

**Brooksby Square, Oadby**  
**Local Development Order and Statement of Reasons**  
**May 2016**



**Oadby and Wigston  
Borough Council**

# Contents

- 1 Introduction ..... 1**
  - 1.1 Purpose ..... 1
  - 1.2 Scope ..... 1
  - 1.3 Other Consents ..... 1
- 2 Brooksby Square..... 2**
  - 2.1 Description of the Area ..... 2
  - 2.2 Development Considerations ..... 2
- 3 Statement of Reasons..... 4**
  - 3.1 Overall Objective ..... 4
  - 3.2 Site Context ..... 4
  - 3.3 Site Location ..... 4
  - 3.4 Description of Development Permitted ..... 4
  - 3.5 Justification for Creating the LDO..... 4
  - 3.6 Policy Context..... 4
  - 3.7 Environmental Context ..... 5
- 4 The Local Development Order ..... 6**
  - 4.1 LDO Site Boundary (Schedule 1) ..... 6
  - 4.2 Description of Development Permitted by the LDO (Schedule 2) ..... 6
  - 4.3 Lifetime of the LDO..... 6
  - 4.4 Monitoring of the LDO ..... 6
  - 4.5 Limitations ..... 7
  - 4.6 Other Consents ..... 7
  - 4.7 Agreements/Contributions ..... 7
  - 4.8 Consultation and Engagement ..... 7
  - 4.9 Prior Information and Requirements (Schedule 3) ..... 7
  - 4.10 Conditions (Schedule 4) ..... 8
- 5 LDO Conformity Process..... 11**
  - 5.2 Stage 1: Pre-Submission Advice ..... 1
  - 5.3 Stages 2 and 3: Submission and Assessment ..... 1
  - 5.4 Stage 4: Development/Planning Application Required..... 1

# Schedules

- Schedule 1 LDO Site Boundary**
- Schedule 2 Description of Development Permitted by the LDO**
- Schedule 3 Prior Information Requirements**

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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 Oadby.
- 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 Brooksby Square

### 2.1 Description of the Area

- 2.1.1 Brooksby Square is located at East Street Car Park and comprises a surface level car park and public toilet block.
- 2.1.2 This draft LDO covers the area indicated on the plan shown in Schedule 1.

### 2.2 Development Considerations

- 2.2.1 The Council and its partners have assembled comprehensive site information for the Brooksby Square site in order to provide developers with a detailed understanding of the site and to assist them in devising their proposals. The following highlights a number of relevant development considerations which have informed development requirements and conditions in Schedule 1 and Schedule 2.

#### Access

- 2.2.2 Access to the development site is from East Street off Harborough Road which are both public adopted highways. Site access improvements will be required as part of any new scheme.

#### Design

- 2.2.3 High quality design is fundamentally important for this key town centre site. Redevelopment of the site has the potential to improve the current negative appearance of the car park.
- 2.2.4 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

- 2.2.5 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

- 2.2.6 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.
- 2.2.7 The site is underlain by superficial deposits of the Oadby Member, which is a Till deposit of glacial origin that is typically characterised by variable lenses of sand, gravel, silt and clay. Beneath these superficial deposits, the bedrock geology consists of the Blue Lias Formation, which is characterised by interbedded limestone and mudstone/siltstone.
- 2.2.8 There are no published historical borehole records available for the site or the areas immediately surrounding the site. The nearest published historical borehole record is located approximately 330m in differing geological conditions.
- 2.2.9 The deposits underlying the site are classified by the Environment Agency as Secondary (undifferentiated) Aquifer (formerly either a 'Minor Aquifer' or a 'Non-Aquifer'). The site is not located within groundwater protection zone.

