

# UPDATE SHEET

## PLANNING COMMITTEE – 06 May 2014

### To be read in conjunction with the Head of Regeneration and Planning'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**            **14/00047/FUL**            **Demolition of existing dwelling and erection of 7 no. dwellings**  
242 Melbourne Road, Ibstock

Following the publication of the Committee report the Local Authority has received a further letter of representation from the occupants of No. 6 Linden Close, acting on behalf of the other residents of Linden Close. Amended plans have also been received from the applicants identifying that Plots 1, 2, 3, 4, 6 and 7 would now be served from the newly created access off Melbourne Road, Plot 5 would continue to utilise the existing access to No. 242, and no vehicles would enter the site via Linden Close. Access onto Linden Close would be maintained so that the occupants of Plots 6 and 7 could deposit their bins onto Linden Close in order for them to be emptied due to the travelling distance of these plots from the main access to the development off Melbourne Road. The amended plans received have also provided information to address some of the conditions currently imposed should the decision be positive.

The objection received from the occupants of No. 6 Linden Close, acting on behalf of the other residents of Linden Close, can be summarised as follows: -

- *Proposed pedestrian access from the development onto Linden Close would open up a thoroughfare to Melbourne Road which would adversely affect the privacy and security of Linden Close;*
- *The residents close to the pedestrian access are predominately retired residents;*
- *The access would impact on the privacy of the occupants of the new dwellings;*
- *The new pedestrian route would make Linden Close and Maple Drive, as well as the new homes, vulnerable to crime and anti-social behaviour;*
- *Visitors to Plots 6 and 7 could be tempted to park on the existing narrow driveway in Linden Close affecting privacy and congestion;*

- *The green in front of Nos. 3 and 7 Linden Close could become a potential gathering area for youths;*
- *The distance of Plots 6 and 7 to the proposed access is not as far as some residents would have to walk to deposit their bins on Melbourne Road.*

### **Officer Comments**

The committee report prepared has covered the majority of issues raised and in terms of the issues raised which have not been addressed the following response is provided.

### **Neighbour Objection**

In respect of the objections raised it is considered that the Committee report has adequately covered the issues in respect of highway safety and parking matters in the Highway Safety section of the report. With regards to issues of security and privacy of the existing residents of Linden Close it is considered that the level of pedestrian movements onto Linden Close would be infrequent and only associated with the occupiers of Plots 6 and 7 depositing their bins onto Linden Close for emptying as the road would be a 'private' road and as such use of the road by other members of the public would be discouraged with the area having high levels of visual surveillance. In any case the approved scheme (13/00024/FUL) could be implemented and a pedestrian right of way formed to the one dwelling served off Linden Close which would have the same implications as that proposed under the current application. In these circumstances the issue would not be sufficiently detrimental to warrant a refusal of the application.

### **Other Matters**

The applicant has submitted amended plans to outline the materials which would be utilised and specifying certain details in order to remove some of the pre-commencement conditions imposed on the Committee report. The details submitted are considered to be satisfactory and as such the wording of Conditions 2, 3, 5, 6, 8, 14, 15 and 17 of the permission will be amended to reflect the revised details. Condition 15 referred to lighting details for the parking court and following the receipt of the amended plan consultation has been undertaken with the Council's Environmental Protection team who have verbally confirmed that there would be no objection to the proposed lighting scheme indicated on the plans.

### **RECOMMENDATION: PERMIT, subject to conditions and the following conditions being amended on the basis of the revised information**

2 This development shall be implemented in accordance with drawing numbers 100 and 101, received by the Local Authority on the 15th January 2014; drawing number 252A, received by the Local Authority on the 4<sup>th</sup> April 2014; drawing number 101 Revision A, received by the Local Authority on the 29<sup>th</sup> April 2014 and 150H, 161A, 250E, 251D, 501A, 502, 503, 504, 505, 506 and 507, 150E, received by the Local Authority on the 2<sup>nd</sup> May 2014, unless otherwise required by another condition of this permission.

*Reason - for the avoidance of doubt and to determine the scope of the permission.*

- 3 The external materials to be utilised in the development shall be in strict accordance with those specified on drawing number 150H, received by the Local Authority on the 2<sup>nd</sup> May 2014, which shall be as follows: -
- Ibstock Stoneleigh Light Red bricks to all Plots;
  - Sto Render to Plots 2 and 4 of Colour Reference 31320 with a Smooth Finish;
  - Forticrete Gemini Roof Tiles to all Plots coloured Dark Brown;
  - White uPVC windows to all Plots;

- Timber Doors by Coalville Glass and Glazing painted in Farrow and Ball Colours Pitch Black, Olive Green, Rectory Red and Catspaw;
- Brick voissors and brick on edge cills to all Plots;
- Keystone GRP Chimneys to Plots 1, 2, 3, 4 and 5;
- Black uPVC Rainwater Goods with Rise and Fall Brackets;
- Utility Boxes painted to match Brickwork;
- Timber Porches painted White;
- Wet Bedded Verges;

*Reason - to ensure a satisfactory standard of external appearance given the viability constraints of the site.*

- 5 The chimney stacks, eaves/verge detailing and head and cills shall be provided in strict accordance with those shown on the approved plans, as outlined in Condition 2 of this permission, as well as shown in the photographs attached to an email from Kristian Lawrence to Adam Mellor of the 1<sup>st</sup> April 2014, received by the Local Authority on the 2<sup>nd</sup> April 2014, unless alternative details have first been submitted to and agreed in writing by the Local Planning Authority.

