

UPDATE SHEET

PLANNING COMMITTEE – 05 July 2016

To be read in conjunction with the
Head of Planning and Regeneration'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 **16/00296/FUL** **Change of use from agricultural field to showman's yard**
Field Adjoining Ashby Road, Belton, Leicestershire, LE12 9XT.

Additional information received:

Following the publication of the Committee agenda a further letter of objection has been received along with comments from the Traveller Sites Liaison Officer at the County Council and further comments from the County Council Highways Authority.

The late objection does not raise any new issues.

The Traveller Sites Liaison Officer confirms that the family which would occupy the site would fall within the definition of 'Travelling Showpeople', that the site would be occupied by the applicant, his wife and two children, that the relocation is to provide a larger site so that the family have a better living area with more room available for the children to play in, that the applicant has close ties to the District including a brother and parents who reside in Swannington, that the benefit of the family living close together is that it would facilitate child care when the applicant is away which in turn reduces the children's absence from the school, and that the availability of Showmen's sites in the locality is extremely limited.

The County Highways Authority have maintained their objection to the application given that the increase in traffic on the highway would remain contrary to the Leicestershire County Council 'Access to the road network policy' contained in Section IN5 of the '6Cs Design Guide', that in transport terms the site is not in a

sustainable location due to the distance of the site from services and public transport provision, that the bus service which runs from the settlement is less frequent than two hourly and as such is not a convenient alternative to the private car and that the provision of a footway from the site to the recreation site would still involve the crossing of the B5324, which would not be safe given the speed of traffic, with the recreation site itself not being a convenient route in inclement weather.

Officer comment:

It is considered that the issues raised in the additional third party objection received have already been addressed in the Officer report which has been presented to Members.

Whilst acknowledging the views and comments of the Traveller Sites Liaison Officer at the County Council it is considered that whilst there is a need for new showpeople sites within the District, the particular 'need' for a site on the application site has not been satisfactorily demonstrated. In any event, such 'need' would not outweigh the adverse visual impacts to the rural environment or the concerns in respect of highway safety implications.

The views of the County Council Highways Authority have remained the same as originally provided and as such have been factored into the assessment which has been undertaken and presented to Members with a reason for the refusal of the application being based on their concerns.

RECOMMENDATION: No change to recommendation.

A3	15/00512/OUTM	<p>Development of 605 residential dwellings including a 60 unit extra care centre (C2), a new primary school (D1), a new nursery school (D1), a new community hall (D1), new neighbourhood retail use (A1), new public open space and vehicular access from the A511 and Nottingham Road (outline - all matters other than part access reserved)</p> <p>Money Hill Site North of Nottingham Road and South of A511 Ashby De La Zouch</p>
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Additional Consultee Responses

County Highway Authority has no objections subject to conditions and Section 106 obligations and notes that the primary difference between the previous and current applications is the proposed provision of a vehicular access to Nottingham Road in lieu of the previously proposed one at Woodcock Way.

Insofar as the proposed Nottingham Road access is concerned, the County Council confirms that the design is compliant with the requirements set out in the 6Cs Design Guide and, whilst this specific layout has not been subject to a Stage 1 Road Safety Audit, previous iterations of the same principle of access have been, and the RSA1 reports did not raise any significant areas of concern.

The County Highway Authority advises that it considers a 6.75m wide site access to be necessary given that the access is proposed for bus use and as a school is proposed to be provided on the site. Whilst the County Highway Authority advises that it would not wish to encourage the significant intensified use of an access on to Nottingham Road, there are various mechanisms which could be put in place within the layout of the development at the reserved matters stage(s) to discourage this.

Insofar as the proposed traffic management measures within the site intended to limit the level of through traffic between Nottingham Road and the A511 are concerned (and which include a bus gate and a one-way system), the County Highway Authority advises that it has concerns over these proposals as they would be subject to a Traffic Regulation Order (TRO); this TRO would require public consultation, and it could not therefore be guaranteed at this time what the outcome of that process would be. Furthermore, the County Highway Authority notes, there is a risk that any measures could be petitioned in the future by residents for removal, which would result in significant financial cost to the County Council. However, the County Council accepts that such matters cannot be addressed at this outline application stage, and understands that the detailing of any such measures would be considered as part of any subsequent reserved matters applications.

The County Highway Authority noted that junctions along Nottingham Road currently have ghost island right turn lanes to facilitate the free flow of traffic. However, the County Highway Authority recognises that this section of Nottingham Road is generally between the eastbound queue (towards Tesco) and the westbound queue (towards the town centre) and therefore suffers less from the effects of queuing traffic compared to the rest of the corridor. Whilst the County Council advises that, during site visits undertaken by the County Highway Authority, it was noted that the

westbound (town centre bound) queues did extend as far back as the location of the proposed access, this was not a persistent queue throughout the whole peak period.

