

## **Appendix– Planning Statement Questions**

### **Residential development scheme, land at Lower Packington Road, Ashby-de-la-Zouch**

**Reference: 09/00473/OUTM**

Appendix of concerns and questions on behalf of Packington Nook Residents Association (PNRA) related to the relevant supporting document.

### **Planning Statement**

1. The site is not well located in relation to the existing employment areas of the town and would be likely to give rise to greater car usage causing congestion and pollution on roads surrounding the site. There is a real concern that the submitted Transport Assessment does not adequately address this issue)
2. With regard to RSS Policies the statement is made that “Emphasis will be placed on walking and cycling and using public transport. Green Travel will be encouraged. The development will provide a climate suited to using transport other than the private car, thereby facilitating and encouraging behavioural change.” PNRA concern is that the lack of appropriate public transport during daytime, and its absence in the evenings, makes this statement unviable.
3. There is little evidence to suggest the residents of Ashby utilise cycling as a widespread means of accessing facilities within the town. The road network, traffic volumes and lack of suitable facilities do not encourage cycle use. The suggestion that pedestrian /cycle routes would encourage residents to access the facilities by more sustainable methods of transport is not supported by evidence from developments elsewhere within the town.

In the context of development, RSS8 page 13 states that one of the elements of the core strategy is ‘sustainable patterns of development that make efficient use of land, resources and infrastructure, reduce the need to travel, incorporate sustainable design and construction and enhance local distinctiveness’.

4. Will NWLDC support our view that: given the location, impact on, and risks to the local environment (natural and built), this development is unsustainable?

5. Will NWLDC reinforce the NWL Local Plan rejection of such developments in relation to Ashby, and in particular the Packington Nook site, in that it should not be developed? We contend that the developer is attempting to pre-empt the completion of the LDF and has submitted an application that fails to address fully and accurately the many major issues arising from this proposed development.

#### Car ownership

6. Do NWLDC agree that the extremely high percentage of people within the area who travel to work by car is indicative of the position of Ashby in relation to the main regional areas of employment and to the lack of suitable alternative modes of transport? Appendix 4 of the Leicestershire County Council response to the NWLDC LDF consultation states that Ashby is a dormitory town for the West Midlands. This development will do nothing in either the short or longer term to reduce car usage.

#### Bus Services

7. Does NWLDC agree that they are totally inadequate to meet the needs of a highly mobile population, which is geared around a significant level of commuting to work in major regional centres and evening and weekend leisure activities? There is no evidence to suggest that bus companies would be willing to provide the necessary increase in service levels and routes to have any significant impact on this situation or that this development will contribute anything to improving this situation. The production by the applicant of details of bus services showing infrequent services in routes between Leicester and Burton, clearly shows that there are no bus services to the south or north and we can assume that anyone commuting toward Tamworth/Birmingham or Nottingham and Derby is going to do so by car.

#### Footpaths & Cycleways

8. The proposed use of cycling ignores the medieval network of roads, lack of dedicated cycle ways and the high and growing levels of traffic within and around the town that preclude the safe and widespread use of cycles as a means of accessing local facilities.

## Environmental Impact

### Landscape and Visual Assessment

1. The potentially permanent changes to the landscape character of the area on the edge of Ashby are understated. This is a significant concern and is one upon which the Local Plan inspector focused on in his consideration of the possible allocation of this site ten years ago. In concluding that this site was not suitable for development then, the inspector concluded that

*"The area between the A42 and Ashby de la Zouch provides an important and attractive approach and setting to the town. That part closest to the built edge is intimate in character and contrasts to the openness beyond the A42, and contains a diverse hedgerow pattern. The result is attractive countryside right up to the built edge."*

*7.410 No objection has been raised to this proposed designation, and I confirmed for myself the accuracy of the above description when I visited the area. I also noted that the objection site consists of gently undulating pastureland, with its fields separated by mature hedgerows. It lies at a lower level than the existing southern outskirts of Ashby, and hence both helps to create a soft edge to that part of the town, as well as provide a visually attractive area of transition between built development and the more open character of the land beyond the A42.*

*7.411 These considerations lead me to conclude that this proposal would give rise to a loss of countryside which is worthy of preservation for its own sake. In the light of the advice in paragraph 2.3 of PPG7 that development of rural land should maintain or enhance the countryside, that loss would clearly be undesirable.*

*7.412 Development of the objection site could set a precedent whereby further encroachment into the ALLV would be made difficult for the Council to resist. At the moment, Lower Packington Road has housing, footways and street lighting on its northern side only; it therefore appears as a strong and clearly defined boundary between town and country. In contrast, the lower edges of the objection site are defined only by field boundaries of which there are many similar examples further south.*

