

PLANNING COMMITTEE: 28th February 2023
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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21/01975/OUT	Outline application for the erection of up to 34 dwellings (including 10 self build dwellings) (access to be considered) (revised description) Land North of Broughton Way, Broughton Astley
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Additional representation/consultation responses

Clarification from LCC Highways:

- ~ the access is acceptable on the basis of the details shown on the drawing “Access Alterations, Geometries and PROW Information (drawing number RHC-22-092-02 rev A 8 December 2022;
- ~ Recommends two additional conditions: vehicular visibility splays of 2.4m x 120m; hardbound surfacing of the access

Officer comment: if Members decide to approve the application then these two conditions are considered necessary in the interests of highway safety.

Correspondence from agent 21 February 2023 (summarised):

- ~ flooding and surface water drainage remains a “matter of active discussion between the consultee and the consultant”
- ~ determination of the application at this point is premature
- ~ technical information is being provided to address LLFA concerns yet the LPA are “choosing to ignore this material consideration”

Officer clarification:

LLFA concerns were first raised 26 November 2021. That response included a ‘checklist’ of information required. To date, there is still outstanding information on the checklist and no further information has been received from the applicant to address the LLFA’s latest response. The “active discussion” between the consultee and the consultant also included a period where the applicant requested that the details should be required by condition, rather than up-front.

Officers recognise that the applicant appears to be trying to satisfy the LLFA however there is still outstanding information and in the opinion of officers, a reasonable amount of time has been given for the information to be provided. The Costs

decision in relation to the recent appeal in Sutton-in-the-Elms found the Council to have not acted unreasonably in similar circumstances. Delay is likely to lead to uncertainty for all and there is no reason to delay a decision. In any event, the applicant is not prevented from addressing the issues later, for example at appeal or a resubmission.

Correspondence from agent 23rd February:

I am writing to express my severe disappointment and concern over the recent committee report and subsequent actions of the Local Planning Authority when requesting clarification on technical matters (housing numbers and targets).

The Council has as a significant current and continued future shortfall of self build dwellings as confirmed by the Planning Inspector in their recent decision as you are aware. The delivery of self build dwellings sits outside of the 5-year housing land supply as it's a legal duty.

The Council has an affordable housing policy of 40%, and when taking into account the housing delivery from the adoption of Local Plan it is reasonable to establish a significant cumulative shortfall of affordable housing that rolls over each year and will remain to be met.

The delivery of affordable housing is within the 5 year supply. With a cumulative shortfall of affordable housing this directly affects the figures and is imbalanced in terms of transparency of the housing mix and Local Plan policies relating to affordable housing.

The Council has the SUDS Report previously confirmed by myself to the LPA.

These matters are considered to be omitted in the assessment and planning balance.

Significant weight is afforded to self build housing, and the report omits the significant cumulative shortfall of affordable housing and this development addresses an established housing need. Furthermore, there is no weight related to a refusal reason for SUDS as the technical report is with the LPA.

On this basis the LPA relies on 14 general market houses, and the matter of separation for their current recommendation.

In terms of my request for clarification on technical matters, if the Council remain obstructing the release of this data it is considered prejudicial in allowing transparency of the assessment set out in the Committee Report. This position will directly affect and limit the ability to review the report and objectively present at the Planning Committee.

If this occurs it will result in a formal complaint to the Council, Local Government Ombudsman, and RTPI.

It is my professional opinion the Committee Report is currently presented on unsound technical data, omits the weight afforded to the significant shortfall of

affordable housing and self build housing, and does not fully consider the established built and urbanised development adjacent (West and East) to the site.

In this instance I am inviting the LPA to fully review their Committee Report and their recommendation.

The current Committee Report and recommendations, if determined, will be promptly appealed (via a Hearing or Public Inquiry). The Committee Report is considered prejudicial to an objective assessment of the development and will be strongly challenged and rebutted on robust and demonstrable grounds.

The development remains offering a positive opportunity to work proactively with the Council. This channel remains available.

Officer clarification:

[The Harborough District Authority Monitoring Report 2020/21](#) ~ 1st April 2020 to 31st March 2021 is available online.

Information from agent 23 February

~ SuDS Strategy Report (SuDS Designs, February 2023, ref SD2302114)

Officer comment:

Reconsultation can be carried out with the LLFA and, in the event that the LLFA remove their objection, this technical reason would not be defended should permission be refused and the decision be appealed.

