

Appleby Environment

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Planning Department
North West Leicestershire District Council
Council Offices,
Coalville,
Leicestershire,
LE67 3FJ.

Appleby Environment is a formally constituted community group which has been active in Appleby for over 20 years. We are writing to object to the following planning applications:

- 13/00799/FULM: Residential development of 26 dwellings including affordable housing, formation of sustainable urban drainage system and public open space and demolition and replacement of boundary treatment at corner of Bowleys Lane and Church Street.
- 13/00797/FULM: Erection of 39 residential units including affordable housing and provision of sustainable urban drainage and on and off site public open space
- 13/00697/OUTM: Residential development for up to 29 dwellings (Outline - access included). Land off Top St adjacent to Botts Lane.
- 14/00082/OUTM: Erection of up to 60 houses land to the North of Top St

We wrote to you in January objecting to 3 out of these 4 applications. **We would like this earlier letter to still stand and ask you to refer back to it.** The general arguments still stand and also apply to the application (14/00082/OUTM) which had not been submitted at that time. This letter is a summary of the earlier arguments. It also contains new information relating to the general situation, the change in the application for Measham Rd, and the new application for Top Street.

Cumulative Impact – scale of housing development

These applications are, in total, for 154 houses. There is a need for a strategic assessment of the scale of development which would be appropriate for Appleby to avoid erosion of the village's character and to ensure that the development is sustainable.

The District Council's assessment of villages such as Appleby has been that they were appropriate only for 'small scale housing development'. While this Core Strategy policy has been withdrawn we

wish to draw attention to Sustainability Appraisals of the core strategy and various options considered during the process. These form part of the evidence base to the core strategy. These appraisals were independent assessments of whether different policy options could be considered to meet the sustainable development criteria. As such they are in no way affected by the decision to withdraw the Core Strategy. Neither are they affected by the likely increase in the numbers of housing that the District is likely to be required to plan for. The sustainability assessments looked at different options for housing levels in different types of locations and assessed them in terms of their carbon impact and the available provision of jobs and services for the residents of new houses.

The Sustainability Appraisal Main Report (Feb 2013) specifically looks at the strategic distribution of housing and alternatives in Section 8. Para 8.11 reads:

"In the small rural and sustainable villages there is limited access to services and jobs and the majority of trips would be by car. High levels of rural development risk creating rural isolation as the price of driving increases. **More development in these locations would reinforce an unsustainable pattern of development in the district.**"

The numbers of new houses being assessed were judged against a starting point of March 2012. By the beginning of 2014 there had already been permissions granted for 6 houses in Appleby since March 2012 (3 in Church St; 1 in Rectory Lane which has already been built; 2 in Top Street) following a regular pattern of applications which can be expected to continue. The February 2014 Planning Committee then granted permission for a development of an additional 8 houses on a designated sensitive site within the village. The Sustainability Assessment was made against allocations for village locations across the District (rather than for individual ones such as Appleby). However the numbers considered sustainable for all village locations for the entire plan period (up to 2031) has already been exceeded by planning permissions granted since the assessment was made.

Cumulative Impact – Environment assessment

We noted in our earlier letter that the applications are not accompanied by statutory Environmental Statements in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and that the Council has determined that an EIA is not required for the individual applications. In our earlier letter we spelt out why we thought that such individual EIAs should have been required. All these applications exceed 0.5 hectares and meet other screening criteria not least because of the cumulative effects of the various proposed developments (air quality, landscape and visual, land use, noise, traffic, water (including possible effects on flooding and the Mease European Designated Special Area of Conservation) and ecology (for example the cumulative effect on Great Crested Newt populations). Please refer back to our earlier letter for a more detailed argument in relation to these assessments. We contend that each application should be accompanied by an Environmental Statement which takes into account the cumulative effects of individual developments as should their assessments of the impact on the River Mease as a European Designated SAC. We would like the Council to explain why they have determined that no formal Environmental Impact Assessments are required for the developments and provide evidence of their screening decisions.

