

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN COMMITTEE – WEDNESDAY, 13 NOVEMBER 2019

Title of report	MONEY HILL MASTERPLAN CONSULTATION
Contacts	<p>Councillor Robert Ashman 01530 273762 robert.ashman@nwleicestershire.gov.uk</p> <p>Interim Head of Planning and Infrastructure 01530 454782 chris.elston@nwleicestershire.gov.uk</p> <p>Planning Policy Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk</p>
Purpose of report	To inform Members about the outcome of the recent consultation on a Masterplan for Money Hill Ashby de la Zouch and to comment on the Council's response.
Council Priorities	<p>Our communities are safe, healthy and connected</p> <p>Local people live in high quality, affordable homes</p> <p>Support for businesses and helping people into local jobs</p> <p>Developing a clean and green district</p> <p>Our communities are safe, healthy and connected</p>
Implications:	
Financial/Staff	The Masterplan is the developer's document and so the cost of producing it has been met by the developer. Staff time organising and responding to the consultation has been met from existing budgets.
Link to relevant CAT	None
Risk Management	The requirement for the developer to produce a Masterplan and for it to be agreed by the Council is a requirement of the adopted Local Plan. A failure to produce or agree the Masterplan will result delay to the development which is a key component of the Council's development strategy.
Equalities Impact Screening	The consultation has been undertaken in accordance with the Council's Statement of Community Involvement.
Human Rights	None discernible

Transformational Government	Not applicable
Comments of Head of Paid Service	Report is satisfactory
Comments of Section 151 Officer	Report is satisfactory
Comments of Monitoring Officer	Report is satisfactory
Consultees	Individuals and organisations on the Planning Policy consultation database. Consultation material was placed on the Council's website at www.nwleics.gov.uk/moneyhill
Background papers	Adopted North West Leicestershire Local Plan North West Leicestershire Local Plan Ashby de la Zouch Neighbourhood Plan Ashby de la Zouch Neighbourhood Plan
Recommendation	<p>THAT THE LOCAL PLAN COMMITTEE ADVISES THE EXECUTIVE DECISION MAKER THAT IT:</p> <p>SUPPORTS THE REVISED MASTERPLAN AS SET OUT AT APPENDIX B AS SATISFYING THE REQUIREMENT OF LOCAL PLAN POLICIES H3A(VIII) AND EC2(1)(H) SUBJECT TO:</p> <ul style="list-style-type: none"> (I) THE MASTERPLAN BEING REWORDED TO MAKE CLEAR THAT THE OVERALL DENSITY OF HOUSING DEVELOPMENT ACHIEVED ACROSS THE SITE SHOULD BE 35 DWELLINGS PER HECTARE AND NOT NECESSARILY IN EACH PHASE OR PARCEL OF DEVELOPMENT; (II) THE PREPARATION AND AGREEMENT OF A DESIGN CODE FOR THAT AREA COVERED BY THE MASTERPLAN TO BE SECURED BY EITHER A CONDITION ON AN OUTLINE PLANNING APPLICATION OR AS PART OF THE SUBMISSION OF A FULL PLANNING APPLICATION; (III) THE DESIGN CODE TAKING INTO ACCOUNT ANY NATIONAL AND LOCAL DESIGN GUIDANCE IN PLACE AT THE TIME THAT THE DESIGN CODE IS PREPARED; AND (IV) CONSIDERATION BEING GIVEN BY THE DEVELOPMENT CONSORTIUM TO THE

	COMMENTS RECEIVED IN RESPONSE TO THE CONSULTATION WHEN PREPARING THE DESIGN CODE
--	---

1.0 BACKGROUND

1.1 Land north of Ashby de la Zouch (known as Money Hill) is identified in the adopted Local Plan for housing (2,050 dwellings) and employment (about 16 hectares).

1.2 In the adopted Local Plan the site is split in to three separate policy areas:

- Policy H1b – this covers the southernmost part of the site for which outline planning permission has been granted for residential development for 605 dwellings. Policy H1b allows for the renewal of planning permission in the event that such permission lapses, subject to considering the policies of the Local plan and other material considerations. The outline permission included conditions which required that a Masterplan and Design Code be agreed for this part of the site. Following a period of consultation this was done on 26 July 2019.
- Policies H3a and Ec2(1) – these allocate the remainder of the site for housing and employment, with housing being the dominant use and employment restricted to about 16 hectares. These policies were supported by the Local Plan Inspector at Examination. The principle of development on the site has therefore already been established, as has the approximate scale of development.

1.3 Both Policy H3 and Policy Ec2 state that development will be subject to a list of requirements, and for both this includes:

“(viii) A comprehensive Masterplan prepared in consultation with stakeholders, including both the district and town council and agreed in writing with the local planning authority for the comprehensive development of the site which identifies a range of land uses (including residential, employment and commercial uses, green infrastructure and open spaces, pedestrian and cycle links within and beyond the site and community facilities) and their relationship to each other and existing development in the vicinity of the site and what measures will be put in place to protect amenity of existing residential areas.”.

1.4 The requirement for a Masterplan was included as the Local Plan Inspector was keen to ensure that stakeholders could have an input into the layout of the site and its relationship with existing and other proposed land uses.

