

Long Lanes, Wigston

Local Development Order and Statement of Reasons

May 2016



**Oadby and Wigston
Borough Council**

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1 Introduction

1.1 Purpose

- 1.1.1 This draft Local Development Order (LDO) will when adopted grant permission for the type of development specified by the Order (see Schedule 2) and by doing so, remove the need for a planning application to be made by the developer.
- 1.1.2 The draft LDO can be considered as an extension of 'permitted development' rights. It will be decided upon locally in response to local circumstances; in this case to plan proactively for regeneration in Wigston.
- 1.1.3 The use of LDOs is supported by Central Government as an effective means of simplifying and streamlining the planning process for certain sites and types of development specified by the Local Planning Authority (LPA). LDOs are considered to be a useful tool which can attract investment and stimulate regeneration.

1.2 Scope

- 1.2.1 It is important to note that development proposals that do not fall within the prescribed criteria of the LDO may still be acceptable in planning terms. In such circumstances, proposals that do not conform to the LDO would need to secure planning permission through the normal planning process. Accordingly, such proposals would be considered in the context of local and national planning policies.
- 1.2.2 The draft LDO does not alter or supersede forms of development already permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015.

1.3 Other Consents

- 1.3.1 The LDO only removes the requirement to obtain planning permission and does not remove the need to obtain other statutory consents such as Building Regulations approval, consents under Highways legislation, and Health and Safety Executive consents. It remains the responsibility of the developer to ensure that all other statutory requirements are adhered to.

2 Long Lanes

2.1 Description of the Area

- 2.1.1 The site is dominated by surface level car parking and rear servicing and includes a large public house and a gym. The site links the town centre with the residential area to the south and includes the Long Lane public footpath.
- 2.1.2 This draft LDO covers the area indicated on the plan shown in Schedule 1.

2.2 Development Considerations

Access

- 2.2.1 Access to the site is from Paddock Street which is a public adopted highway.
- 2.2.2 Servicing to the rear of Bell Street must be retained.
- 2.2.3 The pedestrian links through the site via Long Lane public footpath must be retained and enhanced.
- 2.2.4 There is an existing private right of way across the public car park. There may be potential to redefine but not extinguish the right of way as part of detailed proposals.

Design

- 2.2.5 Design proposals and uses for the site must adhere to the principles set out in the accompanying LDO Design Guide document (see Schedule 2, 3 and 4).

Flood Risk

- 2.2.6 The site lies within Flood Zone 1, which has the lowest probability of flooding from Rivers and Sea, and is compatible with all forms of development. Additionally, the site is clear from reservoir flooding and any significant surface water flooding.

Ground Conditions and Contamination

- 2.2.7 An initial ground condition assessment and land contamination study has been undertaken for the site. These have been carried out in order to check whether there are potential risks associated with the ground conditions that might require management or mitigation as part of development proposals.
- 2.2.8 Geological mapping shows the site is underlain by superficial deposits of the GlenParva Member, which is a Till deposit of glacial origin that is typically characterised by clay. Beneath these superficial deposits, the bedrock geology consists of the BlueLias Formation, which is characterised by interbedded limestone and mudstone/siltstone.
- 2.2.9 As part of any future redevelopment of the site, a detailed Phase 1 Ground Conditions Assessment (desk-study) will be required.

Ecology

- 2.2.10 The site has no ecological designations.

Parking

- 2.2.11 The Town Centres Area Action Plan (Policy 16) states that at least 30 spaces should be reserved for public use at the Long Lanes site as well as safeguarding the existing number of disabled car parking spaces.
- 2.2.12 A strategy for replacement parking provision will be required before development commences on the site. There must be no overall loss of Council owned car parking spaces available to the public in the town centre.

