

PLANNING COMMITTEE: 3rd December 2024
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:

Application Ref: 24/00528/OUT	Location: Land North of Broughton Way, Broughton Astley Proposal: Outline application for the development of up to 17 self-build residential dwellings (access only to be considered)
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Correspondence received:

Emails from the agent, stating that the call-in requests are contrary to the Scheme of Delegation as they were made outside of the 28-day timeframe as stated on the Council’s website, and that therefore the decision should be delegated to officers, rather than made by the Planning Committee.

Officer response: Unfortunately the information on the Council’s website relating to the planning process is incorrect. The Council’s Constitution (also on the website) clearly states that the 28-day time period for call-in starts with the publication of the weekly list, not the validation of the application. The call-in requests for this application were received within 28 days from publication of the weekly list, were received in writing and included valid planning reasons. The application can therefore be determined by the Planning Committee, in line with the Scheme of Delegation in the Council’s Constitution.

Correction to report:

Paragraph 6.26 erroneously quotes paragraph 100 of the NPPF. This should be paragraph 104. For the avoidance of doubt, officers consider that the proposal does not achieve the requirements of paragraph 104 of the NPPF.

Latest update on S106 legal agreement:

The case officer has been copied into emails between the agent and the legal department of LCC, demonstrating that discussions are underway regarding the draft S106 legal agreement to secure financial contributions and provision of all the dwellings as self-build.

Final comments from LCC Ecology:

Holding Objection:

BIODIVERSITY NET GAIN (BNG) specific comments:
<ul style="list-style-type: none">• Mandatory Biodiversity Net Gain applies to this development given the size of the development site.• Currently the main habitat has been assessed as poor condition other neutral grassland with the justification being there are too many suboptimal species; however, in the report it states that this criterion is passed and is less than 5%. The other justification states that
<p><i>'rye grass was found to be on average close to 30%'</i> which does not provide me with confidence that there is >30% rye grass and white clover which would result in the failing of criterion A. Photographs of the habitat would be beneficial and a DAFOR scale (or the habitat description being more detailed than just a list of species, such as which species were frequently recorded and which rarely recorded etc), will enable any planning ecologist to be confident in the assessments made.</p>
FURTHER INFORMATION REQUIRED:
<ul style="list-style-type: none">• The surveys for reptiles were carried out over 2 years ago therefore are outdated.• The submitted PEA is also outdated therefore an up-to-date survey needs to be carried particularly for the mobile species such as badgers (it is stated in the original PEA that it is valid for only 18 months). Given a walkover was carried out in June 2024, it should be clarified if a search for protected species was also carried out.• Further survey for bats should be provided, unless a buffer area can be provided between the houses and boundary hedgerows / line of trees / woodland.• It's not clear the evaluations for great crested newts, please can it be clarified the recommended further survey / mitigation strategy. If the district level licencing will be joined for great crested newts, the countersigned IACPC needs to be submitted.• ODPM Regulations require all surveys to be submitted prior to the determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted (Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)). As such should any further surveys be recommended following the PEA, these should be carried out prior to determination.
AMENDMENTS RECOMMENDED:
<ul style="list-style-type: none">• Whilst the application is in outline stage, with the site layout not confirmed, I do have initial concerns that no buffer areas are provided with the rear gardens and the boundary woodland / hedgerows / line of trees on the indicative site plan. This should be applied to ensure the boundary habitats do not deteriorate or be removed by homeowners, and the appropriate management can be ensured.

Recommended Reason for Refusal 2

The application fails to demonstrate that the proposed development will not have a detrimental impact upon protected species. Furthermore, the proposal contains insufficient information in regard to the site's biodiversity baseline from which Biodiversity Net Gain can be calculated. It is therefore not possible to establish whether the proposal could comply with the mandatory requirements for BNG. The application is therefore contrary to Policies GD8, GI2, GI5 of the Harborough District Local Plan or with paragraphs 186 and 188 of NPPF.

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Application Ref: 24/00888/FUL	Location: Land to The West Of Leicester Road, Market Harborough Proposal: Erection of 17 dwellings
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Updated Comments from LLFA, 02.12.2024

The 1.69ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and predominantly at very low surface water flooding, with areas of low to medium risk associated with the watercourse along the northern boundary.

