

70/11/3/10



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	EURO GARAGE LTD.	MR.
First Name		GRAHAM
Last Name		COCKBURN
Job Title <i>(Where relevant)</i>		PLANNING CONSULTANT
Organisation <i>(Where relevant)</i>		GLT own and Country Planning

Address Line 1

Line 2

Line 3

Line 4

Post Code

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

POLICY T4 (b) of the NW Leicestershire Plan 2002 has been set aside as has the allocation. The land at Flagstaff Island is now shown as Countryside subject to Policy S4. S4 is not robust and offers no certainty

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

for road related development on this partially developed allocated site.

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.

Either remove S4 to include road related development or retain the road related development allocation as in the 2002 Local Plan.

(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,

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:

The change has been carried out without any consultation with the owners and see the FULL OBJECTION submitted in April 2016 and attached hereto.

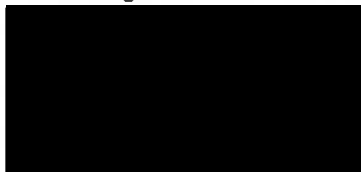
Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

9. Signature:

[Redacted Signature]

Date:

15/8/2016



OBJECTION by Euro Garages Ltd.

North West Leicestershire Draft Local Plan September 2015.

Re: Land at Flagstaff Island, Nottingham Road, Ashby-de-la-Zouch, Leicestershire

Dated: 06/04/2016.

INTRODUCTION

Euro Garages Ltd is the largest independent forecourt operator in the UK and purchased development land at Flagstaff Island, Nottingham Road, in 2009.

The adjoining land had been developed for a McDonald's Drive Thru', Public House and Hotel as indicated on the plan at Appendix 1. The remaining land amounting to approximately 4 hectares was at that time subject of an extant Outline planning permission for the erection of road related service facilities under Application No. 06/00235/OUT.

The whole site including that already developed was subject to an approved policy in the North West Leicestershire Local Plan 2002:- "Policy T4" states that "In the event of planning permission lapsing for the development of the following road related service facilities, it will be renewed, subject to the policies of this Local Plan and other material considerations:-

- (a) East of Finger Farm on the A453; and

- (b) Adjoining Flagstaff Interchange, A42, Ashby-de-la-Zouch.

Development for any other purpose on these sites will only be permitted where it complies with the countryside policies of this Local Plan.” (See Appendix 2)

Further, the pre-amble to Policy T4 makes reference to the fact that ‘service facilities are petrol filling stations and restaurants including those with rest facilities (paragraph 6.24).’

Euro Garages object to the Draft Plan because Policy T4 and the allocation associated with it on the proposals map had been deleted and not included in the Draft Local Plan dated September 2015. In that plan the site is not allocated and subject to countryside Policy S4. (See Appendix 3).

SITE DESCRIPTION

The Flagstaff Island site was originally approximately 6 hectares and approximately 2 hectares of that has now been developed with a McDonald’s, Public House and Hotel indicated 2, 1 and 3 in Appendix 1. Access Road, Lountside, serves those 3 uses plus the remaining development site of approximately 4 hectares owned by Euro Garages. The remaining land has frontage to the A511 and Nottingham Road and has access via Lountside to the Flagstaff Island roundabout. It is flat and there are no development constraints. The current site was subject to the Local Plan Policy and Proposal T4(b). The Draft Local Plan allocates the whole site as open countryside under Policy S4 and 2 hectares of it have already been developed for road related development. The access road for the rest of the site is in and awaiting development.

PLANNING HISTORY

In January 1999, outline permission (ref: 980855) was granted for the erection of a hotel, restaurant and petrol filling station on land to the north west of Flagstaff Island, adjacent to the A42 with vehicular access included for determination at that stage. The application was a renewal of a previous permission on the site which had originally been granted in January 1992.



In October 2001, reserved matters applications were approved for the erection of a 41-bedroom hotel situated at the north-eastern corner of the site adjacent to the northbound entry slip road onto the A42 (application ref: 01/00964/REM) and for the construction of the access road into the site from the approved access position to the hotel site boundary (application ref: 01/01111/REM). A reserved matters application (ref: 01/00285/REM) was also approved for the erection of a restaurant with a drive through facility within the south-western area of the site. The hotel (Premier Travel Inn) and associated access road and the restaurant (McDonald's) have subsequently been completed.

An Outline application 06/00235 was submitted for roadside facilities and was in effect an application to renew planning permission ref: 98/0855 which lapsed in January 2004. Planning permission 06/00235 was approved on 11/10/2006 and was due to expire on 12/10/2009. Before that permission expired Euro Garages purchased the site at a time when the Government introduced a procedure for the extension of time limits of planning permissions. An application was made to North West Leicestershire District Council and was not accepted due to uncertainties over the fees procedure, etc. Permission therefore lapsed.

