



#### TO COUNCILLOR:

E R Barr  
L A Bentley  
Miss A R Bond  
G A Boulter  
J W Boyce  
Mrs L M Broadley  
F S Broadley  
D M Carter (Mayor)  
Mrs K M Chalk

Miss M V Chamberlain  
M H Charlesworth  
M L Darr  
B Dave  
R F Eaton  
Mrs L Eaton JP (Deputy Mayor)  
R E Fahey  
D A Gamble  
Mrs S Z Haq

J Kaufman  
Mrs L Kaufman  
Dr T K Khong  
Mrs H E Loydall  
K J Loydall JP  
Mrs S B Morris  
R E R Morris  
R H Thakor

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **FULL COUNCIL** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **TUESDAY, 2 OCTOBER 2018** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices  
Wigston  
**24 September 2018**

**Mrs Anne E Court**  
Chief Executive

#### ITEM NO.

#### AGENDA

#### PAGE NO'S

#### 1. Calling to Order of the Meeting

The meeting of the Council will be called to order to receive His Worship The Mayor and Deputy Mayor.

#### 2. Apologies for Absence

#### 3. Declarations of Interest

Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.

#### 4. Reading, Confirmation and Signing of Minutes

**1 - 8**

To read, confirm and sign the Minutes of the previous meeting of the Council held on Tuesday, 31 July 2018 in accordance with Rule 17 of Part 4 of the Constitution.



INVESTORS  
IN PEOPLE

Accredited  
Until 2019

**Customer Service Centre:** 40 Bell Street, Wigston, Leicestershire LE18 1AD  
**Council Offices:** Station Road, Wigston, Leicestershire LE18 2DR  
**Tel:** (0116) 288 8961 **Fax:** (0116) 288 7828



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Oadby\_Wigston

## **5. Action List**

There was no Action List arising from the previous meeting of the Council held on Tuesday, 31 July 2018.

## **6. Motions on Notice**

To consider any Motions on Notice in accordance with Rule 12 of Part 4 of the Constitution.

## **7. Petitions, Deputations and Questions**

To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part 4 of the Constitution and to answer any Questions by the Public or Members in accordance with Rules 10 and 11 of Part 4 of the Constitution respectively.

### **a) Petition Against Pinnacle Cleaners**

**9 - 11**

"We, the undersigned, are concerned citizens who urge our Oadby and Wigston (Borough) Council to act now." (39 signatories)

A copy of the petition will be available to inspect at the meeting and can also be viewed on the Council's website by clicking [here](#).

## **8. Mayor's Announcements**

### **a) List of Official Mayoral/Deputy Mayoral Engagements**

**12 - 14**

## **9. Leader's Statement**

## **10. Lightbulb Project & Disabled Facilities Grants Update (Presentation)**

Presentation to be delivered by Blaby District Council

## **11. Finding of Maladministration by the Local Government and Social Care Ombudsman**

**15 - 20**

Report of the Head of Law & Governance / Monitoring Officer

## **12. Review of the Council's Constitution Update (October 2018)**

**21 - 24**

Report of the Democratic & Electoral Services Manager

## **13. Revised Local Development Scheme**

**25 - 44**

Report of the Planning Policy Team Leader

## **14. Revised Statement of Community Involvement**

**45 - 82**

Report of the Planning Policy Team Leader

## **15. Draft Developer Contributions Supplementary Planning Document**

**83 - 130**

Report of the Planning Policy Officer

## **16. Draft Residential Development Supplementary Planning Document**

**131 - 161**

Report of the Planning Policy Team Leader

## **17. Draft Conservation Areas Supplementary Planning Document**

**162 - 228**

Report of the Planning Policy Team Leader

**For more information, please contact:**

**Democratic Services**

Oadby and Wigston Borough Council  
Council Offices  
Station Road, Wigston  
Leicestershire  
LE18 2DR

**t:** (0116) 257 2775

**e:** [democratic.services@oadby-wigston.gov.uk](mailto:democratic.services@oadby-wigston.gov.uk)

**MINUTES OF THE MEETING OF THE FULL COUNCIL HELD AT THE COUNCIL OFFICES,  
STATION ROAD, WIGSTON ON TUESDAY, 31 JULY 2018 COMMENCING AT 7.00 PM**

**PRESENT**

Councillor David M Carter (Mayor)  
Councillor Mrs Lynda Eaton JP (Deputy Mayor)

**COUNCILLORS**

L A Bentley  
Miss A R Bond (Deputy Opposition Group Leader)  
G A Boulter  
J W Boyce (Leader of the Council)  
Mrs L M Broadley  
F S Broadley  
M H Charlesworth (Deputy Leader of the Council)  
M L Darr  
B Dave (Leader of the Opposition)  
R F Eaton  
D A Gamble  
Mrs S Z Haq  
J Kaufman  
Mrs L Kaufman  
Dr T K Khong (Opposition Group Leader)  
Mrs H E Loydall  
K J Loydall JP  
Mrs S B Morris  
R E R Morris

**OFFICERS IN ATTENDANCE**

Mrs A E Court (Interim Chief Executive)  
D M Gill (Head of Law & Governance / Monitoring Officer)  
S Hinds (Director of Finance & Transformation / Section 151 Officer)  
J Sweeney (Democratic & Electoral Services Officer)  
S Tucker (Democratic & Electoral Services Manager)

**18. CALLING TO ORDER OF THE MEETING**

The meeting of the Council was called to order to receive His Worship The Mayor and Deputy Mayor.

The meeting was led in prayer by the Reverend to the Mayor.

**19. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillors E R Barr, Mrs K M Chalk, Miss M V Chamberlain, R E Fahey and R H Thakor.

**20. DECLARATIONS OF INTEREST**

Councillors D M Carter and Mrs S Z Haq declared a non-pecuniary interest in Item 12, insofar as they serve as current Nominative Trustees of Oadby Village Hall Trust.

The Leader of the Council declared a pecuniary interest in Item 15, insofar as he was the



proposed recipient of the final payment recommended by the Independent Remuneration Panel.

The Interim Chief Executive declared a pecuniary interest in Item 16, insofar as the report recommended her appointment as Chief Executive with immediate effect.

**21. READING, CONFIRMATION AND SIGNING OF MINUTES**

**21a. MINUTES OF THE MEETING OF THE FULL COUNCIL HELD ON TUESDAY, 24 APRIL 2018**

By affirmation of the meeting, it was:

**UNANIMOUSLY RESOLVED THAT:**

**The minutes of the meeting of the Council held on Tuesday, 24 April 2018 to be taken as read, confirmed and signed.**

**21b. MINUTES OF THE ANNUAL GENERAL MEETING OF THE FULL COUNCIL HELD ON TUESDAY, 15 MAY 2018**

By affirmation of the meeting, it was:

**UNANIMOUSLY RESOLVED THAT:**

**The minutes of the meeting of the Council held on Tuesday, 15 May 2018 to be taken as read, confirmed and signed.**

**21c. MINUTES OF THE MEETING OF THE FULL COUNCIL (EXTRAORDINARY) HELD ON TUESDAY, 22 MAY 2018**

By affirmation of the meeting, it was:

**UNANIMOUSLY RESOLVED THAT:**

**The minutes of the meeting of the Council held on Tuesday, 22 May 2018 to be taken as read, confirmed and signed.**

**22. ACTION LIST**

By affirmation of the meeting, it was:

**UNANIMOUSLY RESOLVED THAT:**

**The Action List arising from the meeting of the Council held on Tuesday, 24 April 2018 be noted by Members.**

**23. MOTIONS ON NOTICE**

None.

**24. PETITIONS, DEPUTATIONS AND QUESTIONS**

The Council received notification that a petition had been received requesting the installation of public toilets in Uplands Park, Oadby. A copy of the petition was available at

the meeting for Members to view.

By affirmation of the meeting, it was:

**UNANIMOUSLY RESOLVED THAT:**

**The receipt of the petition be noted by Members and the item be referred to the next available meeting of the Service Delivery Committee on Tuesday, 11 September 2018.**

**25. MAYOR'S ANNOUNCEMENTS**

**25a. LIST OF OFFICIAL MAYORAL/DEPUTY MAYORAL ENGAGEMENTS**

By affirmation of the meeting, it was:

**UNANIMOUSLY RESOLVED THAT:**

**The list of Official Engagements attended by The Mayor and/or Deputy Mayor be noted by Members.**

**26. LEADER'S STATEMENT**

The Leader of the Council presented a Statement outlining his recent work, the administration's plans and an overview of recent decisions taken since the previous meeting of the Council.

A short discussion was held regarding the recent proposal announced by the Leader of Leicestershire County Council to create a new unitary authority to replace the County Council and the seven District/Borough Councils in Leicestershire. The Leaders of each of the District/Borough Councils had subsequently issued a collective statement in response to the proposal, which stated that they had a number of reservations about the proposed model, although recognising that it may be premature to rule it out at this stage. A number of Members expressed disappointment regarding the way in which the proposal had been communicated, and stressed the need for the Borough Council and its residents to have a strong voice during the discussions to follow.

**27. 5-MEMBER WORKING GROUP REPORT ON WASTE COLLECTION OPTIONS**

The Council gave consideration to the report as set out on pages 19-30 of the agenda, which asked it to approve the retention of weekly refuse and recycling collections, and to approve the introduction of wheeled bins for general waste collections from 01 June 2019.

The report was widely welcomed by Members as informative, evidence-based and clear in its recommendations. Delight was expressed that the administration had delivered on its commitment to protect weekly waste collections for residents in spite of the various pressures facing the authority, particularly in light of the consultation responses which had shown overwhelming support for the continuation of this service.

A Member explained that he personally would have preferred a go-live date of 01 April 2019 as opposed to 01 June 2019, as the clear benefits of the new scheme made it desirable in his view to roll the programme out as early as possible. The Member did however acknowledge the time pressures and potential risks that this would involve. Other Members however stressed that 01 June represented a more sensible approach, as this would allow recent changes to garden waste and recycling collections to bed in and

lessons from those schemes to be evaluated, ensuring that when the scheme did launch the transition would be as smooth as possible.

It was requested that Members be kept fully informed of the progress of the scheme during all stages of the lead-in period towards implementation in June 2019. The Director of Finance and Transformation confirmed that the Service Delivery Committee would retain oversight of the project and be kept updated on a regular basis.

Members asked that their thanks to the project team responsible for the successful transition to wheeled bins for recycling be passed on, as well as their appreciation to the refuse staff for maintaining normal service levels during the recent hot weather.

It was moved by the Leader of the Council, seconded by Councillor L A Bentley, and

**UNANIMOUSLY RESOLVED THAT:**

- (i) Weekly refuse and recycling collections be maintained;**
- (ii) A planned introduction of wheeled bins for general waste be approved; and**
- (iii) An implementation date of 01 June 2019 be approved.**

**28. INTERIM REVIEW OF POLLING DISTRICTS AND POLLING PLACES**

The Council gave consideration to the report as set out on pages 31-49 of the agenda, which asked it to approve the revised polling districts and polling place arrangements as proposed by the (Acting) Returning Officer and as set out at Appendix 3.

A Member spoke in support of the proposed change of polling place in Wigston Meadowcourt Ward from the Girl Guide Clubroom to South Leicester Rugby Club. It was argued that this change was long overdue as the Clubroom offered inadequate facilities for staff and voters and unsuitable parking provision. The Rugby Club meanwhile offered superior facilities and was located conveniently for the ongoing housing development taking place in the area. It was stressed that electors affected by the change would need to be given information regarding the new arrangements and appropriate signage would need to be in place on polling day to avoid any confusion.

A Member also asked whether the redevelopment of Horsewell Lane Pavilion was expected to have any impact on polling arrangements for electors in polling district M (All Saints Ward) during the elections scheduled for May 2019. It was confirmed that any impact of the renovation works was expected to be minimal, as the old Pavilion would remain fully operational until such time as the new facility became available for use.

It was moved by the Deputy Leader of the Council, seconded by Councillor L A Bentley and

**UNANIMOUSLY RESOLVED THAT:**

**The revised polling districts and polling place arrangements be approved.**

**29. APPOINTMENT OF NOMINATIVE TRUSTEE TO OADBY VILLAGE HALL TRUST**

Having declared a non-pecuniary interest in the item, Councillors D M Carter and Mrs S Z Haq left the Chamber and took no part in the debate on the item of business and voting thereon.

The Council gave consideration to the report as set out on pages 50-52 of the agenda,

which asked it to approve the re-appointment of Councillor David M Carter as a Nominative Trustee of Oadby Village Hall Trust.

It was moved by the Leader of the Council, seconded by the Deputy Leader of the Council and

**UNANIMOUSLY RESOLVED THAT:**

**The re-appointment of Councillor David M Carter as a Nominative Trustee of Oadby Village Hall Trust for a term of four years with effect from 31 July 2018 be approved.**

**30. RE-APPOINTMENT OF SEATS TO COUNCIL BODIES (OADBY-WIGSTON INDEPENDENT)**

The Council gave consideration to the report as set out on pages 53-59 of the agenda, which asked it to approve the re-appointment of eligible seats on the Service Delivery and Licensing & Regulatory Committees as allocated to the Oadby-Wigston Independent Group.

It was moved by the Leader of the Council, seconded by Councillor K J Loydall JP and

**UNANIMOUSLY RESOLVED THAT:**

**The nominated appointments to the Service Delivery Committee and the Licensing & Regulatory Committee be approved.**

**31. BREACH OF THE CODE OF CONDUCT BY COUNCILLOR RAVENDRA H THAKOR**

The Council gave consideration to the report as set out on pages 60-62 of the agenda, which asked it to note the outcome of a Determination Sub-Committee held on 12 June 2018 at which Councillor Ravendra H Thakor was found to have breached the Code of Conduct, following which a number of sanctions had been imposed.

It was moved by the Leader of the Council, seconded by Councillor K J Loydall and

**UNANIMOUSLY RESOLVED THAT:**

**The contents of the report be noted by the Council.**

**32. RECOMMENDATIONS OF THE INDEPENDENT REMUNERATION PANEL**

Having declared a pecuniary interest, the Leader of the Council left the Chamber and took no part in the debate on the item of business and voting thereon.

Councillor J Kaufman left the Chamber.

The Council gave consideration to the report as set out on pages 63-65 of the agenda, which asked it to approve the recommendation of the Independent Remuneration Panel (IRP) that the Leader of the Council receive a final payment of £2,000 in relation to the additional time spent on Council business during the previous two years.

A Member expressed disagreement with the wording of paragraph 2.4 of the report, which stated that Members voted against the recommendation of the IRP at the Council meeting held on 05 December 2017. The Member herself had voted in support of the

recommendation at that meeting, and stated that she also supported the revised recommendation.

Several other Members stated that their full support for the IRP's current recommendation, having voted against the previous recommendation on the basis that it was not clear at that time how much longer the additional duties being undertaken by the Leader were likely to continue for. Now that the additional work had been completed, most Members were supportive of a final payment to recognise the significant additional work undertaken and to also draw a line under the matter.

It was moved by Councillor D A Gamble, seconded by Councillor K J Loydall JP and

**RESOLVED THAT:**

**An additional final payment of £2,000 be made to the Leader of the Council in relation to the additional time spent on Council business during the past two years.**

<b>Votes For</b>	17
<b>Votes Against</b>	0
<b>Abstentions</b>	2

The Leader of the Council and Councillor J Kaufman returned to the Chamber.

**33. FACING THE FUTURE**

Having declared a pecuniary interest, the Interim Chief Executive left the Chamber.

The Council gave consideration to the report as set out on pages 66-68 of the agenda, which asked it to note the proposals for producing a new Corporate Plan to be in place for 2019, and to approve the appointment of the Interim Chief Executive as Chief Executive on a fixed-term two year contract with immediate effect.

At the request of the Chair it was recommended that part of the item be debated in closed session, as in view of the nature of the business to be transacted it was likely that if members of the press or public were present during the item there would be disclosure to them of exempt information.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The press and public be excluded from the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972 (Exempt Information) during consideration of the item on the grounds that it involved the disclosure of exempt information, as defined in the respective paragraph(s) 1, 2 and 3 of Part 1 of Schedule 12A of the Act and, in all the circumstances, the public interest in maintaining the exempt item(s) outweighed the public interest in disclosing the information.**

On conclusion of the debate held in closed session, by affirmation of the meeting it was

**RESOLVED THAT:**

**To resume the meeting in open session.**

The Leader of the Council stressed that during a time of considerable uncertainty in light of issues such as Brexit and unitary authority proposals, it was crucial that the Council remained organisationally fit for purpose and equipped to deal with future challenges.

In response to a Member question regarding Brexit contingency arrangements, the Leader of the Council confirmed that this would primarily fall within the remit of the Local Resilience Forum.

