

3/1/8.38/0

Representor 3



LOCAL PLAN

Ref:

(For official use only)

Publication Stage Representation Form

North West Leicestershire Local Plan Proposed Submission

Please return this form to North West Leicestershire District Council either by post:

Planning Policy, North West Leicestershire District Council, Council Offices, Whitwick Road, Coalville LE67 3FJ or email planning.policy@nwleicestershire.gov.uk no later than **5pm on 15 August 2016**.

This form has two parts-

Part A – Personal Details

Part B – Your Representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details

2. Agent Details

**If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details for the agent in 2.*

Title	Mr	Mr
First Name	Freddie	Rhys
Last Name	Jones	Govier
Job Title <i>(Where relevant)</i>		Senior Planner
Organisation <i>(Where relevant)</i>	Conygar Hanover Street Limited	Savills
Address Line 1		12 Windsor Place
Line 2		Cardiff
Line 3		
Line 4		
Post Code		CF10 3BY
Telephone Number		
Email Address <i>(Where relevant)</i>		

Part B - Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph(s) Policy Policies Map

4. Do you Consider the Local Plan is:

(Please tick as appropriate)

- | | | | | |
|--|-----|--|----|--|
| i) Legally Compliant | Yes | <input checked="checked" type="checkbox" value="x"/> | No | <input type="checkbox"/> |
| ii) Sound | Yes | <input type="checkbox"/> | No | <input checked="checked" type="checkbox" value="x"/> |
| iii) Complies with the
Duty to co-operate | Yes | <input checked="checked" type="checkbox" value="x"/> | No | <input type="checkbox"/> |

5. Please give details of why you consider the Local Plan not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see cover letter (Savills, 7 July 2017) for full details.

It is necessary for the fourth and fifth sentences of Paragraph 8.38 to be deleted. A recent application at the site (ref. 15/01048/FULM) for a non-traditional employment use was not resisted on the grounds of non-compatibility with the original aims of the North West Leicestershire Local Plan (August 2002). Rather, Officers concluded there would not necessarily be a direct conflict with land use policies, in particular Policy J5. These sentences therefore no longer accurately reflect development management decisions by the Local Planning Authority and should therefore be removed to be found sound through being positively prepared, justified and effective.

(Continue on a separate sheet/expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The fourth and fifth sentences of Paragraph 8.38 should be deleted.

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Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination.

Yes, I wish to participate at the oral examination

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To ensure the above position is clarified before the Inspector.

Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

9. Signature: RWG

Date: 07/07/2016

7 July 2015

VIA EMAIL
PLANNING.POLICY@NWLEICESTERSHIRE.GOV.UK



Ian Nelson
 Planning Policy and Business Focus Team Manager
 North West Leicestershire District Council
 Council Offices
 Coalville
 Leicestershire
 LE67 3FJ

Rhys Govier

12 Windsor Place
 Cardiff CF10 3BY
 T: +44 (0)29 2036 8900
 savills.com

Dear Mr Nelson,

NORTH WEST LEICESTERSHIRE LOCAL PLAN: PUBLICATION VERSION (JUNE 2016)

REPRESENTATIONS SUBMITTED ON BEHALF OF CONYGAR HANOVER STREET LIMITED

On behalf of Conygar Hanover Street Limited (Conygar), Savills is instructed to provide representations on the North West Leicestershire Local Plan: Publication Version (June 2016). Our representations principally concern policy matters affecting the land known as Ashby Gateway, forming part of Ashby Business Park, Nottingham Road, Ashby-de-la-Zouch (the site). A site location plan is enclosed for ease of reference.

Background

The site is located to the east of Ashby-de-la-Zouch. The site covers an area of approximately 1.25 hectares (3 acres) and currently comprises predominantly unmanaged grassland and shrubbery, with patches of scrub and a scattering of trees. Construction is underway to deliver the access road to service the three plots following the grant of planning permission (ref. 15/00278/FULM) in July 2015.

Outline planning permission was granted in 1994 (ref. 93/0284) for the development of Ashby Business Park, comprising Class B1 and B2 uses. Divided into numerous plots, the majority of Ashby Business Park has now been built out with the site remaining one of the few undeveloped parcels of land covered by the original 1994 permission. Other vacant parcels of land are located to the south west corner of Ashby Business Park.

Consistent with the 1994 permission, the North West Leicestershire Local Plan (August 2002) Proposals Map currently identifies the site as falling within the settlement boundary of Ashby-de-la-Zouch, known as 'limits to development', and a 'High Quality Employment Site' at Flagstaff (Policy J5). It is noted that whilst the allocation at Flagstaff Interchange has been saved, Policy J10 which sought to prevent alternative forms of development on the employment area specified in Policy J5, has expired. Moreover, the wider context of this employment allocation under Policy 4: Employment of the Leicestershire, Leicester and Rutland Structure Plan 1991-2006 (March 2005) has since expired, replaced by the East Midlands Regional Plan which itself was revoked in April 2013. There is therefore no saved policy in the adopted development plan to safeguard this strategic employment site from alternative forms of development.

The development of the majority of Ashby Business Park has now come forward for a mixture of uses, including those traditionally considered employment uses (i.e. Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended)). However, the site has remained an exception to the wider development of the Ashby Business Park and remained vacant with no employment development forthcoming in over 20 years. Paragraph 8.38 of the Publication Version recognises and accepts "*development [of Ashby Business Park] commenced in the 1990's but in recent years there has been limited*

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 Registered office: 33 Margaret Street, London, W1G 0JD



progress in developing the remainder of the site". This is despite the site's prominent corner plot location fronting the Ashby Business Park and genuine efforts by past and present owners to attract traditional employment uses.

While there has been a continued lack of interest in the site for traditional employment uses, recent years has seen strong interest in the site from operators of other uses, namely retail, hotel, food and drink and leisure operators. These uses, which are employment generating in their own right, demonstrate positive market signals with a commitment to deliver being expressed through applications for the various parcels of the site. For example, in the assessment of a recent application for a restaurant (ref. 15/01048/FULM) it was concluded by the Local Planning Authority (LPA) that "...whilst *"traditional"* employment uses have been those falling under Use Class B, it is considered that other uses could offer employment opportunity and therefore...would not necessarily be in direct conflict with the Policy [J5]."

A full planning application (ref. 16/00499/FULM) for a M&S Foodhall is also currently under consideration, with the same conclusion expected to be reached.

Earlier Consultation Responses

In November 2015, Conygar raised their strong objection to the continued allocation of the site in the emerging Local Plan as a 'Primary Employment Area' under Policy Ec3 and the negative commentary provided in Paragraph 8.38 towards other appropriate uses upon the site.

Officer's response to all consultation responses were reported to the Local Plan Advisory Committee on 9 March 2016. A copy of the committee report is enclosed. The direct response to Conygar's earlier representations is provided within the accompanying 'Table D – Economic' (extract enclosed) and limited to:

"The potential for the site to accommodate other employment uses is covered by policy Ec3(2) and non employment development Ec3(3)."