The Policy Proposal T4(b) remained however and Euro Garages submitted an application for road related development in June 2012 under reference 12/00448/FULM. This application was withdrawn in 2013. There was then a gap between withdrawing the application and the resubmission in 2016. During that period, however, the hotel purchased site 3 off Euro Garages (See plan at Appendix 1) and built a hotel extension and car park.

Euro Garages submitted a second application on their land in February 2016 for road related facilities under Application No. 16/000216/FULM and that application is currently being processed.

PLANNING POLICY

Planning Policy T4(b) was set out in the Introduction above. This policy and allocations shown on the proposals map are part of the development plan which is the North West Leicestershire Local Plan 2002. That policy reflects the planning permissions granted on

this site from 1992 through 1999 to 2001 and subsequently. When the LDF procedure commenced to replace the Local Plan, Policy T4(b) formed part of the Saved Policies from the Local Plan. Policy T4(b) was to be incorporated in the Core Strategy but this was abandoned on 29/10/2013. Since then the new North West Leicestershire Draft Local Plan has been formulated which resulted in the final draft going to Public Consultation in September 2015. The Draft Plan does not include Policy T4(b) or any equivalent policy, nor does it include an allocation at Flagstaff Island notwithstanding some of the development has already taken place. The Draft Local Plan shows Open Countryside Policy S4 applies to the former Flagstaff allocation and therefore it would be treated in the same way as any other open countryside outside of the defined boundaries of Ashby-de-la-Zouch.

At no stage has Euro Garages been notified of these Proposed Changes. The site is at a major junction on the A42 and road related facilities are needed and have partially been provided with the existing development on the allocated land.

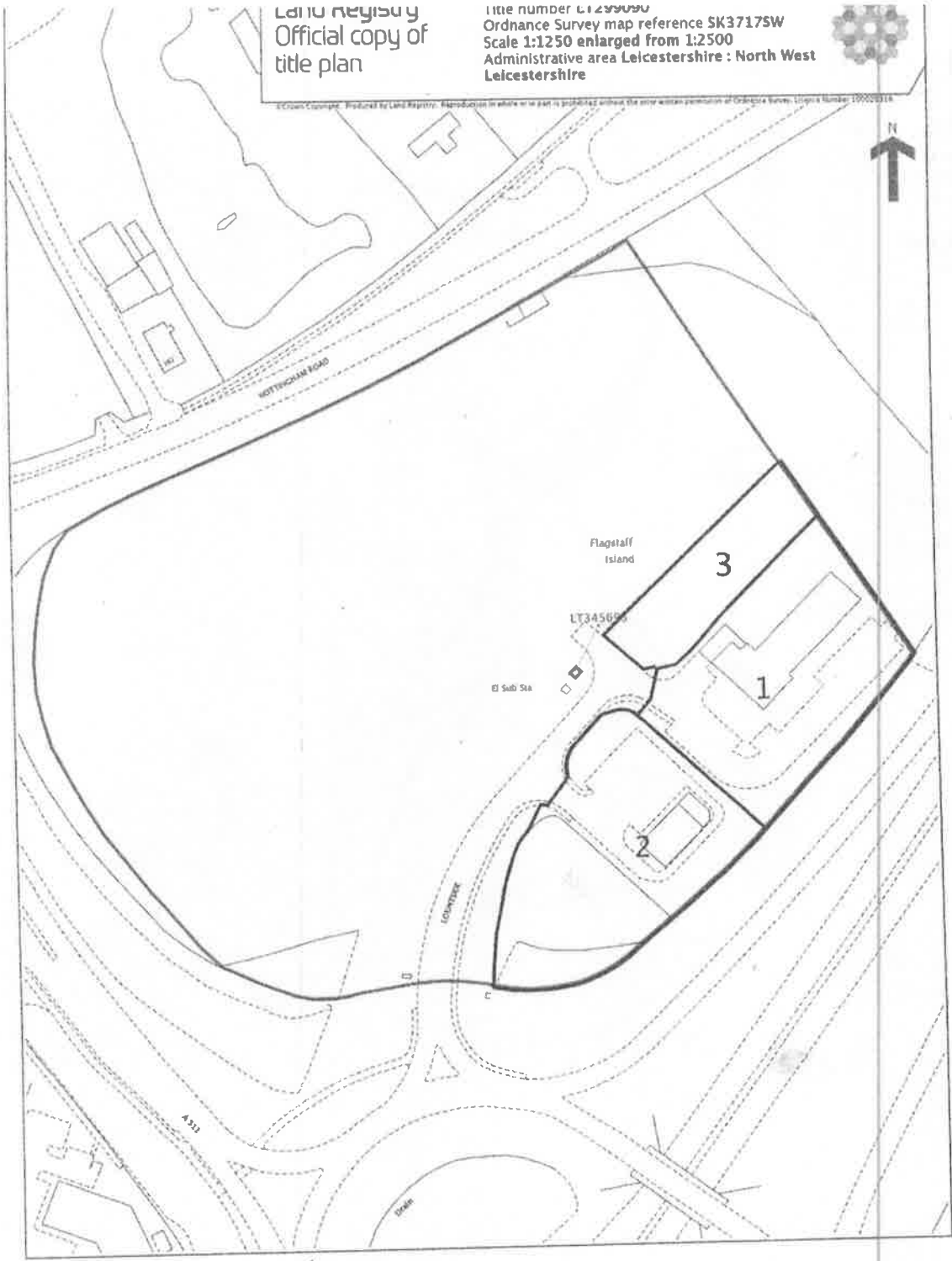
SUMMARY OF OBJECTIONS

Euro Garages have not been consulted on the proposed changes in the North West Leicestershire Draft Local Plan.

