



AGENDA ITEM: 5(j)

**PLANNING COMMITTEE:
10 March 2016**

**CABINET:
15 March 2016**

Report of: Director of Development and Regeneration

Relevant Portfolio Holder: Councillor J Hodson

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**SUBJECT: APPROVAL TO ADOPT LOCAL DEVELOPMENT ORDERS FOR SITES
AT FINDON, FORMER DIGMOOR SPORTS CENTRE AND DELF
CLOUGH, SKELMERSDALE**

Wards affected: Birch Green, Tanhouse and Digmoor

1.0 PURPOSE OF THE REPORT

1.1 To seek Cabinet's approval to adopt Local Development Orders associated with the sites at Findon, the former Digmoor Sports Centre Site and Delf Clough in Skelmersdale as attached at Appendix A-C to this report.

2.0 RECOMMENDATIONS TO PLANNING COMMITTEE

2.1 That the content of this report, the Draft Local Development Order Consultation Feedback Report set out in Appendix I and the Local Development Orders as attached at Appendix A-C to this report be considered, and that agreed comments be referred to Cabinet for consideration.

3.0 RECOMMENDATIONS TO CABINET

3.1 That the Local Development Orders and associated documents at Appendix A-G be approved having regard to the contents of the Draft Local Development Order Consultation Feedback Report set out in Appendix I and the agreed comments of Planning Committee regarding the Local Development Orders, as per the minutes of Planning Committee provided at Appendix L.

- 3.2 That call in is not appropriate for this item as this matter is one where urgent action is required in order that the Local Development Orders can be adopted by 31st March 2016, in line with the requirements of the CLG funding received to support preparation of the Local Development Orders.
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4.0 BACKGROUND

- 4.1 In January 2015, DCLG issued consultation proposals on “Building More Homes on Brownfield Land”. Within the proposals set out in this paper, DCLG would require that local planning authorities prepare Local Development Orders (LDOs) for all brownfield land within their boundaries that is considered “suitable for housing”, with the consultation proposals setting out some parameters for how “suitable” might be defined in this instance.
- 4.2 An LDO is a mechanism by which a local planning authority can grant permitted development rights for a specified use or development proposal on a defined site. They typically set out the type of development permitted subject to a series of planning conditions, and so, instead of submitting a planning application for the specified development proposal on that site, an applicant simply submits their proposals to the local planning authority for a conformity check (which must be completed within 28 days) to ensure that the proposals are in line with the LDO before development commences.
- 4.3 While the Council submitted a response to this DCLG consultation expressing some concerns about the proposals, including the requirement to prepare an LDO on all brownfield sites that are suitable for housing, it is recognised that an LDO can be a useful tool in the right circumstances.
- 4.4 The West Lancashire Local Plan seeks the delivery of at least 500 new dwellings within the Skelmersdale Town Centre Strategic Development Site and at least 2,100 overall in Skelmersdale with Up Holland. In order to deliver some of this housing, the Council and HCA would like to see three sites which are part of the Town Centre Development Agreement with St Modwen to be brought forward for housing development:
- Findon – a HCA-owned brownfield site within the town centre strategic development site
 - Delf Clough – a HCA-owned greenfield site within the town centre strategic development site
 - Former Digmaor Sports Centre – a Council-owned brownfield site outside the town centre strategic development site
- 4.5 As such, in light of DCLG’s consultation on building more homes on brownfield land, it was considered that the Findon and former Digmaor Sports Centre sites may benefit from LDOs, as these would provide a developer with more certainty when considering the purchase of the site and a greater degree of flexibility than a planning application / permission, thus potentially tipping the balance in a developer’s consideration of whether to take on the site and develop it. In

addition, it would enable the Council to pre-emptively meet CLG's proposals for dealing with brownfield sites that are suitable for housing on two of the largest such sites in the Borough.