Further on in the report, in paragraph 7.8, the Officer's acknowledge that:

"The policy is not a blanket policy which only seeks to allow employment uses as part 2 allows for other employment generating uses to locate on these sites subject to satisfying the specified criteria."

While the Officer's responses are helpful in acknowledging there is not an embargo on other uses (noting the flexibility provided in Policy Ec3(2)) the amendments still fail to incorporate the advice of paragraph 24 of the National Planning Policy Framework (NPPF) (March 2012) which looks to avoid the long term protection of allocated employment sites where there is no reasonable prospect of that purpose. The Publication Version cannot therefore be considered sound as it has not been prepared to be sufficiently consistent with national policy.

Conygar also provided similar consultation responses in respect of the Pre-Submission Consultation Draft Ashby-de-la-Zouch Neighbourhood Plan 2016-2031 (October 2015).

Publication Version

The Publication Version and supporting Proposals Map (Inset Map 3: Ashby-de-la-Zouch) proposes the continued allocation of the site for employment purposes. Under Policy Ec3: Existing Employment Areas, it is proposed to include the site within the wider Ashby Business Park allocation as a 'Primary Employment Area'.

Policy Ec3 has been the subject of minor amendments since the earlier consultation, however, none of these changes relate to part (2) of the policy which concerns alternative uses within Primary Employment Areas.

While Conygar maintain their position of not objecting to the overall objective of Policy Ec3 *per se*, or the allocation of the remainder of the Ashby Business Park under this policy, we **strongly object** to the inclusion

of the site within the Primary Employment Area and respectfully request the site be excluded from this allocation.

The justification for the removal of the site from this allocation is best considered in the context of the guidance provided by national planning policy in respect of employment sites. Paragraph 22 of the NPPF notes, in full:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

From this paragraph, three important areas of consideration for the removal of the allocation emerge, being:

- Avoiding the long term protection of sites;
- Regular review of land allocations; and
- Alternative uses should be treated on their merits having regard to market signals.

These matters, in the context of the site, are considered in the following paragraphs.

Avoiding the long term protection of sites

As previously mentioned, the site has had the benefit of both a planning policy allocation and an earlier planning permission for over 20 years with no development forthcoming. This is considered a substantial period of time for typical employment uses to be forthcoming, the conclusion being that there is no reasonable prospect of the site being used for these typical employment uses in the foreseeable future

The continued protection of the site would therefore be contrary to paragraph 22 of the NPPF.

Regular review of land allocations

It appears the Council's evidence base and most recent assessment of the site through the Assessment of Employment Sites: Final Report (Roger Tym & Partners, August 2010), undertaken over five years ago. Paragraph 8.38 of the Publication Version indicates that this assessment of employment sites noted that:

“Whilst the [Ashby Business Park] site should continue to be protected for employment use that it would be appropriate to consider allowing some B8 development to the rear of the site so as to add value to the site.”¹

We question the reliability of the 2010 assessment and the recommendation that the whole of Ashby Business Park should be retained for employment uses. While this may have been the case five years ago, the assessment is now considered significantly dated, pre-dating the publication of the NPPF and the market signals which have, and continue to be, demonstrated to Conygar since its acquisition of the site in 2012.

Given the age of what is understood to be the most recent assessment of the site, the continued protection of the site would therefore be contrary to paragraph 22 of the NPPF in that a regular review of the site, and therefore the merits of its retention as an employment site, has not been undertaken.

¹ The reference to B8 is considered to relate to Policy Ec3(4) and refer to the undeveloped parcels of land to the rear (south west) of the Ashby Business Park. This, however, does not appear to be differentiated or indicated on the Proposals Map – presumably a cartographic error.

Alternative uses should be treated on their merits having regard to market signals

Paragraph 22 of the NPPF is also clear in that it emphasises the importance of alternative uses being considered through market signals and sustainable local communities. As demonstrated by the long term undeveloped nature of the site, typical employment uses have not been forthcoming but there is clear market interest and potential development opportunities in the site's development for a number of alternative uses suited to its location. As mentioned previously, applications for food and drink uses were deemed to be acceptable in land use terms and the LPA is currently considering an application for a food store on this basis. In this context, it is clear there are strong market signals for the development of the site for alternative appropriate uses, which should be considered favourably in the context of paragraph 22 of the NPPF. Such alternative uses also have the potential to generate a significant number of local jobs, while providing for complementary services to other uses within Ashby Business Park and the wider town.

Proposed Amendments

For the Local Plan to be found sound through its consistency with national planning policy, Conygar respectfully request the site be removed from the wider allocation of Ashby Business Park as a 'Primary Employment Area' on the Proposals Map (Inset Map 3: Ashby-de-la-Zouch). This change is shown on the enclosure.

Conygar instead recommend the site to be identified as an area of opportunity for the delivery of a mixed use development. Suitable uses that could be promoted as part of this mixed use allocation include retail, hotel, food and drink and leisure operators. Such uses, although not falling within the typical Class B employment uses, would offer important employment opportunities and are considered offer better prospects of delivery compared to the lack of development on the site over the past 20 years. Moreover, such uses may in many cases create more direct and indirect jobs than a traditional B class use.

It is also necessary for the fourth and fifth sentences of Paragraph 8.38 to be deleted. A recent application at the site was not resisted on the grounds of non-compatibility with the original aims of the current Local Plan. Rather, Officers concluded there would not necessarily be a direct conflict with land use policies. These sentences therefore no longer accurately reflect development management decisions by the LPA and should therefore be removed to be found sound.

Conclusion

The site has been identified for traditional employment uses for over 20 years, with no development forthcoming. Considering this long term identification but lack of delivery, Conygar strongly object to the inclusion of the Ashby Gateway site within the 'Primary Employment Area' of the wider Ashby Business Park, as allocated under Policy Ec3 of the Publication Version. It is considered the LPA's evidence base for the employment sites is out of date, and does not reflect policy or market signal changes which have occurred since the assessment of the site was undertaken in 2010. The continued allocation of this site for employment uses in the Publication Version is therefore clearly contrary to paragraph 22 of the NPPF and should therefore be removed to enable the plan to be found sound.

I would welcome the opportunity to discuss the above, but in the meantime should you have any queries, please do not hesitate to contact me.

Yours sincerely,



Rhys Govier
Senior Planner

- Enc. Representation Form – Policy Ec3
 Representation Form – Proposals Map (Inset Map 3: Ashby-de-la-Zouch)
 Representation Form – Paragraph 8.38
 Proposed Amendments to Proposals Map (Inset Map 3: Ashby-de-la-Zouch)
 Ashby Gateway – Site Location Plan
 Local Plan Advisory Committee Report (9 May 2016)
 Table D – Economics (extract)
- Cc. Freddie Jones, The Conygar Investment Company PLC



LOCAL PLAN

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Publication Stage Representation Form

North West Leicestershire Local Plan Proposed Submission

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Part A

1. Personal Details

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**If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details for the agent in 2.*

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First Name	Freddie	Rhys
Last Name	Jones	Govier
Job Title <i>(Where relevant)</i>		Senior Planner
Organisation <i>(Where relevant)</i>	Conygar Hanover Street Limited	Savills
Address Line 1		12 Windsor Place
Line 2		Cardiff
Line 3		
Line 4		
Post Code		CF10 3BY
Telephone Number		██████████
Email Address <i>(Where relevant)</i>		██████████

Part B - Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph(s) Policy Policies Map

4. Do you Consider the Local Plan is:
(Please tick as appropriate)

- | | | | | |
|--|-----|--------------------------------|----|--------------------------------|
| i) Legally Compliant | Yes | <input type="text" value="x"/> | No | <input type="text"/> |
| ii) Sound | Yes | <input type="text"/> | No | <input type="text" value="x"/> |
| iii) Complies with the
Duty to co-operate | Yes | <input type="text" value="x"/> | No | <input type="text"/> |

5. Please give details of why you consider the Local Plan not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see cover letter (Savills, 7 July 2017) for full details.