3 Statement of Reasons

3.1 Overall Objective

- 3.1.1 Oadby and Wigston Borough Council has prepared this Local Development Order to help streamline the planning process and enable redevelopment of the site at Paddock Street / Bull Head Street / Bell Street (Long Lanes). The LDO seeks to promote a high quality scheme for the site which accords with the surrounding uses in the area.

3.2 Site Context

- 3.2.1 The site is dominated by surface level car parking and rear servicing and includes a large public house and a gym. The site links the town centre with the residential area to the south and includes the Long Lane public footpath.
- 3.2.2 The site is of historic interest due to the network of 'The Lanes' which provide a series of routes within Wigston Town Centre.

3.3 Site Location



3.4 Description of Development Permitted

- 3.4.1 The LDO grants planning permission exclusively for the erection of buildings and/or the use of land and associated development as set in Schedule 2.

3.5 Justification for Creating the LDO

- 3.5.1 Long Lanes offers a major regeneration opportunity in a prime location in Wigston.
- 3.5.2 The preparation of an LDO provides a platform enabling developers, investors and occupiers to accelerate the delivery of development. Once the LDO framework is in place, development can proceed with no need to apply for planning permission.
- 3.5.3 This LDO has therefore been prepared as it is considered to represent the most appropriate and effective tool for simplifying the planning process and accelerating the delivery of regeneration at the Long Lanes site.

3.6 Policy Context

- 3.6.1 The LDO supports the implementation of existing and emerging plans and policies at a national level and certain policies at a local level. Relevant policies include;

National Planning Policy Framework (NPPF, Adopted March 2012)

- 3.6.2 The NPPF cites the planning system as having a role in supporting strong, vibrant and healthy communities and advocated planning to play an active role in guiding development to promote mixed use developments and provide sustainable solutions.
- 3.6.3 Specifically, the framework recognises that residential development can play an important role in ensuring the vitality of centres along with retail and community uses, amongst others (paragraph 23). Further it encourages LDOs to be prepared for particular areas and categories of development, where the impacts would be acceptable, and where this would promote social or environmental gains (paragraph 199).

Oadby and Wigston Core Strategy 2006-26 (2010)

- 3.6.4 Spatial Strategy Policy CSP1 has a target of 1,800 homes to be delivered over the plan period, with 170 of these in Wigston Centre. Policy CSP2 supports mixed-use development of 5,000sq m employment space and 13,000sq m retail in Wigston.

Town Centres Area Action Plan (Adopted September 2013)

- 3.6.5 Policy 16 of the Action Plan details proposals for a residential-led redevelopment of the site which also incorporates new retail/leisure provision and car parking spaces. The policy states that development should allow for the extension of The Lane pedestrian network, improving links to the town centre.

3.7 Environmental Context

- 3.7.1 Developments which are likely to have a significant impact on the environment are required to be subject to an Environmental Impact Assessment (EIA). The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regulations) stipulate that a development constitutes EIA development if it is:

