a series of appeal decisions, which have been provided to the Council since the start of responding to planning consultations. These are material to the planning consideration.
5. The detailed response to the Officer's report is attached. However, there are some salient points that the University Hospitals of Leicester NHS Trust wishes to make as follows:
6. The Trust consultation response is a request for contribution to mitigate the impact that this development will create on acute hospital services.
7. The contribution sought is very carefully and conservatively calculated. As previously explained in the responses given to the Council, the mitigation calculation takes into consideration that not every resident will be using the Trust's services. It takes into consideration that not all residents are new to the Trust's catchment area. The contribution is only towards those residents of the new development that are likely to use the Trust's services. The Trust is not asking for 100% contribution as was previously reported by the officers.
8. The contribution request is towards the costs that the Trust will never recover retrospectively.
9. It is not "advanced payment" as indicated by the officer's report. There is no lag in the funding but a permanent gap. The Contribution is towards mitigating the impact that this development will create and as confirmed by the Developer in their Environmental Assessment.
10. The updated appeals will include a further two appeals not mentioned in the report and all in favour of the relevant Trusts. The Inspectors have independently assessed the request for contribution against the required policy and legal test and not just agreed as is made to believe by the officer in his report and without any evidence to support such an assertion.
11. Finally the Trust will ask you to carefully read the response to the officer's report attached to this note.

Officer Comment:

In relation to Points 1 and 2 of the Marrons Planning letter, Officers concur with the sentiments set out, and as such, have agreed to amend Recommendation 2.1 as set out below.

In relation to Point 3 of the Marrons Planning letter, Officers concur with the sentiments set out, and as such, have agreed to amend the "Obligation for Leisure Centre Land" section of Appendix B as set out below.

In relation to Point 4 of the Marrons Planning letter, Officers can confirm that, in relation to 20/00891/FUL, a contribution for Wheelie Bins was sought, however, upon closer inspection, it became apparent that, although there is provision within Policy L1 – East of Lutterworth Strategic Development Area (and also SC1 – Scraftoft North Strategic Development Area) under which such an obligation can be secured, there is no such provision within Policy MH2 – East of Blackberry Grange. As such, without the policy basis to secure such an obligation, Officers were unable to pursue this any further. Likewise, as part of the consideration of 21/00340/FUL, it was not considered that Policy IN1 on its own, was a strong enough justification to secure the obligation.

In relation to Point 5 of the Marrons Planning letter, Officers consider that the Delegated Authority which was given to the Development Planning Manager (in coordination with the Chair of Planning Committee) by the Planning Committee at the meeting of the 28th July 2020 was sufficient to cover this matter. As such, it was not considered necessary to provide an update on this matter in this current forum.

As a general point, Officers would emphasise that the only amendments being sought to the original S106 Appendix are those that are highlighted in Yellow in Appendix B of the current report. All other elements (including delegated authority to resolve those issues which were outstanding) remain as per the 28th July 2020 Committee Report.

Amendments to Officer Recommendation:

The Officer recommendation on Page 212 should be amended to include the wording in *italics and underlined* and remove the wording which has been ~~struck through~~

- 2.1 To agree that the agreed S106 Contributions be amended (as per Appendix B = **Obligation for Leisure Centre Land**) to reflect ongoing discussions by including the principle of the requirement for land to be reserved for the provision of a Leisure facility on site, with Delegated Authority given to the Development Planning Manager to agree the final amount of land to be safeguarded, **the final wording and trigger points of the obligations.**
- 2.2 To agree that the **agreed** S106 Contributions be amended (as per Appendix B = **Obligation for Wheelie Bins**) to reflect the requirement for funding for the provision of Wheelie Bins to domestic properties, with Delegated Authority given to the Development Planning Manager to confirm detail (including trigger and phasing) of this request.
- 2.3 To agree that the agreed S106 Contributions be amended (as per Appendix B = **Obligation for Education**) to reflect the increased cost of providing the required Primary Schools on site, with Delegated Authority given to the Development Planning Manager to agree the final level of contribution.

Revised Section of Appendix B:

The content of Appendix B should be amended to include the wording in *italics and underlined* and remove the wording which has been ~~struck through~~

Request by HDC	Obligation for Leisure Centre Land		
Amount /Detail	Delivery	CIL Justification	Policy Basis
Land to be safeguarded at the Community Hub <i>or</i>	Land to be safeguarded for a minimum of 5	The planning obligation is directly related to the development. The land to be safeguarded, or the joint Community /	Local Plan Policy L1

<p><i>elsewhere on site)</i> for the provision of a new replacement Leisure Facility.</p> <p>Alternatively, a joint facility (combined with the Community Facility as set out above) could be delivered</p>	<p>years following the occupation of the final dwelling on the site and transferred to HDC upon request during such time</p> <p><i><u>Trigger points for delivery of land to be agreed as per amended Recommendation 2.1 above</u></i></p>	<p>Leisure Facility to be provided, is located on the development site and will be in easy access for all residents. The planning contributions are fairly related to the size of the development having been calculated using the new population for which the development will cater as evidence for the calculation.</p>	
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Planning Committee Speakers List – 20th July 2021

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)
21/00798/FUL	Market Harborough	Chris Gilliam	O	3
		David Morris	O	3
		Tim Pepper	O	3
		Mr V Pabari	A	3
		Mr P Baildon	AG	3
		Miss K Pabari	S	3
21/00770/FUL	Kibworth Harcourt			
21/00567/FUL	Great Bowden	Pauline Anstead	O	3
		Nicholas Anstead	O	3
		Edwin Gregory	O	3
20/01783/FUL	Bitteswell	Lucy Tankard	O	3
20/00770/FUL	Market Harborough	Dylan Jones	O	3
		Lee Staniforth	AG	3
21/00340/FUL	Lutterworth			
21/00677/REM	Bitteswell with Bittesby	Louise Steele	AG	3
21/00983/FUL	Market Harborough			

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

PLANNING COMMITTEE MEMBERSHIP 2020/21

Councillors Mrs Ackerley, Mrs Burrell, Champion (Chairman), Elliot, Frenchman, James, Liquorish, Modha (Vice-Chairman) and Nunn.

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.