

Overview of the Factory Outlet Shopping and Warehouse Application

29th April 1993

There was an exhibition in Appleby relating to the Draft Local Plan. This showed a 100 acre site next to the Appleby junction of M42 to be allocated for employment purposes. Said to have had the support of the Economic Development Committee of the Council.

Further showing of exhibition in Measham on 12th May. Chief Planning officer there said the allocation had support of the EDC and this would be given significant weight in the consultation phase of the local plan.

Difficult to get to the bottom of this but seemed to refer to a meeting of the EDC on 10th March 1993¹. Chairman of the Council, Malcolm Hall had attended a meeting and there had been a discussion about the item not on the agenda and resulting in a very loosely worded minute! This was 6 months after the deadline for the submissions to the plan and went against the decision of a joint committee of the planning committee and the EDC which in April 1992 decided to support the LCC Structure Plan and not allocate any sites in the countryside alongside the motorway. *(It is not clear whether we ever got this formally acknowledged and the head of ED continued to champion the proposal).*

27th August 1993

First application submitted by Freeth Cartwright (Nottingham solicitors who were also involved in the hotel application) on behalf of Dukeries Development Ltd for 20 acres of 'Factory Outlet Shopping' and 40 acres of 'Business/Storage or Distribution Development Land'.

Claim that 'Factory Outlet' is upmarket shopping of a type not known in the UK (USA model), that buildings would be well designed and extensively landscaped, attract people from 60-70 miles away, who would make it part of a wider leisure day out (e.g. to Twycross), stressing the economic developments to a priority area where nearby unemployment levels are running at more than 25%.

These elements continued to dominate the arguments for the development throughout. The distinctive type of shopping centre was said to mean it would not compete with local centres. The unemployment levels in Measham and nearby were said to justify a departure from clearly stated Planning Policies which would lead to this application being rejected.

Ahem submitted a full objection in October 1993 (following meetings with Appleby Magna and Measham Parish Council) but it doesn't seem to have gone to a Planning Committee meeting till March.

October '93 – November '94

In the midst of the main battle over the factory outlet retail proposal a 'local' firm DFS applied to relocate onto a green field site on the Appleby side of the river Mease (Side Hollows Farm). There

¹ This was the approach we pursued initially. However additional Council minutes suggest that this dated back further to 1991/2 when the Council considered objecting to the draft CC Structure Plan which did not allocate any land around the Motorway junction to development.

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was also talk of a link with the car auction. DFS made much of being a local firm and said that they had to move because of their lease. Newspaper stories about loss of local jobs and selfish Appleby residents. Ahem objection 7/11/93. Rejected by Planning Committee (date not clear – from memory a narrow decision dependent on having mobilised conservative councillors). June '94 Measham councillors urged council to think again. November '94 DFS announced they were staying put after all.

2nd March 1994

Joint meeting of the Planning and Economic Development Committees. Called by both chairmen to hear a presentation by the applicants (now being fronted by Value Retail). To inform them and ask questions but not to reach a decision!

The applicants produced massive supporting reports: Planning report (part 1 – reasons for choosing the development site, part 2 – technical summary) – 27 pages in total; a Retail Impact Assessment c. 100 pages by a London based consultant; and a Traffic Impact Assessment by another consultant (c. 50 pages).

Officers' supporting information for the meeting stresses wide scale opposition from a range of bodies as well as local residents and conflict with structure plan and local plan. Under other material considerations it cites 'Local Unemployment' and 'Tourism'. Further says that "The proposal constitutes a Statutory Departure which must be referred to the Secretary of State if the Council is minded to grant permission".

Minutes of the meeting show stress on economic benefits and jobs, centrality of warehousing / distribution element to share infrastructure costs (although that might be reduced as a proportion ...) and established that although they might aim at high end retailers, who would not compete with local retailers, there were no planning constraints by which this could be enforced.

16th March 1994

Planning Committee meeting. Chief Planning Officer's report recommends rejection on the grounds of development in the countryside, conflict with the adoption of structure plan, conflict with PPG on town centres and retailing, agricultural quality of land. Huge number of objections including from County, (planning and highways); CPRE, Min of Ag; wide range of parish councils (including Measham but not Oakthorpe); all the neighbouring District and Borough Councils; Coalville shop owners; 116 individual letters of objection (from which the planners managed to identify 98 separate points!).

