

UPDATE SHEET

PLANNING COMMITTEE – 12th November 2013

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	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
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Additional Consultee Responses:

Highways Agency comments that, whilst work is progressing well with the District and County Councils in respect of the development of a contributions strategy, matters are not yet in a position whereby all necessary details have been resolved, and the TR110 Direction preventing granting of planning permission is maintained. Nevertheless, the Agency clarifies that it is confident that the outstanding matters are capable of resolution and are unlikely, in the Highways Agency's view, to compromise the overall planning outcome. The Highways Agency also clarifies that it does not object to the proposals and that the reason for maintaining the Direction relates solely to financial contributions.

Leicestershire County Council Education Authority confirms that the County Council's position in respect of primary school provision remains that *either* (i) a new primary will be required on the site; *or* (ii) (in the event of a new school being provided elsewhere), a contribution of £1,756,776.26 would be required.

Additional Third Party Representations:

Five additional representations have been received from individuals, raising objection in respect of the same issues already summarised in the main report, and also querying the advice of the County Highway Authority and, in particular (i) the extent of any improvement works requested in respect of public right of way O90; and (ii) the impact on traffic volumes using Wood Street and Nottingham Road.

Ashby de la Zouch Civic Society objects on the following grounds:

- The Local Planning Authority's evidence at the Holywell Spring Farm public inquiry provided that the development of both the Holywell Spring Farm and Money Hill sites would increase the total housing provision in Ashby de la Zouch to 1,800 dwellings, placing a considerable infrastructure burden on the town, notably in terms of sustainable drainage
- Core Strategy sustainability appraisal only supported 1,450 houses for Ashby de la Zouch – approval would far exceed this target and negatively impact on sustainability of both Ashby and Coalville
- Proposals unbalance housing and employment provision, especially with the closure of the Arla dairy, resulting in commuting out of the town, contrary to the NPPF
- Unsustainable access arrangements by virtue of facing the development away from the town
- Unsustainable proposed bus route by virtue of routeing via the A511
- Traffic flows at major junctions will exceed capacity without adequate mitigation
- Key pedestrian link to the town centre is weak and undeliverable due to its incompatibility with the existing adjacent HGV business
- No appropriate assessment by the applicant and relies on the developer contributions scheme for permission to connect to the sewer – due to previous approvals, there is only capacity for 100 dwellings in Ashby de la Zouch at the Packington Sewage Treatment Works (STW), not the 605 proposed

Additional Comments on Behalf of the Applicants:

A letter has been received from the agents setting out a number of concerns with the report. Correspondence has also been received setting out the applicants' response to a copy of a letter received by the applicants from the Ashby de la Zouch Civic Society. Copies of the correspondence are attached.

Officer Comments:

Further to the additional representations summarised above, the County Highway Authority confirms that the County Council is not proposing any works to public right of way O90, and that the impact of the development on the existing highway network (which is dictated by the impact on the network's junctions) has been assessed and, in the view of the Local Highway Authority, mitigation is only required at the A511 / A42 junction.

In response to the concerns raised regarding available capacity at the Packington STW, Severn Trent Water comments that the impending closure of the Arla dairy would increase the available headroom by 2,100 houses (by April 2014) and that capacity would be available to cater for the Money Hill development given Severn Trent Water's absolute duty under Section 94 of the Water Industry Act 1991.

Insofar as the comments received on behalf of the applicants on the content of the Planning Committee report are concerned, the comments are noted, but officers do

not consider that any amendments to the general conclusions or recommendations as set out within the report would be appropriate.

NO CHANGE TO RECOMMENDATION

James Knightley
Principal Planning Officer
North West Leicestershire District Council
Council Offices
Whitwick Road
Coalville
LE67 3FJ

11 November 2013

Dear Mr Knightley,

RE: MONEY HILL, NORTH OF WOOD STREET (13/00335/OUTM)

We write in reference to North West Leicestershire District Council's (NWLDC) committee report, which is due to be reported to Members on 12 November 2013.

