



Development Control Committee	Thursday, 12 May 2016	Matter for Decision
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Title: **Local Development Order – Long Lanes, Wigston**

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1. Introduction

1.1 This report relates to the adoption of the Local Development Order for Wigston – Long Lanes.

2. Recommendations

2.1 It is recommended that Members adopt the Local Development Order for Wigston – Long Lanes (Appendix 1), and approve as its related Design Guidance (Appendix 2).

3. Information

Background

3.1 National government has identified Local Development Orders as key planning tools in bringing forward much needed housing development on brownfield sites.

3.2 Essentially, a Local Development Order grants planning permission for types of development which the Council deems to be suitable on a site. The Orders are site specific.

3.3 Since the previous update report to Council on the 8th December 2015 the Council has been working closely with the appointed expert consultants, Peter Brett Associates and Council Members in consultation with the community to produce Local Development Orders for each of the three sites, located in Wigston, Oadby and South Wigston.

3.4 As part of the Local Development Order process, the Council has undertaken two rounds of consultation, the first between December 2015 and January 2016 which was an informal (non-statutory) public consultation on the test layouts and design principles, and the second a formal (statutory) consultation that ran from Monday 22nd February 2016 to Monday 21st March 2016 on the draft Local Development Order itself. There has also been all Member

briefings held on the 14th September 2015, 25th November 2015 and 4th February 2016.

- 3.5** The comments received by the Council during the informal consultation stage, as well as through Member workshops helped shape the draft Local Development Order that was published for the formal consultation, and the associated design guide.

Comments received at formal consultation stage

- 3.6** Few comments were received during the consultation relating to the Local Development Order for Long Lanes. Of the comments that were received, the key themes were; making the eastern end of Paddock Street two way; retaining the existing number of public parking spaces on Paddock Street; and the proposal to improve the historic Long Lane.
- 3.7** The Wigston Civic Society made further comments relating to the warehouse building to the rear of the Co-op and the Local Development Order consultation being held over the Christmas and New Year period.
- 3.7** A full detailed summary of the comments received, the response prepared by Council officers and any subsequent amendments to the LDOs resulting from the comments is attached at Appendix 3.

Response to comments received at formal consultation stage

- 3.8** Throughout the production process of the Local Development Order for Wigston, the Council has (although no requirement to do so) ensured that it is in conformity with the Town Centres Area Action Plan Development Plan Document that was adopted on the 3rd September 2013. It is the Town Centres Area Action Plan Development Plan Document, through AAP 'Policy 16 – Long Lanes' that allocates Paddock Street Car Park for uses such as residential; and AAP 'Policy 14 – Implementation of Wigston Town Centre Masterplan that states that there will be no loss of public car parking spaces across the town centre as a whole, with at least 30 spaces remaining at Paddock Street for public use. It should be noted that the Local Development Order document for the Wigston site has not suggested that the Council should be charging for public car parking spaces within Wigston.
- 3.9** Due to timescales imposed on the Council by central government, the informal consultation needed to be run over the Christmas and New Year period. Knowing that the festive period was not ideal for a public consultation, the Council extended the consultation well into January to ensure that the public and stakeholders had as much time as possible to comment.
- 3.10** At the Examination in Public for the Town Centres Area Action Plan Development Plan Document the principle of the location of housing on

Paddock Street car park was discussed (representatives from a number of stakeholders attended discussions). The Planning Inspector holding the discussions within the Examination considered that Paddock Street car park was an appropriate and sustainable location for residential development. The Town Centres Area Action Plan Development Plan Document also specifically mentions an extra care facility would be appropriate on Paddock Street.

- 3.11** The allocated town centre site at Paddock Street, Wigston is included within the Council’s current planned development that makes up the rolling 5 year supply and the further stock sites.
- 3.12** It is imperative that the Council is proactive and maximises the re-use of brownfield land areas (such as Paddock Street) to ensure that it has a robust rolling 5 year supply of housing land, to resist unplanned development proposed on important greenfield and green wedge land, for example Cottage Farm, Oadby.
- 3.13** During the preparation of the Town Centres Area Action Plan car park counts (of spaces available) were undertaken for the Council owned public car parks at Junction Road, Frederick Street, Spring Lane, Aylestone Lane and Paddock Street. Although Aylestone Lane car park was counted it is not illustrated below because it is not situated within the town centre boundary as identified in the Area Action plan. This count is illustrated below. Also illustrated below is an up to date count that was undertaken during the week commencing 14th March 2016.

Week commencing 16 th January 2012	Time	Total number of spaces available at Junction Road	Total number of spaces available at Frederick Street	Total number of spaces available at Spring Lane	Total number of spaces available at Paddock Street
Monday	1100-1200	22	9	1	25
	1200-1300	12	4	6	26
	1500-1600	50	17	2	29
Tuesday	1100-1200	13	5	0	29
	1200-1300	12	6	2	29
	1500-1600	49	15	9	23
Wednesday	1100-1200	3	1	1	15
	1200-1300	10	3	4	22
	1500-1600	66	9	4	23

Thursday	1100-1200	16	5	2	12
	1200-1300	24	2	8	8
	1500-1600	53	3	7	29
Friday	1100-1200	13	5	1	31
	1200-1300	17	4	1	29
	1500-1600	40	9	5	25