1.5 As noted above a Masterplan for the southern part of the site which has the benefit of outline planning permission has been agreed. In terms of the remainder of the site, it is the case that, before any further development could be permitted on that area not covered by the outline permission, a further Masterplan must be produced by the developers involved. Therefore a Masterplan covering the remainder of the site was produced by Icen, who lead the consortium of developers at Money Hill, and was submitted to the District Council.

- 1.6 This report outlines the results of the consultation on the Masterplan and sets out officer's views on the comments and the submitted Masterplan.
- 1.7 In accordance with the The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 approval of the Masterplan is an Executive function. The Council's Scheme of Delegation allows for such matters to be signed off by the Strategic Director of Place. The Director may elect not to exercise his delegation and refer this decision to Cabinet. The views of this Committee will be taken in to account by either decision-maker when deciding whether or not to sign off the Masterplan. This is reflected in the recommendation above.

2.0 THE CONSULTATION

- 2.1 The District Council undertook initial consultation on the Masterplan between 1 July and 12 August 2019. A copy of the original Masterplan is attached at Appendix A. All contacts on the Local Plan consultation database were informed in addition to Parish Councils. This included a number of local interest groups within Ashby such as the Ashby Civic Society, numerous Ashby residents and Ashby Town Council.
- 2.2 48 responses were received from a range of individuals and groups in respect of the initial consultation. These responses can be seen in Appendix C and have been divided into four categories:

Group A - Comments on the Masterplan

This is where respondents made comment on either the content or format of the Masterplan. These often required a detailed response.

Group B - Other Responses Made Not Requiring a Specific Response at this Stage

This includes responses from infrastructure providers and neighbouring authorities. Some responded to confirm they didn't have any comments to make while others provided information which will be of use later in the development process (such as when a planning application is received) but does not require any action at the present time. However, all comments have been forwarded to the developer consortium who will be expected to take them in to account when preparing detailed plans.

Group C - Specific Questions Requiring an Immediate Response

During the consultation period a number of respondents asked a specific question relating to a particular aspect of the consultation (rather than making general comments on the Masterplan). In these cases a response was sent as soon as possible to enable the individual/organisation further opportunity to submit comments on the Masterplan within the consultation deadline.

Group D - Objection to Principle and/or Scale of Proposed New Development

A number of respondents objected to the principle or scale of the development. Notwithstanding the respondents concerns, these matters have already been established as part of the adopted Local Plan and are not matters which can be reopened as part of the Masterplan.

2.3 Following an initial consideration of the comments by officers and the consultants acting on behalf of the development consortium a revised Masterplan was issued for consultation on 2 October 2019 and comments invited by 16 October 2019. Those who had previously responded to the initial consultation were contacted directly to make them aware of the publication of revised Masterplan, and a copy was also placed on the Council's website. The revised Masterplan is attached at Appendix B of this report.

2.4 The changes in the revised Masterplan included:

- The respective areas of the Employment Land Zones have been added. These total the amount included in the Local Plan (16 HA) but concentrate the overwhelming bulk of employment use adjacent to the existing industrial estate, in a discrete location served directly from the new roundabout on the A511.
- The smaller Employment Land Zone to the north, is limited to 2HA and a specific B1 use designation (defined as offices, research and development of products and processes, light industry appropriate in a residential area), to reflect its relationship with adjoining properties and its place in the landscape.
- A note has been added to confirm that amendments to the Smisby Road Junction would be subject to a full design process as part of the relevant planning application process and that the existing balancing pond would be fully considered at that time.
- A note has been added confirming that all residential parcels are to contain a mix of private and affordable housing.
- Bus Stops and the relevant walking distances are now more clearly delineated.
- Additional footpath links and landscaping have been added, in response to specific comments from residents.
- The Cycle and Pedestrian routes are now shown more clearly and distinguishable from the Primary Adopted Streets. The Masterplan confirms that these are to be combined cycle and footways of 3m wide which will be agreed with the County Council to ensure continuous linkages across the whole area.
- A note has been added on the Nottingham Road access confirming that this is restricted (in accordance with the relevant Planning Consent and Legal Agreements) to a maximum of 100 residential units.

2.5 There were 13 responses to the subsequent consultation. These are summarised at Appendix D of this report.

2.6 The Council's Urban Designer has been involved in discussions on the Masterplan and he has commented that the revised Masterplan has addressed his concerns that he had raised. He therefore, supports, the revised Masterplan.

3.0 CONSIDERATION OF RESPONSES TO THE MASTERPLAN

3.1 Appendices C and D of this report address the comments made by individuals and organisations. However, there are a number of comments which are common to a number of representations and these are considered below.