We are pleased to learn of the officers recommendation, however, would like to notify NWLDC of several matters within the report. We respectfully request that these are reported to Members as part of a supplementary report.

Whilst we accept that the Submission Local Plan Core Strategy has been withdrawn, and, therefore, cannot be attributed weight its evidence base remains a material consideration in the determination of planning application. This point has been omitted in the committee report. We therefore request that reference is made to NWLDC Sustainability Appraisal and, in particular, to the selection process when identifying Broad Locations for growth.

In terms of education provision we have discussed proposals with Leicestershire County Council (LCC) (Education). It has been agreed that the MHC provide contributions for primary (£1,756,766.25), high school (£1,081,508.29) and upper school (£1,110,487.18). LCC remains unresolved on the preferred location for a primary school, i.e. Money Hill or Holywell Spring Farm. In the event that LCC favour Money Hill as a preferred site then land will also be made available to provide a new primary school from pooled contributions.

Detailed matters have been reported inaccurately include:

- "Woodcock Way Access", fourth paragraph – a drawing has been supplied during the determination process showing an increase in the length of the right-turn staking lane into Woodcock Way. This has been provided (Drawing - 11-T097_04D).
- "A511 Access and Internal Link Road", fourth paragraph – it was agreed at a meeting between the MHC, LCC and NWLDC (30 September 2013) that Iceni Projects new roundabout design to address the recommendations from the Road Safety Audit was agreed.
- "Other Junction Capacity Issues", third paragraph – it is reported that a TR110 Direction remains in force pending the "resolution of unresolved issues in respect of the impacts of Junction 13 of the A42". In discussing with the Highways Agency it is understood that the issue of impact is understood, however, what remained unresolved is the mechanism for securing a financial contribution towards mitigating these impacts. This has been confirmed in writing by the HA on 07 November 2013.
- "Other Junction Capacity Issues", third paragraph – it is stated that "if Members were minded to refuse the application, reference to this issue [the TR110 Direction] the refusal would be considered acceptable". The MHC strongly disagrees with this point. The TR110 has not been

imposed for any technical grounds but instead relates purely to administrative issues between the Highways Agency and NLWDC. This has been confirmed in writing by the HA on 07 November 2013. The MHC have sought to facilitate discussions between both parties in resolving this issue but to date have been unsuccessful. Furthermore, at a meeting between NWLDC, LCC and the MHC (30 September 2013) it was recommended by LCC to NWLDC that the use of a planning condition was considered more appropriate than the need for a TR110 Direction. As such, any refusal on these grounds would be considered unreasonable and challenged vigorously.

We would also like to share the following observations:

- "Woodcock Way Access", third paragraph – reference is made to encroachment by buses accessing the site via Woodcock Way via a left-in turn. It should be remembered that refuse vehicles already make this manoeuvre into the site. More importantly, the proposed bus routing does not show a left-in to Woodcock Way. Instead, the routing plan shows buses entering the site to the north via the A511 and leaving the site via a right-out onto Nottingham Road. This bus routing has previously been provided and is explained under "Bus Provision" in the committee report. This was agreed at a meeting between the MHC, LCC and NWLDC (30 September 2013) (Drawing - 11-T097_17).
- "A511 Access and Internal Link Road", third paragraph – it is accepted by the MHC that no levels, cross sections, details of structures over watercourses, and design speeds have been provided as part of this outline planning application. Notwithstanding, it was agreed at the meeting on 10 September 2013 (MHC and LCC) that this information could be provided at the reserved matters stage.
- "Issues Relating to the Limitation to 400 dwellings from a single point of access", second paragraph - the report does not make any reference to the genesis of the bus gate. Whilst the MHC and LCC accept that there is no technical requirement for a bus gate this intervention has been made in direct response to public consultation undertaken by the applicant in advance of submitting the planning application. Therefore, the MHC considers that proposals for a bus gate and limited vehicle movements are representative of the priorities of the local community.
- "River Mease Special Area of Conservation (SAC)" – the report advises that Packington Waste Water Treatment Works has capacity for 1,218 new dwellings but is silent on that site-specific growth associated with this spare headroom. As part of the emerging Core Strategy and evidence base it was explained that Packington Waste Water Treatment Works would have capacity for planned-growth, i.e. 605 new homes at Money Hill. It was for this reason that Holywell Spring Farm proposed an alternative scenario with wastewater being discharged into Burton Waste Water Treatment Works.
- "Proposals and Background", fourth paragraph – reference is made to the planning application being accompanied with an Environmental Statement. However, no reference is made to the MHC having considered the cumulative impact on all ES chapters. This included a scenario whereby the impact of development was considered in the event that Holywell Spring Farm was approved. The MHC consider this to be an important point as Members may want to understand what consideration has been given to recent planning decisions in Ashby-de-la-Zouch.