Week commencing 14 th March 2016	Time	Total number of spaces available at Junction Road	Total number of spaces available at Frederick Street	Total number of spaces available at Spring Lane	Total number of spaces available at Paddock Street
Monday	1100-1200	14	0	1	12
	1200-1300	20	0	3	7
	1500-1600	63	18	18	31
Tuesday	1100-1200	17	1	3	14
	1200-1300	19	0	0	20
	1500-1600	60	24	6	21
Wednesday	1100-1200	49	6	4	25
	1200-1300	38	3	4	24
	1500-1600	53	6	5	38
Thursday	1100-1200	4	7	0	4
	1200-1300	19	12	1	7
	1500-1600	64	10	16	6
Friday	1100-1200	5	3	3	17
	1200-1300	15	8	6	27
	1500-1600	39	5	16	31

- 3.14** The car parking counts (above) undertaken the week commencing 14th March 2016 give a snap shot of the number of public car parking spaces available at various times of the day in each of the town centre car parks.
- 3.15** The counts (March 2016) show that Frederick Street car park is the busiest of the car parks assessed, with on average 7 spaces (13 per cent) free and available for public use. The least busiest car parks were Junction Road and Paddock Street which had on average 32 spaces (24 per cent) and 19 spaces (23 per cent) respectively, free and available for public use.
- 3.16** Across all of the town centre car parks there was on average 64 spaces (21 per cent) free and available for public use.

Benefits and dis-benefits to having Local Development Orders

- 3.17** Early in 2015 national government consulted on a document that proposed penalties to 'underperforming' Council's that do not have at least 50 per cent (by 2017) and 90 per cent (by 2020) of their brownfield land either with associated granted planning permission or adopted Local Development Orders. Those Council's that do not meet the percentage targets by the relevant timescales would be classed as 'underperforming'.
- 3.18** Council's that are designated as 'underperforming' would automatically have planning decision making capabilities removed by national government for any residential development proposed on brownfield land; with the Communities Secretary deciding the outcome. In essence, their Plan would be 'out of date' and policies relating to brownfield land re-development would be obsolete until such a time that they can meet the targets.
- 3.19** The Council being able to illustrate that it has a rolling 5 year supply of land appropriate and available for residential development is extremely important. Similar to if a Council was deemed to be 'underperforming' (as described above), if it is found that a Council cannot illustrate a rolling 5 year supply of land for residential development, its planning policy relating to residential development is deemed obsolete, until such a time when a 5 year supply can be illustrated. The adoption of Local Development Orders for residential development is a way in which the Council can aid the release of sites that are available and appropriate for residential development, thereby allowing them to be illustrated within the Council's rolling 5 year supply of land.
- 3.20** As well as contributing to the Council's 5 year land supply, Local Development Orders allow the public and other stakeholders a real chance to shape development on a particular site. For example, through this current Local Development Order process everyone within the Borough was invited to comment through Letterbox, public exhibitions were held inviting comments on test plans, and a wide neighbour consultation (much wider than through

the planning application process) took place relating to the draft Local Development Orders themselves.

Key points of a Local Development Order

- 3.21** A Local Development Order does not enable a developer to build anything it wants to. Although a Local Development Order essentially grants planning permission for a site, this is only equivalent to an outline planning permission. A developer would still have to submit documentation and plans to the Council to illustrate their intentions for the site. It would then be up to the Council to decide whether or not the proposal conforms to the adopted Local Development Order, the conditions and design principles. If it is felt that a proposal does conform a Certificate of Compliance would be issued and building could begin. There is an additional 'layer' of control afforded to the Council on this site, as the Council owns part of the land to which this Local Development Order relates.
- 3.22** There is nothing to stop a developer applying for a separate planning permission on a site with an adopted Local Development Order. A Local Development Order does not restrict development to only that shown in the Order, a developer is able to propose alternative development different to the Order, however the normal planning application route would then need to be followed.
- 3.23** Local Development Orders allow for much more local community involvement than the planning application process would. Most planning applications only tend to directly involve the proposers (and / or landowners), the statutory consultees, and direct neighbours to the site. The Local Development Order production process consults much wider and allows the community to get involved, whether it be through workshops or public exhibitions, or by written representations.

Next steps

- 3.24** Should Members adopt the Local Development Order, the next step is to actively seek developer interest in the site. The Council has previously promoted the site through the Town Centres Area Action Plan Development Plan Document and the Investor Prospectus; however the site would now have the advantage of essentially an outline planning permission. Having the Order in place significantly 'de-risks' the site for any potential developer and gives an element of certainty.
- 3.25** Through the previous promotion of the site, there has been developer interest, however it expected to increase once the Local Development Order is in place. Increased site interest has already been apparent throughout the

production process of the Local Development Order. It should be noted that the Council could also develop part of the site.

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Implications	
Financial	<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. Please see associated 'Local Development Orders - Fees' report for further information.</p>
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 have been added and there are requirements through the conditions for a Section 106 agreement for 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 planning application procedures.</p> <p>A Local Development Order takes precedence over any Local Plan policies for the particular sites.</p> <p>A Local Development Order can be revoked at any time.</p>
Risk	<p>CR1- Decreasing Financial Resources See 'Financial' comments above. 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>
Equalities	<p>An Equalities Impact Assessment has been prepared.</p>