Members indicated that they were prepared to note recommendation A of the report without the need for a vote.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**Members note the work and timetable to commence on a renewed Corporate Plan for 2019 and a review of the resources required to deliver the Plan.**

It was then moved by the Leader of the Council, seconded by Councillor J Kaufman and

**RESOLVED THAT:**

**The Interim Chief Executive be appointed Chief Executive on a fixed-term two year contract with immediate effect.**

<b>Votes For</b>	19
<b>Votes Against</b>	0
<b>Abstentions</b>	2

**34. HEALTH & SAFETY ISSUE (VERBAL UPDATE)**

In accordance with section 100B(4)(b) of the Local Government Act 1972, by reason of special circumstance, the Mayor was of the opinion that this item of business should be considered at this meeting as a matter of urgency to immediately brief Members on an exempt matter.

The Mayor recommended that in view of the nature of the business to be transacted it was likely that if members of the press and public were present during the following item there would be disclosure to them of exempt information.

It was moved by the Deputy Leader of the Council, seconded by Councillor Mrs S B Morris and

**UNANIMOUSLY RESOLVED THAT:**

**The press and public be excluded from the remainder of the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972 (Exempt Information) during consideration of the item(s) below on the grounds that it involved the disclosure of exempt information, as defined in the respective paragraph(s) 1, 2 and 3 of Part 1 of Schedule 12A of the Act and, in all the circumstances, the public interest in maintaining the exempt item(s) outweighed the public interest in disclosing the information.**

The Council received a verbal update as delivered and summarised by the Head of Law & Governance / Monitoring Officer in closed session.

By affirmation of the meeting it was

**UNANIMOUSLY RESOLVED THAT:**

**The contents of the verbal update be noted by Members.**

**THE MEETING CLOSED AT 8.22 PM**



\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Tuesday, 02 October 2018**

*Printed and published by Democratic Services, Oadby and Wigston Borough Council  
Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR*

# Petition

OADBY & WIGSTON  
BOROUGH COUNCIL

















17 SEP 2018

RECEIVED

Petition summary and background	Petition Against Pinacole Cleaners
Action petitioned for	We, the undersigned, are concerned citizens who urge our Oadby and Wigston Council to act now

Printed Name	Signature	Comment	Date
Valerie Wallace	V. Wallace	NOT WORTH THE MONEY DE NOT DO JOBS PROPERLY	18/04/18
Sean Boyle	[Signature]	NOT WORKING WELL FOR THEIR MONEY	18/04/18
RITCHIE HILL	[Signature]	USELESS	18/4/18
MARK HILL	[Signature]	not worth the money	18/4/18
LISA DICK	[Signature]	They do NOTHING	
Kim Weston	[Signature]	Can't remember existing Biocides of money -	18/4/18
Nicole Edens	[Signature]	Never do a decent job	18/4/18
K POWELL	[Signature]	Don't do their Job	18/4/18
P. LAWLOR	[Signature]	CAN'T REMEMBER LAST TIME BACKMORDED	18/4/18
E Lawlor	[Signature]	Substandard	18/4/18
I Kennell	[Signature]	Not worth it I do a better job myself	18/4/18
L Harris	[Signature]	Not done good job	18.4.18
A NEWELL	[Signature]	Job.	18.4.18






Printed Name	Signature	Address	Comment	Date
Steve West			They dont make typskiers	18/4/18
Becy Esham			I Clean my own Black	18/4/18
S P I K E			GO LIVE ON THE TIP CLEAVE	
Ken Sarson			could do better	
O. Firs...			could do better	
J Kent			could do better	18/4/18
A McCurdy			could do better	
D. Smith			could do better	
R. Hall			could do better	
			could do better	
T. Smith			could do better	24-4-18
M. Smith			could do better	24-4-18
I. Jones			could do better	25.4.18
S. Webb			could do better	25-4-18
B. Hunt			could do better	25-4-18

OADB & WIGSTON  
BOROUGH COUNCIL

17 SEP 2018

RECEIVED

Printed Name	Signature	Address	Comment	Date
RACEY ROBERTS	<i>[Signature]</i>		DONT CLEAN BECAUSE CAUSING OUTSIDE ??	25-4-18
FLO	<i>F. Woodrife</i>		I dont see them.	25-4-18
B GREENMAN	<i>B Greenman</i>		Don't clean Property	25-4-18
Kareem	<i>[Signature]</i>		Poor	25/4/18
A. Zulufoya	<i>A. Zulufoya</i>		Dont clean Property	25/4/18
MATT HUBBARD	<i>[Signature]</i>		 useless	25/4/18
L Walker	<i>L Walker</i>		I dont see them	25/4/18
S. FOSTER	<i>S F Foster</i>		POOR CLEANING	25/4/18
A Henry	<i>A Henry</i>		Poor cleaning	25/4/18
Sam Hall	<i>[Signature]</i>		Water in the block along enough there	25/4/18
Steve Fowkes	<i>[Signature]</i>		ABSOLUTELY 	25/4/18
JAGDEV KAUR	<i>J. Kaur</i>		POOR CLEANING	17-5-18

OADEY & WIGSTON  
BOROUGH COUNCIL

17 SEP 2018

RECEIVED

## Events attended by the Mayor (May – September 2018)

### MAY

20	Royal Air Force	Celebrate RAF 100 Parade & Service
22	1st Oadby Girl Guides	Award Evening
24	Leicester Children's Holiday Centre	Gala Drinks & Reception

### JUNE

7	Lady Gretton	Final Fling
9	Oadby Wigston Swimming Club	OWSC Mayors Swimming Gala
11	1st Oadby Boy's Brigade	Awards Evening
20	OWBC	Forryan Brothers Memorial
21	Leicester Community Concert Band	Music Concert
21	Wigston Academy	School Council
21	Lord Mayor of Leicester	Civic Service
23	Leicestershire County Council	Armed Forces Day Parade
24	Bishop of Leicester	Summer Garden Party
24	Oadby & Wigston Lions	Bardi Concert
25	O&W Lions Club	Presentation Night
26	Wigston Academy	Student Awards Evening

### JULY

4	Wigston College	Summer Madness Performance
11	Midlands in Bloom	Peace Memorial Park
11	Muslim School	Awards Evening
12	Rutland High Sheriff	Rutland Water Cruise
17	University of Leicester	Summer Degree Concert , De Montfort Hall
19	High Sheriff of Leicester Race Day	Leicester Racecourse
19	Leicester & Rutland Heritage Forum	Heritage Awards, Coalville
21	University of Leicester	Summer Celebration, Knighton Hall
23	Age UK	Glamorous Grandma Competition
24	Deli France UK	Business Open Day
26	Leicester CC Chairman	Summer Evening at Beaumanor Hall

## AUGUST

4 OWBC  
4 Aylestone Lane Allotment Association  
10 Blaby DC  
29 OWBC

WW1 Memorial Bench Dedication  
Allotment Day  
Chairman's Twilight Walk  
WW1 Bench Dedication Ellis Park

## SEPTEMBER

3 OWBC  
7 Harborough DC  
7 Manor High School  
8 Framework Knitters Museum  
8 Colin Robertson  
8 Wigston Magna Methodist Church  
12 ABF Soldiers Charity  
15 Lady Mayoress  
15 Leicester Children's Holidays  
16 Royal Air Forces Association  
17 Leicestershire CC Chairman  
19 Mayor Charnwood  
20 Curtis Weston House  
21 Blaby DC  
27 Lidl Stores  
29 Sikh Welfare & Cultural Society

Merchant Navy Flag Day  
Chairman's Charity Lunch  
50th Celebrations  
Sock Day  
Pinfold Opening  
Wigston Manga Show  
Sounding Retreat Ceremony  
Coffee Morning  
Civic Lunch  
Battle of Britain Memorial Service  
Charity Curry Evening  
Civic Service  
Residents 100th Birthday  
Chairman's At home Welcome  
Opening of new store in Wigston  
Multi Faith RAF 100 event

## Events attended by the Deputy Mayor (May – September 2018)

### MAY

19	The Royal Yeomanry	Frezenberg Dinner
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### JUNE

4	Harborough DC	Thanksgiving Event
11	28th Leicester Scout Group	Annual Summer Fete
18	Leicestershire CC	30th Anniversary Celebrations Schuan
22	DICE	The Enemy Within?

### JULY

1	Wigston Magna Dog Training Club	Summer Dog Show
2	Leicestershire Scouts	AGM
4	Parklands Leisure Centre	South Leicestershire School Sports Awards
6	Thythorn Field Primary School	Presentation Assembly
10	Wigston College	Students Awards Evening
12	Headway Brain Injury Association	Opening new shop in Wigston

### AUGUST

8	Harborough Chairman	100 Years Women's vote
9	Girl guiding	Escape Camp VIP Day
18	Leicestershire CC	Chairman's Charity Brass Band Concert
26	ABF & Lord Lieutenant	Family Day Hog Roast Luncheon



<b>Full Council</b>	<b>Tuesday, 02 October 2018</b>	<b>Matter for Information</b>
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**Report Title:** **Finding of Maladministration by the Local Government and Social Care Ombudsman**

**Report Author(s):** **David Gill (Head of Law & Governance / Monitoring Officer)**

<b>Purpose of Report:</b>	To report to Council a finding of maladministration by the Local Government and Social Care Ombudsman (LGSCO).
<b>Report Summary:</b>	The Local Government and Social Care Ombudsman has decided that the Council failed to deal with a noise complaint by a resident appropriately and required the Council to undertake further noise monitoring and pay compensation in the sum of £200.00.
<b>Recommendation(s):</b>	<b>That the content of the report and appendix be noted.</b>
<b>Responsible Strategic Director, Head of Service and Officer Contact(s):</b>	<p>Anne Court (Chief Executive) (0116) 257 2602 <a href="mailto:anne.court1@oadby-wigston.gov.uk">anne.court1@oadby-wigston.gov.uk</a></p> <p>David Gill (Head of Law &amp; Governance / Monitoring Officer) (0116) 257 2626 <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a></p>
<b>Corporate Priorities:</b>	Wellbeing for All (CP5)
<b>Vision and Values:</b>	<p>Accountability (V1)</p> <p>Respect (V2)</p> <p>Customer Focus (V5)</p>
<b>Report Implications:-</b>	
Legal:	The implications are as set out in the report.
Financial:	The monitoring required will incur an unbudgeted expenditure.
Corporate Risk Management:	Reputation Damage (CR4)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	The finding engages consideration of the European Convention of Human Rights, Article 8 (Right to respect for private and family life).
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.

Monitoring Officer:	As the author, the report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	<a href="#">European Convention of Human Rights, Article 8</a>
<b>Appendices:</b>	<b>1.</b> The Ombudsman's Final Decision Letter, 14 August 2018

## **1. Background**

- 1.1 On 14 August 2018, the Council received a Final Decision from the Local Government and Social Care Ombudsman (LGSCO) who had found that the Council had failed to take suitable action to investigate and prevent noise nuisance from a nearby leisure centre.
- 1.2 A copy of that Decision Letter is attached at **Appendix 1**.
- 1.3 The LGSCO required that the Council:
  - (a) Apologise to "Mr & Mrs B" and pay £200, within the next month;
  - (b) Arrange visits by a Senior Officer, or somebody independent from the Council, to monitor the noise on a Saturday evening. The visits to take place on four consecutive Saturdays as the noise complained of is intermittent in nature; and
  - (c) That a Senior Officer of the Council meet with the complainants to discuss the issues and attempt to rebuild rapport and trust between the residents and the Council.

## **2. Current Position**

- 2.1 The current position is as follows:
- 2.2 On 29 August 2018, the payment of £200.00 was made to the complainants.
- 2.3 A meeting between the complainants and the Director of Finance & Transformation was arranged for Thursday 6 September. This meeting was postponed at the complainants' request and will now take place on a future date to be arranged.
- 2.4 Between 8 September 2018 and 06 October 2018, experienced Environmental Health Officers from another local authority are undertaking noise monitoring at the leisure centre and the complainants' home address. A verbal update on the findings of those Officers to date will be provided at the Council meeting.

## **3. Recommendation**

- 3.1 That Council notes the content of the report and appendix.



## **The Ombudsman's final decision**

Summary: The Council failed to follow up action under the Environmental Protection Act 1990 after establishing a statutory noise nuisance. The Council took action under the Licensing Act 2003; therefore, the result may have been the same. The Council will assess the current situation, apologise, pay £200 and arrange to meet the complainants.

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## **The complaint**

1. The complainants, who I will call Mr & Mrs B, say the Council failed to take suitable action to investigate and prevent noise nuisance from a nearby leisure centre.

## **What I have investigated**

2. I have investigated how the Council's environmental health team investigated the issues of noise nuisance. The final section of this statement contains my reason for not investigating the rest of the complaint.

## **The Ombudsman's role and powers**

3. We cannot investigate a complaint about the start of court action or what happened in court. (*Local Government Act 1974, Schedule 5/5A, paragraph 1/3, as amended*)
4. We investigate complaints of injustice caused by 'maladministration' and 'service failure'. I have used the word 'fault' to refer to these. We cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. We must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3), as amended*)
5. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
6. If we are satisfied with a council's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

## **How I considered this complaint**

7. I considered:



- Information provided by Mr & Mrs B.
- Information provided by the Council in response to my enquiries, including during a telephone conversation.
- The Environmental Protection Act 1990.
- The Licensing Act 2003.
- Comments made from both parties in response to a draft of this statement.

## What I found

- Mr & Mrs B's rear garden is next to a leisure centre. Since December 2014 Mr & Mrs B have complained to the Council about noise nuisance from the leisure centre.
- The Council has a duty to act under the Environmental Protection Act 1990 where it finds the noise is a statutory nuisance. This means it has to be '*an unreasonable and significant emission of noise that causes significant and unreasonable interference with the use and enjoyment of your premises*'. The noise cannot be a mere annoyance. If the noise is a statutory nuisance the Council must serve an Abatement Notice.
- The Council's 'Noise Nuisance Investigation Policy 2014-2017' explains that sound is measured in decibels, but volume is not the only thing that can affect our response to sound. Unexpected sound, repetitive bass beats, screeches or whines can make noise more annoying.
- When assessing noise the Council considers loudness, locality, frequency, duration and the time the nuisance occurs.
- The Council's policy when investigating noise nuisance says it will normally ask the complainant to keep diary sheets, which it will review after two weeks. If the diary sheets show a statutory nuisance might exist then the Council will install noise monitoring equipment in the complainant's home. An officer may carry out monitoring visits at times when the noise is likely to be occurring. Once an officer is satisfied there is a statutory nuisance, they will give seven days to resolve the issue after which they must serve an Abatement Notice.
- When Mr & Mrs B first raised the issues with the Council an environmental health officer visited their property and said the noise could be a statutory nuisance if the fire doors of the leisure centre were open and Mr & Mrs B were in their garden.
- In January 2015 the Council told Mr & Mrs B that it intended to proactively deal with noise from the leisure centre through licensing first. This is in line with its policy, which says it will deal with complaints of noise related to licensed premises under the licensing conditions in the first instance.
- The Ombudsman cannot look at any actions the Council took under the Licensing Act 2003. This is because Mr & Mrs B had a right of appeal to a magistrate's court, which they took. Mr & Mrs B withdrew the court action because they reached an agreement about noise monitoring. But, once court action has begun it prevents the Ombudsman considering the same issues. I am solely considering the actions of the environmental health team under the Environmental Protection Act 1990.
- In May 2015 the Council installed noise monitoring equipment in Mr & Mrs B's home; no noise nuisance was recorded. Mrs B says this is because the equipment did not work. A few weeks later an environmental health officer visited

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Mr & Mrs B's home and witnessed a statutory nuisance. The Council sent a letter to the leisure centre management. It advised of the statutory nuisance and gave seven days to stop the noise nuisance, before it would monitor to see whether a statutory nuisance still existed.

17. The law allows for this seven day warning to persuade the appropriate person to stop the nuisance. If during that period the Council is satisfied that the steps taken will not stop the nuisance, or at the end of the period if the nuisance still exists or is likely to recur, then the Council should serve an Abatement Notice.
18. There is no evidence the Council monitored the situation at the end of the seven day period to find out if a statutory noise nuisance still existed. Some of the suggestions in the seven day warning letter were followed up under licensing; but that did not remove the need for the environmental health team to monitor after the seven day warning letter, and if a statutory nuisance still existed to serve an Abatement Notice.
19. Mr & Mrs B have repeatedly raised concerns with the leisure centre and with the Council about noise. Understandably they have given up to some degree as feel no-one is interested in helping them.
20. It seems the nuisance has reduced to some extent because of the actions taken under licensing, and due to some changes of use. However, Mr & Mrs B explain it has not removed the nuisance but has changed it. Mrs B says it is likely the decibel level is within an acceptable range as the sound is not so loud. The sound has changed to a repetitive beat noise and a whine. This is annoying for Mr & Mrs B and affecting the enjoyment of their home. The Council's policy confirms that volume is not the only issue to consider.
21. In May 2018 the Council sent diary sheets to Mr & Mrs B; they were not returned so the Council closed the case. Mrs B says they never received these diary sheets.