If Members did choose to approve the application, suitable conditions if recommended by the LLFA could be added to the decision in due course, once the S106 was agreed.

Information from agent 27 February

“we are in the DLL application process and our reference number is as follows: DLL-ENQ-LEIC-00066” [*District Level Licensing – for Great Crested Newts*]

Information from Principal Planning Policy Officer (Local Plan) 28 Feb 2023:

The total plots required [for self-build] Oct 23 (the end of the monitoring period) is **63**.
(for full calculation see file)

21/02036/FUL	Erection of 76 bed care home (Use Class C2) with associated communal and staff facilities, 10 one bedroom Specialist Supported Living Apartments and 12 one bedroom Specialist Supported Living Bungalows (Use Class C3b), together with access, car parking, landscaping and associated external works (revised scheme of 20/00863/FUL) Land adjacent to Brookfield Way, Bitteswell Road, Lutterworth
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Additional representation/consultation responses

Two additional letters of objection stating in summary:

- ~ Lutterworth East is a more suitable location
- ~ conflicts with the Area of Separation policy
- ~ will cause overlooking, loss of privacy and have an overbearing impact
- ~ additional noise from traffic from the development
- ~ cause highway safety harm (“add to an already busy junction”).

Correspondence from the agent 21 February 2023 (summarised):

- ~ Revised plans were sent to the planning department 2022
- ~ also have technical submissions on drainage, highways, sustainability and landscape
- ~ no extension of time in place and prepared to agree one to assist the Council in assessing the revised/updated information
- ~ would officers consider recommending a delegated decision for refusal following consultation? This “might allow technical reasons to be narrowed.”

Officer comment:

No evidence of any revised documentation being submitted to the planning department and the agent cannot find any record that they have sent any. No follow-up contact from the agent(s) to confirm receipt and/or request our response to this documentation. Previous deferral (to consider late submissions from the applicant) has led to uncertainty as expected and there is no reason to further delay determination. In any event, the applicant is not prevented from addressing the issues later, for example at appeal or for a resubmission. Officers have considered the request for a delegated decision following reconsultation on plans submitted last week (21 February 2023) and find no reason to delay determination further. The applicant is welcome to submit amended plans/documentation as part of any resubmission. For the avoidance of doubt, the decision at this Committee is based on the submitted plans and information which have been subject to consultation (listed at paragraphs 3.4, 3.5 and 3.12 in the report with addition as stated below), not those received last week.

Report corrections

Paragraph 3.5:

Add BNG Metric (7 Feb 2022) and BNG Metric with mitigation (7 Feb 2022)

Paragraph 4.21:

Delete last sentence.

Paragraph 4.52:

Add: Final comments received 9 February 2022. Request further information; metrics unclear and information missing. Possible that BNG could be demonstrated on site but will need further information”.

Paragraph 6.4 second sentence:

Replace with “The Council has granted Planning Permission for this (application reference 19/00250/OUT).”

Paragraph 6.5 first sentence:

Correct with “The Council has a 7.43 year supply of housing...”

Paragraph 6.5 sixth sentence:

Delete “resolution to grant”

Paragraph 6.50 first and second sentences:

Delete and replace with “County Highways have reviewed the proposal, including the latest submission from the applicant 14 February 2022, and recommend refusal of the scheme.”

Paragraph 6.61 last sentence:

Delete

Paragraph 6.66 second sentence:

Add “, and evidence of consultation with Severn Trent Water to discharge to the sewer on Brookfield Way.” Delete third sentence.

22/01104/OUT	Hybrid application proposing full planning permission for the demolition of existing buildings and the erection of a new food retail store (Class E) with associated access, car parking, servicing and landscaping; and outline planning permission for the demolition of existing buildings and the erection of mixed class E(g), B2 and B8 development (all matters reserved except access) Glenmere Timber, Gores Lane, Market Harborough
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Report Corrections

Report paragraph 1.5 and 6.3 correction: 1km to the west of the site.

Report paragraph 6.63 correction – The Cottage contains three ground floor windows and one 1st floor window which overlook the site. The view from the ground floor windows is restricted by a clear perspective fence – see photo below.



Draft S106 Agreement

A draft s106 Agreement has been submitted (17.02.23). This has been sent to HDC legal and shared with LCC legal.