Sustainable Development

In our previous letter we documented in detail the reasons for assessing all these applications as failing the sustainable development criteria required by the National Planning Policy Framework.

The Council commissioned sustainability assessments of its emerging core strategy and considered its conclusions in a 'consideration of alternatives' document. In that document, under the heading 'Settlement Strategy and Hierarchy' the Council notes that the sustainability appraisal was already critical of the level of development proposed for villages. It notes that the sustainability appraisal "... considered that settlements without relatively good and secure existing or planned public transport access are not sustainable places for growth to occur. New development in these locations would give rise to increased car use, and importantly may risk social isolation for new residents". The sustainability appraisal therefore recommended that the Council should restrict development to locations where there was a 'good bus service'. The Council decided that this assessment had to be balanced against the need for some development for local people. **It argued that there should be 'limited development to meet local needs but that 'any development that is allowed is to meet a local need and not more general market provision'.**

The final Non technical Summary of the Sustainability Appraisal (March 2013 version) from an external consultant concludes:

"The Core Strategy allows some growth in the rural areas. Past completion rates for housing show that the rural area has always played an important role in housing growth in the District. However, development in villages has led to a pattern of development that is unsustainable. Many new homes are occupied by people who travel outside of the villages for work and also may meet many of their other needs outside of the villages for work and also may meet many of their other needs outside these areas, not necessarily supporting rural services" (para 5.11).

As such it is clear that the District Council's own sustainability criteria and assessments show that housing development in the rural villages at all but the smallest scale threatens nationally required sustainability targets.

We provided a detailed account in our previous letter of the ways in which these developments failed to meet the criteria for sustainable development as set out in the National Planning Policy Framework. This analysis still stands and is summarised below. Please refer back to our earlier letter for the detail.

Sustainable Development issue 1 – increased car journeys in conflict with national low carbon strategy and NPPF

The NPPF spells out the 3 dimensions of sustainable development at para 7 and under environmental role says that the planning system needs to support the need to 'mitigate and adapt to climate change including moving to a low carbon economy'. Under NPPF para 17 (core planning principles) it says there is a need to 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'.

It is clear that Appleby does not meet these criteria. In our previous letter we cited a survey of residents from 2010 with responses from a third of households showing that:

- 82% did their main food shopping in a large supermarket whereas 2% said that they used the village shop.

- 89% said that they did this major food shop at least weekly (with a third of these saying two to three times per week).
- 70% of all households said that they drove alone or with other family members to carry out this shop. A further 7% shopped online and had it delivered.
- The most common location for food shopping was Ashby, followed by Tamworth and then Swadlincote (with no-one mentioning Measham for food).

If people choose to use cars despite available alternatives then this might be open to change. However, Appleby already has a poor bus service which is about to become even worse. Leicestershire CC is planning for a reduced Mon-Sat daytime service. Your previous reports have said that there will still be 6 buses a day from Appleby. **The provision you need to report on is the number of viable return trips.** The new service will see the first bus to Ashby leaving Appleby at 10.30 a.m. with the only return trip giving any time to do anything in Ashby, being the last bus back at 3.00 p.m.

- **There will only be one return public transport option per day to the nearest centre with a reasonable provision of shops and it would only allow employment for a few hours in the middle of the day.**

Our last letter analysed in detail the inadequacy of the travel plans provided with the 3 applications that were available then. Please refer back to this. The same arguments apply to the new application 14/00082/OUTM. In summary the travel plans for all applications:

- Do not provide adequate analysis of car journeys likely to be undertaken by new residents – they show large numbers of cars as indicated by parking provided, but very few journeys. This is implausible;
- Do not take account of the changing bus provision;
- Do not take account of the terrain which makes walking or cycling to Measham highly unlikely;
- They focus on road congestion not on sustainable transport. CC Highways have objected to all these applications on their failure to meet sustainable transport requirements.