### **Was there fault causing injustice?**

22. The Council investigated noise complaints in line with its policy. The Council identified a statutory nuisance; it sent a warning but failed to follow it up.
23. The injustice on Mr & Mrs B is hard to assess, because the Council took action under licensing which made the leisure centre change certain practices. Even if the Council had served an Abatement Notice, the result may be the same. However, Mr & Mrs B would have avoided the time and trouble of complaining had the Council acted correctly, and would have been reassured the Council was taking matters seriously.
24. The Council says it continues to monitor the situation, and responds to Mr & Mrs B's complaints when they suggest there may be an issue; Mrs B says she is unaware of this. The leisure centre conducts noise monitoring; this shows the decibel level is within the required range. This does not take account that volume is not the only element of noise that can cause a nuisance.

### **Agreed action**

25. To acknowledge the impact on Mr & Mrs B, and to prevent future problems, the Council will:
  - a) Apologise to Mr & Mrs B and pay £200, within the next month.

- 
- b) Arrange visits by a senior officer, or somebody independent from the Council, to monitor the noise on a Saturday evening. The Council should consider the repetitive beat which Mr & Mrs B find annoying, and whether it is a statutory nuisance. I suggest the Council visits on four consecutive Saturdays to witness the situation, as Mrs B says it is not always a problem. If there is a statutory nuisance the Council should take action in line with its policy. The Council should contact Mr & Mrs B as soon as possible to make arrangements.
  - c) Meet with Mr & Mrs B to discuss the issues, and attempt to rebuild rapport and trust. The Council should make contact as soon as possible, and arrange to meet within the next month.

### **Final decision**

- 26. I have completed my investigation on the basis the agreed action is sufficient to acknowledge the impact on Mr & Mrs B.

### **Parts of the complaint that I did not investigate**

- 27. Because Mr & Mrs B took legal action under the Licensing Act 2003 the Ombudsman is prevented from investigating how the Council dealt with licensing matters for the leisure centre.

### **Investigator's decision on behalf of the Ombudsman**



<b>Full Council</b>	<b>Tuesday, 02 October 2018</b>	<b>Matter for Information</b>
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**Report Title:**

**Review of the Council's Constitution  
Update (October 2018)**

**Report Author(s):**

**Steve Tucker (Democratic & Electoral Services Manager)**

<b>Purpose of Report:</b>	To update the Council on the progress achieved by the Constitutional Working Group in updating and revising the Constitution.
<b>Report Summary:</b>	<p>The Constitutional Working Group continues to make steady progress in updating and revising the Council's Constitution.</p> <p>It is anticipated that ongoing revisions to the Constitution should be completed early in 2019 in readiness for adoption at the start of the 2019/2020 municipal year.</p>
<b>Recommendation(s):</b>	<b>That the progress made by the Constitutional Working Group in updating and revising the Council's Constitution be noted by the Council.</b>
<b>Responsible Strategic Director, Head of Service and Officer Contact(s):</b>	<p>Anne Court (Chief Executive) (0116) 257 2602 <a href="mailto:anne.court1@oadby-wigston.gov.uk">anne.court1@oadby-wigston.gov.uk</a></p> <p>Dave Gill (Head of Law &amp; Governance / Monitoring Officer) (0116) 257 2626 <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a></p> <p>Steve Tucker (Democratic &amp; Electoral Services Manager) (0116) 257 2605 <a href="mailto:steven.tucker@oadby-wigston.gov.uk">steven.tucker@oadby-wigston.gov.uk</a></p> <p>Samuel Ball (Senior Democratic Services Officer / Legal Officer) (0116) 257 2643 <a href="mailto:samuel.ball@oadby-wigston.gov.uk">samuel.ball@oadby-wigston.gov.uk</a></p>
<b>Corporate Priorities:</b>	An Inclusive and Engaged Borough (CP1) Effective Service Provision (CP2)
<b>Vision and Values:</b>	"A Strong Borough Together" (Vision)
<b>Report Implications:-</b>	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	<p>Political Dynamics (CR3)</p> <p>Regulatory Governance (CR6)</p> <p>Organisational/Transformational Change (CR8)</p>

Equalities and Equalities Assessment (EA):	There are no implications arising from the report. EA not applicable.
Human Rights:	There are no implications arising from the report.
Health and Safety:	There are no implications arising from the report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Deputy Monitoring Officer:	As the author, the report is satisfactory.
<b>Consultees:</b>	Constitutional Working Group
<b>Background Papers:</b>	<a href="#">Report entitled 'Review and Amendment of the Council's Constitution' to Full Council, 24 April 2018</a> <a href="#">Report entitled 'Update on the Progress of the Constitutional Working Group' to Change Management Committee, 24 July 2018</a>
<b>Appendices:</b>	None.

## 1. Background

- 1.1 At the Full Council meeting held on 24 April 2018, a report was presented to Members which proposed amendments to the Articles in Part 2 of the Constitution and the Responsibility for Functions in Part 3 of the Constitution.
- 1.2 The Council referred the item back to the Constitutional Working Group (CWG) to consider a number of additional revisions, including a request to produce clearer guidelines around the distinction between operational and policy matters, as well as producing standard terms of reference for Sub-Committees. It was requested that a report be brought to either the July or October Council meeting to update Members on the progress of this further work.
- 1.3 Since the meeting held on 24 April 2018, the CWG has held two further meetings, the first on Wednesday 30 May 2018 and the second on Tuesday 4 September 2018. An update was also provided to the Change Management Committee meeting held on 24 July 2018.
- 1.4 Alongside the review of the Council's Constitution, a considerable number of policies require updating and amending to reflect the current structure of the Council (in particular around job titles and roles) and a review of all policies that can be identified is currently underway.

## 2. Progress Update

- 2.1 At the CWG meeting held on 30 May 2018, a number of minor amendments as suggested by Members at April's Council meeting were incorporated into the draft Articles and Scheme of Delegation.
- 2.2 Members of the CWG were also presented with draft standard Terms of Reference for Sub-Committees. There was a divergence of opinion between Officers and Members present at that meeting as to the intention of Council and whether the request for standard terms of reference acknowledged that Sub-Committees established under the Local Government Act 1972 may have full decision-making powers. Those Members present at the meeting felt that Council had meant to limit the delegated powers of Sub-Committees to the making of

recommendations only.

- 2.3 At the Change Management Committee held on 24 July 2018, the two issues mentioned at paragraph 2.1 above were given further consideration. With regard to standard terms of reference for Sub-Committees, it was clarified that aside from standing Sub-Committees created under statute, Members could not currently envisage any situation whereby a parent Committee within the Authority would wish to delegate decision-making powers to a Sub-Committee. The expectation from Members was that any creation of a sub-group comprised of Members would solely be on the basis of a "task-and-finish" remit. Therefore, it was requested that separate standard terms of reference also be included in the Constitution for Working Groups, Panels etc. established by Committees, clearly stating that their role is to advise or make recommendations to the relevant parent Committee.
- 2.4 With regard to the distinction between policy and operational matters, it was generally accepted that the governance arrangements adopted by the Council at its meeting on 29 April 2014 continued to provide an appropriate framework, however some Members felt that there should be greater opportunity for Member involvement in shaping operational strategy, in particular when it came to major decisions which would affect all residents across the Borough. This was on the basis that Members had to take accountability for policy decisions and therefore should have the ability to contribute strategic advice towards the delivery stage of such policies, including the ability to raise concerns if they believe that the policy is not being operationally delivered as specified within the policy decision taken.
- 2.5 At the CWG meeting held on Tuesday 4 September 2018, Members were presented with copies of the draft revised Consolidated Rules of Procedure in Part 4 of the Constitution and the Codes and Protocols in Part 5 of the Constitution. Whilst largely consistent with the existing Constitution, a number of potential revisions were highlighted within the documents, upon which Members were invited to offer their views.
- 2.6 Those Members present were generally of the view that adopting an overly-prescriptive Members' Substitute Scheme would not be desirable as the current arrangements afford greater flexibility to Members, thereby ensuring that meetings remain quorate; however, it was accepted that political groups should not be able to substitute their entire complement of sitting Members at any given Committee meeting. Members also remained in favour of restricting Members from substituting on those regulatory Committees and Sub-Committees performing a quasi-judicial function until they had received the requisite training.
- 2.7 Those Members present were also of the view that adopting a Petitions Scheme - explicitly setting out different types of petitions, the number of signatories required for each and the various ways and means by which petitions would be dealt with and responded to - was not necessary as the current arrangements could be finessed to provide a general framework without the need for a fully-fledged Scheme. A lengthy discussion was also held regarding whether or not it was appropriate to permit Petitions at Development Control Committee and Licensing Sub-Committee meetings, given the prejudicial imbalance this created between speaking time for objectors and the applicant in respect of a planning or licensing application. Members were keen to ensure that the rights of residents to submit petitions were protected, but agreed that these should not be used as a means of enabling an individual to speak twice (i.e. as an objector and as the lead petitioner) to an application.
- 2.8 A discussion was also held around the requirement within the Constitution for a motion to be moved at Development Control Committee before an item is debated as is currently required at Council and other Committee meetings. It was noted that the current Chair of the Committee supports this practice, given that it enables an element of control over proceedings to be retained. Some Members were concerned however that the public perceive the moving of a motion before a debate has taken place to indicate that Members have already determined their position prior to listening to the arguments for and against.

Officers agreed that the constitutional arrangements at other local authorities in respect of this would be looked at with a view to finding an acceptable compromise, but emphasised that any solution would need to provide for an effective method of being able to track with certainty motions made from initial proposal to final decision, including any amendments, without which decisions taken may be either ambiguous and/or subject to challenge.

- 2.9 Given the considerable size/detail of the documents presented to the meeting, Members were asked to take away the draft papers to enable further time for them to be digested and considered, and to report their views and/or proposed revisions to the next meeting.

### **3. Next Steps**

- 3.1 Officers anticipate being in a position to bring a fully revised and updated Constitution back to Full Council early in 2019 for Members to approve, subject to any amendments.
- 3.2 It is proposed that once approved, the new Constitution should come into operation at the beginning of the 2019/20 municipal year, which will represent an appropriate juncture to adopt the revised arrangements once a new administration has been formed after the 2019 Borough elections.



<b>Full Council</b>	<b>Tuesday, 02 October 2018</b>	<b>Matter for Decision</b>
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**Report Title:** **Revised Local Development Scheme**

**Report Author(s):** **Jamie Carr (Planning Policy Team Leader)**

<b>Purpose of Report:</b>	This report seeks Council's approval for the adoption of the revised Local Development Scheme as the Council's most up to date Local Development Scheme.
<b>Report Summary:</b>	<p>The Local Development Scheme is a statutory document that sets out the Council's proposal for the preparation of the Local Plan and other planning policy related documents for the Borough of Oadby and Wigston.</p> <p>The Local Development Scheme establishes a programme of work for the period autumn 2018 to autumn 2020 and identifies milestones that the Council will strive to meet.</p> <p>Examples of the milestones that the Local Development Scheme outlines include key public consultation dates, dates at which draft documents will be produced and the dates that documents are expected to be adopted or agreed.</p> <p>It is important that the Council meets the milestones set out within the Local Development Scheme to ensure that planning policy and guidance documents are robust and up to date. Having robust and up to date planning policy and guidance documents ensures that the Council is able to make robust, justified and informed planning decisions.</p>
<b>Recommendation(s):</b>	<b>That Council approves the revised Local Development Scheme for publication as of 02 October 2018.</b>
<b>Responsible Strategic Director, Head of Service and Officer Contact(s):</b>	<p>Stephen Hinds (Director of Finance &amp; Transformation) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a></p> <p>Adrian Thorpe (Head of Planning, Development and Regeneration) (0116) 257 2645 <a href="mailto:adrian.thorpe@oadby-wigston.gov.uk">adrian.thorpe@oadby-wigston.gov.uk</a></p> <p>Jamie Carr (Planning Policy Team Leader) (0116) 257 2652 <a href="mailto:jamie.carr@oadby-wigston.gov.uk">jamie.carr@oadby-wigston.gov.uk</a></p>
<b>Corporate Priorities:</b>	<p>An Inclusive and Engaged Borough (CP1)</p> <p>Balanced Economic Development (CP3)</p> <p>Wellbeing for All (CP5)</p>
<b>Vision and Values:</b>	<p>Innovation (V4)</p> <p>Customer Focus (V5)</p>



<b>Report Implications:-</b>	
Legal:	The Local Development Scheme supports the statutory preparation of the Local Plan.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Regulatory Governance (CR6) Economy/Regeneration (CR9)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Deputy Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<b>1.</b> Draft Local Development Scheme

## **1. Information**

- 1.1 On a periodic basis, the Local Development Scheme is updated to reflect the ongoing preparation and development of the Council's Local Plan and other planning policy related documents, for example, Development Plan Documents and Supplementary Planning Documents such as the Developer Contributions Supplementary Planning Document.
- 1.2 The Local Development Scheme breaks down the preparation of the Local Plan and other planning policy related documents into specific stages and gives a timescale by which these stages will be completed as well as outlining the potential risks to meeting these timescales.
- 1.3 The various milestones set out for the new Local Plan within the 2018 Local Development Scheme have been amended from the 2017 version of the Local Development Scheme.
- 1.4 The need to amend the Local Development Scheme is due to the proposed adoption of the new Local Plan during November/December 2018 and the proposed timetable of planning policy related documents for the period autumn 2018 to autumn 2020.
- 1.5 More detailed information regarding preparation timescales and the key milestones for Local Development Documents is contained within the Local Development Scheme document.

## **2. Next Steps**

- 2.1 This report is seeking Council's approval for the adoption of the revised Local Development

Scheme as the Council's most up to date Local Development Scheme.

- 2.2 Once approved by Council, the document will become the Council's latest Local Development Scheme and will set the timetable for (certain) planning policy documents for the period autumn 2018 to autumn 2020.

# Oadby and Wigston Borough Council

## Local Development Scheme

2018



## Contents

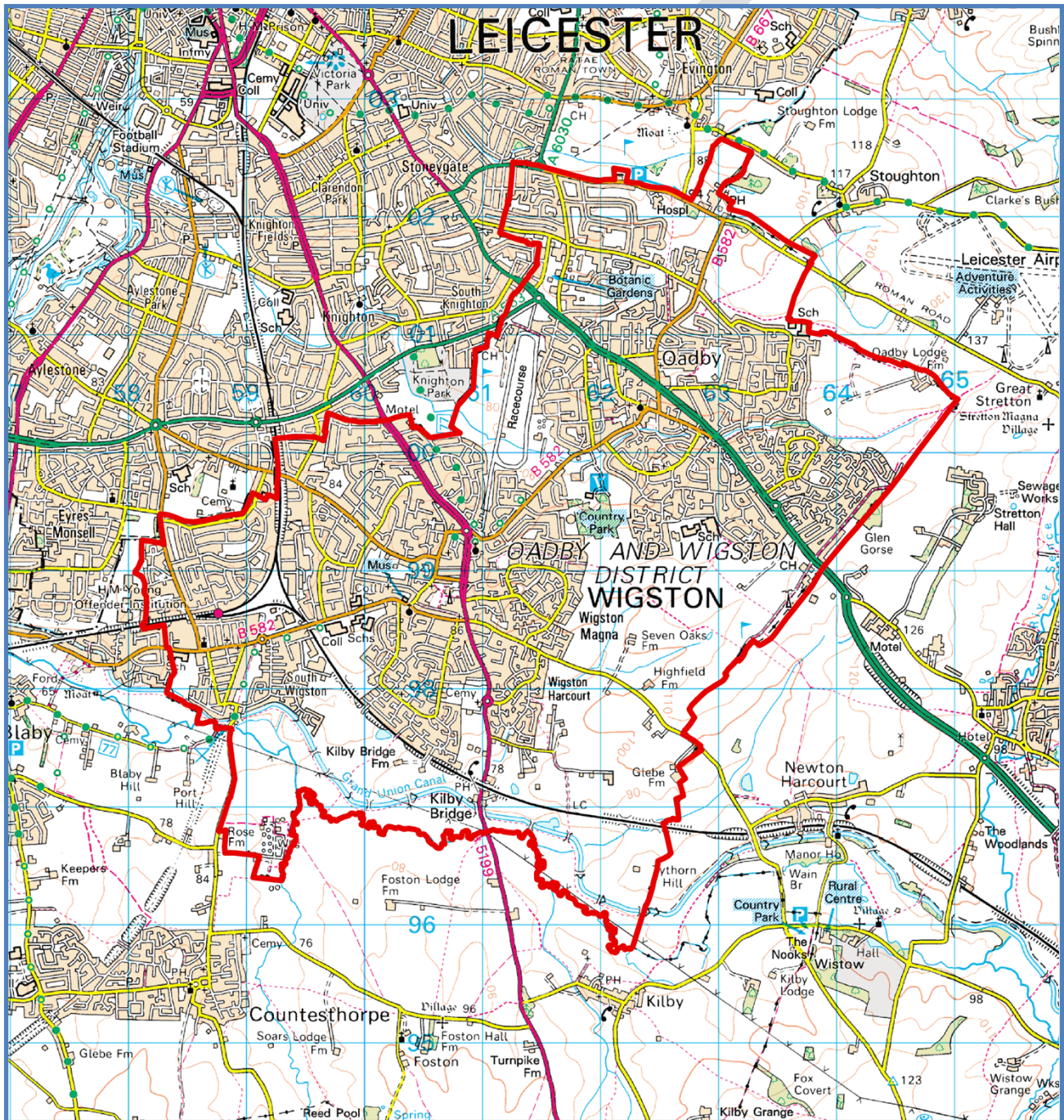
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# 1. Introduction