A Flood Risk Assessment has been submitted, with further details of the surface water drainage approach provided within the accompanying Sustainable Drainage Statement (SDS), however this is not available to review* As such the LLFA are unable to provide a substantive response at this stage.

Whilst the Applicant provided the document via a link, due to documents file size, the LLFA were unable to open the 'link' and when the planning team tried to open the link, following the system upgrade, to upload the document to the website, the link had expired, but a new link was not requested, which lead to a further delay. The report is now available for the LLFA to review, but a response is unlikely to be provided in time for tonight's decision.

It is suggested therefore, if Members are minded to 'Approve' the application as per the Officer recommendation, a decision will not be issued until the LLFA comments are received and the LLFA advise they are satisfied with the drainage strategy contained within the document.

Updated Comments from LCC Ecology - Awaited

Revised comments from County Ecology are still awaited following the submission of the Bio-diversity Gain Metric; but Officers are satisfied that the BNG Metric indicates that the scheme is delivering an uplift in terms of BNG compared to the baseline position.

Previously Ecology commented about the baseline BNG position, but Officers agree with the Applicant that the baseline cannot be backdated to pre-development, nor is there any policy requirement for applicants to establish a baseline premised on previously approved plans for reserved matters and in any instance, there is no fixed landscaping arrangement for this phase.

Ecology also recommended that the landscaping plans are updated to ensure that there is no loss of habitat. The Applicant has confirmed that they are happy to integrate replacement trees with the site's landscaping. These additional trees can be included in the wording of the condition which concerns the landscaping scheme.

Amended Condition 4

Notwithstanding condition 2, no above ground works shall take place; until details of the enhanced landscaping by way of additional "Native Tree" planting within and on the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority.

The approved details shall be implemented in during the first planting and seeding season prior to, or immediately following, the first occupation of the building to which it relates. All hard landscaping comprised in the approved Landscape Scheme shall be completed prior to the first occupation of the building to which it relates.

Any trees, shrubs, hedges or plants which, within a period of five years from their date of planting, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

REASON: For the avoidance of doubt and to ensure a satisfactory form of development which minimises its impact on the surrounding landscape and to ensure compliance with Policy GD8 of the Harborough District Local Plan

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Application Ref: 24/01357/OUT	Location: The Causeway, Church Causeway, Church Langton Proposal: Outline application for up to two serviced plots for self-build and custom housebuilding (access and layout to be considered) (Revised scheme of 24/01127/OUT)
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Additional Representation Received - 02.12.2024

As a ward Cllr for Kibworths ward including Church Langton, I am in support of this self-build custom build outline proposal.

As is stated in the officer's comments in paragraph 6.40 *the proposal would not result in harm to the significance of the Church Langton Conservation Area and would not reduce the perceived separation between Church Langton and East Langton.*

Comments from LCC Ecology 21.11.24

No objection:

I have reviewed the 'Phase 1 Preliminary Ecological Appraisal' report dated September 2024 completed by Dr Stefan Bodnar. The assessment identified that the majority of the proposed development site (grassland) is of "low ecological value" and does not meet Local Wildlife Site (LWS) criteria. Although important features such as native hedgerows & trees are present within the site and should be retained and protected. The potential impacts upon protected/notable species has been adequately assessed and no further species-specific surveys have been recommended. Instead, given the habitats present and the size of the proposed development a series of precautionary measures (Section 4.4) have been recommended during construction phases which should be adhered to at all times

- Page:

<p>Application Ref: 24/00932/VAC</p>	<p>Location: Land East Of Lutterworth, Gilmorton Road, Lutterworth</p> <p>Proposal: Hybrid planning application comprising Outline application for development (including demolition) of up to 2,750 dwellings, business, general industrial and storage and distribution uses, two primary schools, neighbourhood centre, public open space, greenspace, drainage features, acoustic barrier, and other associated infrastructure (some matters reserved), and full application for the development of a spine road and associated junctions with the A426 north of Lutterworth, Gilmorton Road, Chapel Lane (including the partial closure and realignment of Chapel Lane to motor vehicles and horse riders), and the A4304 east of M1 Junction 20, comprising carriageway, footway, cycleway and associated infrastructure to include earthworks, bridge structures, services, drainage, landscaping, lighting and signage. <u>(Variation of condition 50 (Traffic Signage), 51 (PRoW Strategy) and 54 (Pedestrian Crossings) and Removal of condition 20 (B8 limitation) of 19/00250/OUT)</u></p>
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Letters of Representation

One additional letter of representation has been received from a property in Cold Newton stating:

- Reduction to 10% Affordable Housing from 40% on grounds of financial viability appear to be misleading at best
- A lack of investment in social and affordable housing extending back decades has resulted in a desperate situation which needs addressing as a matter of urgency.
- HDC should insist that the developer stick to what was originally agreed.