The Ashby Gateway site has been identified for traditional employment uses for over 20 years, with no development forthcoming. Considering this long term identification but lack of delivery, the continued allocation of this site for employment uses as a 'Primary Employment Area' under Policy Ec3 is therefore clearly contrary to paragraph 22 of the National Planning Policy Framework (March 2012) and should therefore be removed to enable the plan to be found sound. It is therefore respectfully requested the Ashby Gateway site be removed from the wider allocation of Ashby Business Park as a 'Primary Employment Area' under Policy Ec3.

Conygar instead recommend the site to be identified as an area of opportunity for the delivery of a mixed use development. Suitable uses that could be promoted as part of this mixed use allocation include retail, hotel, food and drink and leisure operators. Such uses, although not falling within the typical Class B employment uses, would offer important employment opportunities and are considered offer better prospects of delivery compared to the lack of development on the site over the past 20 years. Moreover, such uses may in many cases create more direct and indirect jobs than a traditional B class use.

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The Ashby Gateway site be removed from the wider allocation of Ashby Business Park as a 'Primary Employment Area' under Policy Ec3.

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To ensure the above position is clarified before the Inspector.

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9. Signature:

RWG

Date:

07/07/2016

7 July 2015



VIA EMAIL
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Ian Nelson
 Planning Policy and Business Focus Team Manager
 North West Leicestershire District Council
 Council Offices
 Coalville
 Leicestershire
 LE67 3FJ

Rhys Govier

12 Windsor Place
 Cardiff CF10 3BY
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Dear Mr Nelson,

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- Avoiding the long term protection of sites;
- Regular review of land allocations; and
- Alternative uses should be treated on their merits having regard to market signals.

These matters, in the context of the site, are considered in the following paragraphs.

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For the Local Plan to be found sound through its consistency with national planning policy, Conygar respectfully request the site be removed from the wider allocation of Ashby Business Park as a 'Primary Employment Area' on the Proposals Map (Inset Map 3: Ashby-de-la-Zouch). This change is shown on the enclosure.

Conygar instead recommend the site to be identified as an area of opportunity for the delivery of a mixed use development. Suitable uses that could be promoted as part of this mixed use allocation include retail, hotel, food and drink and leisure operators. Such uses, although not falling within the typical Class B employment uses, would offer important employment opportunities and are considered offer better prospects of delivery compared to the lack of development on the site over the past 20 years. Moreover, such uses may in many cases create more direct and indirect jobs than a traditional B class use.

It is also necessary for the fourth and fifth sentences of Paragraph 8.38 to be deleted. A recent application at the site was not resisted on the grounds of non-compatibility with the original aims of the current Local Plan. Rather, Officers concluded there would not necessarily be a direct conflict with land use policies. These sentences therefore no longer accurately reflect development management decisions by the LPA and should therefore be removed to be found sound.

Conclusion

The site has been identified for traditional employment uses for over 20 years, with no development forthcoming. Considering this long term identification but lack of delivery, Conygar strongly object to the inclusion of the Ashby Gateway site within the 'Primary Employment Area' of the wider Ashby Business Park, as allocated under Policy Ec3 of the Publication Version. It is considered the LPA's evidence base for the employment sites is out of date, and does not reflect policy or market signal changes which have occurred since the assessment of the site was undertaken in 2010. The continued allocation of this site for employment uses in the Publication Version is therefore clearly contrary to paragraph 22 of the NPPF and should therefore be removed to enable the plan to be found sound.

I would welcome the opportunity to discuss the above, but in the meantime should you have any queries, please do not hesitate to contact me.

Yours sincerely,



Rhys Govier
Senior Planner

Enc. Representation Form – Policy Ec3
 Representation Form – Proposals Map (Inset Map 3: Ashby-de-la-Zouch)
 Representation Form – Paragraph 8.38
 Proposed Amendments to Proposals Map (Inset Map 3: Ashby-de-la-Zouch)
 Ashby Gateway – Site Location Plan
 Local Plan Advisory Committee Report (9 May 2016)
 Table D – Economics (extract)

Cc. Freddie Jones, The Conygar Investment Company PLC



LOCAL PLAN

Ref:

(For official use only)

Publication Stage Representation Form

North West Leicestershire Local Plan Proposed Submission

Please return this form to North West Leicestershire District Council either by post:

Planning Policy, North West Leicestershire District Council, Council Offices, Whitwick Road, Coalville LE67 3FJ or email planning.policy@nwleicestershire.gov.uk no later than **5pm on 15 August 2016**.

This form has two parts-

Part A – Personal Details

Part B – Your Representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details

**If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details for the agent in 2.*

2. Agent Details

Title	Mr	Mr
First Name	Freddie	Rhys
Last Name	Jones	Govier
Job Title (Where relevant)		Senior Planner
Organisation (Where relevant)	Conygar Hanover Street Limited	Savills
Address Line 1		12 Windsor Place
Line 2		Cardiff
Line 3		
Line 4		
Post Code		CF10 3BY
Telephone Number		
Email Address (Where relevant)		

Part B - Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph(s) Policy Policies Map

4. Do you Consider the Local Plan is:
(Please tick as appropriate)

- | | | | | |
|--|-----|-------------------------------------|----|-------------------------------------|
| i) Legally Compliant | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| ii) Sound | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| iii) Complies with the
Duty to co-operate | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |

5. Please give details of why you consider the Local Plan not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see cover letter (Savills, 7 July 2017) for full details.

The Ashby Gateway site has been identified for traditional employment uses for over 20 years, with no development forthcoming. Considering this long term identification but lack of delivery, the continued allocation of this site for employment uses as a 'Primary Employment Area' under Policy Ec3 is therefore clearly contrary to paragraph 22 of the National Planning Policy Framework (March 2012) and should therefore be removed to enable the plan to be found sound. It is therefore respectfully requested the Ashby Gateway site be removed from the wider allocation of Ashby Business Park as a 'Primary Employment Area' under Policy Ec3 on the Proposals Map (Inset Map 3: Ashby-de-la-Zouch). This change is shown on the enclosure.