- 2.2.10 Given the anticipated ground conditions it is considered unlikely that any unusual geotechnical constraints would be present at the site. There may be remnant foundations present beneath the existing car park surface in the western parts of the site.
- 2.2.11 The existing onsite landuses represent relatively low risk of generating significant contamination. Adjacent developments are largely residential in nature and therefore are also considered to represent a relatively low risk of generating significant contamination. The notable exception to this is the former printing works located immediately to the west of the site, which could represent a potentially contaminative landuse.
- 2.2.12 As part of any future redevelopment of the site, a detailed Phase 1 Ground Conditions Assessment (desk-study) will be required.

### **Ecology**

- 2.2.13 The site has no ecological designations.

### **Replacement Parking**

- 2.2.14 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.
- 2.2.15 A financial contribution from developers towards the new parking facility will be sought in accordance with terms set out in Section 4.7.

### **Public Toilets and Parking Office**

- 2.2.16 A strategy agreed with the council for dealing with the loss of public toilet facilities and car parking office will be required before development commences on site. This will comprise a contribution towards public toilets and parking office at an alternative location within Oadby Town Centre if necessary. The design of the public toilets should be of high quality.

## 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 Brooksby Square as part of a wider initiative to facilitate regeneration schemes in Oadby.

### 3.2 Site Context

- 3.2.1 The Brooksby Square site is located in the town centre of Oadby. The site fronts onto Harbrough Road and is accessed from East Street. Town Centre shops on The Parade are linked to the site along South Street.

### 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 Brooksby Square offers a major regeneration opportunity in a prime location in Oadby.
- 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 Brooksby Square 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. In Oadby Town Centre, Spatial Objective 3 sets a target of 81 homes in the town centre, 5,213sq m convenience and comparison retail and 1,125sq m office.

#### **Town Centres Area Action Plan (Adopted September 2013)**

- 3.6.5 Policy 18 Implementation of the Oadby Town Centre Masterplan highlights the ambitions of the Borough Council to pursue the regeneration of Oadby District Centre. Policy 19 deals specifically with Brooksby Square, detailing plans for residential development and a public square.