*Reason - to enable the Local Planning Authority to retain control over the external appearance as no precise details have been submitted.*

- 6 The hard and soft landscaping to the site shall be provided in strict accordance with that shown on drawing numbers 150H and 161A, received by the Local Authority on the 2<sup>nd</sup> May 2014, unless alternative landscaping details are first submitted to and agreed in writing by the Local Planning Authority. The approved soft landscaping scheme shall be implemented in the first planting and seeding season following the first occupation/use of the dwelling unless an alternative implementation programme is first agreed in writing with the Local Planning Authority and shall thereafter be so retained. The approved hard landscaping scheme shall be provided in full prior to the occupation of any of the dwellings unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be so retained.

*Reason - to ensure a satisfactory landscaping scheme is provided within a reasonable period and in the interests of visual amenity given the site's location in the National Forest.*

- 8 The boundary treatment scheme for the site shall be provided in strict accordance with that shown on drawing numbers 150H and 161A, received by the Local Authority on the 2<sup>nd</sup> May 2014, unless an alternative scheme is first submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be provided in full prior to the first occupation of any dwelling hereby approved unless an alternative timescale is first agreed in writing by the Local Planning Authority.

*Reason - to preserve the amenities of the locality, in the interests of highway safety and because insufficient information has been submitted as part of the application.*

- 14 Prior to the first occupation of any dwelling on the site the off-street parking provision, including garage spaces, as shown on drawing number 150H, received by the Local Authority on the 2<sup>nd</sup> May 2014, and 252A, received by the Local Authority on the 4th April 2014, shall be provided and thereafter shall permanently remain available for car parking.

*Reason - to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.*

- 15 The scheme of lighting and marking of the off-street parking spaces shall be provided in strict accordance with that shown on drawing number 150H, received by the Local Authority on the 2<sup>nd</sup> May 2014, unless an alternative scheme is first submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme, or any subsequent variation, which shall thereafter be so maintained at all times.

*Reason - to ensure the satisfactory overall appearance of the completed development and to ensure the security of the parking facilities.*

- 17 The proposed site levels and finished floor levels shall be provided in strict accordance with those shown on drawing number 101 Revision A, received by the Local Authority on the 29<sup>th</sup> April 2014, unless alternative levels and finished floor levels are first submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason - to determine the scope of the permission and in the interests of residential amenity.*

- A2            13/00249/OUTM            Employment uses (B2/B8) of up to 1,300,000 sqft (120,773 sqm approx) with associated ancillary uses and associated infrastructure, including a new access from Beveridge Lane and off-site highway improvements, earthworks and ground modelling, together with new landscaping, including habitat creation and provision of a new community woodland park (outline - all matters other than part access reserved)**  
Land at Little Battleflat Farm, Beveridge Lane, Ellistown

This application has been withdrawn from the agenda at the request of the applicant.

- A3            13/00335/OUTM            Development of 605 residential dwellings including a 60 unit extra care centre (C2), a new primary school (D1), a new health centre (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 Woodcock Way (outline - all matters other than part access reserved)**  
Money Hill Site, North of Wood Street, Ashby de la Zouch

### **Correction**

The summary of publicity as set out in Section 2 is incorrect. It should read:  
554 neighbours have been notified  
Press Notice published 29 May 2013  
Site Notice published 29 May 2013

### **Correspondence from the Applicants**

The applicants raise a number of issues, and these are contained within the attached letter.

### **Additional Consultee and Third Party Responses**

**County Highway Authority** advises that its previous comments in respect of the maximum number of dwellings being served from a single point of access still apply, but would raise no objections if none are raised by the emergency services. Insofar as the A511 access is concerned, the County Highway Authority is satisfied that it would have sufficient capacity to accommodate the units no longer served from Woodcock Way.

The County Highway Authority also considers that there may be potential to integrate the current application with a wider scheme if and when such an application were made, and that this could potentially resolve some of the access issues. However, the County Council also advises that it would be likely to take a cautious approach to permitting numerous new junctions on the A511. It comments that, if there is an aspiration to allow further development to the north of the current application site, a condition to allow for linkages and access may be advisable, but would defer to the Local Planning Authority to consider its position on the direction for growth. It also notes that the proposed site access on the A511 would be unlikely to be able to cope with significantly more development than is currently proposed.

Additional comments have been received from the **Ashby de la Zouch Civic Society** and the **Nottingham Road Action Group** (copies of the correspondence attached).

Comments have also been received on behalf of Miller Homes Ltd who advise that they have a legal interest in part of the application site (to the north of Woodcock Way), and that, should the Planning Committee resolve to permit the application, Miller Homes and their land owners would be unable to enter into a Section 106 agreement, and planning permission would hence not be able to be issued (copy of the correspondence attached).

### **Comment**

Insofar as the applicants' point made regarding the implications of the *South Northamptonshire v Secretary of State for Communities and Local Government* case referred to in the main report is concerned, the District Council's Legal team confirms that it is content with the approach taken in the main report in respect of this issue.

In terms of the point raised on behalf of Miller Homes Ltd regarding the ability to enter into a Section 106 agreement, whether or not all of the application site's landowners would be willing to enter into an obligation would be a matter for the applicants to agree with the relevant owners. Should Planning Committee resolve to permit the application, no formal decision notice would be granted until such time as a planning obligation had been entered into which, in the opinion of the District Council's legal advisors, would be sufficient to enable appropriate enforcement of all required obligations.

