

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

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**PACKINGTON NOOK RESIDENTS' ASSOCIATION**  
**STATEMENT OF CASE**

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**SITE AT LOWER PACKINGTON ROAD, ASHBY-DE-LA-ZOUCH,**  
**LEICESTERSHIRE**

**LPA REFERENCE 13/00694/OUTM**

**PLANNING INSPECTORATE REFERENCE APP/G2435/A/14/2217036**

**JUNE 2014**

## 1. **Background**

1.1 This Statement of Case has been prepared by Packington Nook Residents Association (PNRA), an unincorporated organisation with over 300 supporters. PNRA is active in local planning issues and has contributed to the local Core Strategy at all stages of consultation. PNRA opposes the development proposed at Lower Packington Road (“the appeal site”) by Hallam Land Management Limited (“the Appellant”). The PNRA case is in support of the putative reasons for refusal put forward by North West Leicestershire District Council (“the Council”) following consideration of the application at the 14<sup>th</sup> January 2014 meeting of the Planning Committee.

## 2. **Planning History**

2.1 The appeal site is part of a much larger 61 hectares site know locally as “Packington Nook”. That site was the subject of an appeal against non-determination in 2009 for over 1000 dwellings, which was dismissed on 16 March 2010 (PINS reference APP/G2435/A/09/2102468). The site has also been considered as part of the Inquiry into the North West Leicestershire Local Plan in 2002, when it was also ruled out. An application by the Appellant to build 115 dwellings at an adjacent site on Lower Packington Road was refused permission by the Council in 2009 (LPA ref 09/00473/OUTM).

2.2 The 2002 Local Plan Inquiry led to a ruling that development on this site would lead to the unacceptable loss of countryside, worthy of preservation for its own merit. The site was unsustainable due to its distance from the town centre and local employment sites. The development would set a precedent

for the development of the whole area up to the A42 which would be hard to resist.

2.3 The reasons given by the LPA for the refusal of the adjacent site in 2009 were:

- It was outside the limits of development and the urban edge of the town
- An unsustainable location and not the most sustainable site available

2.4 The 2009 Appeal Inquiry led to a refusal of permission by the Secretary of State. It was stated again that the loss of an attractive rural setting would be significant and unacceptable. The Inspector's report stated:

- Significant harm to the landscape and to the character of the town
- Shortcomings in the quality of the residential environment on parts of the site owing to noise from the A42
- An undue risk of harm to road safety
- Shortcomings in the sustainability of the site location
- Prejudicing the outcome of the Core Strategy process

### 3. **PNRA engagement in local planning policy**

3.1 In 2008 PNRA conducted a major survey of the views of residents in Ashby de la Zouch and Packington on development locations to assist with the Council's emerging Core Strategy. A total of 1456 households responded.

3.2 Out of five development locations around the town, the overall response was that Packington Nook was by the far the least popular location for development.

3.3 Whilst it would be expected for respondents to have views which are spatially specific (not wanting development near to them) it was clear that opinion against Packington Nook being developed was common throughout the town.

3.4 On this basis PNRA continues to object against planning permission on any part of the Packington Nook site. The presumption of a precedent being set by a small development on part of this site is justified as the 2009 Planning Inquiry was centred entirely on much larger aspirations.

#### 4. **The case for Packington Nook Residents' Association**

4.1 The PNRA case will provide further evidence in support of the Council's two primary putative reasons for refusal - unsustainable location and harm to the character of the town.

##### **Unsustainable Location**

4.2 PNRA will provide evidence that the site is unsustainable and is significantly less sustainable than other sites being considered for development.

4.3 The Appellant has provided a Transport Statement in lieu of a detailed traffic assessment for the site. The stated premise that the development of this location will not impact congestion and road safety is incorrect. The site is connected to the town centre and routes out of the area by narrow, congested local roads. There is a significant amount of on-street parking on these roads and consultations on traffic calming may lead to measures being taken to restrict traffic speed and flow, because of concerns over road safety. The routes to the town centre, employment areas, the A42 and supermarkets all require the traversal of busy and congested junctions, which are already

over capacity. Traffic from the site will contribute to a cumulative impact on the town which has not been satisfactorily modelled or assessed.