### **3.7 Environmental Context**

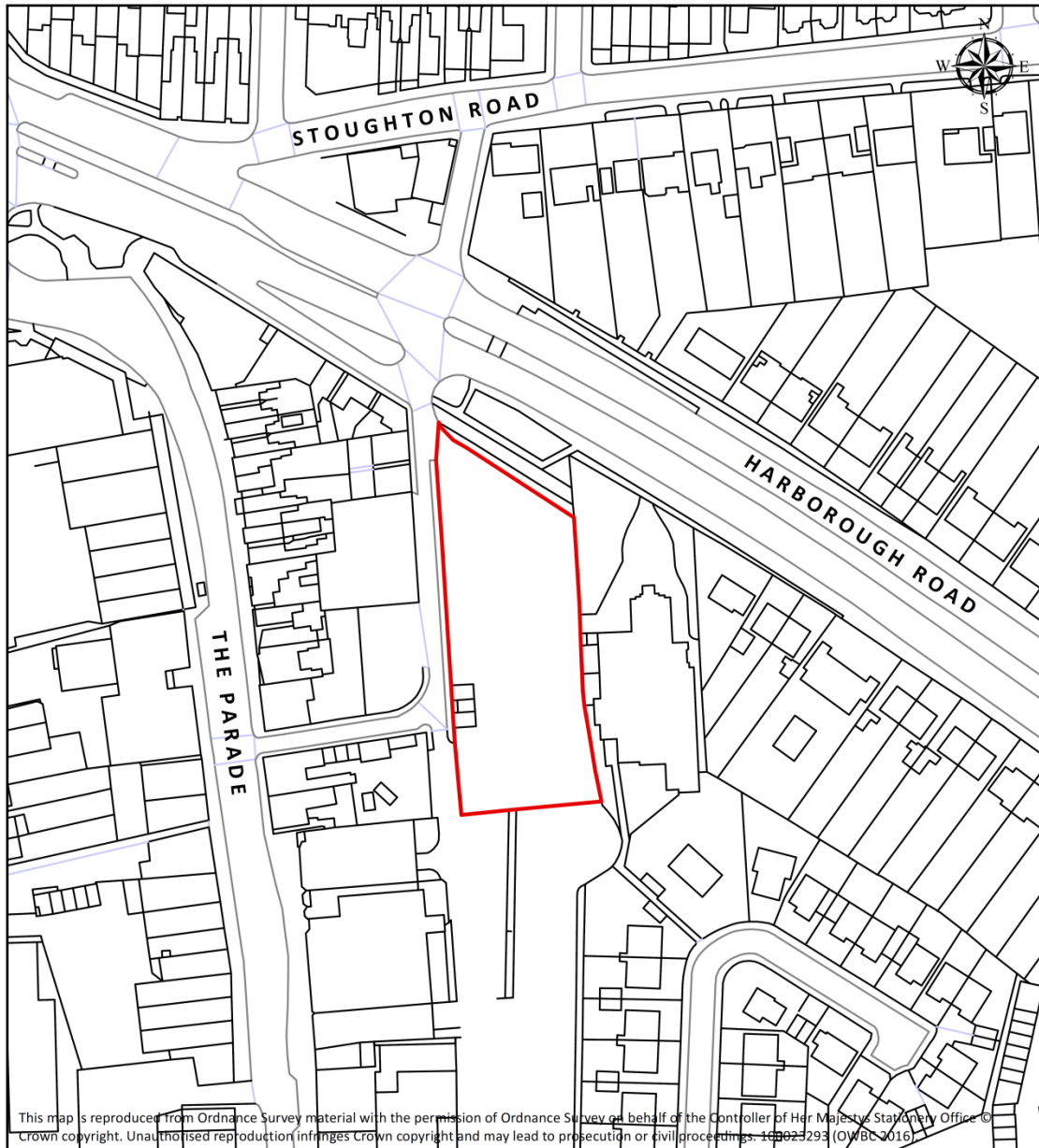
- 3.7.1 Developments which are likely to have a significant impact on the environment are required to be subject to an Environmental Impact Assessment (EIA). The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regulations) stipulate that a development constitutes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

C3 – Dwelling Houses

D1 – Non-residential Institutions. All excluded except for Clinics and Health Centres.

### **At first, second, third, fourth upper floor levels:**

C3 – Dwelling Houses

D1 – Non-residential Institutions. All excluded except for Clinics and Health Centres.

## 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 off-site infrastructure.

### Identified Planning Obligations Infrastructure Funding

- Foul sewerage and draining improvement
- Movement and access to the highway network (on site)
- Replacement car parking provision for development at East Street Public Car Park
- Replacement public toilet facilities and parking office
- Town centre public realm improvements

## 4.8 Consultation and Engagement

- 4.8.1 The LDO for Brooksby Square 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"><li>- A site plan with the site outlined in red and showing the proposed development layout in detail</li><li>- Sufficient plans and elevations to determine the size and appearance of the development</li><li>- Details of external materials and finishes</li><li>- 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.</li><li>- An LDO Submission Form will be required for a section of the LDO area where development proposals form only part of the</li></ul>	<p>To ensure that the proposed development complies with this Order and the accompanying LDO Design Guide.</p>

	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)

