



PRCC.54 14/15

Propserous Communities  
Committee

24 March 2015

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**Subject: Local Development Order Funding**

Report by:

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Purpose / Summary:

To brief members on the Local Development Order work currently being undertaken by the Council

**RECOMMENDATION(S):** That members note the award of £80,000 to fund the development of the LDO, the work planned in order to put the LDO in place, including a public consultation exercise in spring 2015.

## IMPLICATIONS

**Legal: 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 if necessary and there could also be a requirement through the conditions for a Section 106 agreement if developer contributions are necessary.**

**West Lindsey has powers under Section 61 of the Town and Country planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) to develop Local Development Orders within the district.**

**The length of the order will be considered as part of the work as they can have a specific date or can run indefinitely. An 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 by the Councils planning committee under normal procedures.**

**Although unlikely the Council do have powers to revoke an LDO although there may be costs associated with this process.**

**Financial : £80,000 has been received from the Department for Communities and Local Government to fund the development of a Local Development Order (LDO) which will cover staffing, master planning and survey costs. No other costs are expected for the work. The grant is non-ringfenced and as such can be carried forward into 2015/16.**

**Once an LDO is in place any development permitted by the order will not require the submission of a planning application. This is one of the key benefits of an LDO as it provides certainty on complex sites but does mean that a planning application fee will not be received by the Council (it should be noted that the Council will not incur the cost of processing the application).**

**Staffing : The order will be delivered by a multi-disciplinary team compromised of internal and external support. All will be funded by the DCLG funding.**

**Equality and Diversity including Human Rights : this will be considered as part of development of the order**

Risk	Mitigation

Stakeholder views on key issues such as the location of the site within the floodplain and the building with heritage value on the site.	Early engagement with stakeholders and setting up a group where issues can be shared and discussed and these stakeholders can input into the masterplan.
The site is in several different ownerships	The council has already engaged with the landowners and will work with them to deliver the LDO. All of the site is either in council ownership or is available for sale.
Lack of local support	The council's localism and housing teams are currently working in the ward and early engagement will be undertaken with the town council. Wider engagement events and advertisement of the work will also be undertaken.
Non-designated heritage asset on site	Early engagement with the local community and English heritage to discuss the future for the building and its relation to delivery of the wider development. Viability will be a key consideration in this discussion.
Abnormal costs and remediation	Background work will be undertaken to assess the survey work required and what will be carried out as part of the LDO process.
Staffing and officer time required to deliver a LDO on a large site	This bid includes a request for funding for a dedicated post were an officer can commit their time to working on and delivering the LDO without other pressures.
Loss of income and cost to the council	The council have to consider the loss of future planning income and the cost of developing the LDO. The funds sought to deliver the LDO will mitigate against increased costs while the loss of planning fee is offset by the positive impact of development which the LDO would have.

<b>Title and Location of any Background Papers used in the preparation of this report:</b>
n/a

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

*i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)*

Yes

No

**Key Decision:**

*A matter which affects two or more wards, or has significant financial implications*

Yes

No

## **Background**

- 1.1 In October 2014 The Department for Communities and Local Government sought bids from local authorities to bid for funding to develop Local Development Order on brownfield sites. A Local Development Order (LDO) essentially sets out types of development which are suitable on a site and which can be undertaken without the need for a planning application to be submitted.
- 1.2 The government has identified LDO's as a key tool for bringing brownfield land back into use and encouraging the building of new houses. A consultation was launched in February 2015 which proposes penalties for Councils which do not have orders in place on a certain percentage of brownfield sites without planning permission by 2017 (50%) and 2020 (90%). Councils which do not meet these targets could face being designated as 'under-performing' which would allow developers to apply directly to the Communities Secretary.
- 1.2 Developing an order requires similar work to a planning application but this work is undertaken upfront so that a developer has more certainty. This is especially important for brownfield sites as they often have numerous risks and costs that can make development more problematic. Orders are recognised by the development industry as a way of increasing certainty, reducing costs and promoting sites for future development. This may be short medium or long term opportunities and an LDO can either have an end date or be left open indefinitely.
- 1.3 A review of potential sites was undertaken and the land at Lea Road/Carr Lane was identified as being suitable for an order. Bidding was for up to £50,000 but it was felt that a figure of £80,000 would be more suitable due to the complex nature of the site and the need to undertake testing to understand abnormal or remediation costs. The Council was successful with this bid and the monies were received in December 2014.
- 1.4 Although the order is related to development of a site it is more comparable to a development plan document which would be seen in the Local Plan. Until recently orders required formal development plan documents and therefore it is considered that the order should be considered by the Councils Prosperous Communities Committee which is responsible for planning and development documents.

