



<b>Development Control Committee</b>	<b>Thursday, 12 May 2016</b>	<b>Matter for Decision</b>
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**Title:** **Local Development Order - Brooksby Square, Oadby**

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## **1. Introduction**

- 1.1** This report relates to the adoption of the Local Development Order for Oadby – Brooksby Square.

## **2. Recommendations**

- 2.1** It is recommended that Members adopt the Local Development Order for Oadby – Brooksby Square (Appendix 1), and approve 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 only.
- 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 14<sup>th</sup> September 2015, 25<sup>th</sup> November 2015 and 4<sup>th</sup> 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** The later, formal consultation created a good number of responses relating to the Oadby site – Brooksby Square. This was mainly because the Oadby Town Centre Retailers Association, Oadby Civic Society, Oadby and Wigston Muslim Association and Trinity Methodist Church prepared a leaflet and generic response letter relating to the Local Development Order in Oadby that was sent to residents (Appendix 3). 995 (64%) of these letters were signed by residents who reside within the Borough and 372 (24%) by people who reside outside of the Borough. In addition, 182 (12%) were received which were either illegible, incomplete in terms of contact details or received after the close of the statutory consultation period.

- 3.7** The key themes of the leaflet/letter and the other responses are summarised below:

- There should be no loss of parking within the town as the current car parks are too busy.
- There should be no loss of parking on East Street car park as it is far more convenient for the shops on The Parade than the alternative car parking at Sandhurst Street.
- There should be no residential buildings developed on the site, as Oadby town centre has already fulfilled its quota of new homes.
- Support for the building of dwellings and a health centre building, however it should be located on other sites, for example the former Oadby swimming pool site.
- Objection to the proposed charging for public car parking spaces.

- 3.8** 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 4.

#### **Response to comments received at formal consultation stage**

- 3.9** Throughout the production process of the Local Development Order for Oadby, 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 19 – Brooksby Square' that allocates East Street Car Park for at least 35 residential units; and AAP 'Policy 18 – Implementation of Oadby Town Centre Masterplan' that states that there will be no loss of public car parking spaces across the town centre as a whole. It should be noted that the Local Development Order document for the Oadby site has not suggested that the Council should be charging for public car parking spaces within Oadby.

- 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 East Street car park was discussed (representatives from a number of stakeholders attended discussions). The Planning Inspector holding the discussions within the examination considered that this part of East Street car park was an appropriate and sustainable location for residential development and would help the town by bringing in more people to live.
- 3.11** The convenience of Sandhurst Street car park as an alternative to East Street was also questioned at the Examination, however this observation was deemed inaccurate by the Planning Inspector as both car parks were located conveniently for those using the shops and other facilities on The Parade. An extract from the Town Centres Area Action Plan Development Plan Document evidence base relating to walking distances from the two car parks in Oadby has been attached in Appendix 5.
- 3.12** The assertion that the Council has already fulfilled its quota of housing development within Oadby town centre is incorrect. Core Strategy Policy 1 – Spatial Strategy for Development in the Borough of Oadby and Wigston sets out a target provision of 81 new homes in the Oadby Town Centre Masterplan area over the period 2009 to 2026. To date, using the town centre boundary for Oadby as illustrated within the adopted Town Centres Area Action Plan Development Plan Document, there has been approximately 18 new residential units delivered. Further to this the Council is also required by national government to have at all times a rolling 5 year supply of housing sites as well as a further 'stock' of sites for years 6 – 15. If the Council cannot illustrate to the government that there is a 5 year supply of sites, the Council is at risk of challenge to unplanned development for example on greenfield sites other than the Direction for Growth.
- 3.13** The allocated town centre site of Brooksby Square (East Street) is included within the Council's current planned development that makes up the rolling 5 year supply and the further stock sites. The site has been deemed deliverable recently by a Planning Inspector.
- 3.14** It is imperative that the Council is proactive and maximises the re-use of brownfield land areas (such as Brooksby Square (East 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.

- 3.15** During the preparation of the Town Centres Area Action Plan Development Plan Document car park counts (of spaces available) were undertaken at the Council owned public car parks at East Street and Sandhurst Street in Oadby. This count is illustrated below. Also illustrated below is an up to date count that was undertaken during the week commencing 14<sup>th</sup> March 2016.

Week commencing 16 <sup>th</sup> January 2012	Time	Total number of spaces available at East Street	Total number of spaces available at Sandhurst Street
Monday	1100-1200	42	98
	1200-1300	62	101
	1500-1600	32	131
Tuesday	1100-1200	10	102
	1200-1300	29	103
	1500-1600	15	131
Wednesday	1100-1200	31	123
	1200-1300	26	109
	1500-1600	35	120
Thursday	1100-1200	17	83
	1200-1300	38	113
	1500-1600	28	115
Friday	1100-1200	12	96
	1200-1300	17	102
	1400-1500	55	120
	1500-1600	55	132
	1600-1700	36	147
Week commencing 14 <sup>th</sup> March 2016	Time	Total number of spaces available at East Street	Total number of spaces available at Sandhurst Street
Monday	1100-1200	5	87
	1200-1300	2	62
	1500-1600	63	121
Tuesday	1100-1200	26	104
	1200-1300	18	93
	1500-1600	29	127
Wednesday	1100-1200	29	108
	1200-1300	20	98
	1500-1600	62	116
Thursday	1100-1200	20	93
	1200-1300	20	105
	1500-1600	37	117
Friday	1100-1200	6	46
	1200-1300	12	60
	1400-1500	1	4
	1500-1600	11	129
	1600-1700	14	109

- 3.16** The car parking counts (above) undertaken the week commencing 14<sup>th</sup> 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.
- 3.17** The counts (March 2016) show that East Street car park is the busiest of the car parks assessed, with on average 22 spaces (12 per cent) free and available for public use. The least busiest car park was Sandhurst Street which had on average 93 spaces (49 per cent) free and available for public use.
- 3.18** Across all of the town centre car parks there was on average 115 spaces (31 per cent) free and available for public use.
- 3.19** Paragraph 2.2.14 of the Local Development Order states '*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*'. As a result of the comments raised during the statutory public consultation the requirement for a strategy for replacement parking provision has been added to condition 4 of the Local Development Order, thus making the fact the there must be no overall loss of council owned car parking spaces available to the public in the town centre a condition of the Local Development Order.

### **Benefits and dis-benefits to having Local Development Orders**

- 3.20** 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'.
- 3.21** 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.
- 3.22** This 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 one 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.

- 3.23** 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 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**

- 3.24** 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 in relation to this site, as the Council owns the land.
- 3.25** 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.
- 3.26** 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**

- 3.27** 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 sites 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.

**3.28** 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 the site.

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<b>Implications</b>	
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.</p> <p>CR9 – Economy            The Local Development Order will assist in bringing forward development and delivering the overall</p>

	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
Equalities	An Equalities Impact Assessment has been prepared.