Conygar instead recommend the site to be identified as an area of opportunity for the delivery of a mixed use development. Suitable uses that could be promoted as part of this mixed use allocation include retail, hotel, food and drink and leisure operators. Such uses, although not falling within the typical Class B employment uses, would offer important employment opportunities and are considered offer better prospects of delivery compared to the lack of development on the site over the past 20 years. Moreover, such uses may in many cases create more direct and indirect jobs than a traditional B class use.

(Continue on a separate sheet/expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Ashby Gateway site be removed from the wider allocation of Ashby Business Park as a 'Primary Employment Area' under Policy Ec3 on the Proposals Map (Inset Map 3: Ashby-de-la-Zouch). This change is shown on the enclosure.

(Continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination.

Yes, I wish to participate at the oral examination

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To ensure the above position is clarified before the Inspector.

Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

9. Signature:

RWG

Date:

07/07/2016

NORTH WEST LEICESTERSHIRE LOCAL PLAN: PUBLICATION VERSION (JUNE 2016)
REPRESENTATIONS SUBMITTED ON BEHALF OF CONYGAR HANOVER STREET LIMITED
PROPOSED AMENDMENTS TO PROPOSALS MAP (INSET MAP 3: ASHBY-DE-LA-ZOUCH)

Publication Version Proposals Map (Inset Map 3: Ashby-de-la-Zouch)



Source: North West Leicestershire District Council

Proposed Amendments to Proposals Map (Inset Map 3: Ashby-de-la-Zouch)



Source: Adapted from North West Leicestershire District Council



TYPE	DATE	DESCRIPTION	DRAWN
client:		Comyar: Hanover Street Limited	
project name:		Ashby Gateway Ashby-de-la-Zouch	
drawing name:		EXISTING LOCATION PLAN	
scale (ratio):	drawn / approved:	date:	
1:1250@A3 BB		JAN 2013	
project no:	drawing no:	revision:	
11059	(02) 01		
drawing status:			
PLANNING			
<small>Managed Curves Associates Limited Registered in England No. 11482048 VAT No. 254 240 114</small>			



NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN ADVISORY COMMITTEE – 9 MARCH 2016

Title of report	DRAFT LOCAL PLAN – CONSULTATION RESPONSES
Contacts	<p>Councillor Trevor Pendleton 01509 569746 trevor.pendleton@nwleicestershire.gov.uk</p> <p>Director of Services 01530 454555 steve.bambrick@nwleicestershire.gov.uk</p> <p>Head of Planning 01530 454782 jim.newton@nwleicestershire.gov.uk</p> <p>Planning Policy Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk</p>
Purpose of report	To consider responses received to the recent consultation on the draft Local Plan and to highlight suggested changes
Council Priorities	<p>These are taken from the Council Delivery Plan:</p> <p>Value for Money Business and Jobs Homes and Communities Green Footprints Challenge</p>
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Screening</p>	<p>None</p> <p>None</p> <p>A risk assessment of the project has been undertaken. As far as possible control measures have been put in place to minimise these risks, including monthly Project Board meetings where risk is reviewed.</p> <p>The Council has to be able to show how consultation has influenced the Local Plan and so it is important for Members to consider all responses.</p> <p>None, but this will be undertaken at Submission stage of the local plan</p>

Human Rights	None
Transformational Government	Not applicable.
Comments of Head of Paid Service	The report is satisfactory
Comments of Deputy Section 151 Officer	The report is satisfactory
Comments of Deputy Monitoring Officer	The report is satisfactory
Consultees	Local Plan Project Board
Background papers	<p>Consultation responses copies of which are available on request from the Planning Policy team.</p> <p>Tables A to D which set out the comments made to the consultation on the draft Local Plan and officers' responses to the comments and which can be viewed at www.nwleics.gov.uk/pages/local_plan_have_your_say</p> <p>National Planning Policy Framework which can be found at www.gov.uk/government/publications?topics%5B%5D=planning-and-building</p>
Recommendations	<p>THAT THE ADVISORY COMMITTEE:</p> <p>(I) NOTES THE RESPONSES RECEIVED TO THE CONSULTATION ON THE DRAFT LOCAL PLAN AS SET OUT IN TABLES A TO D;</p> <p>(II) NOTES THE SUGGESTED CHANGES TO THE LOCAL PLAN AS OUTLINED IN THE REPORT</p> <p>(III) COMMENTS ON THE ISSUES RAISED AND THE SUGGESTED CHANGES</p>

1.0 INTRODUCTION

- 1.1 Consultation on the draft Local Plan was undertaken between 29 September and 30 November 2015. Members will recall that at the last meeting of the Local Plan Advisory Committee (LPAC) on 20 January 2016 a report was considered which provided a summary of the number of comments received to the consultation and also highlighted some of the key issues which were emerging from officers' review of the comments.
- 1.2 That report noted that officers were in the process of assessing all of the comments and that a detailed schedule would be made available for members when this was completed.

1.3 It had initially been envisaged that a single report dealing with all of the comments would be brought to the LPAC. However, in view of the scale of comments received more than one report will be required. Therefore, this report deals with the following chapters from the draft Local Plan:

- Chapter 4 – What are the issues?
- Chapter 5 - Strategy
- Chapter 6 – Housing
- Chapter 7 – Economic

1.4 A further report dealing with the remaining Chapters will be brought to an additional meeting of the LPAC which will be arranged.

1.5 It will be helpful if members can bring along their hard copies of the draft Local Plan in order to understand how the suggested changes will affect the Local Plan.

2.0 A BRIEF RECAP

2.1 In total 326 individuals and organisations made 1,935 detailed comments. In addition, a further 424 standard letters were received, principally in relation to the proposed development north of Ashby de la Zouch (Money Hill) and concerns regarding possible development south of the A453 near East Midlands Airport.

3.0 STRUCTURE OF REPORT

3.1 Published alongside this report as Background Papers are four Tables (Tables A to D) which set out in tabular form the comments received and officers' response for each of the policies included in Chapters 4 to 7 as referred to above.

3.2 The report itself provides a summary of some of the key issues for each policy, provides additional explanation to that set out in the appropriate Table and identifies the changes which are suggested as a result of the consultation. Where wording changes are required, in some cases this will include the exact changes that are suggested by officers, but in other cases additional work will be required to agree these.

3.3 Electronic copies of the Tables will be available at the meeting should Members wish to refer to them. Paper copies are not supplied in view of the size of the documents (450+ pages).

3.4 From these tables individuals or organisations who made comments will be able to see officers' responses.

3.5 Members will appreciate that the work of assessing the responses and identifying possible amendments is ongoing. It may be that changes to other parts of the draft Local Plan might have an impact upon those parts considered in this report and so generate additional changes from those highlighted.

3.6 Comments that the LPAC may make in respect of the suggested changes will be reported to full Council for its consideration when agreeing the publication version of the Local Plan.