- Within one of the categories of Schedule 1 of the EIA regulations; or

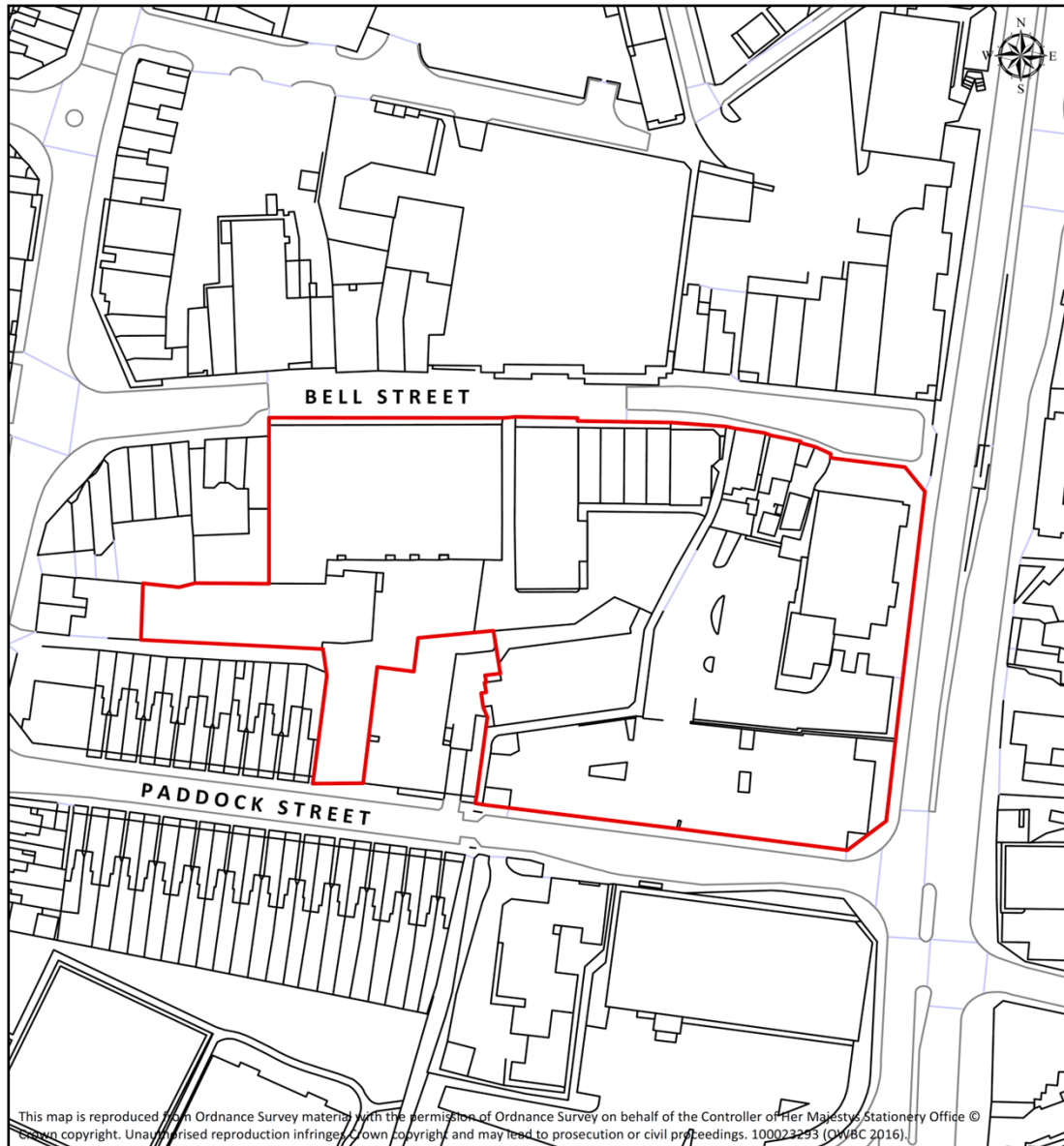
- Within one of the categories of development in Schedule 2 of the EIA regulations and which is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

3.7.2 In this context, the draft LDO does not contain either Schedule 1 or 2 EIA developments. Therefore, the uses permitted within the order are defined as 'exempt development' which falls outside the regulatory requirement for an environmental statement or adopted screening opinion.

4 The Local Development Order

4.1 LDO Site Boundary (Schedule 1)

4.1.1 The Long Lanes LDO covers the site shown in the plan below.



4.2 Description of Development Permitted by the LDO (Schedule 2)

Within the boundaries of the plan in Schedule 1, this draft LDO will permit planning permission exclusively for land use, buildings and ancillary facilities; and associated development in the following Use Classes:

At ground floor level:

A1 – Shops

A2 – Financial and Professional Services

A3 – Restaurants and Cafes

B1a – Business (office uses other than those classified in A2)

C3 – Dwelling Houses

D2 -Assembly and leisure. All excluded except Gymnasiums.