### **NO CHANGE TO RECOMMENDATION**

**Money Hill Consortium**  
**Planning application reference 13/00335/OUTM**  
**Land at Money Hill, Ashby-de-la-Zouch**

Matters of clarification for Planning Committee on 6 May 2014

Further to the publication of the officer report to committee recommending that the planning application for the development of land at Money Hill, Ashby-de-la-Zouch, we write to confirm how the proposals have evolved since consideration at the December 2013 Planning Committee. The development proposed is for 605 residential dwellings including a 60 unit extra care centre (C2 and C3 uses), primary school, nursery school, community facilities and healthcare (D1 uses), neighbourhood retail use (A1 use), new public open space and vehicular access from the A511 and Woodcock Way (outline - all matters other than part access reserved).

The applicant is the Money Hill Consortium (which comprises Cogent Land LLP, Bloor Homes and Taylor Wimpey).

The Money Hill Consortium has proposed a number of changes and has identified a number of other material considerations arising since the matter was previously considered. The details of the changes to the planning application and other material considerations have been set out in correspondence from Iceni Projects.

It is relevant to note that the changes proposed to the application have been subject to consultation further to the resolution at the March Planning Committee to re-consider the revised application.

Health Provision

The application, as submitted, included proposals for a health centre of 2,000sq.m (gross), including 1,200sqm GP area, 150sqm pharmacy and 400sqm future expansion space). The parameters plans (as amended in July 2013) identified the area within which the health centre could be sited were it to be required. It identified the area as a zone of 0.52ha for the development of health centre and/or residential use.

Further to the above the Council has received an application for a health centre at the Holywell Spring Farm site on Burton Road. The Medical and Pharmacy Contracts Manager for NHS England (Leicestershire and Lincolnshire Area) has confirmed that they are focusing on the proposed health centre at Burton Road.

The Money Hill application provides the flexibility to accommodate the provision of a health centre on site should the proposals for Burton Road fail to be delivered. The Money Hill scheme also proposes financial contributions towards healthcare provision in the normal manner should the proposals for Burton Road be delivered.

Woodcock Way

The Money Hill Consortium has confirmed that it is willing to restrict access to the development off Woodcock Way to 30 residential dwellings, including during the construction phase. This means that the access from the site onto Woodcock Way would not be used to access more than 30 dwellings at any point in the development proposals. The residual development would be accessed off the proposed highway link to the A511.

### Non-vehicular Access into the Town Centre

The Money Hill Consortium recognises the ambition of the Planning Committee to further enhance connectivity within the wider area and has committed to fund an objective assessment of public transport connectivity and permeability within Ashby. It has also committed to provide funding (up to £400,000) towards enhancements to connectivity and permeability should any be identified as being required within the study.

### Affordable Housing

The Money Hill Consortium will seek to maximise the provision of affordable housing within the scheme, subject to viability. As such, it proposes the provision of up to 30%, but not less than 10%, with the final amount to be determined by viability assessment. It is significant that the provision of affordable housing, should it fall below the 30% target, would be justified by the provision of additional contributions to the provision of other infrastructure enhancements.

### Other Matters

The officer report to committee confirms the proposals for contributions towards enhancements to Footpath 089. We would like to take this opportunity to confirm that it is proposed to provide for these enhancements alongside the first phases of development.

We have identified a point of clarification within the officer report to committee. The following paragraph, which refers to the effect of recent judgments of the High Court, should be revised to remove the words 'as a result of which it is no longer appropriate to rely on the latter decision' as the South Northamptonshire Council has simply clarified the Judge's reasoning in the Stephenson's Green case, not overruled it. That said, we agree that the case has made clear that Policy S3 or H4/1 should not be taken into consideration:

*"The consequences of an inability to demonstrate a five year supply are profound. Paragraph 49 of the NPPF advises that "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites". Therefore the Council would not, in these circumstances, be able to rely on either Policy S3 or Policy H4/1 as they are "relevant policies" for the purposes of NPPF paragraph 49. Whilst members have previously been advised, on the basis of the Stephenson's Green High Court decision that Policy S3 should not be considered to be a relevant policy for the supply of housing and that, accordingly, the policy should not be considered to be out of date, a recent judgement from the most senior Judge in the Administrative Court (who is also a specialist Planning Judge) has clarified the position taken by the Judge in the Stephenson's Green case as a result of which it is no longer appropriate to rely on the latter decision. In South Northamptonshire Council -v- Secretary of State for Communities and Local Government (10 March 2014) Mr Justice Ouseley, considering the meaning in Paragraph 49 of the NPPF of policies "for the supply of housing", said this..."*

The other matters we have identified – the submission of the request for a scoping opinion on the proposed development of the wider site and the draft PPA to accompany it – are not material considerations in the determination of the current application.

## JAMES KNIGHTLEY

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**From:** Chris [christandy@hotmail.co.uk]  
**Sent:** 05 May 2014 18:56  
**To:** JAMES KNIGHTLEY  
**Subject:** Fwd: Moneyhill

FYI and inclusion in update sheet.

