

Tom White
Senior Planning Officer
Blaby District Council
Desford Road
Narborough
Leicester
LE19 2EP

Date: 1 May 2024
Our ref: 63971/01/NG/HP/31426769v1
Your ref: PP-12965000

Dear Mr White

M&S Fosse Park Shopping Centre: Non-Material Amendment to Planning Permission Ref. 23/1020/FUL

On behalf of our client, Marks and Spencer plc (M&S), please find enclosed an application under Section 96A of the Town and Country Planning Act (1990) for non-material amendments to planning permission ref. 23/1020/FUL in respect of M&S Fosse Park Shopping Centre.

Application Submission

The application has been submitted online via the Planning Portal (ref. PP-12965000) and comprises the following documentation:

- 1 This Covering Letter;
- 2 Completed Application Form;
- 3 CIL Additional Information Form;
- 4 Proposed Elevations External Alterations drawing ref. LFP173-A-405-Rev P12, prepared by Lewis and Hickey Architecture (revised drawing for approval); and
- 5 Approved Elevations External Alterations drawing ref. LFP173-A-405-Rev P11, prepared by Lewis and Hickey Architecture (approved drawing submitted for information only).

The requisite application fee of £293.00 (+£70.00 Planning Portal service charge) has been made directly via the Planning Portal.

Background

Fosse Park has an extensive planning history. The original planning permission for the retail park was granted on appeal in 1988 (LPA ref. 86/1429/1/OX). Planning permission was granted in 1999 for an extension to Unit 9 so that it adjoined M&S (99/0036/1/PX), and there have been a number of other

minor alterations to the M&S store/Unit 9 over the years, including 91/1174/1/PX, 92/0877/1/PX and 00/01491/1/PX.

On 23 December 2016, planning permission (ref. 15/1137/FUL) was granted for refurbishment of the front, side and part of the rear elevations; alterations and improvements to the public realm including hard and soft landscaping; and alterations to vehicular and pedestrian routing and other ancillary works.

On 31 March 2023, full planning permission was granted for “external alterations to the front elevations of Unit 1A and 9” (ref. 22/1154/FUL). This permission proposed improvements to the dated façades on the front (eastern) elevation that extends along part of the M&S unit. Further, on 29 January 2024, a non-material amendment application (ref. 24/0010/NMAT) was approved amending the design of the external elevations of the M&S unit. As part of this NMA, revised signage zones were approved by Blaby DC.

On 1 February 2024, full planning permission (ref. 23/1020/FUL) was granted for “external alterations, external plant to roof, along with new delivery canopy to the M&S store at Fosse Park Shopping Centre”. This consent comprises the approved elevations to which this application seeks non-material amendments.

Most recently, an advertisement consent application (ref. 24/0072/ADV) was approved by Blaby DC on 22 March 2024 for a suite of updated M&S advertisements to be located on the external elevations of the M&S unit. The scale of a single fascia advertisement has since been revised following this approval, and an application has been submitted under separate cover to confirm advertisement consent for this updated proposal. To regularise the approved elevation details with this advertisement consent proposal, this application seeks non-material amendments to the signage zone dimensions and extent of the frontage glazing approved under application ref. 23/1020/FUL.

Proposed Non-Material Amendments

The proposed non-material amendments seek the following improvements to the front (eastern) elevation of the M&S unit:

- Increase the height of glazing above the main entrance by 1,800mm;

- Increase the height of green tiled entrance cladding by 1,800mm; and

- Reduce the height of the associated signage zone at the main entrance by 1,800mm (i.e. top level of advertisement signage zone remains unchanged; bottom level moves up by 1,800mm). The width of the signage zone remains as approved. The proposed reduction in height of the advertisement will result in the signage zone height above ground (measured from base of the advertisement) to be 4,500mm.

The reduction in height of Advertisement E by 1,800mm in height above the main store entrance has been submitted for advertisement consent approval under separate cover.

The proposed amendments have been reviewed by Lichfields in the context of National Planning Practice Guidance and are considered non-material to the approved development. Permission is therefore sought under S96a of the Town and Country Planning Act 1990. The following section sets out the reasoning and requirements for the proposed non-material amendments and provides a

proportionate assessment against relevant planning policy given the minor scope and nature of amendments sought.

Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where an adopted development plan contains relevant policies, an application for planning permission shall be determined in accordance with the plan, unless material considerations indicate otherwise.

The statutory development plan for this site comprises the Blaby Core Strategy, adopted February 2013. Other material considerations include guidance contained within the National Planning Policy Framework (NPPF, 2023).

The updated façade design at the main store entrance uses high quality materials, is attractive and fit for the future purpose of the M&S unit. Notably, the increased glazing above the M&S unit entrance and reduced signage zone size will increase the amount of active frontage on the front (eastern) elevation, enlivening the main store entrance. Further, the increased height of the green tile cladding at the main entrance is considered to provide an appropriate frame for the entrance, comprising high quality and aesthetic materials. Whilst minimal changes are proposed, the improved design quality is considered to enhance the aesthetic quality of the façade, as demonstrated in the approved and proposed drawings below.

Figure 1 Approved Front (East) Elevation

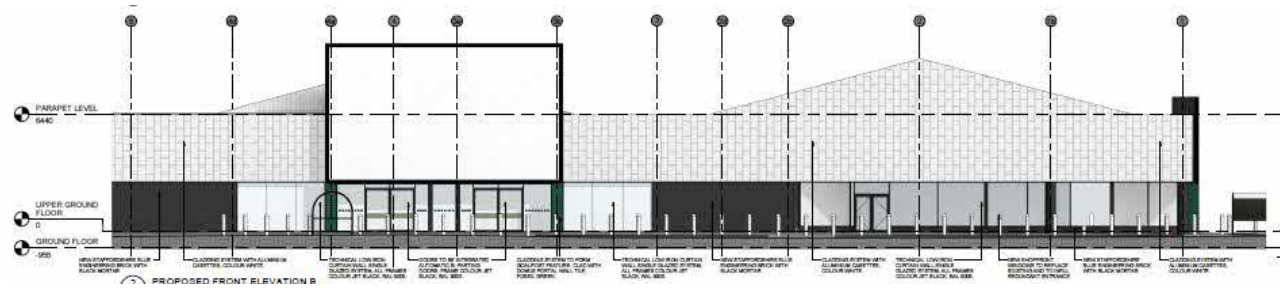
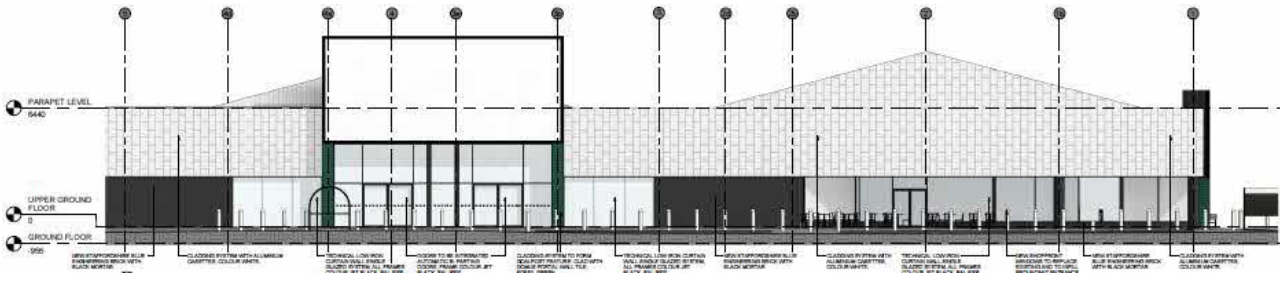


Figure 2 Proposed Front (East) Elevation



The proposal therefore complies with Core Strategy Policy CS2 ‘Design of New Development’, which states that design should be appropriate in its context and should take any opportunities available to improve the character and quality of an area and the way it functions.

Overall, it is considered the proposals enhance the design quality of the front elevation of the M&S unit, and therefore, do not alter the conclusions reached by the Council in granting planning permission ref. 23/1020/FUL.

Concluding Remarks

The proposed amendments are the result of the architect's detailed review of the approved development with M&S and are non-material in nature and their scope.

We trust the information provided is sufficient to enable you to validate and determine this application and we shall contact you shortly to confirm this. In the meantime, should you require any additional information please do not hesitate to contact me.

Yours sincerely



Harry Payne
Planner
BSc (Hons) MSc