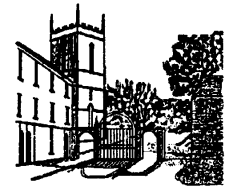
Once again, we are grateful that the report is generally balanced. We ask that the above points are accurately presented to Members.

If you need to discuss then above then please contact myself or David Churchill.

Yours sincerely,

James Bompas
ASSOCIATE

cc. Chris Elston and David Hughes



Ashby de la Zouch Civic Society

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Leicestershire
LE65 1DD
10th November 2013
Email: christandy@hotmail.co.uk

Money Hill Application Why no Answers?

At the next planning committee Councillors are being asked to approve the application without answers to many issues. We ask that you demand answers to these questions before you approve the application or defer it until they have been supplied.

Although the CS is withdrawn the evidence base is still valid. This says Ashby can only sustain 1450 houses due to constraints on highways, sewerage, employment opportunities and infrastructure. NWLDC said at the Holywell spring enquiry that Ashby could not support both Holywell Spring Farm and Money Hill. This application exceeds these numbers. **Why are the officers recommending a scheme which they have previously stated is unsustainable and thus contrary to NPPF?**

The constraint to growth is the Packington Waste Water Treatment Works. In granting planning permission for Holywell Spring Farm, the Council accepted an alternative foul water proposal, i.e. Milton Water Treatment Works.

The highways agency have submitted a TR110 order on behalf of the Secretary of State saying this application **must not be determined** before February 2014 to allow plans for the mitigation of J13 of A42 to be developed. The officers say that this alone is a valid reason to refuse the application. **Why are officers defying the Secretary of State directive?**

This Article 25 Direction does not relate to technical matters, but instead administrative and will need to be removed before a planning consent can be issued. This has been clarified in writing by the Highways Agency and is likely to feature in the supplementary report. The Money Hill Consortium have agreed to provide a financial contribution towards mitigation works at Junction 13 of the A42, with the Highways Agency requesting circa. £130,000.

The LCC Highways Authority have requested a second roundabout as access on the A511 as a condition of their approval. **Why have officers have overruled LCC and this advice?**

The suggestion of a secondary access is only LCC's preference, not a stipulation. There is no technical need for a second roundabout to serve the development. Indeed the County Council

have confirmed this does not relate to capacity, which would be adequately served off the proposed roundabout.

The LCC Highways Authority do not support the proposals for Woodcock Way access and state that their concerns if overruled will be raised again in reserved matters. **Why are officers ignoring Highways advice?**

Leicestershire County Council's Highways officers only do not support the requirement to limit the number of homes accessed from Woodcock Way and Nottingham Road as they consider it unnecessary. The new proposals to cap the number new homes that will have access to and from the Nottingham Road (from 130 to 30) has been dictated by conversations with Members and the local community—not as a result of discussions with LCC.