Regards  
Chris Tandy  
Tel: 01530 415654

Begin forwarded message:

**From:** Chris <[christandy@hotmail.co.uk](mailto:christandy@hotmail.co.uk)>  
**Date:** 5 May 2014 14:51:37 GMT+01:00  
**To:** [graham@ga-select.com](mailto:graham@ga-select.com), john bridges <[bridgesproperty@sky.com](mailto:bridgesproperty@sky.com)>, John Coxon <[john-coxon@btconnect.com](mailto:john-coxon@btconnect.com)>, d everitt <[david.everitt@nwleicestershire.gov.uk](mailto:david.everitt@nwleicestershire.gov.uk)>, tony Gillard <[tony.gillard@nwleicestershire.gov.uk](mailto:tony.gillard@nwleicestershire.gov.uk)>, jim Hoult <[tractorjim@tiscali.co.uk](mailto:tractorjim@tiscali.co.uk)>, d howe <[derek.howe@nwleicestershire.gov.uk](mailto:derek.howe@nwleicestershire.gov.uk)>, russel johnson <[russell.johnson@nwleicestershire.gov.uk](mailto:russell.johnson@nwleicestershire.gov.uk)>, Geraint Jones <[geraintj1@sky.com](mailto:geraintj1@sky.com)>, John legrys <[councillorjohnlegrys@outlook.com](mailto:councillorjohnlegrys@outlook.com)>, tom neilson <[tom.neilson@nwleicestershire.gov.uk](mailto:tom.neilson@nwleicestershire.gov.uk)>, [nigel.smith@nwleicestershire.gov.uk](mailto:nigel.smith@nwleicestershire.gov.uk), micheal specht <[michael.specht@nwleicestershire.gov.uk](mailto:michael.specht@nwleicestershire.gov.uk)>, [david.stevenson@nwleicestershire.gov.uk](mailto:david.stevenson@nwleicestershire.gov.uk), Ray Woodward <[ray.woodward@talktalk.net](mailto:ray.woodward@talktalk.net)>, micheal wyatt <[michael.wyatt@nwleicestershire.gov.uk](mailto:michael.wyatt@nwleicestershire.gov.uk)>, paul hyde <[paul.hyde@nwleicestershire.gov.uk](mailto:paul.hyde@nwleicestershire.gov.uk)>, gus geary <[01530835171@talktalk.net](mailto:01530835171@talktalk.net)>, john cotterill <[john.cotterill@nwleicestershire.gov.uk](mailto:john.cotterill@nwleicestershire.gov.uk)>, a bridges <[annette.bridges@nwleicestershire.gov.uk](mailto:annette.bridges@nwleicestershire.gov.uk)>, nick clarke <[nick.clarke@nwleicestershire.gov.uk](mailto:nick.clarke@nwleicestershire.gov.uk)>, [virge.richichi@nwleicestershire.gov.uk](mailto:virge.richichi@nwleicestershire.gov.uk), ronnie adams <[ronnie.adams@nwleicestershire.gov.uk](mailto:ronnie.adams@nwleicestershire.gov.uk)>  
**Subject:** Moneyhill

DEAR COUNCILLOR,  
THE POSSIBLE LAST MINUTE AMENDMENTS TO THIS APPLICATION NEED FURTHER EXPLANATION WHICH I HAVE LISTED BELOW.  
I WOULD REMIND YOU THAT YOU ARE DETERMINING THE APPLICATION BEFORE YOU, NOT THE PROPOSED 1600 HOUSE SCHEME WHICH MAY OR MAY NOT COME FORWARD.  
THESE SO CALLED COMMITMENTS ARE VALUELESS UNLESS THEY ARE CONDITIONED IN THE APPLICATION APPROVAL. CURRENTLY THEY DO NOT APPEAR IN THE 32 CONDITIONS ATTACHED TO THE PROPOSED APPROVAL RECOMMENDED BY THE OFFICERS.



We also propose that there be no public transport access via this junction; removing any requirement for bus-gates through to other parts of the development. All other homes in this application will be accessed from the A511 by-pass.

NOTE THERE IS NO COMMITMENT TO RESTRICT ACCESS TO COMMUNITY FACILITIES VIA WOODCOCK WAY.

· We are committed to fund an objective assessment of connectivity and permeability to Ashby town centre and we will contribute up to £400,000 to enable NWLDC—at nil cost to the Council—to implement such measures identified in the study.

NOTE THAT THE SOLUTION WILL NOT BE IMPLEMENTED FOR THIS APPLICATION BUT ONLY ON A FUTURE 1600 HOUSE APPLICATION. IS £400,000 ENOUGH FOR A STUDY, LAND ACQUISITION AND BUILDING A ROAD? IF ITS MORE IS THE COUNCIL COMMITTED TO FUND ANY EXCESS?

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- Responding to stakeholder consultations, we will increase the size of the extra-care facility from a 60-bed unit to a facility with around 100 beds with an associated increase in parking provision We are committed to bringing this forward as part of the next stage of masterplanning for the larger Money Hill development. *To give Members greater confidence of this next stage being delivered, it should be noted that we have submitted a formal request for a scoping opinion on this, which is the first step in bringing forward these wider proposals.*
- *NOTE THAT THIS COMMITMENT IS FOR A FUTURE APPLICATION NOT THE ONE BEFORE YOU*

· Likewise, the issue of an additional car parking area in the south-west corner of the site will be addressed as part of the masterplanning process for the wider Money Hill development proposals.

AGAIN NOT REFERRING TO THIS APPLICATION

· If this application for 605 homes is approved, we are committed to bring forward immediate stakeholder engagement on evolving the Money Hill masterplan for a larger development of housing and employment areas. *Our objective is to bring forward an outline application for the remainder of the Money Hill site by October this year.*

· In the last week, there has been speculation that we will be unable to deliver part of our Money Hill development proposals. This speculation is based around a recent housebuilders' presentation to Ashby Town Council for a development of 70 houses on a small parcel of land within our Money Hill site that could only be accessed via Woodcock Way. *We can reassure Members that this speculative approach does not affect this application for 605 homes, nor our commitment to restrict access via Woodcock Way to just 30 homes.*

THE DEVELOPER FAILS TO TELL YOU THAT THEIR OPTION ON THE WOODCOCK WAY ENTRANCE LAND HAS EXPIRED AND A NEW EXCLUSIVE OPTION HAS BEEN BOUGHT BY AN ALTERNATIVE DEVELOPER MILLER HOMES WHO WILL BE SUBMITTING AN ALTERNATIVE SCHEME. WOODCOCK WAY IS EFFECTIVELY NOW A RANSOM STRIP TO THE ORIGINAL CONSORTIUM SCHEME.