At first, second, third and fourth upper floor levels:

A2 – Financial and Professional Services

B1a – Business (offices uses other than those classified in A2)

C3 – Dwelling Houses

D2 -Assembly and leisure. All excluded except Gymnasiums.

4.3 Lifetime of the LDO

- 4.3.1 The LDO will be in place for 5 years following the date of adoption. Upon its expiry, the permitted development rights will cease to apply to any development that has not commenced.
- 4.3.2 To comply with the Order it will be necessary for development to have commenced on site prior to the date of expiry of the Order. Development which has commenced by the end date will be permitted to be completed within a reasonable timescale. Any proposed development after this date will require the submission of a planning application to Oadby and Wigston Borough Council as the Local Planning Authority.
- 4.3.3 From the date of expiry of the Order no new uses or change of use will be allowed, without planning consent; unless it is a permitted change of use as prescribes in the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 4.3.4 Upon expiry of the Order, Oadby and Wigston Borough Council may either reintroduce the Order with or without revisions; or revoke the Order and return to the established planning system. The Council has the power to revoke the Order at any time before its expiry or could be directed to do so by the Secretary of State. Revisions or revocation of the Order would be subject to notification via the Council's web site and a local press notice.

4.4 Monitoring of the LDO

- 4.4.1 The effectiveness of the LDO will be monitored over the 5 year period to ensure development remains compliant with the conditions and other requirements.
- 4.4.2 Planning enforcement procedures will apply to development brought forward under the provisions of the Order.

4.5 Limitations

- 4.5.1 Developers should satisfy themselves that all legislative requirements and consents have been fulfilled or obtained before proceeding with development. Key considerations may include: building regulations and licensing.

4.6 Other Consents

- 4.6.1 The Order only relates to planning consent. It does not remove the need to obtain other statutory consents from the council or other organisations.

4.7 Agreements/Contributions

- 4.7.1 Depending on the impacts of development, developers may be required to provide contributions towards on and off-site infrastructure.

Identified Planning Obligations

- Foul sewerage and draining improvement
- Movement and access to the highway network (on site and adjacent)
- Environmental / public realm improvements to Long Lane
- Replacement car parking provision

4.8 Consultation and Engagement

- 4.8.1 The LDO for Long Lanes has been developed with active and ongoing involvement from the following;
- Officers from Oadby and Wigston Borough Council
 - Leicestershire County Council

4.9 Prior Information and Requirements (Schedule 3)

No.	Requirements	Reasons
1.	<p>Prior to the commencement of development a completed LDO Submission Form shall be submitted to Oadby and Wigston Borough Council along with:</p> <ul style="list-style-type: none">- A site plan with the site outlined in red and showing the proposed development layout in detail- Sufficient plans and elevations to determine	<p>To ensure that the proposed development complies with this Order and the accompanying LDO Design Guide.</p>

	<p>the size and appearance of the development</p> <ul style="list-style-type: none"> - Details of external materials and finishes - A statement demonstrating how the development has had regard to achieving high quality and inclusive design in accordance with the supporting LDO Design Guide for the site. - An LDO Submission Form will be required for a section of the LDO area where development proposals form only part of the whole area. 	
2.	Not less than 14 days prior to the commencement of development a completed LDO Commencement Notice shall be submitted to Oadby and Wigston Borough Council.	To enable the monitoring of development and the effective implementation of the Order.
3.	Development must commence on site prior to the date of expiry of the Order.	To ensure that the proposed development complies with this Order.