NWLDC's designer says the key pedestrian access is weak and must be stronger if it is to be well used. The solution relies on the relocation of the adjacent conflicting industrial use which make undeliverable. LCC Highways are also unhappy. There is no commitment to the relocation. **Why are officers ignoring their own designers and LCC advice?**

The Money Hill Consortium has agreed to the upgrading of the Ivanhoe Way. Moreover, a financial contribution has been offered that goes beyond this to further improve links into the site.

The applicants own traffic submission predicts that all local junctions will exceed capacity after development and mitigation will not restore capacity. They argue that this would happen anyway without their development so their impact is insignificant. **Just because there is an projected problem does not mean it can be added to without mitigation .**

We more than mitigate for the development traffic. LCC have modelled this independently and confirmed no measures are necessary or appropriate.

The delivery of the proposed new school, doctor's surgery and extra care facility are key issues on the sustainability of the proposal. Both the officers and the developers have not decided whether these facilities will be provided or relocated to Moneyhill . **How can you approve an application when such key issues are unresolved?**

The scheme plans for a new school and health centre. In the event that these are not required then financial contributions will be provided. LCC and NHS have been encouraged to identify a preferred site since 2012; however this has not yet happened. LCC and NHS have standard tariffs when calculating financial contributions towards healthcare or education and we have an agreed position that is noted by your officers.

Due to recent planning application approvals the usable headroom at Packington STW is reduced to 100 houses. This application for 605 houses plus facilities far exceeds this capacity. Therefore the application cannot utilise the Developer Contribution Scheme as proposed. **Why was headroom at packington not being being properly monitored by NWLDC and this issues raised in the officer's report?**

The headroom has been planned for Money Hill. Money Hill was the Council's preferred Broad Location for Growth in the emerging Core Strategy. Holywell Spring Farm is proposing to divert its foul waste to Milton Waste Water Treatment Works. Therefore, it is important to recognise that, if resolved to approve, only Money Hill will be utilising the spare headroom at Packington Waste Water Treatment Works.

The applicant admits that the overall scheme is not financially viable and requests a reduction in affordable housing provision. The provision of a second roundabout on the A 511 will worsen this. No other previous or current application in Ashby has made such a request. Proper decisions on site infrastructure provision could alter the viability significantly but they remain unresolved (as above). **Why is this key issue not being resolve before approval ?**

This issue has arisen because of the education contributions sought by LCC at the 11th hour. No other scheme in Ashby has had to provide primary, secondary and further contributions. Likewise, our scheme is providing funding to Junction 13 of the A42, which is something else that other schemes in Ashby-de-la-Zouch have not done. All the contributions have been agreed with NWLDC officers. Those financial contributions sought on this scheme are approximately £8,483 per home, which exceeds the average sought by NWLDC. In reviewing seven recent planning applications the average sought has been £6,200 per home.

A well planned development of Money Hill could be an asset to the town and district. The proposal before you ignores key issues and advice from its own officers and statutory consultees.

Before you approve this application , insist you see the answers and that they are properly funded.

C.Tandy:
Vice Chairman
Ashby de la Zouch Civic Society

A3 **13/00460/FUL** **Use of land as a camping and caravan site with 20 pitches and change of use of an outbuilding to a shop**
The Globe Inn, Main Street, Snarestone

FURTHER REPRESENTATIONS RECEIVED

SNARESTONE PARISH COUNCIL

A further letter of objection (along with five photographs and three pie charts demonstrating the outcome of a village survey) has been received from Snarestone Parish Council which makes the following comments:

‘As you know this planning application has caused much debate within the village. We have held two village meetings, which have been attended by many residents concerned at the impact the site will have on the village. Those views including concerns relating to highway safety have already been expressed to you directly, and action in respect of the Odd House Caravan site is in course through the enforcement team. Additionally, Chris Elston and Richard Blunt very kindly attended one of the meetings, and have heard the views of the villagers first hand, and seen the photographic evidence attached relating to frequent congestion on Main Street.