Regards  
Chris Tandy  
Tel: [01530 415654](tel:01530415654)

# Ashby de la Zouch Civic Society



69 Leicester Road  
Ashby de la Zouch  
Leicestershire  
LE65 1DD

30th April 2014

Email: [christandy@hotmail.co.uk](mailto:christandy@hotmail.co.uk)

## Moneyhill Application13/00335/outm

Dear Councillor,

The planning committee refused this application in December 2013 for the following reasons:

1. Unacceptable access arrangements of both Woodcock Way and the town centre link
2. Unresolved issues of J13 of M42
3. Under provision of affordable housing

The officer states "As things stand they are unresolved and if a formal decision on the application were to be issued at this particular moment in time a refusal on these points would be appropriate"

The Highways Agency state " planning permission should not be granted in view of the unresolved issues relating to the potential impact on the A42 trunk road" Officers wish you to grant permission and condition approval.

Leicestershire Highways have requested a condition to limit A511 access to 400 houses.

Officers wish you to approve access to 575 houses and ignore highways recommendation.

County Highways cannot confirm that the proposed A511 junction is deliverable as the interface with footpaths and cycle ways is not resolved.

Officers ask you to ignore this issue.

County Highways have expressed concerns about undefined emergency routes and have requested that the bus gate be removed.

Officers recommend emergency routes and bus gate are approved.

Concern has been expressed about the site connectivity to the town centre. The proposed north street link was considered unacceptable and a reason for

**refusal.**

**The developers response is to increase their contribution by £60000 to NWLDC and ask them to assess the issue, find a solution and implement it.**

**The developer says " the findings of the assessment won't feed into the current development proposals but are capable of being taken into account in future proposals."**

**Effectively you are being asked to approve the application without a town link with no condition to ever resolve it for this application.**

**The developer proposes to provide 10% affordable housing versus a 30% requirement. The extra care facility is to be reduced from 60 flats to 15 with 46 separate affordable houses. The officers state that it is unlikely that an extra care provider could be found to develop a 15 unit facility. The developers have provided no information on viability to support these reductions, just quoting that other contributions are high and other developers have been allowed to reduce affordable housing. No analysis has been undertaken by the district valuer .It should be noted that all other developments in ashby have provided the full 30% .**

**The officers say that the lack of affordable housing is unsustainable and is an acceptable reason for refusal of the application.**

**In summary, none of the reasons for the previous refusal have been resolved and there is no commitment or condition to resolve them.**

**The officers although accepting that they are unresolved and are valid reasons for refusal are recommending approval of the application. No conditions are attached to the approval to resolve the issues discussed in this letter**

**Therefore as members concerns have not been addressed and there are no conditions in place to resolve them we have no option but to continue our objection and ask you to confirm your previous refusal of this application.**

**Yours sincerely**

**C.Tandy:**

**Vice Chairman**

**Ashby de la Zouch Civic Society.**

## JAMES KNIGHTLEY

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**From:** Mike Ball [mike\_ball55@hotmail.co.uk]  
**Sent:** 06 May 2014 00:48  
**To:** graham@ga-select.com; 'John bridges'; 'John Coxon'; DAVID EVERITT; TONY GILLARD; 'jim Houl'; DEREK HOWE; RUSSELL JOHNSON; 'Geraint Jones'; 'John legrys'; TOM NEILSON; NIGEL SMITH; MICHAEL SPECHT; DAVID STEVENSON; 'Ray Woodward'; MICHAEL WYATT; PAUL HYDE; 'gus geary'; JOHN COTTERILL; ANNETTE BRIDGES; NICK CLARKE; RONNIE ADAMS; VIRGE RICHICHI  
**Cc:** JAMES KNIGHTLEY  
**Subject:** Money Hill

Dear Councillor ,

I write on behalf of NoRAG ( the Nottingham Road Action Group ) to make you aware that the Money Hill application as it stands right now contains nothing to address the key issues of unacceptable access ( in terms of town centre connectivity and vehicular access to Woodcock Way ) and adverse impact on A42 J13 highway safety that were identified at the December refusal .

We have campaigned , not to stop houses being built on Money Hill , but to ensure that the impact of any such development on Nottingham Road be kept to the absolute minimum . To this end we believe the following broad protections for Nottingham Road to be entirely reasonable :