One additional letter of representation has been received from Cllr Blake Pain (County Division Councillor for Lutterworth East) stating:

- The substantive application for the Lutterworth East strategic site has been in the HDC Local Plan for some time. The application before you is seeking amendments, the reasons for which have been clearly set out in the attached letter from LCC
- I understand there has been a whipped up, politically motivated frenzy, with reference to this particular application. I am at a loss to explain what the motivation might be. Some might suggest a phenomenon, better described by a lady called Laura Fortgang's, known as 'Hero Syndrome' - a phenomenon affecting people who seek heroism or recognition, usually by creating a desperate situation which they can resolve and subsequently receive the accolades from.

- I can tell you that I have been a County Councillor for over 20 years and for the division affected by this application for over two terms. To date, I cannot recall being contacted by one resident who has expressed concerns to me with regards to the application before you. Why therefore so much political sabre-rattling?
- The legal advice attached to the report clearly set out the implications for refusing the application.

Additional Matters

Officers have sought on this matter from Simon Bird KC. This advice is set out below:

HARBOROUGH DISTRICT COUNCIL LUTTERWORTH EAST

A D V I C E

1. My advice is sought on the importance of the Lutterworth East development, which presently benefits from planning permission granted by the Harborough District Council (“HDC”) to the Council’s future housing land supply. I understand that the Council’s Planning Committee is to determine two applications relating to the development at its meeting in December. The two applications propose:
 - (a) a reduction in the amount of affordable housing onsite from 40% to 10% accompanied by a viability review mechanism for each phase of the development allowing for a potential claw-back and increased affordable housing provision over the lifetime of the development; and
 - (b) an increase in the size of the proposed B8 Units on the site. The overall provision of B8 floorspace will not change, but the change will allow larger units within the overall permitted total.
2. The applications have been advanced because the delivery of the development, as originally permitted, has been constrained by scheme viability.
3. The Lutterworth East Strategic Development Area (“the SDA”) is allocated under policy L1 of the Council’s adopted Harborough Local Plan 2019 for 2750 dwellings of which 1260 were anticipated to be delivered in the period to 2031. It is clear therefore that the SDA was regarded as important component not just of the existing Local Plan, but also of any strategy for development beyond 2031.
4. I understand that work on the preparation of the Council’s Regulation 19 draft Local Plan, identifies a housing requirement for the period 2020-2024 using the current Standard Methodology of 13,182 dwellings. Having allowed for completions, an element of windfall development and commitments (which *include* delivery from the Lutterworth East SDA), the Council will need to find additional housing sites to be allocated in order to meet this requirement. I am told that the current assessment by the Council’s officers shows that, of the existing commitment for 8,427 dwellings which the Council can rely upon, some 1500 dwellings would be delivered on the SDA in the period to 2041, with, importantly, completions coming on stream in 2031.
5. The Council’s housing trajectory and its ability to be able to show a rolling five year land supply going forward is, I am told, dependent upon being able to rely on this contribution from the SDA.
6. It is relevant to the decisions which the Council has to take in December that, if the SDA’s contribution to forward housing land supply cannot be relied upon, even

where the Council can rely upon the existing Standard Methodology requirement, additional land for housing will need to be identified. If the Government's revisions to the Standard Methodology which were consulted upon in July 2024 are adopted, then the need to find replacement site or sites in the near future would be even greater.

7. If the continuing suitability of the Lutterworth East SDA for housing development were to be called into question, this would need to be reflected in the preparation of the emerging Local Plan. On current information, additional site or sites will need to be found to allocate for housing development in order for the Council to be able to publish a sound draft plan. The Council will need to weigh the housing benefits of securing delivery on its chosen SDA against any planning disbenefits of the changes applied for.