The Parish council has at all times sought to express the views of the majority, and to ensure that this remains true, and to allow everyone the chance to speak up, we held a village ballot on the amended plans. This was completed anonymous, and had the following results:

<i>No of registered voters provided with a form</i>		<i>250</i>
<i>No of responses</i>		<i>105</i>
<i>% of electorate responded</i>		<i>42%</i>
<i>Number and % in favour of 20 pitches</i>	<i>15</i>	<i>14%</i>
<i>Number and % against any pitches</i>	<i>42</i>	<i>40%</i>
<i>Number and % in favour, conditionally</i>	<i>48</i>	<i>46%</i>

As illustrated on the attached, 86% of respondents are not in favour of the application as it stands, but, recognizing the benefit to both the village and the applicants business, 63% are in favour at a reduced amount, with 83% of those being in favour of 10 or less. Please see attached for a full analysis of the results.

It is interesting that despite the villagers’ obvious frustrations with the application, and the applicants’ previous conduct at the Odd House, there remains a reasonable desire to support at a reduced level.

Turning to the supplemental information which supported the reduced number of pitches, it is noted that the numbers provided suggest that pitch usage will be less than 40% overall. It therefore follows that the 20 pitches requested could be accommodated by just 8 pitches, which coincidentally supports the majority village view above. In addition, now that the Odd House site (located within the village, with 25 pitches and run by the same landlord) has been restored to a touring site in

accord with the original planning permission, 35 touring pitches in one village should be more than enough.

We are also mindful of the planning permission granted on land in Swebstone for a traveller's site. This planning has an expiry date, calling for the land to be returned to its former use. If this option exists, and given the concerns that have been raised over previous abuse of planning at the Odd House, would it not be sensible for the planning at the Globe also to have an expiry? This would give the council an automatic way out should the running of this site not prove to be in accordance with the application.

Returning back to the highways issue, then I must emphasise that whilst you may consider the attached photographic evidence to be 'occasional', it occurs as follows:

- at least twice daily during the week when the children are being dropped off to and picked up from school ;*
- at least one full morning each weekend (and sometimes both) when the Globe football team play at home on the Conery opposite the Pub (which is accessed by a pathway directly opposite the pub).*

During such times, it is extremely difficult for large vehicles to negotiate along Main Street, and the local farmers cannot 'swing' into their fields, and are therefore forced to 'farm' outside these times. Manoeuvring a touring caravan would pose a similar problem at times of increased pedestrian traffic. Clearly there are times when the Main Street runs freely, but restricting the timing of arrivals and departures to such times would be impractical – restricting of the number of expected movements is therefore the best safety measure available.

In light of the above, the Parish council would seek a deferment of this application, with a suggestion that the application be amended as follows, and to reflect the considered views of the residents, in whose community the business is located:

- 1) Condition of maximum number to read – No more than 10 caravans, Camper van's, Motor homes or tents **in aggregate** shall be sited on the land at any one time.*
- 2) Maximum length of stay to be reduced to 14 days, no return within 28 days.*
- 3) Planning permission should expire in 2 years (assuming usual tenancy length of 3 years).*

Should such an amendment be forthcoming, then the Parish Council would fully support the application on behalf of the majority of the villagers.'

APPLICANTS COMMENTS ON PARISH COUNCIL RESPONSE

With reference to the Parish Council's further representations and photographs submitted showing Main Street the applicants wish to make the following comments:

'The Parish Council has asked for the application to be deferred to seek 3 further amendments to the application:

No more than 10 caravans, motor homes, camper vans or tents

The application has been reduced from 30 pitches down to 20 pitches and other changes have been made to minimise any wider impact of the proposal. A further reduction would only result in a marginal change and is not justified by any sound reasoning.

