

UPDATE SHEET

PLANNING COMMITTEE – 6th August 2013

To be read in conjunction with the Director of Services & Deputy Chief Executive's Report (and Agenda)

This list sets out: -

- (a) Additional information received after the preparation of the main reports;
- (b) Amendments to Conditions;
- (c) Changes to Recommendations

MAIN REPORT

A1 12/00007/OUTM **Erection of up to 400 dwellings with associated road and service infrastructure, drainage ponds, landscaping and open spaces (outline - all matters other than part access reserved)**

Land North of Standard Hill and West of Highfield Street
Coalville Leicestershire

Further Representations Received

A copy of an email sent to Leicestershire County Council by a local resident has been forwarded on to us. The email expressed concerns over the suitability of junction arrangements and the perceived potential for road traffic accidents. All of the issues raised have already been raised by other correspondents and given consideration during the preparation of the Officers Report.

Following on from meetings with the County Council, the District Council, the applicants and elected Members, a Site Access Addendum Note (July 2013) has been submitted and is attached as an Appendix to this Update Sheet.

The Addendum Note sets out that consideration was given to the incorporation of a roundabout, and sets out that notwithstanding the fact that there is no highways requirement for a roundabout, there are a number of reasons why such a solution could not be achieved within the available land with visibility also providing a constraint. There are further issues including Flooding and Ecology.

The Addendum Note concludes that in respect of Standard Hill, that the proposed ghost island right turn lane is an appropriate and safe form of access to the site as confirmed through an independent Stage 1 Road Safety Audit and correspondence with Leicestershire County Council as part of the planning application process.

In respect of Highfield Street the Addendum Note concludes that based on the low number of trips generated by 100 dwellings accessed from Highfield Street, the development will not have a detrimental impact on the operation of the local highway network. Betterment will be provided through the provision of a service road within the site to access properties on the western side of Highfield Street from the rear to address any on-street parking concerns in this location.

The application was deferred so that the above matters could be explored in detail with community representatives in attendance. The recommendation remains to approve the application as set out in the Officers Report.

**RECOMMENDATION:- PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND
SUBJECT TO THE IMPOSITION OF CONDITIONS**

A3 13/00486/OUTM Proposed residential development (400 Dwellings) formation of access to Burton Road, A1 Shop, D1 Medical centre, C2 Residential care home, Single form entry primary school, Pumping Station infrastructure and open space provision (Resubmission)

Holywell Spring Farm Burton Road Ashby De La Zouch

Further Representations Received

One further objection has been received from a resident of Highfields Close citing concerns over the scale of development across Ashby and the impact on infrastructure.

A copy of a letter sent to the existing health centre by a resident was copied to the Planning Department. It raised no new planning issues.

The promoters of the Money Hill scheme to the north of Ashby, wrote to all Members and copied the Council a letter from a Solicitor acting on their behalf. The letter seeks a deferral of the Holywell Spring Farm application until such time as the Money Hill Application is in a position to be brought to planning Committee, and stating that it is unfair for the council to consider this application prior to theirs as theirs was submitted first. Concerns are also identified with the ability of Holywell Spring Farm to deliver their proposed foul water drainage solution.

In respect of the timing of the consideration of the application, it is established law that the fact that there may be another site upon which the development could be yet more acceptable for planning purposes would not justify refusal of permission on the application site (*Trusthouse Forte Hotels Ltd v Secretary of State for the Environment* (1986) 53 P & CR 293.)

It is a fact that the Holywell Spring Farm Application, although only recently resubmitted was in a more resolved position, given the length of time that had been spent by the applicants ironing out issues during the consideration of the application that is currently at appeal (two years of pre app and application discussions). There are no differences between the two Holywell Spring Farm applications. It is not considered unreasonable to determine Holywell Spring Farm in this context and it is only where there is evidence of unreasonableness that the Courts interfere (*Rhys Williams v Secretary of State for Wales* [1985] JPL 29.)

In response to the letter from Money Hill Consortium the applicants at Holywell spring Farm provided the following response.

'I understand that the Council's solicitor has advised that it is not necessary for the two applications for Money Hill and Holywell Spring Farm to be considered at the same committee meeting. Therefore I do not propose to respond to the Money Hill Consortium's suggestions on this point. However I must respond in particular to their misinformed and ill-conceived claims in relation to the foul drainage solution for Holywell Spring Farm. Had their solicitor read our Design & Access Statement he would find on page 8 a plan showing the route of our fully designed and costed 3.16km, 100mm diameter rising main, along and wholly within the public highway, not within land owned by 'numerous third parties' as he suggests.

I believe that the Money Hill Consortium's solicitor has misdirected himself to another foul drainage option, that we have never proposed, considered in the Council's Water Cycle Study, which he quotes from. To be clear, that drainage

option involved the construction of a 9.4km, 300mm pipeline to connect, across private land, to Stanton Sewage Treatment Works; an entirely different proposal to that contained within our application. The quote he has taken from the Water Cycle Study bears no relation to our proposal. This matter had been clarified in our appeal evidence, to which the Money Hill Consortium were privy. As such it is entirely irresponsible of them to put such erroneous allegations to the planning committee and suggest that they should be considered in determining our application'.