4.10 Conditions (Schedule 4)

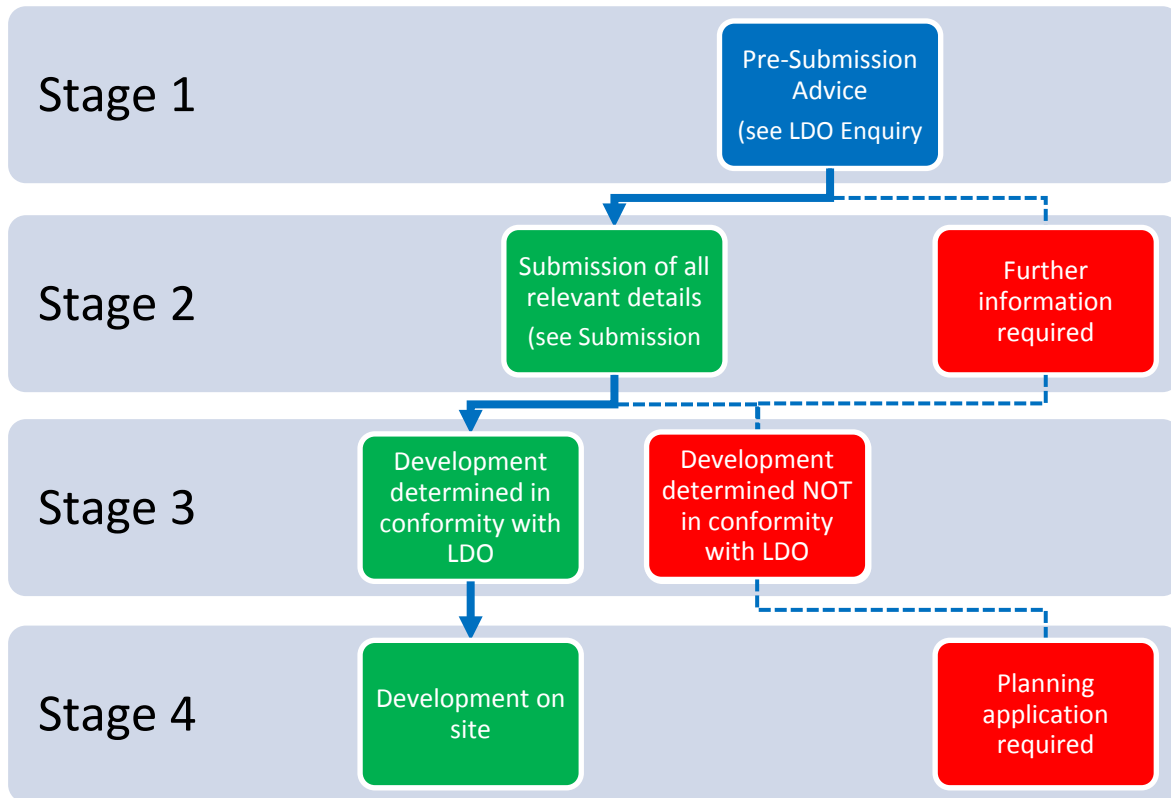
No.	Condition	Reason
1.	<p>Compliance with the LDO</p> <p>The development permitted by this Order shall not be carried out other than in complete accordance with the criteria and conditions set out within this LDO, with the exception of material amendments submitted to and approved in writing by Oadby and Wigston Borough Council.</p> <p>When considering proposals for the whole or any part of the LDO site, compliance with this LDO shall also be determined by simultaneous submission of relevant plans and documents sufficient to satisfy and comply with the following additional conditions.</p>	To ensure sustainable forms of development, in line with the aspirations for the LDO.
2.	<p>Building Heights and Scale</p> <p>It is expected that building height will be consistent with heights in the surrounding area which are primarily in the range of 3 and 4 storeys.</p> <p>Developers should refer to the Design Guidance.</p>	In the interest of the satisfactory appearance of the finished development.
3.	<p>Design and Access</p> <p>Development proposals must be accompanied by a</p>	To explain the design principles and concepts which have been applied to the