SIMON BIRD KC
25 November 2024

Francis Taylor Building
Inner Temple
London
EC4Y 7BY

Officers are aware that a series of additional conditions are to be suggested for Members to consider imposing on the consent by way of the new decision to be issued. These conditions are set out below, with a response from Officers on the matters concerned.

Suggested Condition 1: That the planning application must have a condition that precludes the existing site and its perimeter from providing access to any other warehousing, industrial or commercial development.

Officer Response: *The approved Parameters Plan clearly sets out the use which is allowed in each parcel of the development site. The Parcel subject to consideration this evening is the ONLY Parcel on the site where B8 development is permitted. To seek to allow B8 development on any wider part of the site, or beyond the site, would require a new Planning Application to be submitted. To impose a further condition restricting B8 development on the wider site, or adjacent to the site, would be unnecessary and unreasonable, therefore failing 2 of the tests of which Planning Conditions are required to meet¹. Furthermore, HDC has not been presented with any evidence to justify such a restriction, and it could be seen as pre-determining the consideration of any future application, on or adjacent, to the site. For these reasons, Officers do not recommend that such a condition be imposed.*

Suggested Condition 2: The warehouse operator to enter into a service agreement with suppliers, customers or users of the warehouses that demands that they route vehicles away from Lutterworth Town Centre.

Officer Response: *Application 19/00250/OUT was assessed on the basis of 50,000sqm of B8 floorspace. This includes the Highway's assessment of the application, and on the basis of this assessment, no Highways reasons were put forward to require such a condition at the time of the consideration of the original application. The 9,000sqm cap on individual units was imposed by Officers on the basis Local Plan Policy L1 allowed for B8 development, and not*

¹ Para 55 of the NPPF states "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects."

*“Strategic” B8 development which is considered under Local Plan Policy BE2 which required Strategic development at Magna Park to consist of units no smaller than 9,000sqm. The current application does not seek to increase the level of B8 provision at the site over what was considered by LCC Highways and approved by HDC, it merely seeks to amend the potential configuration of the site. LCC highways have confirmed (see **Figure 3** of the Officer Report) that they did not advise the limit on the size of the B8 units and that their assessment was carried out on the basis of 13Ha of B8. This application has not altered the level of provision, and therefore: Officers cannot recommend that the suggested Condition be imposed.*

Officers have received notification from the Crown Casework Unit at the Ministry of Housing, Communities and Local Government (Chief Planners Directorate) in exercise of her powers under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Secretary of State hereby directs HDC not to grant permission on this application without specific authorisation. This direction is issued to enable her to consider whether she should direct under Section 77 of the Town and Country Planning Act 1990 that the application should be referred to her for determination. This direction does not prevent HDC from considering the application, forming a view as to the merits or, if they are so minded, refusing permission. On the basis of this correspondence, Officers have amended their recommendation as set out below

Amended Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report, subject to Deed of Variation to tie this consent to the original S106 agreement and subject to confirmation from the Crown Casework Unit that the Secretary of State has lifted the direction not to grant Planning Permission issued on 2nd December 2024

Page:

Application Ref: 24/01135/S106	Location: Land East Of Lutterworth, Gilmorton Road, Lutterworth Proposal: Varying the existing Section 106 Agreement for the East of Lutterworth SDA 19/00250/OUT to a minimum of 10% and a maximum of 40% affordable housing
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Letters of Representation

One additional letter of representation has been received from a property in Swinford stating:

- My objection under 24/00932/VAC covers this in that the 40% affordable housing requirement is already lower than the Government guidance of a minimum 50% affordable.

One additional letter of representation has been received from Cllr Blake Pain (County Division Councillor for Lutterworth East) stating:

- The substantive application for the Lutterworth East strategic site has been in the HDC Local Plan for some time. The application before you is seeking amendments, the reasons for which have been clearly set out in the attached letter from LCC
- I understand there has been a whipped up, politically motivated frenzy, with reference to this particular application. I am at a loss to explain what the motivation might be. Some might suggest a phenomenon, better described by a lady called Laura Fortgang's, known as 'Hero Syndrome' - a phenomenon affecting people who seek heroism or recognition, usually by creating a desperate situation which they can resolve and subsequently receive the accolades from.
- I can tell you that I have been a County Councillor for over 20 years and for the division affected by this application for over two terms. To date, I cannot recall being contacted by one resident who has expressed concerns to me with regards to the application before you. Why therefore so much political sabre-rattling?
- The legal advice attached to the report clearly set out the implications for refusing the application.