4.0 CHAPTER 4 – WHAT ARE THE ISSUES?

- 4.1 Two questions were included as part of this chapter, one in respect of whether all the issues have been identified and one regarding the suggested objectives.
- 4.2 The consultation comments and officer responses to this chapter are included at Table A.
- 4.3 In terms of the issues, Table 1 in the draft Local Plan outlines what are considered to be the key issues having regard to the findings from the Sustainability Appraisal Scoping Report. The following changes are suggested:
- Include a statement to make it clear that the issues are in no particular order of importance;
 - Amend the Housing issues to meeting the needs of “all” communities;
 - Amend the Pollution issues to refer to improving air quality in the Air Quality Management Areas and to refer to dealing with land contamination issues;
 - Include reference after paragraph 4.3 to working with infrastructure providers to deliver the infrastructure needed to meet future needs.
- 4.4 In respect of the identified objectives the following changes are suggested in order to strengthen them and/or add clarity:
- Amend Objective 3 to state “Ensure new development is of a high quality of design and layout whilst having due regard to the need to accommodate national standards in a way that reflects local context and circumstances.”
 - Amend Objective 4 to include reference to cultural facilities;
 - Amend Objective 5 to include reference to tourism and leisure;
 - Amend Objective 7 to refer to enhancing community safety;
 - Amend Objective 9 to include reference to flood risk;
 - Amend Objective 10 to include reference to ‘rural heritage and heritage assets’
 - Amend Objective 11 to include reference to water environment;
 - Amend Objective 12 to include reference to National Character Areas.

5.0 CHAPTER 5 - STRATEGY

- 5.1 The consultation comments and officer responses to this chapter are included in Table B.

S1 – Presumption in favour of sustainable development

- 5.2 This policy is based upon standard wording suggested by the Planning Inspectorate. It is considered that no amendments are required to the policy, although some changes are suggested to the supporting text.

S2 – Future housing and economic development needs

- 5.3 The policy in the draft Local Plan identifies the requirements for new housing to 2031 (10,700 in total, 535 dwellings every year); employment (96 hectares) and retail floorspace (7,300 square metres).
- 5.4 As noted in the report to the LPAC on 20 January 2016 the issue of housing requirements generated a number of conflicting responses with a significant number of residents suggesting that sufficient provision has already been made, whilst a number of developers suggested that the provision was not high enough. Concerns had also been raised by some of the Leicester and Leicestershire Housing Market Area authorities in view of the fact that the draft Local Plan was proposing significantly more housing than that contained in either the Strategic Housing Market Assessment (SHMA) or the Memorandum of Understanding (MOU). It was also noted that officers were continuing to explore this issue and were seeking advice from an external demographic expert.
- 5.5 Members will be aware that since the report to the January LPAC was prepared the Council has received an appeal decision in which the Inspector has criticised the SHMA. This has further highlighted the need to consider the evidence base to support the housing requirement to be included in the Local Plan (and which itself must be based upon a full objective assessment of housing need) in more detail and this work is underway.
- 5.6 In view of this uncertainty the comments received to the consultation on this matter are not included in Table B but will be reported at a later date.
- 5.7 In terms of the issue of employment requirements it is not proposed to make any changes to these at this time. However, it is suggested that it made clear that the requirement is a net figure and not gross. This means that allowance is made for significant areas of non-developable sites (for example, perhaps because of the inclusion of a large area of land for a drainage balancing facility).
- 5.8 In respect of retail floorspace requirements it is not proposed to make any change at this time.

S3 – Settlement Hierarchy

- 5.9 A number of respondents suggested that greater clarity is required in terms of how the distinction has been made between Sustainable Villages and Small Villages. This has been done by having regard to the range of services and facilities available in each specific settlement. The availability of the following services and facilities has been assessed as these are the types of services which people might be expected to use on a regular basis:
- Education
 - Post Office

- General Store
- GP Surgery
- Pharmacy (free standing or as part of a GP Surgery)
- Public House
- Community/village hall
- Recreation ground
- Employment opportunities
- Places of Worship
- Broadband availability
- Public transport provision

- 5.10 In determining Sustainable Villages regard has been had to both the number and range of services and facilities available. However, no one specific service or facility carries more weight than another nor would it be appropriate to require a specific number of services and facilities.
- 5.11 In response to the comments it is considered that it would be appropriate to clarify the methodology used in the supporting text.
- 5.12 A number of comments were received suggesting that neither Appleby Magna nor Blackfordby should be identified as Sustainable Villages. Having regard to the range of services and facilities available in both of these settlements it is considered that it is appropriate to define them as Sustainable Villages.
- 5.13 An issue that has arisen in respect of Sustainable Villages is the reference in the policy to growth involving "the physical extension of the settlement". Some respondents have said that this means that development beyond the proposed Limits to Development might be appropriate. This was not the intention, although it is accepted that the current wording is not clear.
- 5.14 The Limits to Development have been drawn around a combination of the existing built form and, where they exist, extant planning permissions for new development (principally housing). As such these permissions would result in a physical extension to the existing built form. It is in this context that physical extension was intended to be seen.
- 5.15 In order to overcome this confusion it is necessary to reword Sustainable Villages to state:
- "Settlements which have a limited range of services and facilities where a limited amount of growth through infilling and/or physical extensions has already been factored in when defining the Limits to Development were drawn. It is not the case that other extensions to these settlements is supported in principle".

5.16 A number of planning applications have recently been considered by Planning Committee in respect of proposals for housing development in settlements categorised as Small Villages. An argument which has been put forward in support of some of these, and supported by Planning Committee, is that particular dwellings will meet an identified and evidenced local need. This is not currently allowed for in the wording of policy S3, but it is considered that there would be merit in the inclusion of reference to local needs. It is suggested that a Supplementary Planning Document could be prepared to provide guidance as to what would constitute a local need, so as to provide guidance for applicants.

5.17 The following wording in respect of Small Villages is suggested:

“Settlements with very limited services, where open market development will be restricted to conversions of existing buildings or the redevelopment of previously developed land (as defined in the National Planning Policy Framework). New build development on Greenfield sites which is to meet a local need, including affordable housing in accordance with policy H5 (Rural exceptions Sites for Affordable Housing) may be supported”.

S4 – Countryside

5.18 Comments made with respect to this policy deal both with the principle of the policy and detailed concerns regarding the Limits to Development.

5.19 In terms of Limits to Development, land at Measham Road Appleby Magna has the benefit of planning permission for residential development for 39 dwellings. A number of respondents have objected to this on the grounds that a large part of the site is shown on the approved plans as being open space and that as this adjoins an area identified as countryside so the limits should be amended so as to restrict the Limits to Development to the area that will actually be physically developed.

5.20 As defined the Limits to Development for this part of Appleby Magna are consistent with the methodology used for defining Limits to Development. It is quite normal for that part of a site adjoining countryside to include an element of peripheral landscaping. However, in this instance not only is there an element of landscaping but also a significant area of open space which would remain undeveloped and which would be seen as part of the open countryside adjoining this part of Appleby Magna.

5.21 On balance, it is considered that in this instance there is merit in amending the Limits to Development so that it reflects the extent of built development approved and so excludes the area of open space.

5.22 A number of respondents have pointed out that the Limits to Development need to be amended in certain areas to take account of permissions which have been granted since the draft Local Plan was agreed by Council. This will be done in the next iteration of the Local Plan.