- 1) **Access through Woodcock Way to Money Hill to be limited to a maximum of 30 new dwellings , with no access for any community/commercial use , or for a bus service , or for construction traffic** – Woodcock Way and its junction with Nottingham Road simply aren't suited to anything more than a minimal increase in through traffic .
- 2) **No alterations to be made to the Woodcock Way carriageway or it's junction with Nottingham Road** – we consider the proposed introduction of a ghost right-turn lane on Nottingham Road and the tightening of the notorious "Grammar School bend" to be detrimental to road safety , and unnecessary given the reduced use of Woodcock Way above ; ditto the proposed widening and double-yellow lining of Woodcock Way .
- 3) **Additional road linkage(s) from the proposed estate to the town centre** - without this residents of the new estate will simply jump into their cars , turn right onto the bypass , and attempt to head into town along Nottingham Road . Furthermore , accessing 575 new dwellings , a primary school , nursery school , extra-care facility , community hall and shops all from a single roundabout on the A511 massively contravenes the 6Cs design guide - LCC Highways didn't object because it believed their recommended 400 dwelling limit would be put as a condition of approval ! Now the applicants seem to want to pass the buck to NWLDC to do a study , identify a solution and build a road ..... but what if the promised £400k is insufficient to do all this ?
- 4) **A comprehensive scheme to increase the capacity of the A511 junctions with Nottingham Rd ( "Tesco island" ) and the A42 ( J13 , "Flagstaff island" )** – peak-time congestion around these 2 roundabouts has already reached critical levels , with tail-backs from Nottingham Rd clogging "Tesco island" and in turn the northbound A511 , preventing traffic from leaving "Flagstaff island" which in turn causes queues on the northbound off-slip road right back onto the A42 carriageway , with potentially fatal consequences . The scale and proximity of the proposed development make it essential that the Money Hill Consortium be tied in securely to a timely solution . Back in December the officer's view was that "a solution to this issue seems achievable" ..... they've had a further 5 months to reach agreement on the comprehensive scheme required and its funding , but lamentably "a solution to this scheme seems achievable" remains the officer's view !

At tomorrow's Planning Committee you will be asked to consider the 605-home Money Hill application . The officers report recommends approval , with 32 conditions – **as things stand , not one of these 32 conditions gives any of the above protection .**

Although there may be other good planning reasons to refuse this application , NoRAG’s primary concerns would be satisfied if the following reasonable conditions were put in place should you be minded to approve the application :

- **No dwelling to be occupied until such time as additional road access into the site from the town centre be provided \***
- **No dwelling to be occupied until such time as a comprehensive scheme to increase the capacity of A42J13 has been agreed and funded**
- **No more than 30 of the new dwellings to be accessed from Nottingham Road via Woodcock Way**
- **No access to non-residential uses from Nottingham Road via Woodcock Way**
- **No use of Woodcock Way for bus access to/from Nottingham Rd ( and amend condition 32 accordingly )**
- **No alterations to the existing Woodcock Way carriageway , or its junction with Nottingham Rd ( and remove condition 29 )**
- **No use of Woodcock Way for construction vehicles**
- **No development south of the existing Ivanhoe Way footpath ( and the resultant “green wedge” to be planted prior to construction starting )**
- **No emergency access to the wider site from Nottingham Rd via Woodcock Way**

\* the time taken for “reserved matters” and then the construction of the roundabout on the A511 and the “sub-road” from that roundabout down to where the first house will be built would allow sufficient time to ensure a solution to the overall site access issue

**Regards , Mike Ball ( on behalf of the Nottingham Road Action Group )**

GL03cw2917/EMS.2533

30<sup>th</sup> April 2014

Mr James Knightley  
North West Leicestershire District Council  
Council Offices  
Coalville  
Leicestershire  
LE67 3FJ

Dear James

**Planning Application for 605 Dwellings and Related Development on Land at Money Hill, Ashby-de-la-Zouch - Application Reference 13/00335/OUTM**

I note that the above planning application is being reconsidered at your Council's Planning Committee meeting on the 6<sup>th</sup> May 2014 with a recommendation to approve. I also note that the reconsideration is on the basis of:

- The number of dwellings to be accessed via Woodcock Way be limited to 30; and
- Increased contribution towards enhanced connectivity between the site and the town centre.

I am instructed to alert your Council to a change in circumstance since this was resolved to be refused in December 2013 with regards to land interest. In particular, my clients Miller Homes Limited now has a legal interest in that part of the planning application site immediately to the North of Woodcock Way, as identified on the plan attached to this letter.

The Money Hill applicants have not sought to agree the now proposed limited number of dwellings to be served off Woodcock Way with Miller Homes. As such, should planning permission be resolved to be approved, Miller Homes and their land owners would not be in a position to enter into any Section 106 Planning Obligation on this basis; no planning permission would therefore be able to be issued.

Miller Homes are in the process of preparing a planning application for housing development with access via Woodcock Way to serve the land edged red as attached, with no further vehicular access beyond this, unless specifically required for bus-only or emergency access purposes. The maximum number of dwellings that could be accommodated on the site is 70 and this would therefore be the maximum number of dwellings that could possibly be accessed via Woodcock Way.

I would be grateful if this letter is reported to members in advance of the meeting on 6<sup>th</sup> May 2014 and you will note that this has been copied to Ashby Town Council for their information.