	Design and Access Statement.	development scheme and to ensure accessibility of the site.
4.	<p>Transport</p> <p>Submitted proposals must be accompanied by a Transport Statement which reasons how satisfactory access to all parts of the proposed development is to be achieved for pedestrians, cyclists and securable cycle storage. A strategy for replacement parking provision (as referred to in paragraph 2.2.12) is required. In addition a Car Park Management Plan will be required to demonstrate how the parking elements of the development will be managed at the site.</p>	In the interests of highway safety and to ensure appropriate arrangements are in place to provide sufficient car parking spaces.
5.	<p>Drainage</p> <p>Prior to the commencement of development a scheme for the disposal of foul sewage and surface water drainage for the site (based on sustainable drainage principles) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of any building and, unless otherwise first agreed in writing by the Local Planning Authority, shall be maintained as such for the life of the development.</p>	To ensure satisfactory means of drainage.
6.	<p>Ground Conditions</p> <p>Prior to commencement of the development hereby permitted a contaminated land assessment and associated remedial strategy shall be submitted to and approved in writing by the Local Planning Authority and any measures approved in that scheme shall be fully implemented. The completed scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:</p> <p>a) A desk study. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to any site investigations commencing on site.</p> <p>b) A site investigation, including relevant soil, soil gas, surface and groundwater sampling, which shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.</p> <p>c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to</p>	To protect the environment from contamination and to ensure that the site will not qualify as contaminated land under part 2A for the Environmental Protection Act 1990.

	<p>the LPA as required prior to any remediation commencing on site. The remediation works shall be of such a nature as to render harmless the identified contamination given the proposed development of the site and surrounding environment including any controlled waters.</p>	
7.	<p>External Lighting</p> <p>Prior to commencement of the development hereby permitted a scheme of external lighting shall be submitted to and approved in writing by the LPA. The approved scheme shall be implemented in full prior to first occupation of the development concerned.</p>	<p>In the interest of amenity.</p>
8.	<p>Affordable Housing</p> <p>Prior to commencement of the development hereby permitted a scheme shall be submitted showing how and in which part of that proposed development a target of 20% of the new homes hereby permitted shall be delivered as “affordable housing” in accordance with relevant policies of the most up to date Local Plan.</p>	<p>To ensure full compliance with the Council’s corporate and housing policies.</p>

5 LDO Conformity Process

5.1.1 The diagram below illustrates the process by which the Local Planning Authority will determine conformity with the LDO.



Legend:



Standard process for development under the LDO



Circumstances where LDO does not apply and a planning application is required

5.2 Stage 1: Pre-Submission Advice

- 5.2.1 Developers should seek advice from the LPA at the earliest opportunity to consider conformity with this LDO and the implications of specific requirement and conditions.
- 5.2.2 Developers are also encouraged to initiate early engagement of key stakeholders and to identify other consent requirements, for example Building Regulations and Highways. Identified development considerations and conditions will influence which stakeholders are of particular relevance and the degree to which they need to be involved.

5.3 Stages 2 and 3: Submission and Assessment

- 5.3.1 The second stage requires submission of all necessary information (as specified in Schedule 3 and 4).
- 5.3.2 Except where criteria/conditions require information to be submitted to and approved in writing by the LPA, the developer assumes the responsibility for ensuring that their development is compliant with the LDO.
- 5.3.3 Within 6 weeks of a valid receipt the LPA will provide a response in writing. The response will state whether:
- The proposed development is in conformity with the LDO
 - Further information is required to determine whether the proposed development is in conformity with the LDO
 - The proposed development is not in conformity with the LDO
- 5.3.4 If further information is required to make an assessment and a decision cannot be reached within 6 weeks, the LPA will seek to agree a reasonable extension of time with the applicant.

5.4 Stage 4: Development/Planning Application Required

- 5.4.1 Where development is determined not to be in conformity with the LDO, a planning application will be required if the development is to progress unchanged.
- 5.4.2 The final stage is the submission of an LDO Notice of Commencement Form. This is to inform the LPA that development is due to start on site. The form must be submitted to the LPA at least 14 days prior to commencement and is required for monitoring purposes.