Detail of Masterplan

- 3.2 A number of respondents have commented that the Masterplan as submitted is lacking in detail. The glossary to the adopted Local Plan defines a Masterplan as “*A strategic plan setting out the overall framework and key principles for the development of a site*”.
- 3.3 It is considered that the Masterplan that was the subject of consultation meets this definition. It is as detailed as that which has been approved for the 605 dwellings and is consistent with it as it clearly identifies the location and extent of the different component parts of development as well as routes through the site and linkages to the wider area.
- 3.4 Part of the confusion may be due to the fact that the recently approved Masterplan for the 605 dwellings also includes a very detailed Design Code which will guide the design and subsequent development of that part of the site. There was no such requirement in the Local Plan for the whole site to have a design code. This issue is considered below in paragraphs 3.9 – 3.17.
- 3.5 The Masterplan by its nature is intended to provide an overall framework to guide future development. It is not intended to be a once and for all plan that covers off every detail. Therefore, the Masterplan needs to strike a balance between providing sufficient detail so as to ensure that any developer who may subsequently be involved in the development of the site has a clear understanding of what is expected in terms of the overall framework and layout, but which also provides sufficient flexibility to respond to specific developer needs and ideas. The development of this part of the wider site is unlikely to occur for a number of years as the intention is to build out from the town centre towards the A511 Ashby bypass. Through time it is likely that detailed design ideas will change and new innovations will be developed which will affect the design and layout of the site. Therefore, it would not be reasonable to expect too exact a level of detail.

Area covered by the Masterplan

- 3.6 Another concern raised by a number of respondents is that the Masterplan the subject of consultation does not cover the entirety of the Money Hill site.
- 3.7 As already noted the southern part of the site is subject to a separate policy in the Local Plan (policy H1b) as that area already benefitted from planning permission at the time that the Local Plan was being examined and was subject to conditions requiring the submission agreement of both a Masterplan and Design Code. The Inspector was concerned to ensure that a Masterplan was prepared for the remainder of the site and so the plan was modified by the inclusion of the wording in policies H3a and Ec2(1) of the adopted Local Plan.
- 3.8 The Masterplan required by policies H3a and Ec2(1) only relates to those areas which are included in the Masterplan which has been the subject of consultation. It is recognised that this is potentially somewhat confusing, particularly as the Masterplan relating to the area of the outline permission has recently been subject to a separate consultation. However, there is not a conflict with the requirements in the adopted Local Plan in terms of the extent of the area covered by the Masterplan.

The Ashby Neighbourhood Plan

- 3.9 The Ashby Neighbourhood Plan was made on 30 November 2018 and forms part of the Development Plan for the area. Members will be aware that the responsibility for the Ashby Neighbourhood Plan lies with Ashby Town Council rather than the District Council who are responsible for the Local Plan.
- 3.10 Policy H2 is entitled 'Requirement for Masterplan'. This makes it clear that the Money Hill site will be supported if a number of criteria are satisfied including;
- 1. the requirements listed in Local Plan Policy H3 are agreed through the planning process;*
 - 2. the relevant Neighbourhood Plan policies, including Policy S4 'Building Design Principles' are met; and*
 - 3. in conjunction with the Town Council, for residential development:*
 - a) A Spatial Masterplan is agreed incorporating urban design objectives and demonstrating connectivity with the surrounding area, including traffic movements;*
- 3.11 It will be noted that that a 'Spatial Masterplan' for 'residential development' (and the detailed requirements that follow thereafter) is to be agreed with the 'Town Council', not the District Council.
- 3.12 Policy H2 goes on to require a Design Code and goes in to detail about the type of issues that will need to be addressed as part of it. The adopted Local Plan does not require that a Design Code be prepared and agreed.
- 3.13 A number of respondents have commented that the Masterplan does not address the requirements of the Neighbourhood Plan, not least because it does not go in to the level of detail required by the Neighbourhood Plan.
- 3.14 The fact that there are two different plans in place which do not say exactly the same is probably part of the reason for the confusion. Furthermore, the wording of the Neighbourhood Plan is clear that agreement is required with the Town Council only on those matters detailed in policy H2, including a Design Code; not the District Council. If the matter before this committee was a planning application then it would be essential to ensure that the requirements of the Neighbourhood Plan were addressed as it forms part of the Development Plan for the area. However, the question for the District Council is whether it is satisfied that the Masterplan (as revised) satisfies the requirement of the Local Plan.
- 3.15 As noted the Council's Urban Designer is satisfied with the revised Masterplan. The revised Masterplan has taken on board a number of concerns raised in response to the initial consultation which is to be welcomed. Overall it is considered that the revised Masterplan does satisfy the requirements of policy H3a (viii) and Ec2 (1)(h) so the District Council can advise the developer consortium of this fact in writing, as required under the policy. This is allowed for by the recommendation above subject to a number of caveats, the justification for which is outlined below.
- 3.16 Notwithstanding the above, it is recognised that the Masterplan does not address all those matters detailed in the Neighbourhood Plan. However, this can be addressed as part of the consideration of planning applications at some future date. It is suggested that in

agreeing the revised Masterplan that the District Council do so on the basis that any future outline planning application will be subject to a Design Code which addresses the requirements of the Neighbourhood Plan to the satisfaction of the District Council and the Town Council. In the event of a detailed application being submitted instead, then it will also be expected to address the Neighbourhood Plan requirements. This is allowed for by recommendation (ii).

- 3.17 There are also a number of other comments made which require some minor amendments be made to the Masterplan and these are allowed for by recommendation (iv).