- 1.1 The Local Development Scheme (LDS) is a document which contains a local authority's timetable / programme of works for the production of their Development Plan and other planning related documents. The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires local planning authorities to prepare, maintain and publish an LDS. This enables local communities and stakeholders to find out which key planning documents are to be prepared for the area within the foreseeable future.
- 1.2 The Council seeks to update its LDS at least every two years, with this LDS updating the Council's previously adopted LDS of spring 2017. This LDS covers the period autumn 2018 to autumn 2020.
- 1.3 This LDS reflects the Council's progress made in adopting the new Local Plan. It also provides information on other relevant planning related documentation, such as Supplementary Planning Documents (SPD) (and planning guidance), that the Council intends to produce and the timetable for their production. Having such information and timetabling enables the community, businesses, developers, service and infrastructure providers and other interested organisations to know which planning related documents are being and / or are to be prepared for the Borough area and when they will be able to participate in public consultation.
- 1.4 The Council is committed to working with its partners, stakeholders and all members of the local community in the preparation of new planning policy. Together, the LDS and the adopted Statement of Community Involvement (SCI) set out how and when the aforementioned can participate in the process. External participation throughout the process is integral to shaping the Boroughs future.
- 1.5 The Council's most up to date LDS will be published on its website – [www.oadby-wigston.gov.uk](http://www.oadby-wigston.gov.uk)

## 2. Geographical coverage area

- 2.1 The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires local planning authorities to set out the geographical area to which each planning document set out in this Local Development Scheme (LDS) applies.
- 2.2 The extent of the coverage area for the Development Plan, is the administrative local authority boundary of the Borough of Oadby and Wigston (see map below). The coverage area of Supplementary Planning Documents (SPD) is set out in the tables of Chapter 6 of this document.





### **3. The Planning System**

- 3.1 The National Planning Policy Framework (NPPF) was first published on 27<sup>th</sup> March 2012 and came into immediate effect. The NPPF review document was published on the 24<sup>th</sup> July 2018 and supersedes the previous version. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It also provides a framework in which local authorities can produce their own distinctive Local Plans.
- 3.2 The NPPF confirms that the planning system is “plan-led” which means that planning applications have to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.3 The NPPF also confirms that the policies in emerging plans will gather more weight as development plans progress towards adoption.
- 3.4 During March 2014 the government published the National Planning Practice Guidance (NPPG) which gives further guidance on specific aspects of the planning system, for example the Duty to Cooperate and housing and economic land availability assessments. The NPPG is a web-based ‘live’ resource and is updated on a regular basis by national government as and when required to do so.

## **4. The Council's Development Plan**

- 4.1 The National Planning Policy Framework (NPPF) states that a local authorities Development Plan comprises adopted Local Plans, Neighbourhood Plans, and the London Plan (where relevant). A local authorities Development Plan can also be supplemented by Supplementary Planning Documents (SPD) and relevant local planning guidance.
- 4.2 The Council's Development Plan comprises the adopted Local Plan (and its associated Adopted Policies Map) that sets out the spatial and development strategy for the Borough area for the period up to 2031. The Borough area does not currently have any adopted Neighbourhood Plans. The Council's Local Plan is supplemented by the following SPD and local planning guidance:
- Residential Development SPD
  - Conservation Areas SPD
  - Developer Contributions SPD
  - Public Realm guidance
  - Employment Sites guidance
  - Town and District Centre guidance
  - Supplementary local development control planning guidance
- 4.3 The Council forms part of a two tier local government structure. The Council comprises the lower tier and the planning function for the local authority area; the upper tier is coordinated by Leicestershire County Council. It is therefore the County Council that produce and manage the delivery of Minerals and Waste Plans.



## **5. The Council's Local Plan**

- 5.1 National planning policy places Local Plans at the very heart of the planning system. It is essential that they are in place and kept up to date. The Council's Local Plan is due to be adopted during November / December 2018.
- 5.2 The Council's Local Plan sets out the vision, framework and spatial strategy for the future development of the entire Borough area for the period 2011 to 2031. The Plan addresses the needs and opportunities in relation to housing, the economy, community facilities and infrastructure; it also safeguards vital green open spaces and the environment, and illustrates how the Borough area can secure high quality sustainable design.
- 5.3 The Local Plan is also a critical tool in guiding decisions about individual development proposals, as the Plan is the starting-point for considering whether applications for development can be approved.
- 5.4 Government planning policy and guidance sets out the local planning authorities should review their Local Plans at least every 5 years from the date of adoption, to ensure that they are up to date and based on the most reliable and up to date evidence. It is also clear from national planning policy and guidance that relevant local policies for the supply of housing should not be considered up to date if the local authority cannot demonstrate a 5 year supply of deliverable housing sites.

## **6. Timetable for Development Plan and related documents**

- 6.1 The following tables set out the delivery of the Council's Local Plan and the related planning documents that the Council will be preparing over the next 2 year period.
- 6.2 A profile for each document is provided, that sets out the documents role and subject, its geographical coverage and its planning status. A timetable of preparation is also illustrated for each document. It should be noted that although the Council will seek to follow the preparation timetables, it is difficult to be precise at the outset, therefore timings should be regarded as indicative. Should there be a need to update the preparation timings of a particular document this will be done so through regular review and will be highlighted on the Borough's dedicated Local Development Scheme (LDS) webpage.
- 6.3 It should be noted that the production of each of the documents set out in this chapter will be done so in conformity with the Duty to Cooperate, as well as the Council's adopted Statement of Community Involvement (SCI).

## New Local Plan – Overview

<b>Role and Subject</b>	The Oadby and Wigston Local Plan document provides the overall spatial and development strategy for the Borough area for the period up to 2031. It contains both strategic and specific planning policy, as well as relevant designations and allocations. All planning decisions made within the Borough will need to be consistent with the Council's Local Plan unless material considerations indicate otherwise.
<b>Geographical coverage area</b>	The entire Borough area
<b>Planning status</b>	Development Plan Document
<b>Conforms to</b>	the National Planning Policy Framework (NPPF)
<b>Timetable (key stages)</b>	
SA/ SEA Scoping Report commencement	May 2014
Initial Call for sites	March 2015
Regulation 18 (Issues and Options)	October to November 2015
Regulation 18 (Preferred Options)	November to December 2016
Pre-Submission Consultation	November to December 2017
Submission to the Planning Inspectorate	January 2018
Examination Hearing Sessions	April to June 2018
Receipt of Inspectors Report	November 2018
Adoption	November / December 2018
<b>Production arrangements</b>	
Lead section	Planning Policy and Regeneration
Project Manager	Planning Policy Team Leader
Internal resources	All internal Council departments
External resources	Specific expert consultants
Community Involvement	As per the Council's SCI

## Adopted Policies Map – Overview

<b>Role and Subject</b>	The Adopted Policies Map is directly related to the Council's new Local Plan and illustrates the Plans key proposals, relevant policy areas, designations, allocations and locations of development within the Borough area.
<b>Geographical coverage area</b>	The entire Borough area
<b>Planning status</b>	Local Plan Adopted Policies Map
<b>Conforms to</b>	The new Local Plan and NPPF
<b>Timetable (key stages)</b>	The Adopted Policies Map is produced alongside the Council's Local Plan and will be published alongside the Council's Local Plan during November / December 2018.
<b>Production arrangements</b>	
Lead section	Planning Policy and Regeneration
Project Manager	Planning Policy Team Leader
Internal resources	Planning Policy and Regeneration
External resources	Leicestershire County Council
Community Involvement	As per the Council's SCI

## Residential Development SPD – Overview

<b>Role and Subject</b>	The Council's Residential Development SPD provides further guidance and information to that contained within the new Local Plan. The SPD sets out what the Council will consider when applications for residential development are submitted through the planning process.
<b>Geographical coverage area</b>	The entire Borough area
<b>Planning status</b>	Supplementary Planning Document
<b>Conforms to</b>	The Council's new Local Plan
<b>Timetable (key stages)</b>  Evidence base gathering and drafting Draft for 6 week Consultation Consultation period Consideration of representations received Final draft for adoption Adoption	March to August 2018  20 <sup>th</sup> September 2018  8 <sup>th</sup> October to 19 <sup>th</sup> November 2018  December 2018 to February 2019  3 <sup>rd</sup> April 2019  16 <sup>th</sup> April 2019
<b>Production arrangements</b>  Lead section Project Manager Internal resources External resources Community Involvement	Planning Policy and Regeneration  Planning Policy Team Leader  Planning Policy and Regeneration, and Planning Control  Leicestershire County Council  As per the Council's SCI

## Conservation Areas SPD – Overview

<b>Role and Subject</b>	The Council's Conservation Areas SPD provides further guidance and information to that contained within the new Local Plan. The SPD sets out how the Council will seek to retain, enhance and manage the historic assets situated within the designated conservation areas.
<b>Geographical coverage area</b>	Conservation areas within the Borough
<b>Planning status</b>	Supplementary Planning Document
<b>Conforms to</b>	The Council's new Local Plan
<b>Timetable (key stages)</b>	
Evidence base gathering and drafting	March to August 2018
Draft for 6 week Consultation	20 <sup>th</sup> September 2018
Consultation period	8 <sup>th</sup> October to 19 <sup>th</sup> November 2018
Consideration of representations received	December 2018 to February 2019
Final draft for adoption	3 <sup>rd</sup> April 2019
Adoption	16 <sup>th</sup> April 2019
<b>Production arrangements</b>	
Lead section	Planning Policy and Regeneration
Project Manager	Planning Policy Team Leader
Internal resources	Planning Policy and Regeneration, and Planning Control
External resources	Leicestershire County Council
Community Involvement	As per the Council's SCI

## Developer Contributions SPD – Overview

<b>Role and Subject</b>	The Council's Developer Contributions SPD provides further guidance and information to that contained within the new Local Plan. The SPD sets out how the Council will consider developer contributions through the planning process.
<b>Geographical coverage area</b>	The entire Borough area
<b>Planning status</b>	Supplementary Planning Document
<b>Conforms to</b>	The Council's new Local Plan
<b>Timetable (key stages)</b>	
Evidence base gathering and drafting	March to August 2018
Draft for 6 week Consultation	20 <sup>th</sup> September 2018
Consultation period	8 <sup>th</sup> October to 19 <sup>th</sup> November 2018
Consideration of representations received	December 2018 to February 2019
Final draft for adoption	3 <sup>rd</sup> April 2019
Adoption	16 <sup>th</sup> April 2019
<b>Production arrangements</b>	
Lead section	Planning Policy and Regeneration
Project Manager	Planning Policy Team Leader
Internal resources	Planning Policy and Regeneration, and Planning Control
External resources	Leicestershire County Council / Sport England
Community Involvement	As per the Council's SCI

## **7. Other documents**

- 7.1 In addition to the documents highlighted in Chapter 6 of this document, the Council will also be producing a number of other planning related documents that will assist in the delivery of the new Local Plan.
- 7.2 The additional planning related documents that the Council will be producing over the next two years will include; the Public Realm guidance, which will replace the existing Public Realm Strategy SPD; the Employment Sites guidance which will replace the Employment Sites SPD; and, the Town and District Centre guidance which will aid delivery of the town and district centre policies set out within the Local Plan.
- 7.3 In addition to the guidance documents set out above, the Council regularly update its evidence base documents, and will continue to do so. For example, over the next two years, the Council will be updating the Playing Pitch Strategy; and, the plethora of annual monitoring documents.
- 7.4 It should be noted that a Sustainability Appraisal (incorporating Strategic Environmental Assessment and Habitats Regulation Assessment) will be produced for each Development Plan Document (DPD) that the Council produces, as well as Supplementary Planning Documents (SPD) where relevant to do so.



## 8. Resourcing document production

- 8.1 The successful completion of the programme of works outlined in Chapter 6 of this document will be challenging for the Council. The programme of works will be completed in the main by the Council's Planning Policy team and Economic Regeneration team. The Planning Policy team consists of; a Planning Policy Team Leader post; a Planning Officer (Senior) post; a Planning Officer post; and, a joint Planning Policy / Planning Control Officer post. The Economic Regeneration team consists of; an Economic Regeneration Team Leader post; an Economic Regeneration Officer post; and, a Town Centre Manager Officer post.
- 8.2 Of the posts illustrated above, the following resources will be made available to ensure delivery of the programme of works.

Post	Percentage of Time (%)
Planning Policy Team Leader	65 %
Planning Officer (Senior)	80 %
Planning Officer	80 %
Planning Policy / Planning Control Officer	40 %
Economic Regeneration Team Leader	20 %
Economic Regeneration Officer	20 %
Town Centre Manager Officer	10 %

- 8.3 In addition to that highlighted above, limited staff resources will be required from the Planning Control team, the Technical and Administration team, as well as the ICT and Legal Departments of the Council.

### Councillors

- 8.4 As well as Council officer time, the successful completion of the programme of works outlined in Chapter 6 of this document will require some Councillor time. A cross party Place Shaping Member Working Group involving elected Members meets throughout the calendar year to discuss the Local Plan as well as other planning related projects. The group has the following terms of reference:
- Provide input in relation to issues where guidance from Councillors is required
  - Provide advice on issues where guidance is needed quickly in order to meet milestones set out in this Local Development Scheme (LDS)
  - Provide advice on the various methods for undertaking public consultation
  - Represent the Council in relation to Local Plan issues, including chairing meetings and providing statements to the press through official press releases and interviews.
- 8.5 Place Shaping Member Working Group do not make decisions regarding the Council's Development Plan or related documentation. Such decisions are made at Full Council or Policy, Finance and Development Committee depending on the nature of the decision required. Through reporting to the aforementioned committee's and working group Councillors will have the opportunity to shape the planning related documents set out in this LDS. It is vitally important that Councillors have these opportunities.

## 9. Risks to delivery of the programme of works

9.1 A number of 'risks' could arise over the next two year period, which could affect the delivery of the programme of works set out in this Local Development Scheme (LDS). A number of potential risks are outlined below.

Potential Risk	Likelihood	Notes	Action
Loss of financial and staff resource due to government funding cuts.	Medium to High	Government funding cuts have already required the Council to review its staffing structure. Further structure reviews could be required.	Continue to work as efficiently as possible. Always seek cost savings where possible as well as 'value for money' opportunities.
Missing project milestones and deadlines set out in this Local Development Scheme.	Low	The Planning Policy team is undertaking an ever increasing and diverse workload, however is confident that the milestones and deadlines will be met.	Continue to work as efficiently as possible. Continue to develop in house expertise to reduce the need for external resourcing.
Lack of public interest in the planning process.	Medium	The general public may not want to get involved in the planning process.	The Borough Council's Statement of Community Involvement (SCI) sets out how the Council will consult with the public. The SCI sets out how the Council goes 'above and beyond' when consulting the public to ensure that as many people as possible can get involved.
Impact of other work on the Planning Policy team	High	The Planning Policy team is involved in an ever broadening work programme.	The completion of the work programme outlined in this LDS is the priority for the Planning Policy team and resourcing is scheduled accordingly.
Duty to Cooperate delays	High	The Duty to Cooperate requires local authorities to work together spatially and produce joint pieces of evidence base work. Delays can occur from the different governance processes.	The Council will continue to work closely with local authorities and will timetable work and projects accordingly, taking account of potential delays.

## 10. Monitoring and review

- 10.1 A number of planning monitoring reports, for example the Residential Land Availability Assessment and the Strategic Housing Land Availability Assessment, are produced on an annual basis by the Council to feed into the Annual Monitoring Report (AMR). This all-encompassing report (AMR) is produced each year and published on the Council's website. The report assesses progress towards the implementation of the Local Development Scheme, and the extent to which the policies in Council's Development Plan are being achieved. If necessary, the Local Development Scheme will be revised in light of these monitoring reports.