5.23 In terms of the principles of the policy it is proposed that the following changes be made to policy S4:

- Merge parts 1 and 2 and reword to be more positive (i.e. do not say that development will be limited);

- Amend (2) (i) to include reference to through both conversions or new build;
- Amend (2)(l) to include reference to places of worship;
- Amend the policy to ensure consistency with policy S3;
- Reword part 3 and include reference to having regard to Natural Character Areas and the Leicester, Leicestershire and Rutland Historic Landscape Character Assessment.

S5 – Design of new development

- 5.24 A number of comments were received which criticised the lack of clarity in the policy. It is considered, therefore, that it would be appropriate to reword this policy. In addition, it is also suggested that the issues of amenity and comprehensive development be dealt with in separate policies rather than as part of the design policy.

6.0 CHAPTER 5 - HOUSING

- 6.1 The consultation comments and officer responses to this chapter are included in Table C.

H1 – Housing provision: planning permissions

- 6.2 It has been pointed out that the list included in policy H1 either is out-of-date (for example H1z Fox Inn Main Street Thringstone which has now been built) or will very quickly become out-of-date. To overcome this issue it is suggested that a list not be included as part of the policy. However, in order to ensure that it is clear as to which sites have planning permission it is suggested that a separate list be included and maintained as part of the Annual Monitoring Report. The remainder of the policy and the text will require some minor amendments to reflect this.

H2 – Housing provision: resolutions

- 6.3 Similar issues have been raised in respect this policy as those raised under of policy H1. As with H1 it is considered that it would be beneficial maintaining an up-to-date list of sites as part of the Annual Monitoring Report.
- 6.4 Sometimes there can be a delay between the resolution to grant planning permission and the signing of a Section 106 Agreement. In accordance with comments received it is considered that it would be appropriate that the policy should make it clear that in such circumstances it may be necessary for the application to be referred back to Planning Committee to take account of any material changes in circumstances.

H3 – Housing provision: new allocations

H3(a) Land north of Ashby de la Zouch

- 6.5 A significant number of representations have been received objecting to the allocation of this site. As set out in the report to the 20 January 2016 meeting of LPAC, it is considered that the allocation should be maintained.

- 6.6 Members should note that following a recent appeal decision planning permission has been granted for 70 dwellings on a small part of the proposed allocation on land off Woodcock Way. In addition, an appeal in respect of up to 605 dwellings was allowed in February 2016. In this context, it would be inappropriate to resist the remainder of the proposed allocation.
- 6.7 A representation from Miller Homes has suggested that additional land currently occupied as part of the Ivanhoe Equestrian Centre be included as part of the allocation (Appendix A). This area was excluded from the draft Local Plan as it was not part of the area being promoted by the Money Hill consortium. Further information has been sought from Miller Homes who have confirmed that the land in question is under an option and that they are in discussion with the Money Hill consortium to integrate it in to the wider development.
- 6.8 In planning terms there is no reason as to why this area should not be included as part of the wider allocation now that the issue of deliverability has been addressed. It is, therefore, proposed to amend the allocation to include this additional land.

H3(c) Land off Ashby Road/Leicester Road, Measham

- 6.9 This is included as a reserve site, in the event that the Measham Waterside site is prevented from coming forward by virtue of the route for HS2. It is proposed to amend the policy to address concerns raised by Historic England in respect of the protection of heritage assets. A respondent has raised concerns regarding potential land stability issues with this site. This matter is being investigated with the assistance of the Coal Authority.
- 6.10 Both of the above sites are located within a Mineral Consultation Area. It is proposed to include a new generic policy to require the need for applications for development in such areas to be accompanied by a minerals assessment to assess the potential effect on the mineral resource.

H4 – Affordable housing

- 6.11 As Members will be aware the Housing and Planning Bill is currently progressing through the House of Lords. The Bill includes provision in respect of starter homes which will impact upon this issue. At this time it is proposed to keep this matter under review.
- 6.12 In addition, the outcome of the Government's challenge to the Court of Appeal following a High Court decision relating to affordable housing thresholds is still awaited.
- 6.13 If by the time that the Local Plan is referred back to Council clarification has been forthcoming on these issues then changes will be recommended at that time.

H5 – Rural exceptions sites for affordable housing

- 6.14 The issue of starter homes referred to above may also have implications for this policy and so it may be necessary to amend this policy.
- 6.15 Notwithstanding this, it is suggested that Part (3) be amended to state (those parts underlined are the suggested additions):
“On sites that are outside of, but well related to, a Sustainable Village or a Small Village the inclusion of an element of market housing on 'Exception' sites will be supported where..”

H6 – House types and mix

- 6.16 As worded there is a conflict between part (1) which applies to all housing developments and part (2) which only applies to developments of 10 or more dwellings. To be consistent it is suggested that part (1) be amended to refer to developments of 10 or more dwellings as it is considered that it would not be appropriate to apply it to all developments.
- 6.17 Other proposed changes are:
- Amend 2(a) to also include reference to “other evidence of market demand”;
 - Amend 2(b) to make it clear that account will be taken of development which has been built to date and not just those with permission;
 - Amend 3(a) to state after bungalows “subject to having regard to factors (c) to (g) above”.
- 6.18 A further issue relates to whether H6(3)(b) is deliverable having regard to the use of National Housing Standards in accordance with the government’s policy. Further investigation is required.

7.0 CHAPTER 6 – ECONOMIC

- 7.1 The consultation comments and officer responses to this chapter are included in Table D.

Ec1 – Employment provision: permissions

- 7.2 It has been pointed out that the list of sites included in policy Ec1 will over the lifetime of the plan become out-of-date very quickly as sites are either built or new sites come forward which are not included in the list. To overcome this issue it is suggested that a list not be included as part of the policy. However, in order to ensure that it is clear as to which sites have planning permission it is suggested that a separate list be included and maintained as part of the Annual Monitoring Report. The remainder of the policy and the text will require some minor amendments to reflect this.

Ec2 – Employment provision: new allocations

- 7.3 This policy proposes the allocation of up to 16 hectares of employment land north of Ashby de la Zouch (Money Hill). A significant number of representations were received objecting to the allocation of this site.
- 7.4 There is a need to ensure an adequate supply of employment land sufficient to meet the requirements evidenced in the PACEC Employment Land study. A number of options have been considered as set out in Background Paper 6 which was published alongside the draft Local Plan. The site north of Ashby de la Zouch was considered to be the most appropriate site and its allocation for employment, in conjunction with the proposed housing development proposed under policy Ec3(a), provides an opportunity to create a mixed use, sustainable development. Therefore, it is considered that the allocation should be maintained.

- 7.5 It is proposed to amend the policy to address concerns raised by Historic England in respect of the protection of heritage assets and to also include reference to the creation of landscape and ecological networks as suggested by the National Forest.
- 7.6 The draft Local Plan identifies two separate parcels of land that make up the allocation, one adjoining the Flagstaff Industrial Estate and one at the junction of Smisby Road and the A511 bypass. A number of respondents have questioned whether the allocation should be split like this, with particular concerns expressed about the potential impact upon the amenity of residential properties at Cliftonthorpe and Smisby Road. The proposed allocation reflects the proposals set out in a Master Plan prepared by the site promoters. The precise layout and other details remain to be agreed with the promoters of the site.