4.4 The appeal site is located near to bus stops but the services offered are infrequent and not, in our opinion, relevant to the residents of any development at this site. There are no separated cycle routes in the area. Cyclists are expected to share the busy and congested roads with motor vehicles. PNRA will argue that in spite of claims to the contrary, the development of this site will fundamentally imply reliance on private cars. This is not sustainable.

4.5 The appeal site is located in direct proximity of an embankment carrying the A42 trunk road and by admission of the appellant is particularly noisy. Noise was one of the reasons given for refusal by the Secretary of State following the 2009 Inquiry. Inevitable traffic growth and the possible routing of HS2 will only make noise worse. PNRA believes it is unacceptable to orient housing to mitigate the internal noise effects at this site, when it would then be unbearable for residents to be outside. We are concerned that the appellant's noise measurements do not represent the likely impact of noise at the site. PNRA considers this will create a specific harmful impact that is not over-ridden by the need to deliver housing volumes.

4.6 The application does not create choices around local employment and services. Employment in Ashby de la Zouch is reducing – significant job losses have resulted at major employers in the town. Those employment sites are inevitably already being developed, or earmarked for housing development. The accessibility to the trunk road network is actively used in

marketing of residential developments in the town. Many people who live in Ashby commute to Nottingham and the West Midlands region, where the private car is the only practicable means of transport. A sustainable development would be one which specifically seeks to reduce carbon footprint, increase road safety and provide sustainable travel choices, as stated in section 4 of the NPPF. This development achieves none of these objectives.

- 4.7 Evidence will be provided in support and with reference to the National Planning Policy Framework, paragraphs 14, 34, 109 and 123.

#### **Harm to the Character of the Town**

- 4.8 PNRA will re-inforce the judgement of the 2002 and 2009 Inquiries, that development of this site will damage the countryside that is worthy of preservation for its own sake. The appeal site is a rural setting at the clear urban boundary of the town. It is at the point where the Gilwiskaw Brook emerges from urban culverts to meander naturally into the River Mease Special Area of Conservation. The landscape is an amenity enjoyed by residents and there is a clear benefit to wildlife. The proposed planting after development will be of little compensation to the countryside that has been lost.
- 4.9 It is accepted that there is a need for housing development both nationally and in the North West Leicestershire District. The LPA has draft plans showing where housing development could be located – and in many cases planning applications have either been submitted or are in process of preparation. Many of these sites have sustainability aspects which are

significantly better than the appeal site. PNRA is disappointed that the LPA – in common with many local authorities – does not have an endorsed Core Strategy that guarantees housing volumes. However that does not make the appeal site any better.

4.10 As the site is unidentified for housing development, reference will be made to the National Planning Policy Framework paragraph 47. We will argue that other sites identified in the Council's Strategic Housing Land Availability Assessment are of material consideration with respect to this development and the general availability of housing land supply in the area.

4.11 PNRA will in conclusion argue that whilst there is a need for more housing locally, technical and sustainability factors weigh very heavily against this site. Account must be taken of the previous inspectors' comments with respect to development at this location. The appeal must be dismissed and planning permission refused.

4.12 PNRA will provide evidence in support of this case which will be in addition to that brought by the Council.

## **Documents**

The following documents will be referred to in the PNRA evidence.

- North West Leicestershire Local Plan (2002) Saved Policies
- North West Leicestershire Local Plan 2002 Inspector's Report
- Planning Appeal (PINS reference APP/G2435/A/09/2102468) Inspector's Report
- National Planning Policy Framework

- Leicestershire Local Transport Plan (LTP3) 2011 – 2026
- North West Leicestershire Strategic Housing Land Availability Assessment (SHLAA) 2014
- Leicestershire County Council Traffic Safety Group – Briefing Note TM4090 – Lower Packington Road, Ashby de la Zouch
- Appellant’s Transport Statement – August 2013
- Secretary of State’s Decision – Appeal by Fox Land and Property Limited vs. Castle Point Borough Council – Land off Glebelands, Thundersley, Essex, SS7 5TN PINS ref: APP/M1520/A/12/2177157

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