

should be resisted for a number of reasons, particularly because of the poor layout and poor design. There was the threat from the applicant of an appeal against the local authority. The decision was taken that the City Council should not be promoting or permitting a scheme which was of such poor design quality. This decision was relayed to the applicant who after consideration placed the application in abeyance rather than obtain a refusal. This approach reserved the applicant's right to reactivate the planning application and later to lodge an appeal.

A fresh application for full planning permission was then submitted in February 1997 by the developers and negotiations were restarted. This is known as twin tracking an application. It is a device often used by applicants to increase the pressure on the local authority. The applicant was also concerned about the length of time taken by the negotiation. Central Government places a great emphasis on encouraging local authorities to determine an application within eight weeks which, if the development is complicated, may lead on occasion to less than satisfactory schemes.

The scheme was developed in line with the further guidance already provided. The revised scheme included direct cycle-path links to continue already existing green routes through new residential development; internal bus stops to enable permeability and mobility for all users; land reserved for community facilities in the position easiest to reach by local residents; seven shops suggested to enclose an entrance square containing features of art which are yet to be provided by locally commissioned artists, so bringing life and vitality into the public realm. The applicant's modified scheme was supported. The car park was to be screened from the majority of residential properties by buildings which overlook the main road and provide natural surveillance. Links were provided to the District Centre via a pedestrian and cyclist bridge, together with footpaths related to pedestrian desire lines to promote ease of access. A doctor's surgery, petrol

filling station and public house were also indicated on the plan. A concession was made to the applicant by permitting the inclusion of a non-food retail store. This was, however, in keeping with the Central Leicestershire Retail Strategy which had been adopted in February 1997. Even with the non-food retail store the total amount of retail floor-space did not exceed the agreed 10 200 m<sup>2</sup>.

Over fifty planning conditions were attached to the document giving planning consent to ensure satisfactory development. Two negatively worded, or Grampian type, conditions were utilized to enable the development to obtain planning permission but also to ensure that the necessary road infrastructure was in place before the development was started. These conditions prevented the District Centre from being started until contracts for a link road had been agreed and signed, so preventing the main food store from opening until such time as the link road was open to traffic. This device enabled the conclusion of protracted negotiations between landowners in the area over the funding of this road.

This was the first stage of development and a robust approach will need to be taken to withstand amendments to the scheme as it proceeds through the process of construction. The applicant has obtained the main objective which was securing development, the community is set to achieve some benefits and the funding of the link road has been concluded. The next stage in the development process will no doubt include a process of trimming costs.

## **CONCLUSIONS**

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There is a strong requirement for establishing development frameworks and site development guidance. A framework should encourage variety and be capable of accommodating a range of development interests. The intention of guidance is to encourage and guide development, not to stifle the creativity