Misterton Parish Council submitted comments on the 13th November. Unfortunately these were omitted from the original report, but are provided below for completeness.

- The original application, 19/00250/OUT, proposed the inclusion of 40% affordable housing within the development. The amount of affordable housing was then in accordance with the adopted Harborough Local Plan and was considered financially viable when the application was submitted. Local plan guidance has not changed and very little affordable development has occurred within the district. Misterton with Walcote Parish Council feels strongly that the need for affordable housing remains. Our parish has been directly affected. Although there is an identified local need, no new affordable housing has been developed and a number of young people who hoped to secure homes have now left the area as no suitable accommodation is available locally.
- The price of housing locally continues to climb. If no affordable housing is included in the mix, the average house price will be further inflated. Thus the affordable element, pegged at 80% of the local average price, will become dearer, making even affordable housing more expensive and less accessible to those on modest and average incomes.

- If, as is claimed, the housing market is sluggish, it seems unlikely that building more expensive property will generate the boost needed to reignite the market. Without first time buyers, the chain of house moves falters, so surely it makes sense to ensure the foundations of the local market remains healthy. The provision of affordable housing can only help.
- For these reasons, Misterton with Walcote Parish Council urges Harborough District Council to retain the existing 40% requirement for affordable housing on the Lutterworth East development ref 19/00250/OUT

Additional Matters

Officers have sought on this matter from Simon Bird KC. This advice is set out below:

HARBOROUGH DISTRICT COUNCIL LUTTERWORTH EAST

A D V I C E

1. My advice is sought on the importance of the Lutterworth East development, which presently benefits from planning permission granted by the Harborough District Council (“HDC”) to the Council’s future housing land supply. I understand that the Council’s Planning Committee is to determine two applications relating to the development at its meeting in December. The two applications propose:
 - (a) a reduction in the amount of affordable housing onsite from 40% to 10% accompanied by a viability review mechanism for each phase of the development allowing for a potential claw-back and increased affordable housing provision over the lifetime of the development; and
 - (b) an increase in the size of the proposed B8 Units on the site. The overall provision of B8 floorspace will not change, but the change will allow larger units within the overall permitted total.
2. The applications have been advanced because the delivery of the development, as originally permitted, has been constrained by scheme viability.
3. The Lutterworth East Strategic Development Area (“the SDA”) is allocated under policy L1 of the Council’s adopted Harborough Local Plan 2019 for 2750 dwellings of which 1260 were anticipated to be delivered in the period to 2031. It is clear therefore that the SDA was regarded as important component not just of the existing Local Plan, but also of any strategy for development beyond 2031.
4. I understand that work on the preparation of the Council’s Regulation 19 draft Local Plan, identifies a housing requirement for the period 2020-2024 using the current Standard Methodology of 13,182 dwellings. Having allowed for completions, an element of windfall development and commitments (which *include* delivery from the Lutterworth East SDA), the Council will need to find additional housing sites to be allocated in order to meet this requirement. I am told that the current assessment by the Council’s officers shows that, of the existing commitment for 8,427 dwellings which the Council can rely upon, some 1500 dwellings would be delivered on the SDA in the period to 2041, with, importantly, completions coming on stream in 2031.
5. The Council’s housing trajectory and its ability to be able to show a rolling five year land supply going forward is, I am told, dependent upon being able to rely on this contribution from the SDA.

6. It is relevant to the decisions which the Council has to take in December that, if the SDA's contribution to forward housing land supply cannot be relied upon, even where the Council can rely upon the existing Standard Methodology requirement, additional land for housing will need to be identified. If the Government's revisions to the Standard Methodology which were consulted upon in July 2024 are adopted, then the need to find replacement site or sites in the near future would be even greater.
7. If the continuing suitability of the Lutterworth East SDA for housing development were to be called into question, this would need to be reflected in the preparation of the emerging Local Plan. On current information, additional site or sites will need to be found to allocate for housing development in order for the Council to be able to publish a sound draft plan. The Council will need to weigh the housing benefits of securing delivery on its chosen SDA against any planning disbenefits of the changes applied for.