It remains your Officers view that both Holywell Spring Farm and Money Hill will be required to address the Councils demonstrable lack of a 5 year housing land supply position. There are no reasonable grounds to defer this application tonight. The recommendation remains the same.

RECOMMENDATION:- APPROVAL - SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT TO SECURE THE NECESSARY CONTRIBUTIONS AS SET OUT

A4 13/00265/FUL

Erection of one no. 500KW wind turbine and associated access track, areas of hardstanding and control building

Land at Ashby Road, Coleorton

Further Representations

Following the publication of the committee report a revised consultation response has been received from the National Air Traffic Services (NATS) and an additional third party representation has been received from Ashby de la Zouch Civic Society.

In terms of the response from NATS it has been confirmed that their objection has been removed following clarification of the turbines which exist within the vicinity of the site and there would be no requirement for conditions 15 or 16 given that there would be no need to mitigate the impacts of the turbine on the primary radar at Clee Hill.

Ashby de la Zouch Civic Society has objected to the application on the following grounds: -

- *“land is subject to LCC enforcement order to restore site to countryside;”*
- *“land is on direct route of HS2 as published in Spring 2013. The land is therefore about to be subject of a safeguarding order to protect the route from development;”*
- *“development will impede the highway proposal to move the route of A512 and reconfigure Junction 13 of the A42;”*
- *“applicant justifies the application to supply electricity to the proposed warehouse granted permission under 07/01372/FUL. The proposed warehouse is directly on the route of HS2;”*
- *“should the warehouse go ahead it has a 440m long south facing roof which would lend itself to Photo-voltaic panels to generate electricity. The proposal is contrary to policy CS8 which protects the countryside from unnecessary development;”*
- *“NPS EN1 states that “biodiversity interests should be avoided from significant harm through investigation or consideration of reasonable alternatives. The reasonable alternative of PV has not been considered:”*
- *“Grampian agreements may only be imposed if NATS have committed to plans to mitigate the impact. They have made no such commitment and as such the proposed Grampian agreement is illegal;”*
- *“proposal is contrary to NWLDC policy E1 as it “diminishes the open characteristics of the countryside;””*
- *“proposal is contrary to NWLDC policy E3 as “it is detrimental to amenities of existing nearby dwellings. Notably the nearby hotel and 300 residences on Leicester Road, Ashby;”*
- *“proposal is contrary to emergent NWLDC policy CS30 in that “it does adversely effect the characteristics and appearance of the wider countryside.” The photomontages provide show the full height of 90m will be visible from Old parks and the Premier Inn and Normanton le Heath;”*
- *“Paragraph 75 of NPPF states that “Rights of way and access should be protected and enhanced.” The visual amenity of users of these paths will be negatively affected;”*
- *“No noise survey has been undertaken even though the applicant states that noise levels encountered by customers of the Premier Inn will encounter noise levels of 38dba versus a national standard of 35dba. The officers proposal to ignore national standards is unacceptable;”*
- *“The cumulative impact of this application and application 13/00266/FUL for a further 2 turbines at Farmtown a few hundred metres away has not been assessed. This is a serious omission which undermines the visual amenities assessment.”*

The committee report prepared has covered the majority of issues raised including impacts on ecology, residential amenity, visual amenities and cumulative impacts and as identified above NATS have removed their objection.

In terms of the issues raised which have not been addressed in the committee report it is considered that the potential impacts of development on the 'proposed' route of HS2 is not yet a material planning consideration which could be taken into account.

The Highways Agency has raised no objections to the development and as such it is unlikely that the turbine would impact significant on any potential 'future' works to move the route of the A512 and reconfigure Junction 13 of the A42.

At this stage the proposed warehouse has not been constructed and there is no guarantee that any application would be submitted for photo-voltaic panels on the roof of this building, in any case the Local Authority is duty bound to consider an application submitted to them without prejudice to any future developments and as such the consideration of photo-voltaic panels on the roof of the proposed warehouse would not be a material consideration.

In terms of the LCC enforcement order it is considered that this development would not prejudice the restoration of the majority of the site to countryside, particularly in the case that it is currently seeded and turfed, and in any case a condition is imposed to ensure that a scheme of restoration of the land is agreed by the Local Authority prior to the turbine being decommissioned which would ensure that it would be restored to an acceptable standard.

With regards to other matters it is noted that on the 29th July 2013 the government published a document titled "*Planning practice guidance for renewable and low carbon energy*" which provides guidance on how planning can deliver renewable and low carbon energy developments and, as a consequence, has cancelled '*Planning for Renewable Energy: A Companion Guide to PPS22.*' This document is now a material consideration in the determination of planning applications and in terms of the specific assessments related to wind turbine developments it is considered that these have been adequately addressed in the committee report, as well as the fact that a statement of community involvement was submitted in support of the application.

RECOMMENDATION:- NO CHANGE TO RECOMMENDATION, BUT THAT CONDITIONS 15 AND 16 ARE OMITTED.