

North West Leicestershire District Council  
Council Offices  
Whitwick Road  
Coalville  
Leicestershire  
LE67 3FJ  
FAO Mr A Harvey



**L a n d m a r k**  
**P L A N N I N G**

PW/28124  
24th June 2009

Dear Mr Harvey,

**Residential development scheme, land at Lower Packington Road Ashby-de-la-Zouch**  
Reference: 09/00473/OUTM

I am writing on behalf of the Packington Nook Residents Association to lodge an objection to this application. As you are aware, the Residents Association has around 300 members and my letter is submitted on their behalf in addition to the individual representation letters, which you will be receiving.

The application is an introductory means of providing an alternative phased approach to the wider Packington Nook site, which relates to application 08/01588/OUTM. That application attracted overwhelming objections and your authority has confirmed its putative reasons for refusal, which will be examined at the forthcoming inquiry in October.

In a similar way to the previous objection letter, I have focused my grounds of objection to the application on the planning implications of the development and the sustainability/consideration of alternative sites issues. In relation to the various technical studies and reports, which accompany the application, I have set out my concerns or questions on behalf of the residents in the form of an Appendix to this letter. As these concerns or questions relate to technical issues on which you will need the views of statutory and non-statutory consultees, I will contact you again shortly for the emerging responses.

**1. Planning policy**

1.1 The site is greenfield and unallocated for development. It is located within the open countryside outside of Ashby-de-la-Zouch, and has attractive landscape. As such, the proposed development is considered to be contrary to national guidance regarding development in the open countryside and the provisions of the Development Plan, namely the adopted North West Leicestershire Local Plan (saved policies) and the Regional Spatial Strategy (RSS8). The proposal is also considered to be contrary to the emerging

Development Plan as expressed in the Further Consultation version of the Core Strategy, consultation on which ended on 23<sup>rd</sup> March 2009.

1.2 The applicants seek to justify the development on the basis it will contribute to the supply of housing land in order to deliver the numbers required by RSS8. In such situations where a 5-year supply of deliverable housing land does not exist, paragraph 71 of Planning Policy Statement 3 (PPS3) on Housing advises that it may be legitimate to consider granting planning permission on unallocated sites. This is subject to evaluation against the criteria set out in paragraph 69 of PPS3. I have assessed the application site against the 5 criteria contained in paragraph 69 as follows:

- *Achieving high quality housing* – it is considered that this objective could be met. The submission of an application for ‘phase 1’ of the larger scheme requires careful consideration, however, as the granting of consent for this development would set a clear precedent for the future development on the rest of the larger site both in terms of the principle of development and the quality of the layout of the scheme.
- *Providing a good mix of housing* – this could be met.
- *The suitability of the site for housing including its environmental sustainability* – the site is greenfield and it is located some distance from the main employment areas, services and facilities of Ashby. The site is not well served by bus services and it is considered that this would result in considerable reliance on the private car for trips to employment, shopping, schools and leisure facilities. In addition, the development of this site would be detrimental to the landscape character of the area as confirmed by the assessment of the site by the inspector at the Local Plan inquiry in 1999. It was concluded in paragraph 7.409 of the inspector’s report 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."*

Paragraphs 7.410 and 7.411 are also relevant and these are reproduced in the appendix accompanying this letter.

- *The effective and efficient use of land* – paragraph 40 of PPS3 states that it is a key objective that local planning authorities should continue to make effective use of previously developed land (PDL). A local target, trajectory and strategy for the development of PDL should be devised by the local planning authority (paragraph 43). This guidance illustrates the strong presumption for the development of PDL or brownfield sites for housing over greenfield ones.

- *Ensuring the development is in line with planning for housing objectives including its spatial vision* - the development of this site would not be in line with the urban concentration approach set out as the spatial vision for the region in the RSS. I referred to the Countesthorpe appeal decision (appeal reference APP/T2405/A/08/2069849) from October 2008 in my objection letter to the larger scheme as an illustration of the importance of compliance with these criteria. In the appeal decision letter, the inspector concluded that in accordance with the guidance set out in PPS3, residential development should be focused principally on the most sustainable locations in the District. In the case of Blaby, this is the Principal Urban Area (i.e. the edge of Leicester) whereas in North West Leicestershire, this is the sub-regional centre of Coalville. The inspector also concluded that whilst a 5-year supply of housing land could not conclusively be demonstrated, this did not justify the development of a greenfield site without an assessment of the sustainability attributes of the settlement or as assessment of the affect of the development on the character and appearance of the countryside.

1.3 In relation to the emerging hierarchy of settlements within the district, as Ashby is considered to be of equal status to the other Rural Towns (Castle Donington, Ibstock, Kegworth and Measham), the granting of planning permission on this greenfield site may prejudice the development of more sustainable sites within these settlements and Ashby.

## 2. Sustainability/alternative sites within Ashby

2.1 An in-depth analysis by the Council of alternative sites is clearly underway as part of the Core Strategy consultation. The Leicester Road site, for example, is recognised as an allocated site and has a detailed planning application running. Even if the highway issues result in a reduction in numbers, the site will still make a significant and appropriate contribution in terms of housing numbers commensurate with the size of Ashby and its position within the settlement hierarchy of the district.

2.2 In relation to Money Hill, this is viable at 1100 dwellings (although the scale of a proposal of such a size would be questioned). Access from the ring road is considered achievable and is considered to be more satisfactory than access from rural roads and through the town centre. In contrast to the application site, this site is well located in relation to the town centre and essential services including schools and healthcare. I note that an objection letter in respect of the current appeal has been submitted by Icen Development, the promoters of the Money Hill development, and accordingly their representations, including those on the suitability of their site as an alternative to the Packington Nook proposal, will be considered by the inspector.

2.3 Development of the Hollywell Spring Farm site with approximately 500 dwellings would be more in scale with the town. National Forest provision could be made off site and

contributions towards more centrally located facilities could be secured by planning agreement. I note that a Statement of Case in respect of the current appeal has been submitted on behalf of Nurton Developments, the promoters of the Hollywell Spring Farm development, and accordingly their representations, including those on the suitability of their site as an alternative to the Packington Nook proposal, will be considered by the inspector.

### **3. Conclusion**

- 3.1 This objection demonstrates that the proposal is contrary to National Planning Policy Guidance and adopted and emerging Development plan policy. This is clearly a situation where, as identified in paragraph 17 of the General Principles document which accompanies PPS1, it is justifiable to refuse planning permission on grounds of prematurity where a development plan document (in this case, the Core Strategy), is being prepared but has not yet been adopted. Although the application is for part of a larger proposal, it is considered that granting permission could prejudice the proper preparation of the DPD by predetermining decision about the scale, location or phasing of new development which are being addressed in the policies regarding the location of new development in the district. Paragraph 72 of PPS3 advises that local planning authorities should not refuse applications solely on the grounds of prematurity, however, in this case there are clearly other material considerations regarding the affect of the development on the character and appearance of the settlement, and sustainability, particularly in relation to the use of the private car.
- 3.2 This objection also shows that even within Ashby itself there are alternative sites for development that may well be significantly more sustainable if substantial greenfield housing development is needed in the town. It would therefore be totally inappropriate to grant approval for this proposal.

**Yours sincerely,**

**Peter Wilkinson  
Managing Director**