The S106 deals with the requested highway obligations (travel packs and bus passes, traffic light signalisation and travel plan monitoring fee); the enabling works to facilitate future development of the mixed class E(g), B2 and B8 component of the development (i.e.site clearance; site levelling; creation of bell-mouth entry from Gores Lane) and a

marketing strategy in relation to the Existing Aldi Store with a view to enabling the re-occupation and/or re-development for a Town Centre Use.

Suggested Conditions – Corrections/Amendments

Retail Food Store (Full Consent)

2. Permitted Plans

Remove 'Trinasolar "Vertex S" product document' from the list of approved plans

8. Landscaping

Replace "any of the dwellings" with "retail food store". Details should also include trees to be removed/replaced.

10. Flood risk mitigation

Remove "and subsequently in accordance with the schemes timing/phasing arrangements"

17. Foul drainage

Replace "Prior to occupation of any phase..." with "The approved foul water drainage works shall thereafter be implemented prior to first occupation of the retail food store"

Suggested Additional Conditions

No.29. Construction Environmental Management Plan (wording as per Condition 7 of the outline consent)

No.30. Historic Building Recording

No development shall commence on site, including any enabling works, until a Level 1 building recording (*in line with Historic England's 'Understanding Historic Buildings'*) of "The Workshop" has been submitted to and approved in writing by the LPA.

REASON: To ensure the building to be lost is satisfactory recorded.

3. Permitted Plans

Include Ref No. to Access Drawing – 21001-010 Rev A

12. Foul drainage

Replace “Prior to occupation of any phase...” with “The approved foul water drainage works shall thereafter be implemented prior to first occupation of the employment units”

15.PD Restriction

Re-word to say

The development hereby permitted shall be used for Class B2, B8 and Class Eg only and for no other purpose within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any order revoking and re-enacting that order with or without modification).

Response from Applicant following Members Site Visit

--Further detail required around the upgrading of the traffic signals

The traffic signals include green man pedestrian crossing facilities which result in an all-red stage for traffic. While it is entirely appropriate for the junction to include pedestrian crossing facilities, the current set up is inefficient and the introduction of the most up to date signal equipment will enable any unnecessary green man time, when pedestrians have finished crossing, to be reallocated to the vehicular stages resulting in more vehicle capacity without penalising pedestrians. The new signal equipment which Aldi are funding is the same as would be provided at new signal junctions.

--Concern around the impact on the town centre

The impact level of 10.7% is the worst- case scenario considered in the cumulative impact assessment, where it is assumed that the existing Aldi store unit will not be re-occupied and remains vacant following relocation to the new store on the subject site. However, other scenarios, all of which are more realistic outcomes, were assessed consisting of re-occupation of that unit by either a convenience retailer, a comparison retailer, or a mixed-use retailer. All of those scenarios resulted in impacts of less than 10% on the Town Centre. Those levels of impact were considered to be realistic by Lichfields, who independently audited the retail assessment, who concluded that they will not give rise to significant adverse impact on the Town Centre. Lichfields also conclude that the 10.7 % impact scenario would not result in significant adverse impact.

Regarding the impact (on the town centre) associated with the relocation of the Aldi store, it is important to understand that:

- the existing store has been trading for many years now so that any effects it has on existing traders, including independent stores, have already been absorbed.
- The new store will sell exactly the same number of lines and the same range of products as the existing store, but from a more spacious internal layout. The proposed condition restricting the number of lines within the new store is intended to ensure that the existing store and the new store will trade identically.
- The uplift in predicted turnover of the store is based on an assumption that we will retain the same customers as the existing store, but probably spending a bit more because they will be encouraged to spend more time shopping in the new store.
- To the extent that new customers will be attracted to the Aldi store those shoppers will be otherwise food shopping in main supermarkets in the town, not in independent convenience outlets.
- The impact on the Town Centre is confined almost entirely on the supermarkets within that area (Sainsburys, Waitrose, Lidl, Co-op) rather than the independent comparison retailers or independent convenience retailers, due to the established principal function of the Aldi store which is to meet main/weekly food shopping needs (bulk purchase of groceries, rather than top-up shopping).