DRAFT



<b>Full Council</b>	<b>Tuesday, 02 October 2018</b>	<b>Matter for Decision</b>
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**Report Title:** **Revised Statement of Community Involvement**

**Report Author(s):** **Jamie Carr (Planning Policy Team Leader)**

<b>Purpose of Report:</b>	The purpose of this report is to seek Council's approval to publically consult on a revised Statement of Community Involvement for a 6 week period.
<b>Report Summary:</b>	<p>The Statement of Community Involvement (SCI) sets out the Borough Council's approach to involving and consulting local people and stakeholders in the planning process, more specifically the preparation of the various components of the Local Plan and in making development management decisions on planning applications.</p> <p>The consultation practices contained in the SCI satisfy the statutory requirements set out in the relevant legislation.</p> <p>The Council, however intend to exceed these statutory requirements, to ensure wide and inclusive consultations that reflect local circumstances, the character and composition of the local community, and the resources available. This extends to those groups who have traditionally found it difficult to engage in the planning process.</p>
<b>Recommendation(s):</b>	<b>That Council approves the revised Statement of Community Involvement for the purpose of a 6 week public consultation due to commence on Monday 8 October 2018.</b>
<b>Responsible Strategic Director, Head of Service and Officer Contact(s):</b>	<p>Stephen Hinds (Director of Finance &amp; Transformation) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a></p> <p>Adrian Thorpe (Head of Planning, Development and Regeneration) (0116) 257 2645 <a href="mailto:adrian.thorpe@oadby-wigston.gov.uk">adrian.thorpe@oadby-wigston.gov.uk</a></p> <p>Jamie Carr (Planning Policy Team Leader) (0116) 257 2652 <a href="mailto:jamie.carr@oadby-wigston.gov.uk">jamie.carr@oadby-wigston.gov.uk</a></p>
<b>Corporate Priorities:</b>	An Inclusive and Engaged Borough (CP1)
<b>Vision and Values:</b>	"A Strong Borough Together" (Vision) Customer Focus (V5)
<b>Report Implications:-</b>	
<b>Legal:</b>	Compliance with the statutory requirements is required as set out in the report.

Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. Initial EA Screening (See Appendices)
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Deputy Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None so far, however this report is seeking approval to consult with the public and other key stakeholders.
<b>Background Papers:</b>	<a href="#">Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)</a> <a href="#">Town and Country Planning (Development Management Procedure) (England) Order 2015</a>
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Draft Statement of Community Involvement</li> <li>2. Initial EA Screening Assessment</li> </ol>

## 1. Information

- 1.1 The Council is committed to building a strong, empowered and active community to achieve high quality planning and development.
- 1.2 It is intended that the Statement of Community Involvement (SCI) will allow all local people, businesses and stakeholders to become fully engaged in the planning process in order for the local planning system to be a positive tool in shaping the future growth and improvement of the Borough.
- 1.3 The SCI will ensure that consultation and participation takes place in a timely manner and that a range of involvement techniques are in place to allow people to have a real influence over planning in the Borough.
- 1.4 The document sets out the Borough Council's approach to involving and consulting local people and stakeholders in the planning process, more specifically the preparation of the various components of the Local Plan and in making development management decisions on planning applications.
- 1.5 As a minimum, the Council is required to consult on; planning document preparation in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended); and, planning applications as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
- 1.6 The SCI sets out in detail how the Council is to consult at each stage of planning document

preparation, as well as each stage of planning application decision making.

## **2. Section Title**

- 2.1 The Council is to publish the Revised Statement of Community Involvement for public consultation for a period of 6 weeks. Therefore this report seeks approval to carry out a public consultation from the week commencing Monday 08 October 2018 for a 6 week period.
- 2.2 Once the statement has been subject to public consultation, any representations that have been received will be taken account of and factored into a final version of the statement, as necessary. The final version will then be submitted for approval at Full Council on 21 February 2019.

# Oadby and Wigston Borough Council

## Statement of Community Involvement

2018



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## **Our Vision for Community Involvement**

*'Oadby and Wigston Borough Council will ensure that everyone is able to shape the future of the Borough through active and meaningful engagement. We will help all sectors of the community to inspire plan making and gain ownership of planning decisions by providing a wide range of opportunities for timely and continuous involvement in the planning process.'*

*Getting involved in planning in the Borough is very important for everyone. It means that everybody has an opportunity to influence the future of the Borough and have a say about what they like or don't like about the area and how they would like to see things change. This statement sets out ways of engaging the whole community so that this really is the case.*

*When preparing important planning documents, the Borough Council must set out how the community has been involved, what issues were raised and how those issues were dealt with. We cannot adopt any of our planning documents unless we do this, and besides, we believe it is vital to involve the residents and stakeholders of the Borough if our planning process is to work efficiently and effectively.*

*We will make use of tried and tested consultation techniques, including displays and roadshows, policy development workshops and where relevant, public events'.*

**Councillor John Boyce**

**Leader of the Borough Council**

# **1. Introduction**

- 1.1 Oadby and Wigston Borough Council is committed to building a strong, empowered and active community to achieve high quality planning and development.
- 1.2 It is intended that this Statement of Community Involvement (SCI) will allow all local people, businesses and stakeholders to become fully engaged in the planning process in order for the local planning system to be a positive tool in shaping the future growth and improvement of the Borough.
- 1.3 The SCI will ensure that consultation and participation takes place in a timely manner and that a range of involvement techniques are in place to allow people to have a real influence over planning in the Borough.
- 1.4 This document sets out the Borough Council's approach to involving and consulting local people and stakeholders in the planning process, more specifically the preparation of the various components of the Local Plan and in making development management decisions on planning applications.
- 1.5 The consultation practices contained in this SCI satisfy the statutory requirements set out in the relevant legislation, as set out later in this report.
- 1.6 However, the Borough Council intend to exceed these requirements, to ensure wide and inclusive consultations that reflect local circumstances, the character and composition of the local community, and, the resources available. This will extend to those groups who have traditionally found it difficult to engage in the planning process.

## 2 The planning system and the legal requirements

- 2.1 In accordance with the Planning and Compulsory Purchase Act 2004, the Borough Council has produced this Statement of Community Involvement (SCI). The SCI will set out how the Council will engage with the community, businesses and other organisations with an interest in the development of the Borough. Minimum requirements for consultation are set out in 'The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)' (The Regulations) in the case of Planning Policy Documents and 'The Town and Country Planning (Development Management Procedure) Order 2010' (DMPO) for planning applications.
- 2.2 The National Planning Policy Framework (NPPF) states: *"Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area..."*.
- 2.3 The Council first adopted an SCI in March 2006. There have been considerable changes since, including the replacement of 'Local Development Frameworks' with 'Local Plans' and changes to the planning Regulations that set the ways in which the Government expects plans to be produced. The Local Plan contains the planning policies and proposals that will shape the future of the Borough. These policies and proposals are used to allocate or safeguard land for or against development, as well as to help inform the determination of planning applications.
- 2.4 In addition, the Council now has the authority to adopt its own SCI.
- 2.5 When preparing planning policy documents and determining planning decisions the Council must also comply with the Equality Act 2010.
- 2.6 This updated SCI demonstrates how the Council complies with the minimum legal requirements and standards for consultations and in most cases, exceeds them. It has also enabled the Council to reflect and update its methods of consultation based upon the techniques that have worked best in the Borough since the last SCI's publication in 2014. Once adopted, the Council will follow the procedures for consultation and engagement as set out in this SCI.

### **Duty to Co-Operate**

- 2.7 Current legislation and planning policy and guidance, places great weight on the Duty to Cooperate. The Duty sets out how local authorities should engage with partnering organisations during the Plan making process. To ensure that the Duty is met, the Council will engage with its partners such as neighbouring councils and government bodies throughout the formulation of its plans. Duty to Cooperate partners are listed in Appendix 1.

### **Local Development Scheme**

- 2.8 On a regular basis, in line with legislation and guidance, the Council produce a Local Development Scheme (LDS). The LDS for the Borough area establishes the programme for the preparation of, and consultation on, all the components of the Council's Development Plan.

- 2.9 The LDS document is available to view on the planning pages of Oadby and Wigston Borough Council website.

Consultation Document

### 3 Who we consult

- 3.1 Depending on the type of planning policy document or planning application being considered, there are a number of consultation bodies that the Council must notify and invite to make representations in order to comply with the Regulations set by Government.

#### **Development Plan and Supplementary Planning Documents**

- 3.2 The Regulations set out that Duty to Cooperate partners should be consulted during the production of a Development Plan. Duty to Cooperate partners are set out in Appendix 1.
- 3.3 The Regulations also set out specific consultation bodies that the Council must consult in the production of a Development Plan document and / or a Supplementary Planning Document. Specific consultation bodies are listed in Appendix 2. Chapter 4 also contains further information regarding who is consulted and at what stage of document production.
- 3.4 At the Council's discretion, it may also consult with a number of other bodies that it deems appropriate to engage with. These are referred to as general consultation bodies within the Regulations (refer to Appendix 3 for a full list).
- 3.5 These lists may change as a result of amendments to the Regulations and / or by the Council choosing to update or amend its list of general consultation bodies. The Council therefore reserves the right to amend the details held within the Appendices for either of these reasons.
- 3.6 The Council will maintain an address and personal contact information database of individuals, groups and other interested parties wishing to be informed when planning policy documents are published. The database will be kept up to date and amended as and when necessary. The information held on this database is done so in conformity with the Data Protections Act (2018) and the General Data Protection Regulation (GDPR) ((EU) 2016/679).

#### **Planning Submissions**

- 3.7 The Council is 'required' to consult various organisations and bodies and is 'advised' to consult others depending upon the type of application, as set out in the Town and Country Planning (Development Management Procedure Order) (England) (2015). A complete list of these consultees can be accessed via the following link:

<http://www.legislation.gov.uk/ukxi/2015/595/contents/made>

## 4. How we consult – key stages of consultation

- 4.1 There are a wide range of consultation methods open to the Council when producing planning policy documents and determining planning applications.
- 4.2 In the case of planning policy documents, there is a distinction between ‘formal stages’ of plan production (where the nature of consultation is governed by the Regulations) and ‘ongoing consultation’ with the community as part of the development and assessment of emerging options. The type of consultation method will vary depending upon the stage of production and this document makes the distinction between consultation that is ‘required’ by the Regulations and that which is ‘promoted’ by the Council through its SCI over and above the minimum requirements.
- 4.3 Oadby and Wigston Borough Council is the ‘Local Planning Authority’ (LPA) for the area, and as such, is responsible for the determination of most planning submissions (other than those for determination by Leicestershire County Council) and for producing up to date and robust planning policy documents, including the Local Plan. The minimum legal consultation requirements in relation to the production of planning policy documents at formal stages of consultation and in determining planning applications are set out below.

### Local Plan

- 4.4 The Town and Country Planning (Local Planning) (England) Regulations (2012) (as amended) set out the stages of plan production where considerable, well documented, consultation is required. The Regulations sets out the definitive process, however a summary of these requirements is set out below. The summary tables set out who will be consulted at each stage, and how they will be consulted.

**Table 1: Regulation 18 Consultation**

Consultation Stage	Who will be notified? (for the purpose of this table known as ‘consultation bodies’)	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
<b>Regulation 18 (relevant to ‘Issues and Options’ and ‘Preferred Options’)</b>  <b>Preparation of a Local Plan</b>  <b>Includes SA / SEA consultation</b>	Specific consultation bodies.  General consultation bodies.  Residents or businesses within the area where appropriate.  Council Members.  Duty to Co-operate partners.	Informal and on-going plan preparation and involvement will be possible up to its publication.  There will be at least one ‘formal’ consultation period during the Local Plan preparation stage.  The consultation period will last between 6 and 12 weeks, depending on circumstances.	Notify each consultation body specified of the subject of the Plan.  Invite each consultation body specified to comment on the Plan and what it should contain.  Consultation bodies will be sent a letter or email setting out: <ul style="list-style-type: none"> <li>the consultation period</li> <li>the Plan stage</li> <li>details of how the Plan can be</li> </ul>	Press release to local newspaper, radio and regional TV.  Public events, forums and/or exhibitions.  Stakeholder group meetings.  Summary Leaflet prepared which may be circulated to households in the Borough.  Council Newsletter article – Letterbox.  Social Media

			<p>viewed (including an electronic copy or link where relevant).</p> <p>Consultation documents will be made available at the Council's offices and / or any other appropriate locations.</p> <p>Consultation documents will also be published on the Council's website at <a href="http://www.oadby-wigston.gov.uk">www.oadby-wigston.gov.uk</a></p> <p>The Council will have a dedicated email address for consultation comments / responses and any other enquiries: <a href="mailto:planningpolicy@oadby-wigston.gov.uk">planningpolicy@oadby-wigston.gov.uk</a></p>	<p>consultation notifications, for example Twitter and Facebook.</p> <p>Online response form on the Council's website <a href="http://www.oadby-wigston.gov.uk">www.oadby-wigston.gov.uk</a></p> <p>Advertisement of the consultation on the digital display screens.</p>
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4.5 In addition to the above, a Sustainability Appraisal (incorporating Strategic Environmental Assessment and Habitats Regulation Assessment) (SA) report will be prepared in conjunction with the Plan preparation in order to identify and report on any likely and / or significant effects of the Plan and mitigation measures to help reduce them. The Council will seek comments on this document in tandem with the consultation on the Plan.

4.6 It should be noted that the Council may consult on more than one occasion during this Regulation 18 consultation stage.

**Table 2: Regulation 19 and 20 Consultation**

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
<p><b>Regulation 19 and Regulation 20</b></p> <p><b>Publication of a Local Plan and representations relating to a Local Plan</b></p> <p><b>Includes SA / SEA consultation</b></p>	<p>Specific consultation bodies.</p> <p>General consultation bodies.</p> <p>Residents or businesses within the area where appropriate.</p> <p>Council Members.</p> <p>Duty to Co-operate partners.</p>	<p>The consultation period will last between 6 and 12 weeks, depending on circumstances.</p>	<p>A statement of the representations procedure will be sent to specified consultation bodies, as appropriate.</p> <p>Consultation bodies will be sent a letter or email setting out:</p> <ul style="list-style-type: none"> <li>the consultation period</li> <li>the Plan stage</li> </ul>	<p>Press release to local newspaper, radio and regional TV.</p> <p>Public events, forums and/or exhibitions.</p> <p>Stakeholder group meetings.</p> <p>Summary Leaflet prepared which may be circulated to households in the Borough.</p>

	Those who responded to Plan preparation consultation.		<ul style="list-style-type: none"> <li>details of how the Plan can be viewed (including an electronic copy or link where relevant).</li> </ul> <p>Consultation documents will be made available at the Council's offices and / or any other appropriate locations.</p> <p>Consultation documents will also be published on the Council's website at <a href="http://www.oadby-wigston.gov.uk">www.oadby-wigston.gov.uk</a></p> <p>The Council will have a dedicated email address for consultation comments / responses and any other enquiries: <a href="mailto:planningpolicy@oadby-wigston.gov.uk">planningpolicy@oadby-wigston.gov.uk</a></p>	<p>Council Newsletter article – Letterbox.</p> <p>Social Media consultation notifications, for example Twitter and Facebook.</p> <p>Online response form on the Council's website <a href="http://www.oadby-wigston.gov.uk">www.oadby-wigston.gov.uk</a></p> <p>Advertisement of the consultation on the digital display screens.</p>
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- 4.7 Copies of the Proposed Plan and associated documents are made available for inspection for at least six weeks and all interested parties are encouraged to make representations, as this is effectively the final chance that formal stakeholder representations to the Council on the content of the Plan can be made.

**Table 3: Regulation 22**

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
<b>Regulation 22</b>  <b>Submission of Local Plan and other related documents to the Secretary of State</b>  <b>Includes SA / SEA</b>	<p>Specific consultation bodies.</p> <p>General consultation bodies.</p> <p>Residents or businesses within the area where appropriate.</p> <p>Council Members.</p> <p>Duty to Co-operate partners.</p> <p>Those who responded to Plan preparation and / or publication</p>	This is not a consultation stage.	<p>Plan and accompanying documents to be sent (at least) in electronic form to the Secretary of State.</p> <p>Consultation bodies will be sent a letter or email notification.</p> <p>Consultation documents will be made available at the Council's offices and / or any other appropriate locations.</p> <p>Consultation</p>	<p>Press release to local newspaper, radio and regional TV.</p> <p>Council Newsletter article – Letterbox.</p> <p>Social Media consultation notifications, for example Twitter and Facebook.</p> <p>Advertisement of the consultation on the digital display screens.</p>



	<p>consultation.</p> <p>Any person who specifically asked to be notified when the Plan was submitted.</p>		<p>documents will also be published on the Council's website at <a href="http://www.oadbby-wigston.gov.uk">www.oadbby-wigston.gov.uk</a></p> <p>A statement will be placed on the Council's website and made available at the Council's offices and / or any other appropriate locations setting out where the plan and accompanying documents are available and the times at which they can be inspected.</p> <p>A statement will be placed on the Council's website and made available at the Council's offices and / or any other appropriate locations setting out; consultation bodies notified at each consultation stage; how they were notified; a summary of main issues raised during each consultation stage; and, how representations have been taken into account.</p>	
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- 4.8 Upon submission of the documents to the Secretary of State, an independent Inspector is appointed by the Secretary of State to examine the soundness of the Plan. The Council provides the independent Inspector with all formal representations and its responses to them from all of the previous stages of consultation. Once submitted, only the Inspector can assess (Regulation 23) any formal representations submitted. The Council does have the opportunity to submit additional statements to the Inspector, to elaborate on previously made representations.