The County Highway Authority also notes that there is some on-street parking within the vicinity of the proposed site access but that dwellings in the immediate vicinity of the site have off-street parking. As per the previous application, given the constraints around the vicinity of the site access, the County Highway Authority recommends a contribution be sought towards the consultation and implementation of a no-waiting TRO in the vicinity of the site access to facilitate bus movements.

The County Council also advises that the junction capacity assessment provided alongside the proposed site access demonstrates that the junction is likely to operate within capacity, as a simple priority junction.

In terms of road safety, the County Highway Authority draws attention to a fatal accident in the vicinity of the site in January 2016. Whilst the County Highway Authority states that it considers any fatal incident to be regrettable, it advises that there are no accident clusters in the vicinity of the site access with similar accident characteristics and would not therefore advise resisting the proposal for a new site access on the basis of this single incident.

In view of the similarity between the approved and proposed schemes, the County Highway Authority does not consider that there are any significant differences in terms of their respective off-site traffic and sustainable travel implications.

Additional Representations

Five further representations have been received (and including on behalf of the **Ashby Branch Labour Party**, the **Nottingham Road and Wood Street Action Group (NoRAG)** and the **Ashby de la Zouch Civic Society**), objecting to the application on the following grounds:

- Publication version of the emerging North West Leicestershire Local Plan indicates that no more than 70 dwellings will be permitted from Nottingham Road
- Previous approval was limited to only 30 dwellings from Nottingham Road
- Contrary to Policy H3 of the emerging North West Leicestershire Local Plan
- Report indicates that the Council is unable to demonstrate a five year housing land supply
- If permitted, the scheme would only substitute 605 dwellings for an existing permission for 605 dwellings, so the contribution to housing supply should not be material to the decision
- No masterplan for the wider Money Hill allocation has been provided
- Transport Assessment and its associated traffic survey data are out of date, and predates signalisation of the Wood Street / Upper Church Street junction
- Limited scope to increase traffic light controlled junction capacity
- No account taken of previous nearby accidents
- Conditions imposed by the previous Inspector should be enforced
- No account taken of on street car parking
- No account taken of impact of road levels on visibility splays
- No turning circles provided (including for emergency vehicles)
- Insufficient assessment of junction capacities
- Validation of LLITM model needs to be confirmed
- Inappropriate / unsafe access to Nottingham Road
- Exacerbation of existing congestion problems

- If not refused, the application should be deferred given limited consultation time on amended plans
- Applicants' suggestion that the Nottingham Road access would enable early delivery of the site would be in conflict with recommended Condition 27 which requires the A511 access to be provided prior to occupation of any dwellings

Officer Comment

The District Council's Planning Policy and Town Centres team confirms that the reference to 70 dwellings in the emerging Local Plan's explanatory paragraphs relates to the 70 permitted units accessed via Woodcock Way (i.e. those permitted under appeal ref. APP/G2435/W/15/3019451). Policy H3 of the publication version (June 2016) of the North West Leicestershire Local Plan provides that development of the allocation will be subject to, amongst others, provision of suitable and safe access from the A511, Smisby Road and Nottingham Road, with the Nottingham Road access provided primarily as a sustainable transport access, with some potential for very limited vehicular access. Whilst the policy itself does not define the number of dwellings permissible, it is considered that it could be argued that the scheme does not comply with this policy. However, given the acceptance by the County Highway Authority that the scheme as submitted would be suitable, it is not considered that a refusal of the scheme on these grounds could be successfully defended on appeal.

In terms of five year housing land supply, it is noted that, based on the housing requirement set out in the emerging Local Plan, and following the decision of Full Council on 28 June 2016 to approve the Local Plan for publication, the Local Planning Authority is now in a position where it can demonstrate a five year supply of housing (albeit in part based on an assumption of the delivery of housing over the next five years on the Money Hill site). Regardless, however, the proposals are still considered to constitute sustainable development. It is also noted that, at the time the previous Inquiry sat, it was accepted by the parties that the Authority was able to demonstrate a five year supply of housing (plus buffer) so, in this regard, there has been no material change in circumstances in terms of five year supply.