SIMON BIRD KC
25 November 2024

Francis Taylor Building
Inner Temple
London
EC4Y 7BY

Officers are aware that a series of additional conditions are to be suggested for Members to consider imposing on the consent by way of the new decision to be issued. These conditions are set out below, with a response from Officers on the matters concerned.

Suggested Condition 1: That the housing development is determined in phases.

Officer Response: This application relates solely to the variation of the S106 agreement, and therefore there is no mechanism by which additional conditions could be imposed upon the Planning Permission for the site. Notwithstanding this, there is provision to include additional obligations and clauses within the S106. Condition 5 of the Planning Permission sets out a requirement for a Site-wide Phasing Programme to be submitted prior to commencement of any development (apart from Highways works) north of the A4304. This Phasing Programme is required to include triggers for provision of infrastructure within the individual phases, and across the site. Furthermore, the S106 includes within it, at Appendix 4, an agreed Phasing Plan which identifies that the site will be developed in 4 phases. On this basis, officers do not consider that, even if it were possible to impose conditions (which, as set out above, it is not) to impose a further S106 obligation or clause requiring the housing development to be determined in Phases would not be necessary to make the development acceptable, therefore failing 1 of the tests of which Planning Obligations are required to meet². For these reasons, Officers do not recommend that such an obligation or clause be imposed.

Suggested Condition 2: That at the commencement of each phase, the percentage of affordable homes in that phase is no less than the greater of either the Local Plan (from time to time in force) or the requirements of the NPPF (from time to time in force).

² Para 57 of the NPPF states " Planning obligations must only be sought where they meet all of the following tests ²⁴:

- (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."

*Officer Response: This application relates solely to the variation of the S106 agreement, and therefore there is no mechanism by which additional conditions could be imposed upon the Planning Permission for the site. Notwithstanding this, there is provision to include additional obligations and clauses within the S106. As set out in **Para 6.35 of the Officer Report**, through negotiations, officers have secured a Review Mechanism on a phase-by-phase basis. This will require that (prior to the submission of the first Reserved Matters application on a Phase, as identified in the S106) the applicants submit a revised Financial Viability Assessment reflecting up to date development costs and market conditions and concluding with a revised Affordable Housing provision for that Phase, thereby ensuring that the development remains viable, and, if economic conditions improve, that an increased level of Affordable Housing can be provided on that Phase.*

To require at this stage that future phases deliver a level of Affordable Housing provision in line with the Local Plan or NPPF (whichever is the greater requirement) without the provision for this to be assessed and to reflect market and financial conditions would, potentially, result in future amendments to the S106 similar to that being considered now, with no guarantee that the requirement would be viable. The inclusion of the Review Mechanism allows for the level of Affordable Housing to be assessed to reflect the economic and market conditions at the time, providing for the maximum viable level of Affordable Housing without the need for further variations to the S106.

On this basis, Officers do not consider that to impose a further S106 obligation or clause requiring the Affordable Housing provision to be no less than the Local Plan or NPPF (whichever is the greater requirement) would not (for the reasons set out above) be necessary to make the development acceptable, therefore failing 1 of the tests of which Planning Obligations are required to meet². For these reasons, Officers do not recommend that such an obligation or clause be imposed.

Officers have received notification from the Crown Casework Unit at the Ministry of Housing, Communities and Local Government (Chief Planners Directorate) in exercise of her powers under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Secretary of State hereby directs HDC not to grant permission on this application without specific authorisation. This direction is issued to enable her to consider whether she should direct under Section 77 of the Town and Country Planning Act 1990 that the application should be referred to her for determination. This direction does not prevent HDC from considering the application, forming a view as to the merits or, if they are so minded, refusing permission. In light of the fact that (despite previous correspondence relating to both applications) the letter only specifically refers to 24/00932/VAC and not 24/01135/S106, Officers have sought clarification from the Crown Casework Unit on this matter. On the basis of this correspondence, Officers have amended their recommendation as set out below

Correction to the Report

Para 6.26 states that the original application (19/00250/OUT) was submitted in 2017, this should read 2019.

Amended Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report, subject to Deed of Variation to the original S106 agreement and subject to confirmation from the Crown Casework Unit that either the Secretary of State has lifted the direction not to grant Planning Permission issued on 2nd December 2024 or that the Direction does not apply to this application.