- 4.6 Alongside their consultation, DCLG invited bids from local planning authorities for grants to support the preparation of LDOs on "large" brownfield sites (those with a capacity of greater than 100 dwellings). The Council submitted a bid for a grant to enable Ground Investigations on the Findon and Digmaor Sports Centre sites to inform the preparation of LDOs covering these two sites (which, together, potentially total more than 200 homes). The Council were notified on 26 March that it had been successful in its bid and received confirmation of the award of a £50,000 grant on 24 April. Given that the grant could only apply to delivering LDOs on brownfield sites, Delf Clough was not included in the grant application.
- 4.7 Following this successful bid, the Council moved forward to preparing the LDOs and also decided to prepare an LDO in partnership with the HCA for the Delf Clough site (although the grant funding has not been spent on this site, given that it is greenfield, it has been funded by the HCA). The Council and HCA appointed consultants Campbell Reith to undertake a desktop Ground Investigation Study on all three sites and an Accessibility Study for the Delf Clough site. The findings of these studies have influenced the Design Code and Local Development Orders. Further intrusive site investigations of the sites have also been commissioned, to gain a greater understanding of the Ground Conditions for the purposes of providing greater certainty to prospective buyers of the sites, but these will not affect the LDOs.
- 4.8 Alongside, and informing, the preparation of the LDOs, the Council are required to prepare Scoping Reports on Strategic Environmental Assessment / Sustainability Appraisal (SEA/SA) and Habitats Regulations Assessment (HRA), as well as Screening Reports for Environmental Impact Assessment (EIA). All of these have been prepared and submitted to the relevant statutory consultee / the Council's Development Management Team, and the feedback on all is that no further work is required on these assessments.
- 4.9 During the process of drafting the LDO's, the views of key stakeholders were sought on the scope of the LDOs, what type of residential development would be appropriate (type, size, density, etc.), the design code and what matters should be addressed by the conditions attached to the LDO's. The key stakeholders were supportive of the proposals and a summary of the received responses can be found in Appendix H, as attached to this report.
- 4.10 Following the decision of Cabinet in November, to seek public comments on the draft LDO's, a public consultation exercise was undertaken from the 19th November 2015 to 4th January 2016. This included a press release, site notices, writing to all adjacent land owners of the sites and a mail shot via mailchimp informing everyone on the consultation database held by the Strategic Planning and Implementation Team. 14 responses were received to the consultation and the feedback reported has been considered in moving the Local Development Orders forward to this next stage. These representations and the Councils comments can be found in Appendix I.

- 4.11 As a result of the consultation, the only significant change to the Local Development Orders considered necessary was the introduction of an informative standing advice note from the Coal Authority.
- 4.12 Due to Section 106 conditions not being permitted with a Local Development Order, the Council have removed the Legal Agreement note from each of the LDOs stating that legal agreements would be required for affordable housing, maintenance of on-site public open space and sustainable drainage systems. In its place, an additional condition has been introduced to the former Dignumoor Sports Centre LDO in order to address the delivery of affordable housing on the site in accordance with Policy RS2 of the West Lancashire Local Plan. A similar condition has not been included in the Delf Clough and Findon LDOs as they are less attractive to the open market due to having greater viability issues. Condition 4 of all three LDOs has been amended to incorporate reference to the maintenance of on-site public open space and the implementation of sustainable drainage systems on the site.

5.0 LOCAL DEVELOPMENT ORDERS

- 5.1 The Local Development Orders set out a high level framework to ensure the most appropriate type of development comes forward. They establish the expectations for the development of the site including what will be delivered, density of development and place making principles. An account of each of the sites' constraints is included to ensure that all applicants are aware of the site context. The Design Code (see Appendix G), which is referenced in the conditions on each LDO, details a series of place-making principles which will act as criteria to assist applicants in preparing proposals for the site and the Council and statutory consultees in assessing these proposals to ensure that they conform to the LDOs.
- 5.2 The "Place-Making Principles" form the heart of the Design Code and are set out under the headings Key Lessons in Housing Developments, Sustainability, Public Realm, SUDs and Landscape. Within each of these high level principles lie detailed criteria to address all aspects of the site's delivery.
- 5.3 "Key Lessons in Housing Developments" provides a useful starting point to the development of the sites requiring that any applications for development consider the existing character of the area, and securing good design when working up the sites layouts. This will help to provide a balance between the new development and existing surrounding development.
- 5.4 This section of the Design Code includes the following criteria based requirements:
1. The character of a place or group of buildings
 2. The spaces and gaps between buildings and in particular the enclosure of space
 3. The quality of the public space, street scene and public realm
 4. The ease of movement of people and vehicles

5. The distinctive identity and legibility of a place and the ease in which people can find their way around
 6. The adaptability of an area to respond to change
 7. The diversity of uses
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- 5.5 Sustainability – The housing on the LDO sites will emerge from a place-making process that has environmental sustainability at its core. This means designing and constructing buildings in a way that minimises and off-sets the consumption of non-renewable resources and taking every opportunity to limit impacts on the environment.
 - 5.6 Public Realm – Delivering energy efficiency must extend to the design of public realm, for example by powering outdoor lighting through renewable or sustainable energy sources, and using open spaces as an opportunity to establish ground source heat pumps where feasible.
 - 5.7 SUDs – The importance of this issue means that the Council will require a comprehensive drainage scheme to serve the entire site. The LDO sites must deal with land drainage from the site itself as well as surface water drainage from the new development and, where necessary, surface water drainage to be extracted from the existing network in order to assist with the management of water flows through the wider network.
 - 5.8 Landscape – The Tawd Valley and associated Cloughs are an essential design factor, influencing design concepts at a wider and detailed level. The design of buildings and spaces must embrace soft landscape elements including the creation of incidental and formal green spaces.
 - 5.9 A further factor is the street hierarchy, which will provide the foundation for movement and communication for pedestrians, cyclists, cars, service vehicles and public transport, as well as providing spaces for car parking in line with policy IF2 of the West Lancashire Local Plan.
 - 5.10 In order to meet local housing needs and deliver a range of suitable accommodation, the Design Code also sets out the Technical space standards for different tenures of dwellings. This is further extended to how boundary treatments will be delivered on the sites.
 - 5.11 Finally, the Design Code also establishes the density of development that is expected on the sites. The Council expect to see slightly higher densities on these sites, consistent with policy RS1 of the Local Plan, given the sustainable location that these sites occupy within Skelmersdale.
 - 5.12 Although all of the sites are covered by one Design Code, each of the Local Development Order Sites are assessed for their constraints and opportunities. Therefore, it is important to ensure that, with one overarching Design Pallet, each site is developed with characteristics that match that specific site and the surrounding area.
 - 5.13 The Local Development Orders themselves contain a number of conditions relevant to that LDO site. The conditions are set out as they are within a normal