Maximum stay of 14 days

Sites with a Camping and Caravan Site licence are subject to a maximum of 28 days with no return within 28 days. Other permissions for caravan sites in North West Leicestershire have been granted for 28 days and this in the national norm. The applicant has reduced the number of days proposed from 28 to 21 days following local concerns. There can be no planning based justification for reducing the number of days to 14 days.

Temporary Permission

The Planning Officer, Conservation Officer, Environmental Protection Officer, County Highways Officer and County Ecologist, have no objections to the application; all of the Council's Officers and Statutory Consultees are satisfied that the proposal is in accordance with Planning Policies and other statutory requirements. Circular 11/95 Use of Conditions in Planning Permissions advises that a temporary permission should rarely be granted where a development conforms with the provisions of the development plan. It also goes on to say that: "the reason for granting a temporary permission can never be that a time-limit is necessary because of the effect of the development on the amenities of the area. Where such objections to a development arise they should, if necessary, be met instead by conditions whose requirements will safeguard the amenities. If it is not possible to devise such conditions, and if the damage to amenity cannot be accepted, then the only course open is to refuse permission.

In this instance the planning officer is suggesting some 15 planning conditions which will allow the Council a significant degree of control over the proposed use. The conditions to be imposed are precise, reasonable, related to planning and most importantly, enforceable, and a temporary permission cannot not be justified here on the basis of breaches of conditions elsewhere.

Photographs

The applicant wishes the Planning Committee to note the tanker which appears to be blocking Main Street is an agricultural vehicle and is blocking Main Street outside to the school, which is some 100 metres from the access to the Globe car park.'

A further email from the agent on 11 November 2013 advises that it is understood that villagers have been asked to park on the street on 12 November 2013 for the Planning Committee Site Visit.

OTHER MATTERS

There is a need to amend the wording of condition 10 to ensure that a timetable for any required mitigation works are submitted to and agreed in writing with the Authority.

OFFICER RESPONSE

The Committee Report makes reference to the now withdrawn Core Strategy's policies in the principle and sustainability section, stating that Policies CS8 and CS13 are supportive of tourism proposals in the countryside. Although these two policies can no longer be taken into account, there is still support for tourism uses under Policies S3 and L5 of the adopted Local Plan and in the NPPF where it will provide rural diversification.

The County Highway was consulted on the original application submission and subsequently following the submission of representations from Snarestone Parish Council and local residents in relation to highway safety and the receipt of amended plans reducing the number of pitches to 20. The Highway Authority had no objections and its responses to these three consultations are contained in the main Committee Report.

The Highway Authority has been reconsulted on the additional information submitted by the Parish Council and advises that having considered the submitted photographs and information the recommendation of conditional approval continues to apply in full.

Two of the submitted photographs have already been seen by planning officers and the Highway Authority. The additional three photographs show a tanker lorry driving along part of Main Street. It appears to show the tanker having difficulty passing along the road and there are a number of vehicles parked on the street. However it should be noted that this is a tanker lorry which is different in size and nature from touring caravans/motor homes/camper vans.

It is acknowledged that the Parish Council and many local residents have concerns about the proposal, and that there is local support for a reduced number of pitches on the site. However the main report considers the current proposal of 20 pitches and has found it to be acceptable in planning terms. Furthermore the issue of a temporary permission is referred to in the main report, and was not considered necessary given the acceptability of the 20 pitch scheme. In addition as noted above, Circular 11/95 advises that temporary permissions should not be imposed '*...because of the effect of the development on the amenities of the area.*' Conditions have been imposed to address any mitigate against potential impacts on amenities, e.g. restricting the playing of amplified music, requiring landscaping and boundary treatments to be provided, preventing permanent occupation of the site.

NO CHANGE TO RECOMMENDATION SUBJECT TO AMENDMENTS TO CONDITION 10 AS FOLLOWS:

- 10 If the caravan/camp site hereby approved has not been brought into use within three years of the date of this decision, then its use/occupation shall not commence until a further survey of the site and surrounding land for badgers and any mitigation measures (including a timescale for their implementation) if badgers are found has been undertaken and submitted to and agreed in writing by the Local Planning Authority.