Sustainable Development issue 2 - contributing to protecting and enhancing our natural, built and historic environment as required by national policy in the NPPF

There is a further dimension to environmental sustainability included in the National Planning Policy Framework. This is that sustainable development should contribute "to protecting and enhancing our natural, built and historic environment" (para 7).

Again we refer you to our previous letter. In summary:

- Applications 13/00799/FULM and 13/00697/OUTM are for sites defined in the local plan as 'sensitive areas' which are defined as important open areas within or adjoining settlements which contribute positively to the character of the settlement concerned, its streetscene or its setting or approaches. It is important that such areas are kept free from development in view of the contribution they make to local environmental quality (Local Plan para 4.1). Policy E1 says that 'development will not be permitted within the Sensitive Areas, identified on the Proposals Map, which would adversely affect or diminish the present open character of such areas and the contribution they may make to the character, form and setting of settlements, the streetscene generally or the relationship with adjoining countryside'.
- All the applications are for sites outside the limits for development in the Local plan. These limits respect the settlement pattern which is part of its distinctive character. This is reinforced by the Appleby Magna Village Design Statement which is adopted Supplementary Planning Guidance.

- English Heritage has objected to the applications on Church St and Measham Rd in terms of their impact on the historic environment.

Sustainable Development issue 3 - accessible local services that reflect the community's needs and support its health, social and cultural well-being as required by the National Policy in the NPPF (para 7)

Again in summary only:

- There are no significant employment opportunities in the village (as confirmed by the census data that shows only 11% of residents walk or cycle to work). The only existing ones are small scale units located in nearby farms;
- The village shop is treated by the vast majority of residents as only for minor or top up purchases (as demonstrated by a village survey in 2020)
- It is now confirmed that the GP surgery will close at the beginning of May (see Measham Medical Unit website);
- There is no evening bus service to meet the leisure needs of children or adults and very limited village provision.
- The developers misrepresent the NWLDC label of 'sustainable villages'. This was never intended to suggest that any development within them would be sustainable.
- There is no suggestion in the applications that they will lead to any increase in jobs or services.
- These developments will exacerbate the current situation whereby those without access to a car will find it very difficult to access work or services. This actually makes the sustainability of the village even worse by isolating older and poorer residents and leading to young people to leave as soon as they are independent.

Sustainable Development issue 4 - supply of housing required to meet the needs of present and future generations as required by NPPF (para 7)

Again in summary only. There is no credible claim that the level of development proposed by any one of these applications – let alone in total – is required to meet local needs.

- Appleby is one of the few villages in the District that has had a rural exception site (completed in 2011 as an extension to Parkfield Crescent). This was carried out as a result of a proper survey of local housing needs by the Leicestershire & Rutland Rural Housing Enabler (LRRHE) and more than satisfied assessed need;
- Appleby also has affordable rented accommodation in the Alms Houses. Recent vacancies there have met with limited interest;
- The developers provide no credible assessment of local housing need;

Sustainable Development - Conclusions

- *The Sustainability Appraisal conducted as part of the NWLDC core strategy development clearly argues that any more than very development in villages for the period up to 2031 already threatens its sustainability objectives.*
- *Appleby has already had permissions for 14 houses since this assessment was done (March 2012) and there are a further 15 years to go. It has also had a recent rural exception site.*

Other Material Considerations. In addition to establishing whether a development would be sustainable the NPPF requires authorities to take into account other material considerations. In our previous letter we referred to general issues affecting all applications as well as specific comments

relating to individual applications. Please refer back to these. The comments below merely summarise these and modify them where applications have changed:

The following material considerations are relevant to all applications

- There is considerable local concern about flooding and sewage capacity which has not been addressed. The developers modification on plans for Church St and Top St / Botts Lane show that their initial claims to provide adequate controls within their sites were not correct.
- As detailed above social facilities in the village exist but are not extensive. This includes the village school which is housed in a historic building. Its governing body is committed to staying at its current size to retain its current excellent local provision and because of constraints on their existing accommodation.
- Furthermore all these applications involve the destruction of hedgerows and open areas which would have an adverse impact on nature conservation.
- VDS guidelines relating to the preservation of village lanes, hedgerows, open areas, the settlement pattern and avoiding solid blocks of development at the edges of the village are broken by these applications.
- All these sites are outside the limits to development.