Context is important for determining whether any assessed percentage impact on a centre is significantly adverse. The context is the state of health of the centre concerned. We have thoroughly considered the relevant indicators of centre vitality and viability. We conclude, and Lichfields agree, that Market Harborough is a relatively strong and healthy centre - as testified by low vacancy levels, a good range of national multiples and independent traders, a high-quality environment and high levels of footfall. Importantly, it has a very good range of town centre supermarkets, including another discount food retailer, so the 'loss' of Aldi from the centre will not be damaging to shopper choice.

--Concern around the impact on the adjacent residential dwelling "The Cottage"

For context, the Cottage is currently vacant and in a dilapidated condition. It is understood to be in need of work to be habitable again. It is of note that the building is situated adjacent to the proposed car park and some distance from the proposed foodstore. The building is also situated away from the proposed service bay. It is worth noting that the demolition of the existing storage building (referenced in the next point) will improve the natural light to both the property and the garden. Details of boundary treatment will be subject to a condition, but we'd envisage this would most likely comprise a 6ft high timber close boarded fence in that area.

--Concern around the loss of The Workshop building next to The Cottage

The Workshop, next to The Cottage, is not a designated Heritage Asset (Listed Building) and neither is it a non-designated heritage asset (NDHA) according to the Harborough District Local List. ALDI would be willing to undertake a proportionate level of building recording in the form of a Level 1 (basic) level of recording. This means Level 1 in line with 'Understanding Historic Buildings' definition of a Level 1 record

--Will the existing concrete yard be dug up?

This will be the case in certain areas – i.e. where necessary to achieve the new levels. This will, however, be kept to a minimum and where possible overlaid. Where concrete is grubbed up it will be used as fill material on site.

22/01258/REM	Erection of 179 dwellings (Phase 4) (Reserved Matters of 11/00112/OUT including details of appearance, landscaping, layout and scale) Land at Airfield Farm, Leicester Road, Market Harborough
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Ecology Update

Following the submission of amended plans (23.01.23); County Ecology (08.02.23) advised the LPA

When consulting the previous ecology comments submitted on 9th August 2022 by Sue Timms, it would appear that these have not been addressed. The revised drawings do not reflect the comments made and are dated 18/07/2022. The previous comments stand.

The Applicant responded to these comments (26.02.23) (see below) which were sent to the ecologist yesterday (27.02.23).

Response to LCC Ecology comments:

The ecological comments received from Sue Timms dated 9th August 2022 requested changes specifically to the southwest and northwest boundaries of the development parcel, due to these adjoining wider ecological enhancement areas. The following changes have been made:

A wildflower lawn mixture has been proposed throughout the NW and SW boundary, and around part of the SE boundary. The proposed mixture can be short mown immediately adjacent to the highway edges as suggested in the comments (1m strip), and left to grow taller and flower where further set back, creating a gradation in habitat into the wider infrastructure landscaping.

The ornamental hedgerows along these edges have been removed, except where they define part of an immediate domestic curtilage. Rather than plant native hedgerows close to the highway/driveway edges, which would quickly obstruct access, a framework of linear native scrub planting as been provided around the development fringe. This will secure 1,232m² of species-rich native planting that will reinforce the transitional mosaic of grassland, scrub and tree planting around the NW and SW boundaries.

*In terms of tree species, true native varieties are now proposed throughout the boundary, notably *Prunus avium*, *Prunus domestica*, *Acer campestre*, *Sorbus aucuparia* and *Betula pendula*.*

The comments have been addressed comprehensively and will deliver the habitat provision requested.

Members will be updated if a further response is received from the ecologist; but as the original comments made by ecologist have been addressed, a delay to the determination of this application to await further comment is not necessary.

Highway Update

Following the submission of amended plans (19.01.23); the LHA advised the LPA

“In order for the site to be suitable for adoption, the internal layout must be designed fully in accordance with the Leicestershire Highway Design Guide (LHDG)”

The Applicant responded to these comments (26.02.23) (see below) which were sent to the LHA yesterday (27.02.23).

Response to LCC Highways comments: (Applicants comments in italic text)

- Plots 615/616 driveways clash with speed control feature on Spine Road – please can the applicant amend the plot layout. There is no scope to relocate speed control feature due to driveways, and it is essential equal spacing of features is retained, to ensure appropriate design speed of Spine Road;

The layout has been amended to avoid a conflict with the speed control feature.