planning application, either being informative, pre commencement, pre occupation or post occupation, all of which will require discharging in line with the specifics of the condition.

- 5.14 A Statement of Reasons (see Appendix D-F) has also been prepared for each of the three LDOs. This is required by the regulations covering LDOs in order to set out the justification for preparing an LDO, and the policy basis on which it sits. During the draft Local Development Order consultation there was one standalone Statement of Reason for all three LDO sites, however in order for clarity and ease of use, each site now has its own Statement of Reason document.

6.0 NEXT STEPS

- 6.1 Should Cabinet decide to approve the Local Development Orders, the adoption will be effective immediately. Once adopted the Local Development Orders will be published on the Council's website and on the Planning Register, and the Secretary of State will be informed, as per the legislative requirements. Following the adoption of the LDOs, they will be monitored and there is an option to revoke any of the Local Development Orders should circumstances change.

7.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY

- 7.1 The approval of LDOs for the Findon, former Digmoor Sports Centre and Delf Clough sites will help deliver the Local Plan, in particular housing within the Skelmersdale Town Centre Strategic Development Site and within Skelmersdale generally, and so will help fulfil objectives within the Sustainable Community Strategy and to deliver sustainable development of two of the larger vacant brownfield sites in Skelmersdale.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 The approval of the LDOs and their accompanying documentation is resourced through the Planning Service Revenue Budget, with the DCLG Grant Funding also supplementing that budget to fund specific elements of work required for the brownfield sites. The HCA have funded equivalent specific elements of work for the greenfield Delf Clough site.
- 8.2 In relation to future resource implications, it should be noted that the LDOs remove the need for planning applications on the sites involved, and so the Council would lose the potential planning application fee income that would normally be derived from the sites involved. However, this loss of fee income must be balanced with two factors. Firstly, that the work associated with processing (major) planning applications on the sites involved would be removed. This would enable the resources in the Planning Service to be directed to other applications, and so be more efficient. Secondly, that the way the market in Skelmersdale currently lies, it may well be the case that, in the absence of an LDO, in order to attract developer interest in the sites, the Council

and the HCA may well have to secure planning permission themselves before securing a sale, thereby incurring the cost of the planning application fees anyway.

- 8.3 In addition, the loss of planning application fee income is also off-set by the economic, social and environmental benefits of bringing forward these sites for development and the additional income generated by the development of new houses on the sites involved through New Homes Bonus and Council Tax.
- 8.4 It should also be noted that the LDO sites are all within the Skelmersdale Town Centre Development Agreement Area and have been the subject of soft market testing which has garnered some interest in the sites (as has the initial consultation on the scope of the LDOs).

9.0 RISK ASSESSMENT

- 9.1 The adoption of LDOs on these important sites represents a good opportunity to enable the delivery of housing in and around Skelmersdale town centre with minimal, or no, risk to the Council.

Background Documents

SEA/SA Scoping Reports
HRA Screening Reports
EIA Screening Report and Opinion

Equality Impact Assessment

There is a direct impact on members of the public. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as Appendix K to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

Appendix A – Local Development Order Findon

Appendix B – Local Development Order Digmaor Sports Centre

Appendix C – Local Development Order Delf Clough

Appendix D – Statement of Reasons for Findon,

Appendix E – Statement of Reasons for Former Digmaor Sports Centre

Appendix F – Statement of Reasons for Delf Clough

Appendix G – Design Code

Appendix H – Summary of Comments received for the Scoping of the Local Development Orders (September 2015)

Appendix I – Draft Local Development Order Consultation Statement

Appendix J – HRA – No likely effects report following screening

Appendix K – Equality Impact Assessment

Appendix L – Minutes of Planning Committee 10 March 2016 (Cabinet only)