



Council

**Tuesday, 08
December 2015**

**Matter for
Information**

Title: Update on Local Development Orders for Housing Development on Brownfield Land in the Borough

**Authors: Anne Court (Director of Services)
Adrian Thorpe (Planning Policy and Regeneration Manager)**

1. Introduction

1.1 This report provides an update on the preparation of Local Development Orders for Housing Development on Brownfield Land in the Borough.

2. Recommendations

2.1 It is recommended that Members:

- note the progress on the Local Development Orders and the future work programme
- note that informal consultation will begin on Monday 14th December 2015

3. Information

Background

- 3.1 On 28th May 2015 Development Control Committee resolved to approve the recommendation to proceed with the Local Development Orders in the Borough following the receipt of a grant of £44,500 for the purpose from the Department of Communities and Local Government.
- 3.2 A Local Development Order essentially grants planning permission for types of development which the Council consider to be suitable on a site without the need for a formal planning application (in effect the permission granted would be akin to an outline planning permission).
- 3.3 Whilst the purpose of the grant is to assist the delivery of housing development on brownfield sites, other acceptable land uses can also be incorporated in the Local Development Order.
- 3.4 The Council has appointed Peter Brett Associates to assist in making the Local Development Orders relating to three sites that have already been identified in the Local Plan and/or masterplans:
- Paddock Street car park, Wigston (Town Centres Area Action Plan Policy 15 - Long Lanes)
 - East Street car park, Oadby (Town Centres Area Action Plan Policy 19 – Brooksby Square)
 - Bus Depot, Station Street, South Wigston (Saved Local Plan Employment Policy 11 and Housing Policy 12) and land at Bennett Way (South Wigston Regeneration Masterplan)

- 3.5 The Local Development Orders will assist in bringing forward development and delivering the overall regeneration of the particular sites and the wider area. This will help the Council to promote investment in the town centres and to continue delivering housing thus protecting greenfield land from development.

Current position

- 3.6 An inception meeting was held with Peter Brett Associates on 28 July 2015, this included site visits to each of the three potential Local Development Order locations. Peter Brett Associates have assimilated the planning and contextual background of the sites and carried out initial consultation with key landowners and stakeholders. These discussions were used to establish whether the Local Development Orders needed to make provision for uses other than housing. A Member briefing was held on 14 September 2015 which gave an opportunity for Members to provide their views and discuss Local Development Orders both in concept and on a site specific basis.
- 3.7 Peter Brett Associates subsequently obtained site constraint information such as utilities, ground conditions, flood risk, legal issues, highway access and planning constraints. This informed the preparation of draft plans setting out different options for each of the sites and consideration of viability to ensure that the proposals are deliverable. A further Member briefing took place on 25th November which enabled members to consider the plans and provide feedback.

Informal Consultation

- 3.8 The purpose of the informal consultation is to enable local residents and stakeholders to comment on the draft plans and options for each of the sites. prior to a subsequent statutory consultation period.
- 3.9 The informal consultation will run from Monday 14th December 2015 until Friday 22nd January 2016. It will be promoted in the winter edition of Letterbox (distributed week commencing 7th December 2015), via a press release and using other Council resources. The consultation documents will be made available on the Council's website and three consultation events are proposed as detailed below:

Date	Venue	Time
Tuesday 15 th December	Oadby Library	2.30pm - 5.45pm
Wednesday 16 th December	Blaby Road Park Pavilion South Wigston	11am - 2pm
Wednesday 16 th December	Customer Service Centre Wigston	3.30pm - 6.45pm

Next Steps

- 3.10 Following the informal consultation the plans for each site will be amended as necessary and appropriate and a draft Local Development Order for each site drawn up.
- 3.11 A four week statutory consultation period is a requirement in the preparation of Local Development Orders. It requires consultation with statutory consultees

and any person affected by the Local Development Order as per a planning application.

- 3.12 Following the consultation the Council must consider any representations and whether any modifications are required to the Local Development Order. If it is decided to proceed to adoption the Local Development Order must be adopted by resolution of the Council as Local Planning Authority.
- 3.13 In adopting the Local Development Order a LPA must send a copy of the Local Development Order, the Statement of Reasons relating to the making of that order, and any Environmental Statement (if applicable) to the Secretary of State as soon as reasonably practicable, and no later than 28 days, after the local planning authority has adopted the order.
- 3.14 The key dates will be as follows:

Date	Action
Week commencing 1/2/16	Member Briefing
22 nd February to 21 st March 2016	Statutory consultation period
14th April 2016	Development Control Committee Recommendation to adopt Local Development Orders

Email: adrian.thorpe@oadby-wigston.gov.uk

Implications	
Legal	<p>Local Development Orders remove the requirement for planning applications to be made for certain types of development. Conditions similar to those seen on a planning permission can be added and there can also be a requirement through the conditions for a Section 106 agreement if offered by a developer where a condition requires mitigation of an impact from development.</p> <p>A Local Development Order being in place does not limit a landowner or developer from submitting a planning application for development not covered by the order. This would be addressed under normal procedures.</p> <p>A Local Development Order takes precedence over any Local Plan policies for the particular sites in question if the content of the Local Development Order differs from the Local Plan policies.</p> <p>A Local Development Order can be revoked at any time.</p>
Financial	<p>The work is being funded through a grant from the Department of Communities and Local Government.</p> <p>There are no statutory fees associated with Local Development Orders which is reflective of their purpose to encourage development on a particular site, thus assisting in the delivery of housing on brownfield sites and the regeneration of key sites in the Borough.</p>

	<p>However, local authorities are able to apply their own fee schedule and this could be applicable at two main stages in the preparation and adoption of Local Development Orders as set out below:</p> <ul style="list-style-type: none"> • At the outset, the local authority can require an Enquiry Form/Proposals Form to start the process. This form could be accompanied by a fee. This fee is comparable with charges for a pre-application enquiry or a planning performance agreement. • When the developer submits the detail and to receive confirmation from the Council that the scheme complies with the Local Development Orders, this could be accompanied by a fee. This fee would be required in order for the council to consider the detail and issue a Certificate of Lawfulness or Certificate of Compliance relating to the final scheme. A Certificate of Lawfulness is half of the equivalent planning application fee. A Certificate of Compliance would be for the Council to determine.
Equalities	An Equalities Impact Assessment will be prepared as part of the work.
Risk	<p>CR1- Decreasing Financial Resources See 'Financial' comments above.</p> <p>CR9 – Economy The Local Development Order will assist in bringing forward development and delivering the overall economic regeneration of the particular sites and the wider area. This will help the Council to promote investment in the town centres and to continue delivering housing thus protecting greenfield land from development</p>