**Table 4: Independent Examination of the Local Plan**

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
<b>Regulation 24</b> <b>Independent examination of Local Plan</b>	Any person who made a representation in accordance with Regulation 20.	Notification about the examination at least 6 weeks before the opening of the hearing.	Consultation documents will be made available at the Council's offices and / or any other	Press release to local newspaper, radio and regional TV. Council Newsletter

document and all supporting documents including SA / SEA			<p>appropriate locations.</p> <p>Consultation bodies will be sent a letter or email notification.</p> <p>Consultation documents will also be published on the Council's website at <a href="http://www.oadby-wigston.gov.uk">www.oadby-wigston.gov.uk</a></p> <p>A statement will be placed on the Council's website and made available at the Council's offices and / or any other appropriate locations setting out the date, time and where the hearing will be held and the name of the Inspector appointed to carry out the examination.</p>	article – Letterbox.
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- 4.9 Following the submission of a Local Plan Document, the Independent Examination takes place. If the Plan is legally compliant, the Inspector will then consider whether the Plan is 'Sound'. The Plan will be considered as 'Sound' if it is positively prepared, justified, effective and consistent with national policy. The Inspector will publish their findings in an Inspector's Report with recommendations to either adopt the Plan; adopt with modifications; or, to not adopt the plan. The Inspector must be satisfied that the Council has met the procedural requirements of the Regulations, including whether it has been prepared in accordance with the SCI.
- 4.10 Should the Inspector require the Council to make main modifications to the Plan in order to make it 'Sound', it is likely that the Inspector will require the modifications to undergo further consultation (usually six weeks). Any representations submitted are then considered by the Inspector, rather than by the Council.

**Table 5: Proposed Modifications Consultation**

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
<b>Proposed modifications</b>	Any person who made a representation in accordance with Regulation 19.	6 week consultation period if there are main modifications.	In the event of main modifications being proposed, consultation bodies will be sent a letter or email notification and a public notice will be published on the Council's website.	

**Table 6: Regulation 25**

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
<b>Regulation 25</b>  <b>Publication of the Inspector's Recommendations</b>	All persons who requested to be notified will be given notice that the recommendations are available.	This is not a consultation period.	Inspectors recommendations will be made available at the Council offices and / or appropriate locations and published on the Council's website <a href="http://www.oadby-wigston.gov.uk">www.oadby-wigston.gov.uk</a>  Consultation bodies will be sent a letter or email notification.	

4.11 The Council will then consider the Inspector's Report and the recommendations within it. Should the Inspector recommend adopting the Plan, the Council will need to take it to an appropriate meeting, such as Full Council, where the Borough's Councillors can consider its content and approve a resolution to adopt.

4.12 As soon as reasonably practicable after the Council has adopted the Local Plan, in accordance with Regulations 26 and 35, it must make all documents in association with the Plan available at appropriate locations, for the regulated time frame in accordance with the Regulations, and specify when and where they are available to view to all interested stakeholders that have previously been consulted and made representations.

**Table 7: Regulation 26**

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
<b>Regulation 26</b>  <b>Adoption of a Local Plan Document</b>  <b>Includes the SA / SEA</b>	The Secretary of State.  All persons who requested to be notified when the Plan is adopted.  Council Members.  Duty to Co-operate partners.	This is not a consultation period	As soon as is reasonably practicable after the Council adopts a plan, the document and its accompanying evidence will be made available electronically at the Council offices and / or appropriate locations and on the Council's website.  A statement setting out where the plan and accompanying documents are	Press release to local newspaper, radio and regional TV.  Council Newsletter article – Letterbox.  Social Media consultation notifications, for example Twitter and Facebook.  Advertisement of the consultation on the digital display screens.

			<p>available and the times at which they can be viewed will be made available electronically at the Council offices and / or appropriate locations and on the Council's website.</p> <p>A copy of the adoption statement will be sent via email or letter to the Secretary of State and any specified consultation bodies.</p>	
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### **Sustainability Appraisal / Strategic Environmental Assessment / Habitats Regulation Assessment**

- 4.13 Usually, Development Plan Documents require a Strategic Environmental Assessment (SEA), Habitats Regulation Assessment (HRA) and Sustainability Appraisal (SA). These documents are produced in tandem with the production of the Development Plan Documents to assess their economic, environmental and social impact.
- 4.14 The tables set above indicate how SA / SEA / HRA can be aligned with plan production and at which stage of consultation an SA / SEA / HRA will be consulted on.

### **Supplementary Planning Document and / or Development Briefs**

- 4.15 As part of the on-going production of planning documents, the Council will produce Supplementary Planning Documents (SPD) and Development Briefs (DB). These documents seek to add greater depth to a planning area or topic and support planning policies as well as the Council's objectives. Although SPDs do not have the same status as Development Plan Documents, they are important documents in decision making.
- 4.16 The Town and Country Planning (Local Planning) (England) Regulations (2012) (as amended) set out the requirements for the production of SPDs. The requirements involve formal stages of involvement. The Regulations sets out the definitive process, however a summary of these requirements is set out below. The summary tables set out who will be consulted at each stage, and how they will be consulted.

**Table 8: Preparation of Supplementary Planning Documents**

<b>Consultation Stage</b>	<b>Who will be notified? (for the purpose of this table known as 'consultation bodies')</b>	<b>Period of Consultation / Notice Period</b>	<b>Minimum Consultation or Notification Method (Statutory)</b>	<b>Additional consultation methods which may be used (Not Statutory and not exhaustive)</b>
<b>Preparation of SPD</b>  <b>The Council will prepare the content of the SPD</b>	Those who the Council engage with during the production process.	This is not a consultation period	Not applicable	Not applicable

4.17 This is not a formal stage of consultation as set out in the Regulations but will present an opportunity for the Council to engage with specific stakeholders to ascertain visions and objectives of the document.

**Table 9: Regulation 12 Consultation**

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
<b>Regulation 12</b> <b>Public participation stage</b>	Those bodies or persons that the Council considers to have an interest in the document.  Council Members.  Duty to Co-operate partners.	Minimum consultation period of 4 weeks.	Engage with / involve consultation bodies as appropriate.  Notify each consultation body specified of the subject of the document.  Invite each consultation body specified to comment on the document.  Consultation bodies will be sent a letter or email setting out: <ul style="list-style-type: none"> <li>the consultation period</li> <li>details of how the Plan can be viewed (including an electronic copy or link where relevant).</li> </ul> Consultation documents will be made available at the Council's offices and / or any other appropriate locations.  Consultation documents will also be published on the Council's website at <a href="http://www.oadby-wigston.gov.uk">www.oadby-wigston.gov.uk</a>	Press release to local newspaper, radio and regional TV.  Public events, forums and/or exhibitions.  Stakeholder group meetings.  Council Newsletter article – Letterbox.  Social Media consultation notifications, for example Twitter and Facebook.  Online response form on the Council's website <a href="http://www.oadby-wigston.gov.uk">www.oadby-wigston.gov.uk</a>  Advertisement of the consultation on the digital display screens.

4.18 The Council will consult on a draft SPD for a minimum period of four weeks. Any representations made at this stage will be considered by the Council and either incorporated into the final draft or a justified response as to why such is not incorporated will be provided as part of the Council's consultation responses. A statement setting out; who was consulted; the main issues raised during the consultation; and how the issues were addressed will also be published by the Council in line with the Regulations.

**Table 10: Regulation 14 Consultation**

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
<b>Regulation 14 Adoption</b>	Anyone who has specifically asked to be notified when the SPD is adopted.	This is not a consultation period.	<p>An adoption statement, together with the adopted SPD, will be made available at the Council offices and / or any other appropriate location and published on the Council's website <a href="http://www.oadby-wigston.gov.uk">www.oadby-wigston.gov.uk</a></p> <p>Anyone who has asked to be notified will be sent an email or letter including a copy of the Adoption Statement.</p>	<p>Press release to local newspaper, radio and regional TV.</p> <p>Council Newsletter article – Letterbox.</p>

- 4.19 The final version of the SPD will be presented to the Councillors at an appropriate committee to seek resolution to adopt. An adoption statement will then be published on the Council's website, as well as sent to all stakeholders that requested notifications as part of the SPD's development.

### Neighbourhood Planning

- 4.20 Neighbourhood planning was introduced by the Localism Act 2011. There are two main mechanisms for neighbourhood planning – Neighbourhood Plans and Neighbourhood Development Orders.
- 4.21 A Neighbourhood Plan is a new way of helping local communities to influence the planning of the area they live and work in. If a plan is prepared and agreed by the community by referendum, it will become part of the Development Plan for the local authority area and be used in the determination of planning applications.
- 4.22 A Neighbourhood Development Order can grant planning permission for certain types of development without the need to submit a planning application to the Council. The Regulations for Neighbourhood Planning came into force on 6th April 2012. The Localism Act 2011, together with other relevant regulations, places various duties and responsibilities upon the Council.
- 4.23 It is the full responsibility of the community forums or local groups in the Borough to prepare the Plan and to undertake an inclusive consultation, although the Council has a duty to assist. Conducting a wide-reaching consultation procedure is in a community group's interest as the Plan or Order can only be adopted after a referendum in which over 50% of voters support the Plan or Order. Neighbourhood Plans must also conform to the Council's adopted Local Plan.

- 4.24 Where the Council has a duty to publicise a Plan or referendum (including the original application to designate a Neighbourhood Area), the Council will do so in line with the Localism Act 2011, the Neighbourhood Planning (General) Regulations 2012 and the principles set out in this SCI.

**Table 11: Neighbourhood Planning Consultations**

Consultation Stage	Who will be notified? (for the purpose of this table known as 'consultation bodies')	Period of Consultation / Notice Period	Minimum Consultation or Notification Method (Statutory)	Additional consultation methods which may be used (Not Statutory and not exhaustive)
<b>Regulation 6 and 7</b>  <b>Neighbourhood Area Designation consultation</b>  <b>Regulation 9 and 10</b>  <b>Neighbourhood Forum Designation Consultation</b>  <b>Regulation 16 and 17</b>  <b>Publicising the plan and submission of the plan</b>  <b>Regulation 18, 19 and 20</b>  <b>Publication of examiners report, decision of the plan and publication of plan decision</b>	<p>Those bodies or persons that the Council considers to live, work or carry on business in the area which the application relates.</p> <p>Council Members.</p> <p>Duty to Co-operate partners.</p>	Minimum of 6 weeks.	<p>Engage and involve consultation bodies through a targeted letter or email setting out the requirements as per the Regulations.</p> <p>Publicise consultations and designations (as per the Regulations) on the Council's website at <a href="http://www.oadbby-wigston.gov.uk">www.oadbby-wigston.gov.uk</a>. Also any consultation or designation documents will be made available at the Council offices and / or any other appropriate location.</p> <p>The Council will have a dedicated email address for consultation comments / responses and any other enquiries: <a href="mailto:planningpolicy@oadbby-wigston.gov.uk">planningpolicy@oadbby-wigston.gov.uk</a></p>	<p>Press release to local newspaper, radio and regional TV.</p> <p>Public events, forums and/or exhibitions.</p> <p>Stakeholder group meetings.</p> <p>Summary Leaflet prepared which may be circulated to households in the Borough.</p> <p>Council Newsletter article – Letterbox.</p> <p>Social Media consultation notifications, for example Twitter and Facebook.</p> <p>Online response form on the Council's website <a href="http://www.oadbby-wigston.gov.uk">www.oadbby-wigston.gov.uk</a></p> <p>Advertisement of the consultation on the digital display screens.</p>

## Planning Applications

- 4.25 The Council is aware of the importance of consultation with the community when it comes to considering and deciding formal planning submissions.
- 4.26 As set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the Council is required to consult various organisations and bodies and is advised to consult others depending on the type of planning application being considered.
- 4.27 The Borough Council deals with many planning applications each year and the nature of the planning applications dealt with are wide ranging from householder

and minor applications, to large scale mixed use proposals including residential, leisure, and other forms of development. The nature, scale and type of planning application submitted will determine how the Council will engage with the Community.

- 4.28 Planning applications submitted to the Council are either determined at Development Control Committee by elected Council Members or they are delegated to Officers and are determined without the need to be reported at Planning Committee. When a planning application is to be considered at a Planning Committee, there may be the opportunity for interested parties to address the Committee at the meeting prior to any decision being taken. Further information on this can be viewed on the Council's website planning pages.
- 4.29 Chapter 5 explains in more detail how the Council will engage with the community when determining planning applications.
- 4.30 Some planning applications can require special (or additional consultation) procedures due to their particular characteristics, including but not limited to:
- applications which are a departure from the Local Plan
  - applications which are classed as Major Developments, as defined by the Town and Country Planning (Development Management Procedure Order) (England) (2015)
  - applications which are accompanied by an Environmental Statement
  - applications for Listed Buildings, Scheduled Monuments and certain works that materially affect the character of Conservation Areas or Listed Buildings
  - applications affecting public Rights of Way.
- 4.31 There are some applications where there is no statutory requirement to consult. These include Certificates of Lawful Development, internal alterations to a Grade II listed building, advertisements, non-material amendments and approval of details.

### **Pre-Application Discussions**

- 4.32 The Council offers a pre-application advice service for all planning applications. Pre-application discussions identify issues and requirements at an early stage, and are beneficial for applicants to provide clarity as to the process and some degree of certainty where local planning policies and constraints are identified. Details of how to approach pre-application advice, including fees and application forms, can be found on the Council's website.
- 4.33 At the pre-application stage, developers are advised of local residents and amenity groups where known and suggestions are made to engage with them prior to submitting applications. The Council cannot require a developer or householder to undertake pre-application discussions, or to engage with local residents and amenity groups, however it is advised as a 'good practice' approach. Pre-application discussions with the Council are encouraged for all development proposals.



## **Community Involvement**

- 4.34 Community involvement on planning applications does not just involve the public. The Council must also consult the appropriate statutory bodies. Statutory bodies are those bodies which have particular powers in the policy making process. In deciding which statutory body is consulted, the Council must take into account the nature and location of the proposal. There are also a significant number of non-statutory bodies including local interest groups which the Council will consult in appropriate circumstances. The public, statutory consultees and non-statutory consultees have 21 days to make any comments they may have on a submission from the initial notification of an application. The results of any such consultation will be taken into consideration in the determination of any planning application.
- 4.35 In publicising planning applications, it is necessary for the Council to strike a balance between the consideration of cost, speed of decision making and providing a reasonable opportunity for public comment.
- 4.36 In the event that an application is significantly amended during its consideration, the Council will send a further round of consultation letters to nearby residents, to those who have already written in with comments and consultees. Further comments can then be submitted regarding the amendments.

## **Permitted Development**

- 4.37 It is important to note that certain proposals do not need permission of the Council because these developments fall under 'Permitted Development' and are given permission by Central Government legislation. What constitutes permitted development is detailed in the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended). For any further information on what requires planning permission and what constitutes 'permitted development', it is advisable to speak to the Council's Planning Control section before you undertake any work.

## **Appeals**

- 4.38 Anyone who has submitted a planning application has a right of appeal to the Secretary of State if an application is refused, not determined, or if the permission contains conditions that are considered to be unacceptable to the applicant. Details on how applicants can appeal against a decision are contained within all decision notices issued by the Council. Third parties do not have the right to appeal.
- 4.39 Upon receipt of an appeal and start date from the Planning Inspectorate, the Council informs all neighbours and all those who have made representations on the application that an appeal has been lodged. Appeals are examined by an Independent Planning Inspector.
- 4.40 An appeal may be considered either through an exchange of correspondence (known as written representations), at an informal hearing, or at a more formal Public Inquiry.
- 4.41 Any comments received during the original consideration of the application will be sent to the Planning Inspectorate. There may be the opportunity to make further

representations on the appeal directly to the Planning Inspectorate, and the Council will ensure that the same neighbour notifications as the original planning application are carried out.

- 4.42 If the matter is to be heard by an Inspector at an informal hearing or Public Inquiry, then objectors will be invited to attend the hearing / inquiry where they may have the opportunity to make verbal submissions directly to the Inspector. The Appellant and the Borough Council also appear at the hearing or inquiry. All parties associated to the appeal are informed of the Inspector's decision if they have been requested to be notified.