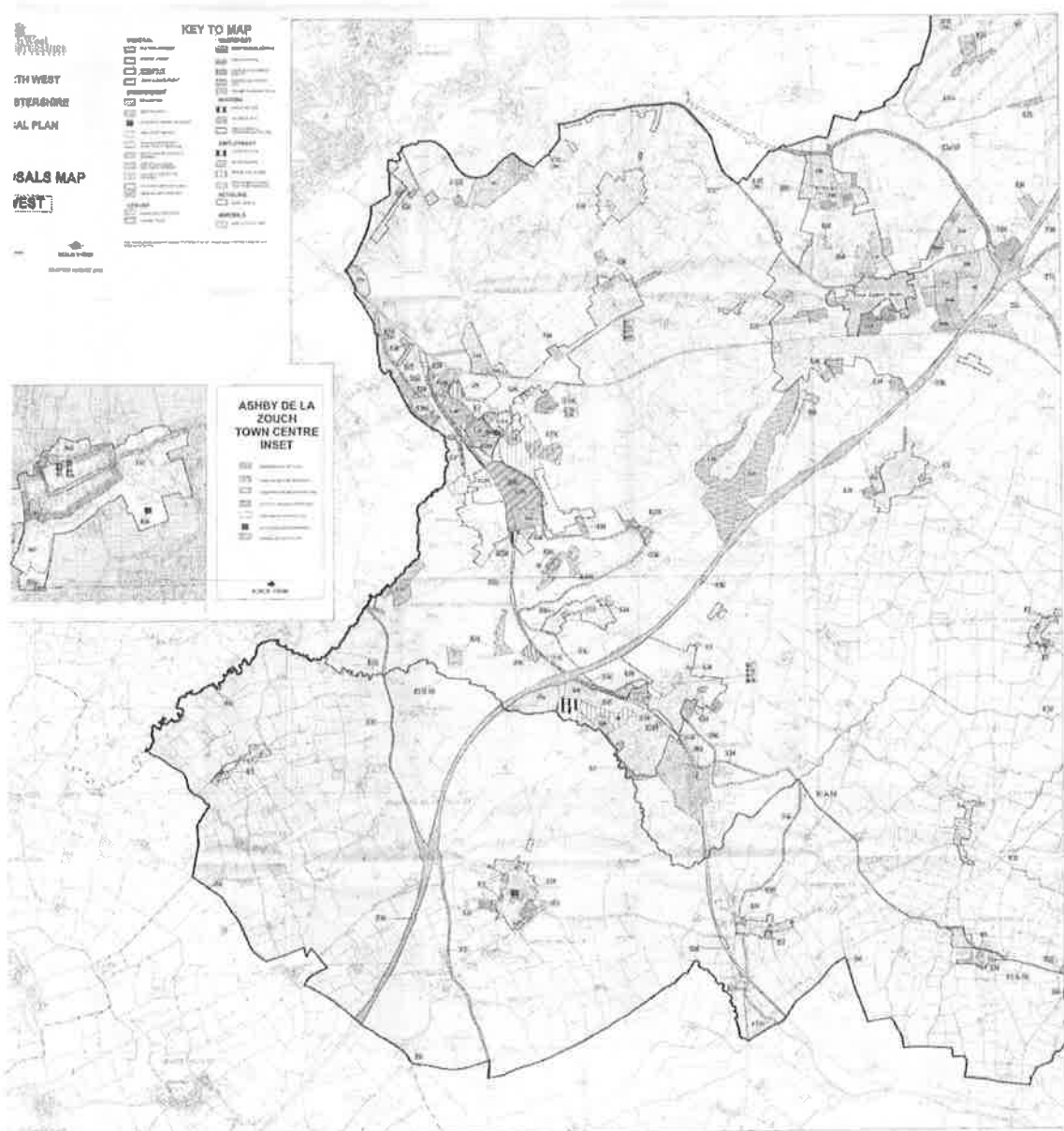
Euro Garages object to Policy T4(b) being taken out of the approved Development Plan and not included in the Draft Local Plan.

Euro Garages object to the Draft Local Plan 2015 and request that Policy T4(b) or its update be carried forward to the Plan and also that the allocation shown on the Proposals Map be re-introduced to allow the Road Related Development to be completed.

APPENDIX 1



APPENDIX 2



APPENDIX 3