Material considerations relating to individual applications:

- **13/00799/FULM:** Residential development of 26 dwellings Bowleys Lane and Church Street.

See previous letter detailing material considerations in relation to Village Green claim and local use, proximity to the Conservation Area, effect on setting of listed building and historic importance as stressed by English Heritage, sensitive site status, outside the limits to development, destruction of hedgerows, impact on Bowley's Lane by proposed traffic, contrary to many Village Design Statement guidelines.

- **13/00797/FULM:** Erection of 39 residential units, Measham Rd

The reduction of this application from 73 houses to 39 in no way addresses our concerns about the scale of this development which is completely inappropriate.

Please refer to our earlier letter detailing relevant VDS guidelines, the location of this site in relation to village services, previous planning decision in relation to Measham Rd, the traffic problems caused by parked cars close to the site. We would also endorse the objection letter by English Heritage of the inappropriateness of development on this site.

- **13/00697/OUTM:** Residential development for up to 29 dwellings (Outline). Land off Top St adjacent to Botts Lane.

The reduction of this application from 32 to 29 houses shows that the applicants had not made a proper assessment of likely flooding. The reduction does not address our concerns about the scale of development.

Please refer to our earlier letter detailing concerns including that this is a designated Sensitive Site outside the limits to development t under the Local Plan where it is not appropriate to be

considering an outline application if the Council is to give proper weight to its own policies. Previous planning applications for this site have been rejected by an inspector due to its impact on the character of the village.

- **14/00082/OUTM:** Erection of up to 60 houses land to the North of Top St

This is a new application since our last letter. The numbers of houses proposed are completely inappropriate in terms of scale of development. The lack of information on layout and design make it unacceptable for serious assessment of whether it meets local plan and village design statement principles. However it is obvious that it must constitute a solid block of new development outside the village limits which is incompatible with VDS guidelines. It encroaches on the setting of a Grade 1 listed building (the Sir John Moore Foundation) and will exacerbate traffic problems and risks around the school at dropping off and collecting times.

Conclusions

On the basis of all of these arguments we would contest that these applications individually and cumulatively fail the test of sustainable development and have additional significant material planning considerations which also support their refusal.

Since our previous letter there has also been a survey carried out by an independent Market Research Society accredited organisation of village residents with a 57.2% response rate. The responses showed strong opposition to the proposed developments with almost nine in ten of villagers saying that they oppose either all or most of the proposed developments. While residents' views are not strictly material planning considerations we maintain that they are an assessment from people who actually live in the village of the rate at which Appleby can grow without destroying its character and the types of impact that are of particular concern. We would draw attention to the following findings:

- Over half of those who responded felt that it would be reasonable to build no more than 15 houses over the next 5 years; and nearly three-quarters said no more than 25. Nobody said that 100 houses or more was reasonable.
- The impact on flooding and drainage were major concerns as was the increase in vehicles. Proposed responses to increased traffic, such as road widening, were not supported. They were felt to affect the character of the village.
- Over 8 in 10 households endorsed principles such as the need for development to be at a slow enough pace to allow newcomers to integrate; that any development should be within the existing village boundaries rather than as blocks of uniform new development at the approaches to the village; and that green spaces within the village and connecting the village to the countryside should be conserved wherever possible (these are all in line with VDS guidelines which are adopted SPG and show that this document is still supported by residents).

Full results are available from the Appleby Magna community website (www.applebymagna.org.uk).

Yours sincerely

Sonia Liff

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