### **Leicestershire County Council**

- 4.43 The Borough Council does not deal with all types of planning applications, as certain applications are the responsibility of Leicestershire County Council. The County Council will deal with applications relating to waste and minerals developments, as well as applications relating to County Council owned properties such as depots.

### **Planning Aid**

- 4.44 Planning Aid provides independent professional advice and information on planning matters and is run by a network of volunteer caseworkers. It is aimed at individuals, community groups and other voluntary groups who cannot afford to pay for private consultants. Planning Aid may be able to help you if you want to find out how to:

- apply for planning permission;
- object to or support another person's planning application;
- appeal against a refusal of planning permission;
- get involved in Local Development Document preparation.

- 4.45 Contact details for Planning Aid can be found at:

**<http://www.rtpi.org.uk/planning-aid/>**

- 4.46 Another source of useful planning information is the Planning Portal. Planning Portal website details are as follows: **<https://www.planningportal.co.uk/>**

## 5. How we consult – consultation methods

- 5.1 The previous Chapter provided a summary of consultation methods; however this Chapter looks at the methods in more detail. There are a wide range of consultation methods open to the Council when producing planning documents and determining planning applications. The planning legislation sets out the minimum requirements for public participation and the Council will notify all stakeholders and organisations (at least) as set out in the Regulations. The preferred method of consultation is by email, but where a person or organisation does not have an email address, a letter or other methods will be used.
- 5.2 All Local Plan consultations will be for a minimum of six weeks and Supplementary Planning Documents consultations must be for a minimum of four weeks.
- 5.3 Some of the key methods of consultation that the Council may choose to use to meet the publicity requirements of the Local Planning Regulations are set out below along with the benefit and potential disadvantages of the method. Please note, this list is not exhaustive or statutory.

**Table 12: Methods of Consultation**

Method	Benefit	Disadvantage
Make documents and supporting information available at the Council's Customer Service Centre and public libraries in Wigston and Oadby.	Consultation document, information and forms for submitting responses are free of charge to view and available during opening hours.	Not all stakeholders will be able to access this information due to limitations on their ability to travel etc. Also opening times can be limiting.
Make documents and supporting information available on the Council's website.	Information easily accessible from people's own homes and businesses, 24 hours a day.	Not all stakeholders will be able to access this information due to limitations on their access to the internet.
Make documents available on CD's (for those unable to access the Internet or Libraries / Council's Customer Service Centre) or printed copies to those who ask.	This provides information in an alternative format, free of charge.	This can be a costly consultation method and also will require stakeholders to have access to a computer to view the documents on a CD.
Hold Exhibitions and / or staffed Road Shows where practical and appropriate.	Publicises information in a user friendly way in a variety of locations. It also provides an opportunity for the public to have a conversation with Officers / the Council about the issues in hand, face to face.	Not all stakeholders will be able to attend these events.
Include information in a Summary Leaflet and send out to households in the Borough where appropriate, this could also include a questionnaire with collection boxes provided at the Council's Customer Service Centre and Libraries.	Provides a brief summary of the document outlining the key headlines to inform plan preparation or to raise awareness of upcoming events or public consultations etc.	Not all residents will read the leaflet. This can also be a very costly consultation method.
Council Newsletter – Letterbox.	This newsletter is distributed to all households in the Borough four times a year so this can be used to alert people to upcoming major issues or planning consultations.	Although distributed to every household and business in the Borough, not all residents will read the information. Timing of a consultation may not fall at an appropriate time of the year to justify inclusion of an article in Letterbox.

Method	Benefit	Disadvantage
Attendance of Planning Officers at meetings and community forums.	Allows information to be displayed in public locations in local areas.  Gives opportunities for representatives at meetings and forums to raise and discuss issues.	Not all stakeholders will be able to attend / be aware of these events.
Letters and emails sent to stakeholders and organisations.	A formal means of communication with those on the database; ensures communication is received.	Not all stakeholders have an email registered or will check their emails regularly.  Stakeholders address details may also be out of date.
On-line response form on the Council's website.	Comments can be submitted to the Council, quickly, at any time of the day, with no postage costs.	Not always easily accessible to all stakeholders because it requires them to have access to the internet and an email account. There may also be a charge to the Council for its implementation.
Dedicated email address for planning policy matters.	Means of submitting comments and contacting the Council for further information and assistance for the public.	Not always easily accessible to all stakeholders because it requires them to have access to the internet and an email account.
Press releases to local newspapers, radio and regional TV.	Information to the local community which stimulates debate.	Not always easily accessible to all stakeholders because they may not see or hear it.
Posters around the Borough Including the Council's Digital Display Screens.	Information for the local community that may not be seen by other forms of communication. These can be displayed on Notice Boards, Bus Stops, and on Lamp Posts in the areas that are effected.	Not always easily accessible to all stakeholders because they may not be seen. They can also be removed or vandalised.
Involving Elected Members and providing updates.	By informing Members of the latest publications or consultations, they will then be prepared to inform their constituents of the latest planning policy position.	Information presented may be missed or be misinterpreted.

## Planning Control – Planning Submissions

5.5 The statutory requirements for consultation with regards to planning applications are set out within the Town and Country Planning (Development Management Procedure Order) (England) (2015). The regulations require that planning applications are publicised by way of some or all of the following, depending on the type of application:

- neighbour notification letters
- a notice in a local newspaper
- a site notice

5.6 Some of the ways that the Council may look to achieve appropriate levels of publicity for an application are set out below.

- 5.7 **Neighbour notification by letter or email** - is the principal method of consultation on most planning applications. Statutory organisations and neighbours adjoining a site or otherwise directly affected are targeted as a minimum. The letter includes brief information about the proposals and gives guidance on how to comment.
- 5.8 **Site notices** - are a 'formal' requirement of the Regulations for applications which affect conservation areas, or for listed buildings, public rights of way and major applications. They are also used to supplement letters or where there are no immediately apparent neighbours to consult.
- 5.9 **Newspaper advertisements** - are a statutory requirement for applications in conservation areas, listed building, public rights of way and major applications.
- 5.10 **A Weekly List of Planning Applications** - is produced on the Council's website which details every application received and validated. This information can be viewed at:  
  
[http://www.oadby-wigston.gov.uk/pages/weekly\\_list](http://www.oadby-wigston.gov.uk/pages/weekly_list)
- 5.11 **The Council's Website** - is a useful tool to search for and view new planning applications via the online PublicAccess database:  
  
[https://www.oadby-wigston.gov.uk/pages/viewing\\_planning\\_information\\_with\\_publicaccess](https://www.oadby-wigston.gov.uk/pages/viewing_planning_information_with_publicaccess)
- 5.12 **Posting public notices and press releases** - the local press and radio broadcasters may be an option to communicate with the public on larger planning applications.
- 5.13 **Applications available for inspection at Council Offices** - enables those not able to access the information online the opportunity to examine the appropriate information with prior appointment only.
- 5.14 In addition to the above, the Council has a Practice Note on Publicity and Consultation. This information can be viewed at:  
  
[http://www.oadby-wigston.gov.uk/pages/how\\_to\\_make\\_representations\\_on\\_a\\_planning\\_or associated application](http://www.oadby-wigston.gov.uk/pages/how_to_make_representations_on_a_planning_or_associated_application)

## Appendix 1 – Duty to Cooperate bodies

Relevant bodies to Oadby and Wigston Borough Council extracted from Part 2, Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) that must be consulted to conform to the Duty to Co-operate:

<b>Duty to Co-operate bodies</b>
The Environment Agency
The Historic Buildings and Monuments Commission for England (known as English Heritage recently changed to Historic England)
Natural England
The Civil Aviation Authority
Homes and Communities Agency (now known as Homes England)
East Leicestershire and Rutland Clinical Commissioning Group
The Office of Rail Regulation
Integrated Transport Authority
Leicestershire County Council Highway Department
Leicester and Leicestershire Enterprise Partnership
Local Authorities in the HMA - Blaby District Council, Charnwood Borough Council, Harborough District Council, Hinckley and Bosworth Borough Council, Leicester City Council, Melton Borough Council, North West District Council, and Leicestershire County Council.

## Appendix 2 – Specific consultation bodies

In accordance with Government regulations, the following specific ‘formal’ consultation bodies must be consulted where the Borough Council considers that they may have an interest in the subject of the proposed planning document:

This list is not intended to be definitive and it may be appropriate to consult other groups not listed.

Specific consultation bodies	
Blaby District Council	Coal Authority
East Leicestershire and Rutland Clinical Commissioning Group	Environment Agency
Harborough District Council	Highways Agency
Historic England	Homes England
Leicester City Council	Leicestershire Constabulary
Leicestershire County Council (relevant departments)	Natural England
Network Rail	Relevant Telecommunication Companies
Relevant Utility Companies	Severn Trent
Stoughton Parish Council	

## Appendix 3 – General consultation bodies

This list is not intended to be definitive (it gives an example of the likely groups) and it may be appropriate to consult other groups not listed.

General consultation bodies	
Architecture, Design and Heritage Interests	Local Groups and Organisations*, inc. Civic Societies
Business and economic Development Organisations	Confederation of British Industry (CBI) Chambers of Commerce, East Midlands Chamber
Countryside / Rural Organisations	Campaign for the Protection of Rural England National Farmers Union Rural Community Council for Leicestershire and Rutland
Emergency Services	Leicestershire Constabulary Leicestershire Fire & Rescue Service
Environmental Protection and Conservations Organisations	Royal Society for the Protection of Birds (RSPB) The National Trust
Health Organisations	East Leicestershire and Rutland Clinical Commissioning Group
Housing Providers and Organisations	Home Builders Federation
Libraries	Agency for the Legal Deposit Libraries
Major Landowners	The Crown Estate University of Leicester
Media Organisations	ITV Central BBC Radio Leicester
Other Government Organisations	H M Prison Services
Other Voluntary Bodies / Charities	British Red Cross Citizens Advice Bureau Guide Dogs for the Blind
Planning Consultancies	National and Local Planning Consultancies that have registered their interest
Postal Services	Royal Mail Group
Racial, Ethnic, National, Religious and Minority Groups Representatives and Interests	Local Groups and Organisations that have registered their interest
Retailers	National and Local Retailers that have registered their interest



Services for the Disabled or those with Special Needs	Equality and Human Rights Commission Mind
Services for the Elderly	Age UK
Service Providers and Conservation Bodies	National Grid UK Western Power Distribution
Sport and Leisure Organisations	Sport England Leicester-Shire and Rutland Sport
Telecommunication Groups	Relevant Groups and Organisations
Tourism	Go Leicestershire
Transport Undertakings and Interests	Network Rail Local Bus Companies, inc. Arriva and First
Youth Organisations	Schools Youth Council

## Appendix 4 – Government consultation bodies

Government consultation bodies
Home Office
Ministry of Defence
Ministry of Housing, Communities and Local Government
Ministry of Justice
Department for Business, Energy and Industrial Strategy
Department for Business Innovation and Skills
Department of Digital, Culture, Media and Sport
Department for Education
Department for Environment, Food and Rural Affairs
Department of Health and Social Care
Department for Transport
Department of Work and Pensions

## Appendix 5 – Glossary of terms

Title	Abbreviation	Description
Adoption		The final confirmation of a Plan and its policies being deemed acceptable by the Council.
Annual Monitoring Report	AMR	Is a report that measures the 'success' of planning policies and assesses plan making performance.
Development Plan Document	DPD	Document subject to independent examination, which will form part of the statutory development plan for the area.
Equalities Impact Assessment	EIA	An evaluation tool which analyses the effect that a policy or procedure will have on a particular group of people to highlight whether there needs are being met and if there are any issues requiring further action.
Independent Examination		Development Plan Documents will be examined by an Independent Inspector whose role is to assess whether the Plan has been prepared in accordance with the Duty to Co-operate, legal and procedural requirements and whether it is sound.
Local Development Scheme	LDS	The Council's programme for preparing planning documents.
Local Plan		The document setting out the overall planning strategy, policies and proposals for the Borough area.
National Planning Policy Framework	NPPF	The NPPF sets out the Government's National planning policies and how these are expected to be applied at a local level.
Neighbourhood Planning (General) Regulations 2012 (as amended)		The Regulations that set out the process by which the Neighbourhood Plans must be prepared.
Planning Inspectorate		A government body whose work involves processing planning and enforcement appeals and holding examinations into Development Plan Documents.
Statement of Community Involvement	SCI	Document setting out when, with whom and how consultation will be undertaken on Local Development Documents.
Supplementary Planning Document	SPD	Document that expands on policies and proposals set out in the Local Plan.
Stakeholder		A person, group, organisation, company etc with an interest in or potentially affected by planning decisions in the Borough.
Sustainability Appraisal	SA	Document setting out the appraisal of plans and policies to ensure that their potential impact is assessed and that they reflect sustainable development objectives.
Test of Soundness		A series of questions the Independent Inspector asks during the Independent Examination of the Local Plan to assess whether it has been positively prepared, justified, effective, and if it is consistent with national policy.
The Council		Oadby and Wigston Borough Council
Town and Country Planning (Local Plans) (England) Regulations 2012 (as amended)		The Regulations that set out the process by which the Local Plans and SPDs must be prepared.

## Appendix 6 - Contacts

You can contact the Planning Policy and Regeneration, and Development Management Teams by telephoning the Borough Council Offices in Wigston, or by emailing or writing us:

Tel: 0116 288 8961

Email (Development Management - Applications):

**[planning@oadby-wigston.gov.uk](mailto:planning@oadby-wigston.gov.uk)**

Email (Planning Policy and Regeneration):

**[planningpolicy@oadby-wigston.gov.uk](mailto:planningpolicy@oadby-wigston.gov.uk)**

Postal Address:

Oadby and Wigston Borough Council  
Council Offices  
Station Road  
Wigston  
Leicestershire  
LE18 2DR

## Appendix 7 – Further information

### Legislation

The Town and Country Planning (Local Planning) (England) Regulations 2012.  
<http://www.legislation.gov.uk/uksi/2012/767/contents/made>

Neighbourhood Planning (General) Regulations 2012.  
<http://www.legislation.gov.uk/uksi/2012/637/contents/made>

The Town and Country Planning (Development Management Procedure) (England) Order 2015: <http://www.legislation.gov.uk/uksi/2015/595/contents/made>

The Town and Country Planning (General Permitted Development) (England) Order (as amended)

### National Policy / Guidance

National Planning Policy Framework, sets out government's planning policies for England and how these are expected to be applied.  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance, sets out the government's guidance for implementing policies set out in the NPPF.  
<https://www.gov.uk/government/collections/planning-practice-guidance>

Planning Aid, provides independent professional advice and information on planning matters and is run by a network of volunteer caseworkers. It is aimed at individuals, community groups and other voluntary groups who cannot afford to pay for private consultants. <http://www.rtpi.org.uk/planning-aid/>

Planning Portal, is the national home of planning and building regulations information and the national planning application service: <https://www.planningportal.co.uk/>

### Oadby and Wigston Borough Council

Planning, outlines the way planning issues are dealt with by the Council.  
<https://www.oadby-wigston.gov.uk/pages/planning>

Planning Policy, outlines the Borough's Local Plan and provides links to the various relevant documents. [https://www.oadby-wigston.gov.uk/pages/oadby\\_and\\_wigston\\_local\\_development\\_framework](https://www.oadby-wigston.gov.uk/pages/oadby_and_wigston_local_development_framework)

Planning Control, (which is sometimes referred to as 'development control' or 'development management') deals principally with managing the development process from pre-application enquiries and discussions, the formal application process and post decision requirements and or alterations. It also includes planning enforcement which deals with breaches of planning control. [https://www.oadby-wigston.gov.uk/pages/development\\_control](https://www.oadby-wigston.gov.uk/pages/development_control)

Building Control, provides advice and assistance to achieve quality of design and construction in buildings in accordance with The Building Regulations and associated legislation. [https://www.oadby-wigston.gov.uk/pages/building\\_control](https://www.oadby-wigston.gov.uk/pages/building_control)

Consultation Document



**Oadby & Wigston**  
BOROUGH COUNCIL

## **EQUALITY ASSESSMENT**

### **PART 1 - INITIAL SCREENING**

<b>Name of Policy/Function:</b>  Revised Statement of Community Involvement	<input checked="" type="checkbox"/>	This is <b>new</b>
	<input type="checkbox"/>	This is a <b>change</b> to an existing policy
	<input type="checkbox"/>	This is an <b>existing</b> policy, Function, not previously assessed
	<input type="checkbox"/>	This is an existing policy/function for <b>review</b>

<b>Date of screening</b>	4 September 2018
--------------------------	------------------

#### **1. Briefly describe its aims & objectives**

The Council is committed to building a strong, empowered and active community to achieve high quality planning and development.