Insofar as the County Highway Authority's comments are concerned, it is noted that some minor changes to the highways-related conditions as previously imposed by the Secretary of State are now sought. However, it is accepted that, for the most part, these are appropriate given the differences between the two schemes, and the relevant amended / additional conditions are set out below. In respect of the issues related to timing of the provision of the two principal accesses, and following further discussions with the County Highway Authority, it is considered that the updated recommendation below would represent the most appropriate approach. In terms of transport-related Section 106 obligations, some additional / increased contributions beyond those previously secured are sought by the County Council. It is accepted that some increases may be justifiable having regard to the fact that the earlier agreement would have been index-linked, and given also that the access arrangements specifically concerning the junction with Nottingham Road are materially different and require additional costs to be placed on the Highway Authority in order that it may implement waiting restrictions to enable safe operation of the new junction, it is entirely reasonable that the development meets that additional financial burden in full. As per other unresolved planning obligation issues relating to County Council services (and as set out in the main report), it is recommended that officers be authorised to agree appropriate contributions through the Section 106 negotiations.

RECOMMENDATION: AMEND AND ADD CONDITIONS

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27 Save for any works associated with the formation of the relevant access, no construction works shall take place at any time unless *either* (i) the A511 site access junction as shown on drawing no. 11-T097_30 has been provided in full and is available for use by construction traffic; or (ii) a construction traffic access from the A511 in accordance with details first submitted to and agreed in writing by the Local Planning Authority has been provided in full and is available for use by construction traffic. No more than 150 dwellings shall be occupied within the development until such time as the A511 site access junction as shown on drawing no. 11-T097_30 has been provided in full and is available for use by vehicular traffic.

Reason - To provide vehicular access to the site, including for construction traffic, in the interests of highway safety. and to comply with Policy T3 of the North West Leicestershire Local Plan.

28 No development shall commence on the site until such time as a scheme for the provision of a new or diverted bus service serving the development, and providing a connection between the site and Ashby de la Zouch town centre, has been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall include hours of operation, service frequencies, routeing and provision of necessary on and off site infrastructure (including pole and flag, bus shelter, raised kerbs and information display cases). The scheme shall include any works / measures required for the initial implementation of the scheme, together with a phased programme for the implementation of any measures required by the scheme as the development progresses. No more than 150 dwellings constructed pursuant to this planning permission shall be occupied until such time as the whole of the approved scheme is fully operational.

Reason - To ensure adequate steps are taken to provide a choice in mode of travel to and from the site.

31 None of the dwellings hereby permitted shall be occupied until such time as the Nottingham Road site access junction as shown on drawing no. 11-T097_40.1 has been provided in full and is available for use by vehicular traffic.

Reason - To provide vehicular access to the site, to provide for appropriate connectivity to the town centre, in the interests of highway safety. and to comply with Policy T3 of the North West Leicestershire Local Plan.

32 No more than 150 dwellings constructed pursuant to this planning permission shall be occupied until such time as a scheme for the connection between the roundabout access at the A511 and the Nottingham Road access has been implemented in full in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason - To allow for bus penetration through the site, in the interests of promoting sustainable travel.

A4 16/00450/FUL Erection of four detached dwellings with associated off-street parking and new vehicular access off Manor Drive.
Land off Manor Drive, Worthington, Leicestershire.

Additional information received:

Following the publication of the Committee agenda statutory consultee comments have now been received from the County Highways Authority who have no objections subject to conditions as well as the Council's Environmental Protection Team who have no objections.

In terms of the five year housing land supply, it is noted that, based on the housing requirement set out in the publication version North West Leicestershire Local Plan, and following the decision of Full Council on 28th June 2016 to approve the publication version Local Plan, the Local Authority is now in a position where it can demonstrate a five year supply of housing.

Officer comment:

In the circumstances that the Local Authority can now demonstrate a five year housing supply those Policies which seek to prevent inappropriate development outside the Limits to Development are 'up to date' and should be taken into account in the decision making process. The policies which are considered to be relevant are Policy S3 of the adopted Local Plan and Policy S3 of the publication version Local Plan. A residential development of the type applied for is not recognised as an appropriate form of development outside the defined Limits and therefore the proposal conflicts, in principle, with both Policies S3. Whilst this is the case it is recognised that the settlement of Worthington is sustainable and that the alterations made to the boundaries of the Limits to Development now mean that the application site borders the defined Limits on its northern, southern and western boundaries (previously only its southern boundary bordered the recognised Limits), and in addition the proposed development would form an effective and defensible edge to the settlement. In this circumstance, as well as factoring into account the provisions of the NPPF do not necessarily preclude development in the countryside, it is considered that the degree of conflict with both Policies S3 would not justify a refusal of the application given that the openness of the rural environment would not be adversely impacted upon.

In the circumstances that the County Highways Authority has raised no objections the proposal is considered to be acceptable from a highway safety perspective and this conclusion was reached in the report already presented to Members. The suggested conditions of the County Highways Authority will be included on any planning permission which is granted.

RECOMMENDATION: No change to recommendation subject to the inclusion of the suggested conditions of the County Highways Authority.