- Speed control should be shown and be in accordance with LHDG Part 3 Table DG8, which requires 60m spacing for Access Roads, and 40m spacing for Access Ways;

Speed control has been updated in accordance with LHDG Part 3 Table DG8

- Junction radii should be a minimum of 6m throughout the site layout; and

The junction radii are in accordance with this.

- The LHA are unable to scale off the submitted drawing. Therefore, no comments can be provided in relation to parking provision, garage sizes, bin collection and private drive geometry.

The drawing is to scale and includes a scale bar. We have used the same principles applied to garages / parking on the wider site, bin collection is shown for two bins, and private drives are standard.

Members will be updated if a further response is received from the LHA; but as the matters relate to adoptability rather than highway safety, a delay to the determination of this application to await further comment is not necessary.

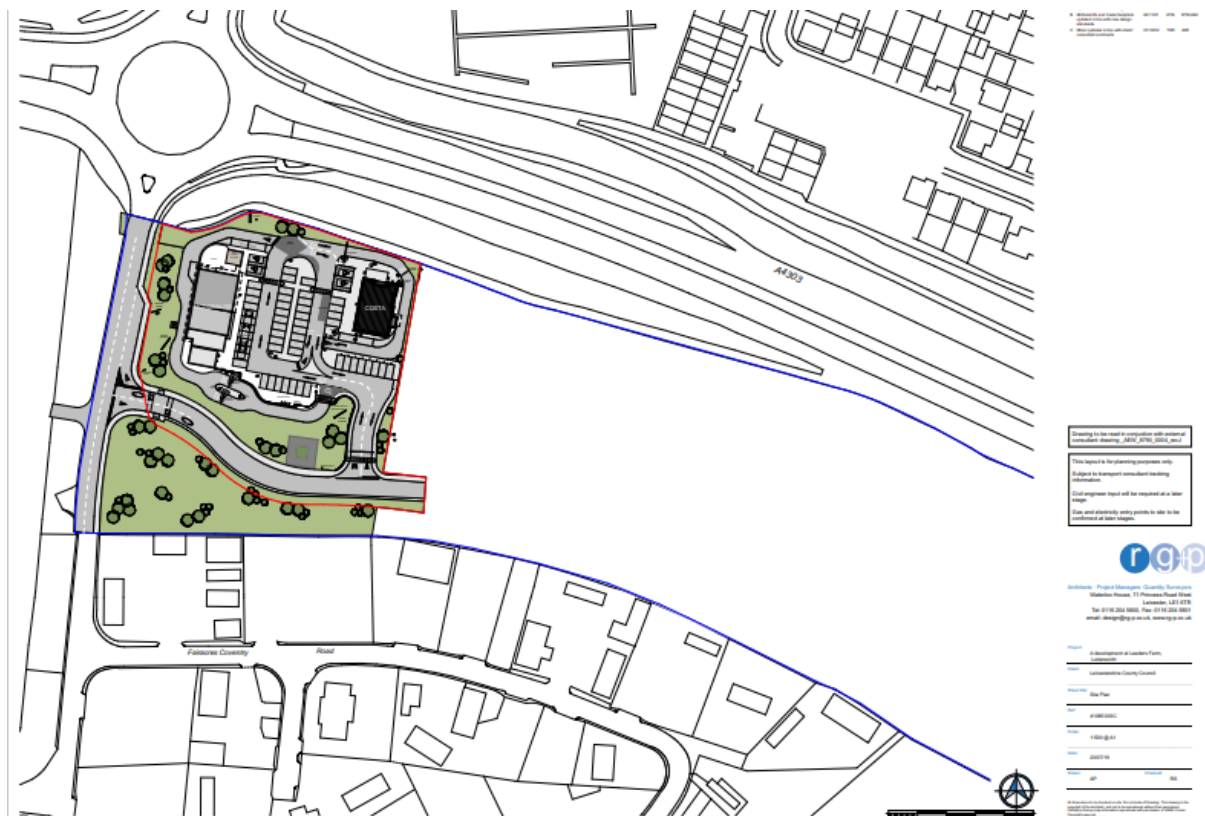
Suggested Conditions – Corrections/Amendments

1. Permitted Plans – to be updated to reflect amended plans submitted 26.02.2023

22/01318/FUL	Erection of a restaurant with drive-thru facility and coffee shop with drive-thru facility, hard and soft landscaping, car park and associated works Leaders Farm, Coventry Road, Lutterworth.
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Correction:

The below amended plan should replace the site layout plan shown on page 159:



The changes to the scheme are:

- An entrance barrier on the site to restrict access out of hours
- 20mph restriction on access
- Speedhump on access with a defined crossing.
- Crossing across the main entrance.