Yours sincerely



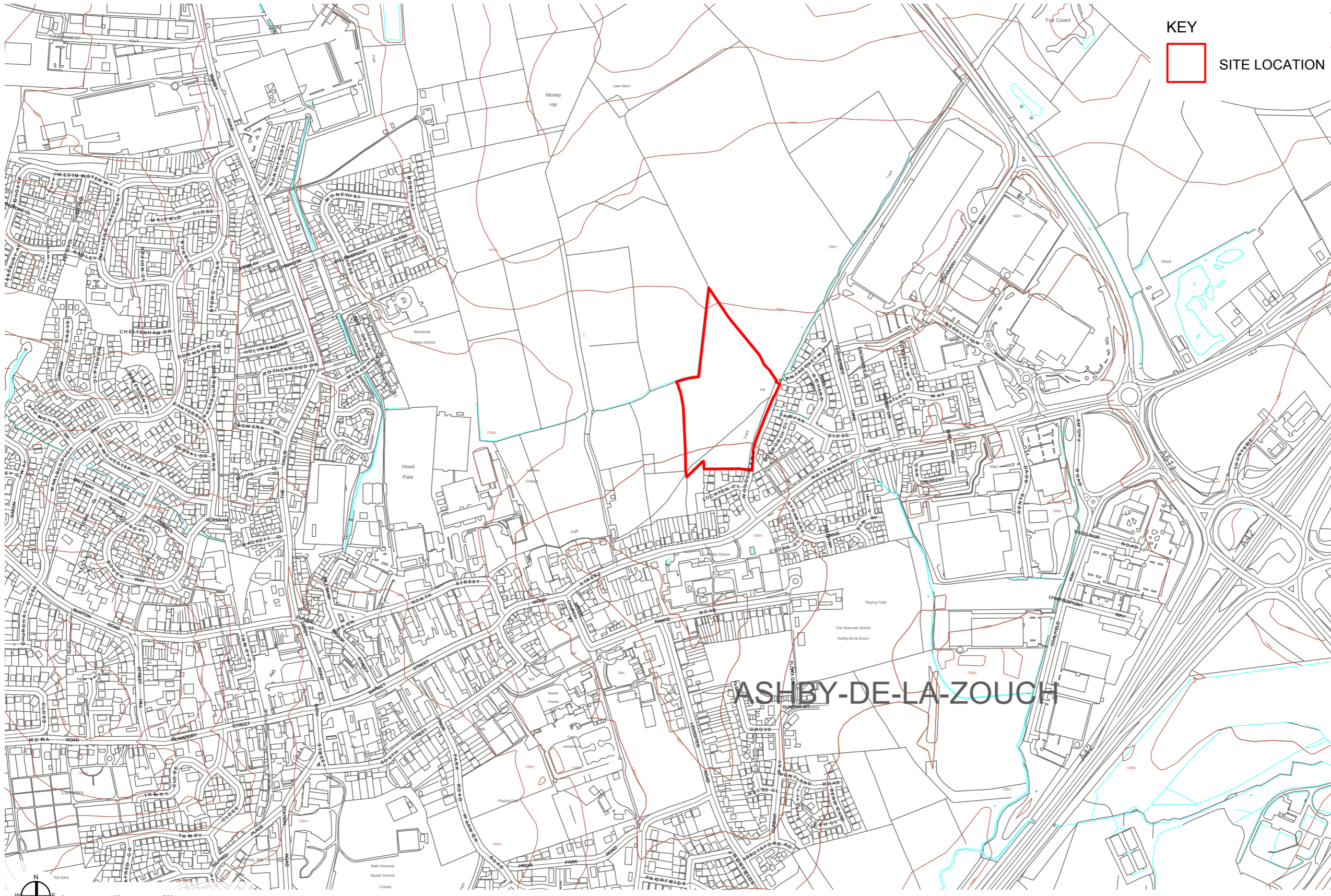
Gary Lees  
Director  
[gary.lees@pegasuspg.co.uk](mailto:gary.lees@pegasuspg.co.uk)

cc: Ben Massey - Miller Homes Limited  
Jack Fargher - Ashby Town Council

Enc



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KEY  
SITE LOCATION

ASHBY-DE-LA-ZOUCH

### Woodcock way, Ashby - Location plan



**A4**            **11/01054/FULM**            **Erection of 188 no. dwellings with associated garaging / parking, infrastructure, construction of new access off Frearson Road and formation of open space, landscaping and balancing pond**  
Land off Frearson Road Coalville

**Additional Consultee Comments:**

**Leicestershire Police** has amended its contribution request, and now seeks a contribution of £72,281 based on the following:

Start up equipment	£7,819
Vehicles	£4,775
Additional radio call capacity	£480
PND additions	£244
Additional call handling	£417
ANPR	£2,055
Mobile CCTV	£375
Additional premises	£55,740
Hub equipment	£376

**Comment:**

The amended contribution request would appear to address the issue as set out in the main report insofar as the request no longer appears to take a “flat” rate per dwelling approach. The other officer comments within the report in respect of police contributions generally continue to apply at this present time.

**NO CHANGE TO RECOMMENDATION**

**A5**            **13/00818/OUTM**            **Residential development of up to 135 dwellings including the demolition of 138,140 and 142 Bardon Road along with new access and highway improvements to Bardon Road and associated open space and landscaping (Outline - All matters other than part access reserved)**  
Land Adjacent To 138, 140 and 142 Bardon Road, Coalville

**Additional information received:**

The applicants have indicated that they would be prepared to provide six affordable dwellings on site but these could only be provided by reducing the off-site highway infrastructure from £600,000 to £340,000. The applicants’ position is that if no end user can be found for the affordable housing units then the highway network contribution be increased back to £600,000.

**Officer Comment:**

The revised approach offered by the applicant would provide some affordable housing on site but would result in a reduction in the off-site highway network contribution. This approach would not be wholly in accordance with the Council's Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville policy which seeks to prioritise necessary off-site highway network contributions. On this basis, officers would continue to support the original recommendation contained within the Committee Report. Whilst the approach suggested by the applicants of providing some affordable housing on the site would not fully comply with the Council's Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville policy, officers are of the view that, if this approach was taken and subsequently no end user could be found for the affordable housing, it would nevertheless be acceptable for the money to be used as an off-site commuted sum to support the delivery of affordable housing elsewhere in the District. This issue can be addressed by way of the detailed negotiations on the Section 106 agreement should members resolve to permit the application.

Two additional planning conditions would be required in respect of contaminated land.