Ahem leaflet says that the developers reduced the size of the application to 40 acres (reducing the warehouse / distribution element).

Ahem arranged a lobby which involved more than 50 local residents.

Late report from the Economic Development officer and committee arguing that this land should be allocated for employment uses that could not be allocated elsewhere. *Ahem got into a separate debate arguing that this was not appropriate ED or employment to match local circumstances.*

There was a proposal that the application be referred to the Secretary of State for the environment as council is minded to accept the proposal subject to a 106 agreement. Recorded vote went 10-10.

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Mainly conservatives voting against but included Frank Straw (Labour leader). Chairman (Derek Wintle, Labour, who had voted for the motion) declined to use his casting vote. So motion was said 'to have fell but the application was left undetermined'.

So said the minutes. We tried to argue that planning officer's report recommending rejection should have been said to stand when the whole report was accepted as part of the meeting. Did not get anywhere with this.

12th April 1994

Expected that the undetermined application would be decided by the full council. This was being held in Castle Donnington. Planned to lobby this but the application was withdrawn on the day of the council meeting.

19th May 1994

Application resubmitted. "because the re-submission is being made with 12 months of the withdrawal of the original application, and the scheme and the applicants are identical to those of the withdrawn one, no handling fee is payable". Despite this all the objections had be resubmitted! In the event 209 letters were submitted.

June 1994

There had been on-going queries about the high levels of unemployment being recorded. The May 1994 figures showed a dramatic change Measham down from 30.6% in April to 8.9% in May; Appleby 16.4% in April to 6.2% in May; Oakthorpe 13.2% to 8%. This appeared to be due to misallocation of postcodes. This undermined a major plank of the argument.

29th June 1994

Rushed to the first available planning committee. Recommendation to refuse (slightly expanded from previous one). The applicants requested a deferral to allow a meeting with the Chairman to discuss planning gain among other issues. As part of this a further application was submitted by Value Retail giving more details of the shopping element.

The existing application was overwhelmingly rejected.

However the further application was treated as a new application.

27th July 1994

Planning Committee expected to consider this. However update sheet says this application has been withdrawn.

7th October 1994

Letter from London & Metropolitan PLC (linked in some way to Value Retail) to Councillor Quelch (Labour Chairman of Planning Committee) giving details of the planning gain including money for Measham and Appleby projects. Also arguing that although unemployment not as high as previously thought it is still significant and should be a reason for approving.

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Ahem took legal advice over this and were told that half of the planning gain offers were probably unlawful and could be challenged.

March - November 1994

In March 1994 John Gummer, then Environment Secretary issued new guidance to local authorities on transport (PPG13). This stressed that developments that increased car use should be resisted in favour of those that encourage use of public transport. In November a further report / statement was made more explicitly against out of town superstores.

Have memory of one of these declarations coming on the day of a planning committee meeting?

27th February 1995

Labour group plan to discuss the letter to Quelch. They were made aware that meetings between councillors and those promoting a rejected application with strong local opposition was problematic and informed of the legal advice Ahem have received which will be pursued if necessary.

31st May 1995

After Labour's success in the District Council elections in various rural areas including Appleby it says it needs to take rural issues more seriously. Nevertheless Barry Hall asked for Appleby Fields to be again put on the agenda of the Labour Group. This was challenged by local labour party members.

Postscript

Some members of Ahem made efforts over this period to get involved with the Labour Party and Group and to get John Lewis elected as a Councillor. Since it was clear that we were primarily pursuing village issues this did not threaten the alliance within Ahem with members who were active or passive Conservative supporters. Pre-1995 Labour had a majority on the District Council but not an overwhelming one. Labour councillors were primarily from the urban centres and estates and were hostile to the rural residents who many of them stereotyped as rich and Tory. Most of the decisions we won during this period were won on the basis of support from both Labour and Conservative members. In 1995 Labour won almost all seats on the District Council (including Appleby and other rural areas) so this brought in a different mix of Labour Party councillors. Most of the Labour Councillors who were most hostile to us during this period were deselected within a couple of years of these events (for a variety of reasons).

Sonia, January 2013