In addition, the existing left hand slip road has also been included on the drawings where previously omitted in error.

It is understood that the changes followed discussion between the Applicant and residents at Fairacres.

Highways have confirmed no objection as these changes do not affect the public highway.

Officer comment: These are minor internal changes to improve pedestrian safety.
Changes to conditions recommended:

Condition 7 should be amended to refer to this revision C.

Condition 2 (plans schedule should also be amended to include Revision C)

22/01481/REM	Application for approval of reserved matters (layout, scale, appearance and landscaping) part of zone A/B (western portion) of outline application 15/00865/FUL MPL South, Lutterworth
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22/01523/REM	Reserved matters application of 15/00865/OUT for approval of appearance, landscape, layout and scale in respect of the eastern part of Zone A/B at the Magna Park South, Lutterworth development for one building, internal roads, footways/cycleway, maintenance strips, foul and surface water drainage, landscaping, associated utilities and land profiling (MPS10) MPL South, Lutterworth
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22/01917/FUL	Erection of a single storey rear extension, replacement of existing flat roof with pitched roof, partial conversion of garage to habitable space and addition of render to existing property (revised scheme of 22/01281/FUL) 16 Ashby Rise, Great Glen
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3 minute speech that would have been delivered by the neighbour if they had been able to attend.

Further statement on behalf of Mrs A Khan the Owner/Occupier of 14 Ashby Rise. This has been provided as neither she, nor me, her son (as her representative), are available to attend the Committee Meeting in person.

My mother moved into Nr 14 Ashby Rise in 1964 and has enjoyed living there ever since.

She has seen numerous changes to the houses on this road over that time and is not against people improving their properties. Similarly, my mother is not against further development to Nr 16 Ashby Rise, providing such development is sympathetic to the rights and needs of neighbours. Her objections to this current application relate to specific elements of the design that impinge negatively upon her right to light, her privacy, and the enjoyment of her environment.

The detail of her specific objections has been provided both as comments on the planning portal and in subsequent written documents, which the Committee have, I'm sure, been made aware of and have had the opportunity to review. I therefore do not intend to repeat them verbatim here.

I do however wish to highlight that it is the proximity of Nr 14 to Nr 16, which sit approximately 5 feet apart, that demands that very careful consideration be employed when proposing a further extension to Nr 16. This narrow space has already been made to feel even more confined by the earlier second storey extension to Nr 16 added back in 1971.

The houses when first built were designed so that habitable rooms did not overlook those of neighbours. The addition of later extensions has compromised this clear intent and is a key factor that needs to be considered.

The addition of the new proposed extension will, because of it's massing, reduce natural light levels in Nr 14 even further.

In addition, the introduction of a new window and door to the xxx elevation of Nr 16 will give rise to a severe loss of privacy for my mother as her kitchen, dining room and lounge will be compromised. Indeed, the proposed position of the new rear door to Nr 16, will adversely impact upon the privacy of both households. The 1971 extension resulted in the addition of an ugly toilet room window in full view of my

mothers dining room window. The addition of a second window for the new shower room will further ruin my mother's outlook.

It is not unreasonable to assume that the Refuse bins for Nr16 will be located close to the proposed new rear door. Any bins that are positioned on the very narrow pathway that runs to the front gate of Nr 16 will, because of the proximity, negatively effect my mother's enjoyment of her own outside space.

I therefore respectfully request that the Committee take due consideration of the points I have raised and ensure that any future development of Nr 16 does not impinge upon my mother's enjoyment of her own home, as these current proposals clearly do.

Karim Khan. – 20th February 2023.

23/00036/FUL	Erection of a single storey front extension, first floor front dormer extension and installation of canopies to rear elevation 34 Horsefair Close, Market Harborough
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Following the submission of revised plans, neighbouring properties were reconsulted on 7/2/23 for 14 days. This expired on the 21/2/23 with no further objection.

The amendment to the proposal is reported at paragraph 4.2 and is covered by Condition 2.