**RECOMMENDATION: NO CHANGE TO RECOMMENDATION, subject to the following additional conditions:**

21 No development (except any demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS 8576 Year 2013 Guidance on Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds (VOCs)
- BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall

be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

*Reason - To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.*

22 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

*Reason - To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.*

**A6            13/00991/OUTM            Residential development of up to 90 dwellings (Outline - all matters other than part access reserved)**

Land to the West of 164 - 222, Bardon Road, Coalville

**Additional information received:**

An initial response has been received from the Council's Housing Officer who states that the Council's preferred policy position is to seek onsite delivery particularly on this site, given its sustainable location within the Greater Coalville area.

**Officer comment:**

At this stage, given that the viability appraisal is still being prepared by the applicants and has yet to be independently assessed by the District Council, it is unclear as to whether the provision of an off site commuted sum of £100,000 would be viable. The District Council would also need to have regard to the Affordable Housing Supplementary Planning Document, particularly policies AH7 and AH8 (which indicate the Council's preferred position is for Affordable Housing on site and also sets out the circumstances in which off-site contributions would be appropriate) in the context of the viability appraisal, where possible.

**NO CHANGE TO RECOMMENDATION**

**A7**      **14/00219/FUL**      **Erection of three no. single storey detached dwellings and one no. two-storey dwelling and associated garaging**  
191 Loughborough Road, Whitwick

Following the publication of the Committee report the Local Authority has received a further three letters of representation based on the four letter templates submitted as well as a representation from the occupant of No. 97 Hermitage Road and a signed petition with 240 signatories. Amended plans have also been received to amend the design of Plot 1 and reduce the height of the proposed garages.

The representations received objecting to the application can be summarised as follows: -

- *Policy H4/1 requires the use of previously developed land, this is green land;*
- *Policy H4/1 also requires that development should be sustainable, this land is not sustainable;*
- *Paragraph 53 of the NPPF outlines that back garden development should be carefully controlled;*
- *Development would have unacceptable landscape and visual impact in a very environmentally sensitive site;*
- *Development will set a precedent for similar development along Loughborough Road;*
- *Development will not be read in conjunction with 191 Loughborough Road;*
- *Lack of landscaping will make development prominent;*
- *Boundary treatment scheme is unacceptable;*
- *Sewerage system cannot deal with additional waste;*
- *There will be surface water run-off issues;*
- *Refuse collection issue has not been addressed.*

**Officer Comments**

It is considered that the Committee report prepared has satisfactorily covered the issues raised.

**Other Matters**

The amended plans submitted have amended the design of Plot 1 and reduced the heights of the garages and as such Condition 2 would be amended to reflect the revised plans details.

**RECOMMENDATION: PERMIT, subject to conditions and the following condition being amended on the basis of the revised information.**

- 2 This development shall be implemented in accordance with drawing numbers HMD/PD/0289/03; HMD/PD/0289/04 and HMD/PD/0289/05, received by the Local Authority on the 3rd March 2014, and drawing numbers HMD/PD/0289/01 Revision A, HMD/PD/0289/02 Revision A and the drawing titled 'Detached Double Garage' (1:100), received by the Local Authority on the 25<sup>th</sup> April 2014, unless otherwise required by another condition of this permission.

*Reason - for the avoidance of doubt and to determine the scope of the permission.*

**A8            14/00196/FUL            Erection of two detached dwelling alone with detached garages and associated access works**  
30 Clements Gate, Diseworth

Following the publication of the Committee report the Local Authority has received a further two letters of representation to the application, one from the occupant of No. 37 Clements Gate objecting to the application and the other from the occupant of No. 20 Clements Gate supporting the application.

The representation received from the occupant of No. 37 Clements Gate objecting to the application is summarised as follows: -

- *Application says there will be parking for 8 vehicles on the site which is fine should the parking be restricted to the site;*
- *No. 30 Clements Gate has a driveway for parking but as they run a business where people park their cars on the site this leads to disruption on Clements Gate as the vehicles associated with No. 30 domestically park in the highway;*
- *Provision should be made to ensure that No. 30 has enough space for its own vehicles on the site as well as those associated with the business;*
- *Development will block views of the countryside;*

The representation received from the occupant of No. 20 Clements Gate supporting the application is summarised as follows: -

- *Any additional road traffic associated with the development would not have a significant impact on the highway;*
- *The dwellings would have a minimal impact on the surroundings given that they have been designed to reflect properties in the area;*
- *Development will help to support the local facilities which would enhance their viability in the long term.*

#### **Officer Comments**

The committee report prepared has covered the majority of issues raised and in terms of the issues raised which have not been addressed the following response is provided.

#### **Neighbour Objection**

In respect of the objections raised it is considered that the Committee report has adequately covered the issues raised in the relevant sections (Design and Highway Safety). Any business run by the applicants at the current property could not be controlled or assessed as part of this application due to the land not falling within the red line of the site location plan and being unconnected to the development proposals. Should planning permission be required for any business operation undertaken at No. 30 then the implications of such a business on highway safety would be assessed under any application submitted for this development proposal.

#### **NO CHANGE TO RECOMMENDATION**

**A9**            **14/00102/FUL**            **Change of use to community play area and beer garden, extension to existing car park, buffer zone, provision of post and rail fencing and hedging and installation of external lighting**  
Halfway House, 65 Church Street, Donisthorpe

Members are advised that the indicative site location plan produced within the main report is incorrect and relates to the existing premises rather than the area the subject of the change of use application. The correct version will be displayed at the Planning Committee meeting.

An amended plan has been received showing a 10m buffer zone to safeguard neighbouring properties.

**RECOMMENDATION:            NO CHANGE TO RECOMMENDATION, subject to amendments to Condition 2 to include reference to the amended plan**