



**TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY HALLAM LAND MANAGEMENT LTD**

**NORTH WEST LEICESTERSHIRE
DISTRICT COUNCIL
STATEMENT OF CASE**

**LOWER PACKINGTON ROAD, ASHBY DE LA
ZOUCH LEICESTERSHIRE**

**LOCAL PLANNING AUTHORITY REF NO:
PLANNING INSPECTORATE REF NO:**

**13/00694/OUTM
APP/G2435/A/14/2217036**

JUNE 2014

1. INTRODUCTION

- 1.1 This appeal arises from the refusal of planning application ref 13/00694/OUTM by the Local Planning Authority on 7 January 2014 for two reasons, as described by the Decision Notice. The Council may refer to relevant Committee Report, Update Sheet, Minutes and Decision Notice of North West Leicestershire District Council in relation to 13/00694/OUTM.

2. THE APPEAL SITE AND ITS SURROUNDINGS

- 2.1 This is described in the Statement of Common Ground.

3. PLANNING HISTORY

08/01588/OUTM

Approximately 1000 dwellings, local centre with retail (A1, A3), business (B1), healthcare (D1) and community (D2) uses, expansion of Willesley Primary School, sports pitches, community park, pocket parks with public open space and equipped play areas, woodland planting, structural planting, balancing ponds and flood alleviation works, new highway access, roads, footpaths, cycleways and bus routes, plus ancillary works.

- 3.1 "Packington Nook" appeal against non-determination dismissed 16 March 2010, ref APP/G2435/A/09/2102468. The current appeal proposal measures 4.7 hectares and represents only 7.7% of the Packington Nook appeal scheme (61 hectares) by site area and 7% by proposed number of dwellings. The Council will argue that whilst the scale of harm deriving from the current appeal is proportionately less than the Packington Nook scheme, so too are the benefits proportionately less. The Packington Nook appeal decision is highly relevant to the current appeal proposal and it weighs against it.

4. THE DEVELOPMENT PLAN

- 4.1 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 4.2 The Statutory Development Plan includes the “saved” policies of the North West Leicestershire Local Plan adopted in 2002 with subsequent alterations adopted in 2004 and 2005. The Local Plan covers the period April 1991 – March 2006. The saving of specific elements of the Local Plan, pursuant to the relevant provisions of the Planning and Compensation Act 2004, was approved by the Secretary of State in 2008.
- 4.3 Under para 215 of the Framework, ‘due weight’ will be given to its policies. The district does not have a 5 year supply of deliverable housing sites (with 20% buffer). Therefore relevant policies for the supply of housing are not up-to-date; namely policies S3, H3, H4 and H4/1. The appeal site is outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan.

Emerging North West Leicestershire Core Strategy

- 4.4 The Core Strategy is the first document to be produced as part of the Council’s Local Development Framework (Local Plan). The Submission Core Strategy was agreed by the Council on 26th March 2013. At a meeting of the Full Council on 29 October 2013, the Council resolved that the Core Strategy be withdrawn and that work should continue on the Core Strategy with a view to re-submitting as soon as practicable. The Secretary of State was informed of this decision in a letter dated 6 November 2013.
- 4.5 Only limited weight may be afforded policies in the Submission Core Strategy. The Council does not rely upon any policies in the SCS to justify its decision.

5.0 THE CASE FOR THE LOCAL PLANNING AUTHORITY

- 5.1 There is a lack of 5 year housing land supply in the district. With reference to an appeal decision on sites at Alcester, Warwickshire APP/J3720/A/13/2202101 and APP/J3720/A/13/2205529, the scale of the shortfall lends no greater or lesser weight to the presumption in favour of sustainable development. Nevertheless, if the Inspector regards the exact housing supply situation in the district as relevant, evidence will be available to the inquiry.

Refusal reason one – unsustainable location

- 5.2 The Council will provide evidence of distances from the appeal site to the main services and facilities of the town. The site is located at the maximum distance to walk to the edge of the town centre boundary. However, the site is not located within reasonable walking distance of many of the town's services and facilities, namely health centres, leisure centre, primary and secondary schools, main public transport hub and employment sites.
- 5.3 Whilst the appeal site is located close to bus stops, but this is only a two hourly service and therefore not particularly useful for future residents wishing to make regular or spontaneous journeys by bus. There are no quality cycle routes in this area, segregated from the main roads, and so cycling is unlikely to be popular for future households.
- 5.4 The proposal is unlikely to promote more sustainable transport choices and reduce the need to travel, especially by car. Nor is the proposal likely to shorten journeys and facilitate access to jobs and services by sustainable modes of transport. Planning conditions and Section 106 obligations will not solve the fundamental unsustainability of the site's location in respect of services and facilities. The Packington Nook appeal decision refers to "shortcomings" in the sustainability of the location. With regard to this smaller appeal proposal, the Council's view is that the shortcomings are severe enough to warrant refusal. Relevant paragraphs of the Framework are 17, 29, 32, 34 and 37

Refusal reason two – harm to the character of the town

- 5.5 The Council will refer to the Settlement Fringe Assessment (March 2010) and Packington Nook appeal decision for a description of the south-east settlement fringe of Ashby.
- 5.6 The Council does not object to the current proposal in terms of its landscape and visual impact on the wider countryside. Nor does the Council object to the principle of greenfield development at Ashby-de-la-Zouch, insofar as future housing needs of the town will need to be met in large part by greenfield development. Rather, the

objection to the appeal proposal is its harmful impact on the character of the town, its distinctive character and attractive rural setting.

- 5.7 The Council will explain that that attractive rural countryside extends right up to the boundary of the town, giving the character of the south-east part of the town a distinctive rural setting. Here, the soft edge of Ashby provides a strong transition between the urban and rural environment. The appeal site is very open when viewed from the town and the town itself is very visible when viewed from public footpath OS71. From many and extensive parts of the public domain, the appeal site is readily appreciated as part of a rural landscape, very much distinct from the urban edge of the town.
- 5.8 The proposal constitutes a wide corridor of built development, encroaching deep into the countryside and transforming the south-eastern part of the town. Parts of the proposed residential development abut Lower Packington Road and will not offer a gradual transition between the countryside and the town. The development will weaken and blur the strong transition between the urban and rural environment, to the detriment of the townscape. The proposed development is poorly integrated with the townscape because its rural setting will be lost and replaced with a large, discordant urban feature. Harm to the character and setting of Ashby will be quite evident to the community of Ashby, visitors and walkers of public footpaths.
- 5.9 Proposed landscape mitigation and parcels of open space will not overcome the harm to the rural setting of the town described above. The scale of harm to the character of the town is significant and in this respect the proposal is unsustainable development. Relevant paragraphs of the Framework are 7, 17, 58 and 61.
- 5.10 The committee report explains the level of developer contributions expected in this case. The Council has no reason to believe the appellant will not complete a Section 106 agreement before the close of the inquiry and reserves the right to make further submissions should that not be the case.