## **The Site**

2. The site at Lea Road/Carr Lane was chosen for LDO funding as it is a large complex site where there are risks which would be off-putting to potential developers. Through the development of an LDO many of these risks can be addressed or quantified which will provide the certainty that developers require.

- 2.1 In total the site is approximately 14 acres which is broken down as:
- 10 acres owned by a private individual
  - 0.7 acres owned by WLDC
  - 4 acres owned by Associated British Foods

Both sites not in the Councils ownership have recently been marketed and there is a willingness from the owners to either dispose of them or identify a future development solution. The exact area of the order is not yet set and will be identified as part of the masterplanning work.

- 2.2 The site includes the former PowerStation for Marshall's which is now derelict, the former Lea Road School and a large area of brownfield land which was previously a mix of malting's, factory and rail yard. There is a watercourse culveted under the site and previous demolition means there is most likely remediation required across the site.
- 2.3 The exact boundary of the LDO has not been set and is unlikely to be until further engagement has taken place. There is scope for shrinking the area or for increasing to include other parcels of land (if this is felt to be beneficial).

### **Lea Road School**

- 3.1 The LDO will include the former Lea Road School which is owned by West Lindsey. The building was purchased from Lincolnshire County Council in 2014 and the Councils direct intervention in the site was a key part of obtaining the LDO funding for the site. Along with the former Marshalls Power Station which lies adjacent to the north, this building is located in the town centre conservation area but is not listed. Due to previous lead thefts the building has suffered large scale water damage and is currently un-inhabitable.
- 3.2 The LDO work is specifically considering future uses for this building and discussions will be undertaken with the Local Community and English Heritage over its future. The main benefit of the LDO is that it allows the future of this building to be discussed strategically as part of the wider master-planning exercise for the site and to consider the overall benefits of retention or demolition of both buildings.

### **Potential Uses**

- 4.1 The site has previously had a mainly industrial use to it although this is mixed with a number of residential dwellings on Lea Road and the wider South West Ward which is also predominantly residential. The order will not include uses which would affect the viability of the town centre and will also take into account the planning permission for a small retail unit on the land to the south of Carr Lane.
- 4.2 The site was allocated in the previous local plan as an allocation for a water based marina, housing and leisure uses and whilst this plan is

now reasonably old it is felt that these principles are a reasonable starting point for the master planning work.

## **Delivery Team**

- 5.1 The order will be delivered by a multi-disciplinary team of internal and external officers.

Strategic oversight and guidance – Nick Ethelstone  
Project Support and delivery – Andrew Green  
Accountant – Jonathan Tod  
Development Management Support – TBC  
Estates support – Bruton Knowles (James Bailey/Partner)  
Architect/ master planning – RDH based in Nottingham  
Survey work – tbc (cost tbc)  
Service input – Housing, Growth, Assets, Localism

Up to £35,000 of the funding was earmarked for staffing the LDO work if required which provides a suitable cushion to purchase external support if required. £15,000 was earmarked for master planning with the rest for miscellaneous and survey work.

## **Next Steps**

- 6.1 The following steps are required in developing the order:
- Engagement with statutory bodies Inc. (January – April)
    - Environment Agency
    - LCC highways
    - Drainage board
    - English Heritage
    - WLDC conservation
    - WLDC environmental Protection
    - LCC education
    - Infrastructure providers
  - Engagement with members (March – April)
  - Engagement with the local community/ town council (march – May)
  - Engagement with landowners (on-going)
  - Master planning Inc.(on-going)
    - Assessment of the opportunities and constraints
    - Assessment of responses to engagement
    - Assessment of planning policy
    - Development of a master plan
  - Consultation (April/May)
  - Review of the consultation responses and further engagement with statutory bodies (May/June)
  - Development of draft conditions (May/June)
  - Finalisation of the order (Summer)
  - Adoption by Prosperous Communities committee (Summer)

- 6.2 This work has already begun through meetings with key bodies through February and March. A workshop is scheduled to be held with members on April 20<sup>th</sup> (pre-arranged Council meeting) to provide the opportunity for comments or ideas prior to a public consultation being undertaken in April/May.
- 6.3 Bruton Knowles the Councils estates adviser will provide advice relating to development viability and land issues whilst an architect will undertake master planning work to arrive at a concept designs which can under pin the order. Internally consultation is being undertaken with departments as a standard planning application would be approached.