*7.413 At the inquiry, the objector suggested that a Section 106 agreement could be used to prevent development spreading. Whether this would be viable is, however, highly doubtful: there is no evidence to indicate that all the land concerned is in common ownership, without which the likelihood of achieving the necessary agreement could be difficult. Perhaps more importantly, the amount of land between the objection*

*site and the A42 is, I believe, so great that restricting its use in perpetuity could not reasonably be held to be related in scale and kind to the proposed development.*

*7.414 The setting of a precedent in my opinion therefore further supports my principal conclusion on the first issue.*

2. The assessment of landscape does not place any value on the progressive erosion of the attractive approach it provides to Ashby from the South; should it not?
  
3. The assessment assesses the Gilwiskaw Farmland as “low landscape sensitivity” (6.4), but does recognise that there is a network of rights of way. These footpaths and bridle paths are well used because of the attractive landscape and the report undervalues the amenity value of this farm land for adjacent residents, walkers and horse riders. We refute that the impact (8.5) would be “medium adverse magnitude over a very limited area”. It is also difficult to see how the effect of the development can later be considered to “conserve existing features of value and enhance the local landscape and visual amenity” (12.5). This assessment is considered to be overly positive and at best, the overall effect (with the delivery of all of the landscaping, national forest planting and new open space) should be assessed as neutral or low adverse.

## **Flood Risk and Drainage**

1. Why doesn't the FRA report take account of the previous work done by WSAtkins in the SFRA? In particular the assumption of a 10% increase in the urbanized area of the catchment to take account of permitted and future local development, not be covered under SUDS schemes, is ignored. This would result in a 25% increase in the 100yr return period flow (Q100), based on WSAtkins' figures. The FRA merely suggests that future developments should have SUDS drainage. This completely ignores the number of recent planning permissions that have not been referred to EA and connect directly to the Gilwiskaw, nor the increasing paving of front gardens.
  
2. Has NWLDC taken account of our previous representations that the 10% increase for urbanization is inadequate to take account of current development in Ashby?
  
3. The access road appears to cross an area subject to flooding and therefore conflicts with planning policy as there will be no access to the site during floods.

4. Will NWLDC ensure that the report is challenged on the basis of levels and flows and that a much wider area is assessed as Category 3A and 3B under the PPS25 Exception Test?
5. PPS25 Exception Test is in three parts 1) Provide wider sustainable benefit to the community, 2) Is Brownfield, 3) is 'safe' under flood conditions. Our understanding is that test 2) cannot be passed (it is a Greenfield site) and that, on the basis of the mapping in the SFRA and the Mill Farm levels, test 3) will be difficult to demonstrate. Will NWLDC ensure that an accurate Exception Test is applied to this site once accurate flow projections have been established?
6. Available sites have not been considered under the Sequential Test to "demonstrate that there are no reasonably available sites in areas with a lower probability of flooding" (PPS25, Para 16). There are a range of alternative sites in Ashby and North West Leicestershire that provide lower flood risk and which have not been fully considered.
7. Para 1.5 states there have been no reported flooding incidents on the site. This is incorrect, as the foul sewer through the site regularly overflows through the manholes after heavy rain. STWA are aware of this and we understand there is proposal to improve this section in the future. PNRA does not consider that this site is suitable for development until this matter is resolved.

### **Transport Assessment**

1. Does NWLDC agree that the bus provision outlined in the report (Table 2.3) is inadequate to encourage bus usage and will ensure that the development has a car based transport system consistent with the existing split in Ashby of 1.7% using buses to travel to work (Table 2.2)?
2. Does NWLDC agree that cycle usage in Ashby is discouraged by the lack of dedicated cycleways, the medieval road system, and the lack of safety perceived for cyclists, and the assumption of increased usage from the development is spurious?
3. The junction capacity assessment, which may be satisfactory, is not as relevant as the effects of increased flow on Avenue Road/Lower Packington Road, which are congested currently in the Peak Hours because of forced single way working due to parked cars. There is no opportunity to improve this situation as the houses along both roads are mostly Victorian with no car parking provision, and the junction layouts are inappropriate for one-way working. The projected increases from the

development together with anticipated growth will cause increased delays on these two roads.

4. Does NWLDC agree that the proposal is unsustainable in terms of National Planning Policy (PPS3 and PPG13), as it does not have good transport links, other than car based transport, and is not as well placed as other potential developments for accessibility to shops, secondary education and services?