Ec3 – Existing employment areas

- 7.7 A number of representations received have suggested that this policy conflicts with the NPPF. Paragraph 22 of the NPPF states that “*Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose*”.
- 7.8 Those sites identified under Ec3(1) are the key employment sites and are largely the more modern sites which remain, and are likely to remain, attractive for employment use (i.e. those uses falling in Class B1, B2 or B8). Some of the sites are still in the process of being developed (e.g. Ivanhoe Business Park Ashby de la Zouch). The policy is not a blanket policy which only seeks to allow employment uses as part 2 allows for other employment generating uses to locate on these sites subject to satisfying the specified criteria. Furthermore, as already noted, it does not apply to all employment, only the most attractive and/or strategic sites.
- 7.9 It is considered, therefore, that this policy does not conflict with the NPPF in principle but that this should be explained in the supporting text. .
- 7.10 Notwithstanding this, there are a number of amendments suggested to strengthen the policy or to provide clarification:
- Amend Ec3(1) to also include consideration of the impact of a development upon existing infrastructure and any other policies in the Local Plan;
 - Amend Ec3(3) to make it clear that only one of (a) to (C) need to be satisfied, not all three;
 - Amend Ec3(3)(a) to include reference to ‘economic viability’

Ec4 – Brickworks and Pipeworks

- 7.11 Leicestershire County Council as the Minerals Planning Authority has raised a number of issues which require further investigation.

Ec5 – East Midlands Airport

- 7.12 Generally speaking the responses to this policy were positive. The following amendments are suggested:

- Add a new criterion to Ec5(1) to include reference to heritage assets;
- Amend Ec5(1)(b) to include reference to impact upon the wider area
- Amend Ec5(1)(c) to state “satisfies the relevant standards” for clarity;
- Amend Ec5(2) to include a new criterion to include reference to public transport infrastructure and airport car parking;
- Amend Ec5(2)(d) to include reference to development which requires and benefits from an airport location

Ec6 - East Midlands Airport: Safeguarding

- 7.13 No changes are proposed in terms of this policy although it is proposed that the text of paragraph 7.49 be amended to provide greater clarity.

Ec7 - East Midlands Airport: Public Safety Zones

- 7.14 No changes are proposed in terms of this policy.

Ec8 – Donington Park

- 7.15 Generally speaking the responses to this policy were supportive. However, having reviewed the policy in the light of comments received a number of changes are required.
- 7.16 In terms of the Western Extension referred to in the policy this is potentially misleading, as the area concerned is already part of Donington Park and is largely a farm area which is used for a number of activities. In effect the reference to extension is in terms of an extension to the policy area from that shown in the current adopted Local Plan. It is proposed, therefore, to delete reference to a western extension but to include this area within the overall area covered by Ec8. It is also proposed to include additional land and buildings which are functionally related to the Racetrack, including the museum and offices which adjoin the main entrance.
- 7.17 It is also proposed to include reference to ensuring that any landscaping proposals do not have a negative impact upon the flight safety and operations at East Midlands Airport and to include reference to “automotive infrastructure” in Ec8(2)(c). A number of amendments to the supporting text will also be made.

Ec9 – Town and Local Centres: Hierarchy and management of development

- 7.18 No changes are proposed in terms of this policy although it is proposed that the text be amended to include reference to the work being undertaken by the Council under the auspices of the Coalville Project.

Ec10 - Town and Local Centres: Thresholds for Impact Assessments

- 7.19 No changes are proposed in terms of this policy.

Ec11 - Town and Local Centres: Primary Shopping Area- non-shopping uses

7.20 It is proposed to amend the boundary of the Primary Shopping Area in Ashby de la Zouch to include the recently completed Coxon Mews.

7.21 In terms of the policy it is proposed to:

- Make it clear in Ec11(1) that all three bullet points have to be satisfied;
- Amend the last sentence of Ec11(1) before the bullet points to state "Development of other main town centre uses within the Primary Shopping Areas will be acceptable where, at the time that an application is determined, ...";
- Amend the supporting text

Ec12 - Town and Local Centres: Primary Shopping Areas – Hot Food Takeaway balance

7.22 It is proposed to delete Ec12(1) as this issue is already covered by policy Ec9(1). It is also proposed to amend Ec12(2) by the addition of the words "at the time that an application is determined" before the bullet points.

Ec13 – Primary and Secondary Frontages

7.23 As noted in representations there is a degree of overlap between this policy and Ec11. For example, Ec13(1) duplicates Ec11(1) whilst Ec13(3) duplicates Ec11(2).

7.24 Consideration has also been given to the issue of Primary Frontages and Secondary Frontages and whether such a distinction is required. The NPPF notes that Primary frontages are those which contain a high proportion of shops uses, whilst Secondary frontages have a greater diversity of uses. Primary and Secondary frontages are only identified for Ashby de la Zouch and Coalville Town Centres.

7.25 A key aim of the Town Centre policies is to help maintain and enhance the vitality and viability of the district's town and local centres. Policy Ec11 identifies a Primary Shopping Area in each of Ashby de la Zouch and Coalville where the predominant use is to be shopping so ensuring that the shopping element of the town centres will remain. It is proposed to retain these areas.

7.26 It is questionable as to whether having a distinction between Primary and Secondary frontages in what are relatively small centres assists with the aim outlined above or are necessary. Arguably having such a distinction provides less flexibility. Furthermore, as noted the Primary Shopping Area distinction will remain and so will remain the main shopping area.

7.27 On balance it is, therefore, considered, that in view of the duplication with policy Ec11 and the above considerations, that it would be appropriate to delete policy Ec13 and to not have any Primary or Secondary frontages.

Ec14 – Local Centres

7.28 No changes are proposed to this policy.

Ec15 – Tourism and cultural development

7.29 Although the policy title refers to 'cultural development' in reality the policy is only concerned with tourism development. It is suggested, therefore, that the policy be re-titled 'Tourism Development' and that issues relating to culture be addressed in policies IF1 (Development and Infrastructure) and IF2 (Community Facilities).

7.30 Other proposed changes include:

- Amend Ec15 (2) to include reference to the re-use of land/buildings for tourism and tourism related development;
- Amend Ec15 (3) by deleting the word 'sustainable' in the context of 'sustainable tourism';
- Amend Ec15 (4) to include reference to rural tourism.