Reason- To prevent an adverse impact on badgers.

A4 **13/00290/FULM** **Retrospective application for the retention of the use of the land for the operational use of military and civilian "off road vehicles" (including tanks, armoured fighting vehicles, heavy duty vehicles and off-road 4x4"s)**
Measham Lodge Farm, Gallows Lane, Measham

Following the publication of the Committee report the applicant has submitted a management plan outlining how the business would operate in order to prevent any excessive noise pollution. The management plan has been prepared in accordance with the advice provided by the Council's Environmental Health team, however, it is considered that the submission of this document would be relevant to any revised application given that reference is made to 'a 3m high bund' which is not currently proposed as part of this application.

Correspondence has also been received from the ecologist who conducted the protected species survey advising that it was conducted at a relevant time of the year (June 2013) to provide accurate results. Guidance prepared by Natural England on Great Crested Newts advises that the relevant time of the year to undertake surveys would be between mid-March and mid-June with four surveys being required, two of which should be conducted between mid-April to mid-May. In the circumstances that only one survey has been conducted at a relevant time of the year it is considered that it cannot be satisfactorily concluded that the development would not have an impact on the integrity of Great Crested Newts.

There is, therefore, no proposed change to the recommendation.

RECOMMENDATION: NO CHANGE TO RECOMMENDATION.

A6 **13/00648/FULM** **Erection of 14 dwellings along with conversion of ticket sales office to residential, demolition of redundant buildings and creation of new access.**
Swainspark Site, Spring Cottage Road, Overseal

Following the publication of the Committee report, additional information has become available with respect to play area provision and protected species.

Play Area Provision:

As set out in the Main Report, there would be a distance of around 200 metres between the proposed housing site and the existing children's play area, although this would require pedestrians to cross the public highway twice in order to reach it. The Town Council, as the open space authority, has now confirmed that the existing play area is of sufficient size and with a sufficient level of equipment to satisfy the needs of the area, including the proposed development. However, the Town Council have raised concern about safe pedestrian access to the play area from the proposed development.

There is a public footpath that is routed alongside the railway line which abuts the southern boundary of the site. The public footpath provides a pedestrian route to the recreation ground but there is currently no metalled footway that would link the site to the public footpath, although there is a strip of hardsurfacing over the railway bridge. The submitted plans show a new public footpath extending along the site frontage and in order to fully link the site to the footpath, additional hardsurfacing either side of the railway bridge would be required. Furthermore, due to the convoluted route of the existing public footpath through the recreation ground, a more direct route would also be required to ensure that the play area is within a 400m walking distance of the proposed development.

The applicant's agent has advised that the applicant would be agreeable to the provision of hardsurfacing either side of the railway bridge and the formation of a twisting path down the existing embankment between the two arms of the public footpath. The path would provide level access and would be finished with gravel to match the existing footpath. The Town Council are satisfied that the proposed works would provide safe pedestrian access to the play area. Such off-site works would need to be subject to a legal agreement and the view is taken that the proposed obligations would comply with the relevant policy and legislative tests as set out in Circular 05/2005 and the CIL Regulations.

Ecology:

Following confirmation from the County Ecologist that the proposed mitigation measures set out in the submitted bat surveys are adequate, it is considered that condition 11 is not necessary and therefore, should be removed. Condition 28 requires mitigation to be carried out in accordance with the reports and this is considered sufficient to ensure that there will be no adverse impact on protected species.

RECOMMENDATION: PERMIT AS RECOMMENDED (SUBJECT TO S106 AGREEMENT AND CONDITIONS AS SET OUT IN THE MAIN REPORT EXCEPT FOR CONDITION 11 WHICH SHOULD BE DELETED.