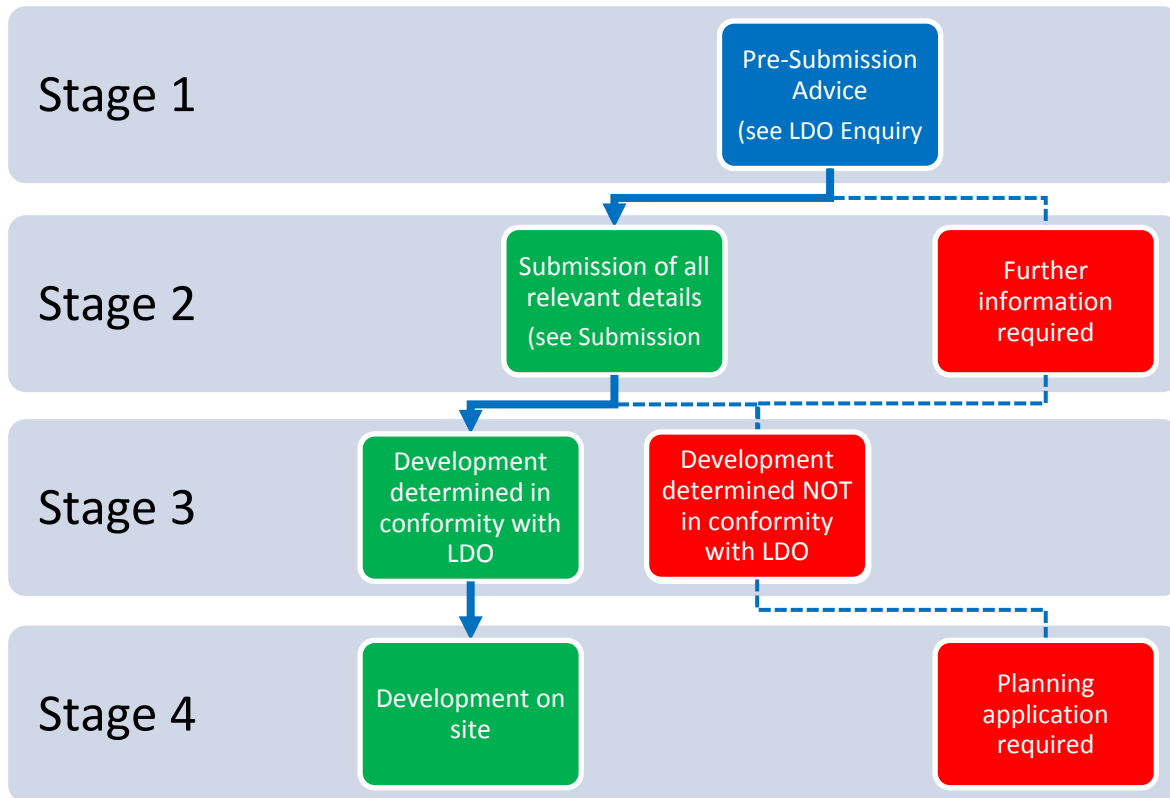
No.	Condition	Reason
1.	<p><b>Compliance with the LDO</b></p> <p>The development permitted by this Order shall not be carried out other than in complete accordance with the criteria and conditions set out within this LDO, with the exception of material amendments submitted to and approved in writing 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><b>Building Heights and Scale</b></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 LDO Design Guide.</p>	In the interest of the satisfactory appearance of the development.
3.	<p><b>Design and Access</b></p> <p>Development proposals must be accompanied by a Design and Access Statement.</p>	To explain the design principles and concepts which have been applied to the development scheme and to ensure accessibility of the site.
4.	<p><b>Transport</b></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 2.2.14) is required. In addition a Car Park Management Plan</p>	In the interests of highway safety and to ensure appropriate arrangements are in place to provide a sufficient number of car parking spaces.

	will be required to demonstrate how the parking elements of the development will be managed at the site.	
5.	<p><b>Drainage</b></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><b>Ground Conditions</b></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 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>	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.
7.	<p><b>External Lighting</b></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</p>	In the interest of amenity.

	approved scheme shall be implemented in full prior to first occupation of the development concerned.	
8.	<p><b>Affordable Housing</b></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 30% of the new homes hereby permitted shall be delivered as “affordable housing” in accordance with the most up to date Local Plan.</p>	To ensure full compliance with the Council’s corporate and housing policies.

## 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 of require 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 t to the LPA at least 14 days prior to commencement and is required for monitoring purposes.