APPENDIX A

TABLE D

<p>The site is located to the east of Ashby de la Zouch. The site covers an area of approximately 1.25 hectares (3 acres) and currently comprises predominantly unmanaged grassland and shrubbery, with patches of scrub and a scattering of trees. Construction is underway to deliver the access road following the grant of planning permission (ref. 15/00278/FULM) in July 2015.</p> <p>Outline planning permission was granted in 1994 (ref. 93/0284) for the development of Ashby Business Park, comprising Class B1 and B2 uses. Divided into numerous plots, the majority of Ashby Business Park has now been built out with the site remaining one of the few undeveloped parcels of land covered by the original 1994 permission. Other vacant parcels of land are located to the south west corner of Ashby Business Park.</p> <p>Consistent with the 1994 permission, the North West Leicestershire Local Plan (August 2002) Proposals Map currently identifies the site as falling within the settlement boundary of Ashby de la Zouch, known as 'limits to development', and a 'High Quality Employment Site' at Flagstaff (Policy J5). It is noted that whilst the allocation at Flagstaff Interchange has been saved, Policy J10 which sought to prevent alternative forms of development on the employment area specified in Policy J5, has expired. Moreover, the wider context of this employment allocation under Policy 4: Employment of the Leicestershire, Leicester and Rutland Structure Plan 1991-2006 (March 2005) has since expired, replaced by the East Midlands Regional Plan which itself was revoked in April 2013. There is therefore no saved policy in the adopted development plan to safeguard this strategic employment site from alternative forms of development.</p> <p>The development of the majority of Ashby Business Park has now come forward for a mixture of uses, including those traditionally considered employment uses (i.e. Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended)). However, the site has remained an exception to the wider development of the Ashby Business Park and remained vacant</p>	<p>The potential for the site to accommodate other employment uses is covered by policy Ec3(2) and non employment development Ec3 (3).</p>		<p>Rhys Govier</p>	<p>Savills</p>
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with no employment development forthcoming in over 20 years. Paragraph 7.32 of the draft Local Plan recognises and accepts "development commenced in the 1990's but in recent years there has been limited progress in developing the remainder of the site". This is despite the site's prominent corner plot location fronting the Ashby Business Park and genuine efforts by past and present owners to attract typical employment uses.

While there has been a continued lack of interest in the site for typical employment uses, recent years has seen strong interest in the site from operators of other uses, namely retail, hotel, food and drink and leisure operators. These uses, which are employment generating in their own right, demonstrate positive market signals with a commitment to deliver being expressed through current and imminent planning applications for the various parcels of the site.

Draft Local Plan

The draft Local Plan and supporting Proposals Map proposes the continued allocation of the site for employment purposes. Under Policy EC3: Existing Employment Areas, it is proposed to include the site within the wider Ashby Business Park allocation as a 'Primary Employment Area'.

While Conygar raise no objection to the objective of Policy EC3 per se, or the allocation of the remainder of the Ashby Business Park under this policy, we strongly object to the inclusion of the site within the Primary Employment Area and respectfully request the site be excluded from this allocation.

The justification for the removal of the site from this allocation is best considered in the context of the guidance provided by national planning policy in respect of employment sites. Paragraph 22 of the National Planning Policy Framework (NPPF) (March 2012) notes, in full:

"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no

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<p>reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."</p> <p>From this paragraph, three important areas of consideration for the removal of the allocation emerge, being:</p> <p>§ Avoiding the long term protection of sites;</p> <p>§ Regular review of land allocations; and</p> <p>§ Alternative uses should be treated on their merits having regard to market signals.</p> <p>These matters, in the context of the site, are considered in the following paragraphs.</p> <p>Avoiding the long term protection of sites</p> <p>As previously mentioned, the site has had the benefit of both a planning policy allocation and an earlier planning permission for over 20 years with no development forthcoming. This is considered a substantial period of time for typical employment uses to be forthcoming, the conclusion being that there is no reasonable prospect of the site being used for these typical employment uses in the foreseeable future.</p> <p>The continued protection of the site would therefore be contrary to paragraph 22 of the NPPF.</p> <p>Regular review of land allocations</p> <p>It appears the Council's evidence base and most recent assessment of the site through the Assessment of Employment Sites: Final Report (Roger Tym & Partners, August 2010), undertaken over five years ago. Paragraph 7.32 of the draft Local Plan indicates that this assessment of employment sites noted that:</p> <p>"Whilst the [Ashby Business Park] site should continue to be protected for employment use that it would be appropriate to consider allowing some B8 development to the rear of the site so as to add value to the site."1</p>				
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<p>We question the reliability of the 2010 assessment and the recommendation that the whole of Ashby Business Park should be retained for employment uses. While this may have been the case five years ago, the assessment is now considered significantly dated, pre-dating the publication of the NPPF and the market signals which have, and continue to be, demonstrated to Conygar since its acquisition of the site in 2012.</p> <p>Given the age of what is understood to be the most recent assessment of the site by the Council, the continued protection of the site would therefore be contrary to paragraph 22 of the NPPF in that a regular review of the site, and therefore the merits of its retention as an employment site, has not been undertaken.</p> <p>Alternative uses should be treated on their merits having regard to market signals</p> <p>Paragraph 22 of the NPPF is also clear in that it emphasises the importance of alternative uses being considered through market signals and sustainable local communities. As demonstrated by the long term undeveloped nature of the site, typical employment uses have not been forthcoming but there is clear market interest and potential development opportunities in the site's development for a number of alternative uses suited to its location. For example, the Council is currently considering a full planning application (ref. 15/01048/FUL) by Mitchell & Butler to deliver a Toby Carvery restaurant on a parcel of the site. Discussions are in advanced stages with a national food retailer for another part of the site which will be progressed to a full planning application within the coming months. In this context, it is clear there are strong market signals for the development of the site for alternative appropriate uses, which should be considered favourably in the context of paragraph 22 of the NPPF. Such alternative uses also have the potential to generate a significant number of local jobs, while providing for complementary services to other uses within Ashby Business Park and the wider town.</p> <p>Proposed Amendments</p> <p>For the plan to be found sound through its</p>				
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<p>consistency with national planning policy, Conygar respectfully request the site be removed from the wider allocation of Ashby Business Park as a 'Primary Employment Area'. This change is shown on the enclosure.</p> <p>Conygar Instead recommend the site to be identified as an area of opportunity for the delivery of a mixed use development. Suitable uses that could be promoted as part of this mixed use allocation include retail, hotel, food and drink and leisure operators. Such uses, although not falling within the typical Class B employment uses, would offer important employment opportunities and are considered offer better prospects of delivery compared to the lack of development on the site over the past 20 years.</p> <p>Conclusion</p> <p>The site has been identified for traditional employment uses for over 20 years, with no development forthcoming. Considering this long term identification but lack of delivery, Conygar strongly object to the inclusion of the Ashby Gateway site within the 'Primary Employment Area' of the wider Ashby Business Park, as allocated under Policy EC3 of the draft Local Plan. It is considered the Council's evidence base for the employment sites is out of date, and does not reflect policy or market signal changes which have occurred since the assessment of the site was undertaken in 2010. The proposed continued allocation of this site for employment uses in the draft Local Plan is therefore clearly contrary to paragraph 22 of the NPPF and should therefore be removed to be found sound.</p> <p>I would welcome the opportunity to discuss the above, but in the meantime should you have any queries, please do not hesitate to contact me.</p>				
<p>Pegasus Business Park has extant planning permission for business park development. Commercial development proposals will be brought forward for land within Pegasus Business Park, in accordance with the approach set out in the Airport's Land Use Plan. The requirement for land outside the existing Airport boundary will be kept under review.</p>	<p>Noted.</p>		<p>Jon Bottomley</p>	<p>East Midlands Airport</p>