It is intended that this Statement of Community Involvement (SCI) will allow all local people, businesses and stakeholders to become fully engaged in the planning process in order for the local planning system to be a positive tool in shaping the future growth and improvement of the Borough.

The document sets out the Council's approach to involving and consulting local people and stakeholders in the planning process, more specifically the preparation of the various components of the Local Plan and in making development management decisions on planning applications

#### **2. Are there external considerations?**

*e.g. legislation/government directive etc.*

Relevant legislation and national guidance.

#### **3. Who are the stakeholders and what are their interests?**

All planning applicants, businesses and residents who are seeking / proposing change or are wishing to comment during the preparation of the Council's (relevant) planning policy documents.

#### **4. What outcomes do we want to achieve and for whom?**

The SCI will ensure that consultation and participation takes place in a timely manner

and that a range of involvement techniques are in place to allow people to have a real influence over planning in the Borough.

## 5. Has any consultation/research been carried out?

No previous public consultations have taken place. The current draft of the revised Statement of Community Involvement, subject to Member approval, will be subject to a 6 week public consultation commencing on Monday 8<sup>th</sup> October 2018.

## 6. Are there any concerns at this stage which indicate the possibility of Inequalities/negative impacts?

*Consider and identify any evidence you have -equality data relating to usage and satisfaction levels, complaints, comments, research, outcomes of review, issues raised at previous consultations, known inequalities) If so please provide details.*

No.

## 7. Could a particular group be affected differently in either a negative or positive way?

**Positive** – *It could benefit*

**Negative** – *It could disadvantage*

**Neutral** – *Neither positive nor negative impact or not sure.*

	Type of impact, reason & any evidence
Disability	Positive – it is considered that the document will positively affect all residents and businesses that wish to participate in public planning consultations equally.
Race (including Gypsy & Traveller)	Positive – it is considered that the document will positively affect all residents and businesses that wish to participate in public planning consultations equally.
Age	Positive – it is considered that the document will positively affect all residents and businesses that wish to participate in public planning consultations equally.
Gender Reassignment	Positive – it is considered that the document will positively affect all residents and businesses that wish to participate in public planning consultations equally.
Sex	Positive – it is considered that the document will positively affect all residents and businesses that wish to participate in public planning consultations equally.
Sexual Orientation	Positive – it is considered that the document will positively affect all residents and businesses that wish to participate in public planning consultations equally.
Religion/Belief	Positive – it is considered that the document will positively affect all residents and businesses that wish to participate in public planning consultations equally.
Marriage and Civil Partnership	Positive – it is considered that the document will positively affect all residents and businesses that wish to participate in public planning consultations equally.
Pregnancy and	Positive – it is considered that the document will positively



Maternity	affect all residents and businesses that wish to participate in public planning consultations equally.
-----------	--

**8. Could other socio-economic groups be affected?**

*e.g. carers, ex-offenders, low incomes, homeless?*

None apparent.

**9. Are there any human rights implications?**

None apparent.

**10. Is there an opportunity to promote equality and/or good community relations?**

None apparent.

**11. If you have indicated a negative impact for any group is that impact legal?**

*i.e. not discriminatory under anti-discrimination legislation*

N/A.

**12. Is any part of this policy/service to be carried out wholly or partly by contractors?**

None apparent.

**13. Is a Part 2 full Equality Assessment required?**

No.

**14. Date by which a Part 2 full Equality Assessment is to be completed with actions.**

N/A.

We are satisfied that an initial screening has been carried out and a full equality assessment **is not required**.

Completed by  
(Policy/Function/Report written)

Jamie Carr

Date: 4 Sept 2018

Countersigned by  
(Head of Service)

Adrian Thorpe

Date: 4 Sept 2018

Please forward an electronic copy to: [veronika.quintyne@oadby-wigston.gov.uk](mailto:veronika.quintyne@oadby-wigston.gov.uk)  
(Community Engagement Officer)

Equality Assessments shall be published on the Council website with the relevant and appropriate document upon which the equality assessment has been undertaken.



<b>Full Council</b>	<b>Tuesday, 02 October 2018</b>	<b>Matter for Decision</b>
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**Report Title:** **Draft Developer Contributions Supplementary Planning Document**

**Report Author(s):** **Ed Morgan (Planning Policy Officer)**

<b>Purpose of Report:</b>	To seek Council approval on the content of the Council's draft Developer Contributions Supplementary Planning Document and to gain approval to publicly consult for a six week period.
<b>Report Summary:</b>	<p>The Council has prepared an update to its existing Developer Contributions Supplementary Planning Document (SPD) to ensure that the content of the document fully reflects current National and local planning policy.</p> <p>The draft document seeks to ensure that the level of developer contributions to be sought from new development reflects the current costs of delivering and maintaining infrastructure that is needed to effectively support the Borough's growing population.</p>
<b>Recommendation(s):</b>	<b>That Council approves the draft Developer Contributions Supplementary Planning Document for the purpose of a 6 week public consultation due to commence on Monday 8 October 2018.</b>
<b>Responsible Strategic Director, Head of Service and Officer Contact(s):</b>	<p>Stephen Hinds (Director of Finance &amp; Transformation) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a></p> <p>Adrian Thorpe (Head of Planning, Development and Regeneration) (0116) 257 2645 <a href="mailto:adrian.thorpe@oadby-wigston.gov.uk">adrian.thorpe@oadby-wigston.gov.uk</a></p> <p>Ed Morgan (Planning Policy Officer) (0116) 257 2650 <a href="mailto:ed.morgan@oadby-wigston.gov.uk">ed.morgan@oadby-wigston.gov.uk</a></p>
<b>Corporate Priorities:</b>	Balanced Economic Development (CP3) Green & Safe Places (CP4)
<b>Vision and Values:</b>	Innovation (V4)
<b>Report Implications:-</b>	
Legal:	Up-to-date Supplementary Planning Documents help to ensure effective and appropriate planning decisions are taken.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Economy/Regeneration (CR9)

Equalities and Equalities Assessment (EA):	There are no implications arising from this report. Initial EA Screening (See Appendices)
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Deputy Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None so far, however this report is seeking approval to consult with the public and other key stakeholders.
<b>Background Papers:</b>	<a href="#">Town and Country Planning Act 1990 (as amended)</a> <a href="#">Community Infrastructure Levy Regulations 2010 (as amended)</a> <a href="#">National Planning Policy Framework (NPPF)</a> <a href="#">National Planning Practice Guidance (NPPG)</a>
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Draft Developer Contributions Supplementary Planning Document</li> <li>2. Initial EA Screening Assessment</li> </ol>

## 1. Introduction

- 1.1 The purpose of this draft Developer Contributions Supplementary Planning Document (SPD) is to ensure that funds are raised from all new major developments (11 or more dwellings and 1,000 sqm floor area and above, as prescribed by National Planning Practice Guidance) to ensure that sufficient infrastructure is in place to meet the additional demands created by the new development and its increased population.
- 1.2 The draft Developer Contributions Supplementary Planning Document (SPD) seeks to ensure that the level of developer contributions to be sought from new development reflects the current costs of delivering and maintaining infrastructure that is needed to effectively support the Borough's growing population.
- 1.3 The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (as amended) and, Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). The Council must also have regard to the Policy and guidance set out within the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), and, local planning policy as contained within the Borough's Local Plan.
- 1.4 Once the draft Developer Contributions Supplementary Planning Document (SPD) has been consulted upon, finalised and adopted (anticipated to be by the end of March 2019), it will replace Oadby and Wigston Borough Council's existing Developer Contributions Supplementary Planning Document (SPD) (2011) and its supporting Developer Contributions Evidence Base for Open Space, Sport and Recreation (incorporating Green Infrastructure) (2011).
- 1.5 The draft Developer Contributions Supplementary Planning Document is an important document that the Council produces and must keep up to date. In addition to this, the

Council must ensure that the Local Plan, the Infrastructure Delivery Plan (IDP) and the Playing Pitch Strategy (PPS), which all have a direct relationship with the Developer Contributions Supplementary Planning Document, should therefore be kept up to date. By doing so, the Council's ability to secure on and/or off-site planning obligations from new developments will be greatly enhanced.

- 1.6 CIL Regulation 122(2) states that planning obligations should only be sought where they meet all of the following three tests:
  - They are necessary to make a development acceptable in planning terms;
  - They are directly related to a development; and
  - They are fairly and reasonably related in scale and kind to the development.
- 1.7 In order to ensure that the three statutory tests are met, the Council will now require all service delivery partners (including the Oadby and Wigston Borough Council) to complete and submit a 'Community Infrastructure Levy (CIL) Compliance Checklist Form' per obligation sought from new developments in the Borough. For more information, please refer to Appendix 1 in the draft Developer Contributions Supplementary Planning Document.
- 1.8 In addition to that, the Council must also ensure that all planning obligations sought from new developments within the Borough are spent on the Community Infrastructure Levy (CIL) compliant project(s) specified within the relevant S.106 Agreement for each planning application.

## **2. Supporting Infrastructure Delivery in the Borough**

- 2.1 Once finalised, the draft Developer Contributions Supplementary Planning Document will assist the Council and/or external service providers in raising awareness to developers, landowners and other stakeholders to the types of planning obligations that may be required of them, to mitigate the impact of the proposed new development in the Borough.
- 2.2 The draft Developer Contributions Supplementary Planning Document does not present every possible circumstance and/or obligation that may be sought or taken into account, although it does provide a clear indication of the Borough Council's essential requirements from new developments in respect of planning obligation requirements and costs that will be sought at an early stage in the development process.
- 2.3 In Section 4 of the draft Developer Contributions Supplementary Planning Document, the infrastructure requirements of a number of service providers is set out and discussed. The service providers include:
  - East Midlands Ambulance Service NHS Trust
  - East Leicestershire and Rutland Clinical Commissioning Group
  - Oadby and Wigston Borough Council
  - Leicestershire County Council
  - Leicestershire Fire and Rescue Service
  - Leicestershire Police
- 2.4 Section 4 of the draft Developer Contributions Supplementary Planning Document is proposing to increase the level of contributions to be sought towards Open Space, Sport and Recreation Facilities (incorporating Green Infrastructure). The document proposes to increase the maximum contribution from £3,144.10 (2011) to £4,063.28 per dwelling. The proposed increase is based upon up to date capital and maintenance costs, in accordance with the Building Cost Information Service (BCIS) All-In Tender Price Index Rate, to ensure the costs included fairly reflect the local and national picture.

2.5 Section 4 of the draft Developer Contributions Supplementary Planning Document also includes sections on the following categories of infrastructure that could be impacted upon by new developments in the Borough:

- Affordable Housing
- Air Quality
- Community Safety and Policing
- Health and Wellbeing
- Leicestershire County Council Services
- Public Realm
- Waste – Household and Recycling Receptacles

# Oadby and Wigston Borough Council

## Draft Developer Contributions Supplementary Planning Document

### Consultation Document

October 2018



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# 1. Introduction

## Purpose of the document

- 1.1 The purpose of this Developer Contributions Supplementary Planning Document (SPD) is to set out Oadby and Wigston Borough Council's approach to seeking Section 106 planning obligations in the absence of a Community Infrastructure Levy (CIL) Charging Schedule within the Borough.
- 1.2 Once finalised and published, this document will replace Oadby and Wigston Borough Council's Developer Contributions SPD (2011) and its supporting Developer Contributions Evidence Base for Open Space, Sport and Recreation (incorporating Green Infrastructure) (2011).
- 1.3 This guidance does not present every possible circumstance and / or obligation that may be sought or taken into account, although it does provide a clear indication of the Borough Council's essential requirements from new developments in respect of planning obligation requirements and costs that will be sought at an early stage in the development process. The Borough Council will seek to engage with the applicant and / or developer on all qualifying applications<sup>1</sup> at an early stage so that appropriate provision when formulating costs and undertaking financial appraisals can be made and taken into account.
- 1.4 Since the introduction of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regulations<sup>2</sup>), applicants and / or developers are expected to contribute towards the provision of infrastructure on qualifying developments through any or a combination of the following mechanisms:
  - Paying a Levy through CIL (if adopted at a local level);
  - S106 obligations;
  - Unilateral undertakings;
  - Planning conditions; and,
  - S278 highway contributions.
- 1.5 The CIL Regulations mean that since 6 April 2015, the use of Section 106 planning obligations has become more restricted. All service providers are only able to seek planning obligations that satisfy the three tests as per CIL Regulation 122(2)<sup>2</sup> and deliver a specific infrastructure project or type of infrastructure. CIL Regulation 123(3)<sup>3</sup> places a limit of a maximum of 5 separate planning obligations that can be pooled to deliver a scheme (entered into on or after 6 April 2010).

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<sup>1</sup> In accordance with National Planning Practice Guidance (Paragraph: 031 Reference ID: 23b-031-20161116), contributions should not be sought from developments of 10-units or less (eg. 11+ dwellings), and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area). The most up to date threshold will be used.

<sup>2</sup> <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/122>

<sup>3</sup> <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/123>



- 1.6 In recent years, the CIL Regulations have been subject to a series of reviews by Central Government. Indeed, in Spring 2018, the Government consulted on a document titled '*Supporting housing delivery through developer contributions*'. It is anticipated that an announcement on the Government's response to these consultations will be made in due course, although the timing and scope of those announcements is outside of the control of the Borough Council.
- 1.7 The guidance in this document is therefore provided within the parameters of the existing CIL Regulations and National Planning Policy and Guidance, together with the Council's Local Plan policies. The guidance set out within this SPD must always primarily seek to accord with the appropriate nationally set, statutory, legislation. Should Government make future changes to the Regulations that impact upon the way the Council seeks developer contributions in the Borough, the Council must always refer to nationally set policy.

### **What are Planning Obligations?**

- 1.8 A planning obligation is secured by either a deed of agreement or a unilateral undertaking made under planning legislation (Section 106 of the Town and Country Planning Act 1990 (as amended)) in association with a planning permission for new development. It is normally applied to aspects of development that cannot be controlled by imposing a planning condition or by the use of other statutory controls. Planning obligations are legally binding, enforceable if planning permission is granted and run with the land, rather than the named applicant. They can cover almost any relevant issue such as types of infrastructure or services, as well as future maintenance.
- 1.9 Planning obligations should only be used where it is not possible to address the unacceptable impact of the new development through a planning condition (NPPF).
- 1.10 In addition to this, CIL Regulation 122(2) states that the use of planning obligations should only be sought where they meet all of the following three tests:
- They are necessary to make a development acceptable in planning terms
  - They are directly related to a development
  - They are fairly and reasonably related in scale and kind to the development.

### **What is Community Infrastructure Levy (CIL)?**

- 1.11 The Community Infrastructure Levy (CIL) came into force on 6 April 2010 and it is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. Development would be liable for a charge under CIL if a Local Planning Authority has chosen to set a charge in its area. Once adopted, CIL is a fixed, non-negotiable, enforceable charge placed upon all qualifying new developments in the relevant administrative area.

- 1.12 The Council assessed the option of developing a Community Infrastructure Levy charging schedule in 2013 and 2017. On both occasions, the assessments deemed that negotiating planning obligations through the use of Section 106 Agreements would still be the most appropriate and viable method for delivering infrastructure in the Borough of Oadby and Wigston. The Council will continue to assess the viability of adopting a Community Infrastructure Levy charging schedule and will update the Developer Contributions Supplementary Planning Document accordingly, should circumstances change.

### **Relationship between CIL and Planning Obligations**

- 1.13 The Government currently intends CIL to provide infrastructure to support development, rather than to specifically make individual development proposals acceptable in planning terms. Government guidance indicates that site specific mitigation will still be sought through the negotiation and use of planning obligations.
- 1.14 CIL Regulations 122 and 123 place limitations on the use of planning obligations and makes the planning obligations policy tests (paragraph 1.10 above) a statutory requirement. These two regulations seek to avoid overlaps between CIL and planning obligations and to limit the pooling of planning obligations (up to a maximum of five separate obligations to any identified project) towards infrastructure provision that could be funded by CIL. The Government's intention is for local authorities to operate CIL and planning obligations in a complementary way.

### **Planning Conditions**

- 1.15 As set out within National Planning Practice Guidance (NPPG), when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.
- 1.16 The National Planning Policy Framework (NPPF) suggests that planning conditions cannot require the transfer of land ownership or the payment of monies. They are attached to individual planning permissions where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.
- 1.17 Planning conditions tend to set out details or required standards, timeframes, and works which must be carried out at prescribed stages in the development process. They may also require further details to be submitted at a specific stage in order to make a proposal acceptable.

### **Section 278 Agreements**

- 1.18 Where a development requires works to be carried out on the existing adopted highway, an Agreement will need to be completed between the developer and

Leicestershire County Council (the Highways Authority) under Section 278 of the Highways Act 1980. Examples of such works could include the construction of a new access; junction improvements on the highway; or, safety related works such as traffic calming or improved facilities for pedestrians and cyclists.

- 1.19 The pooling restrictions on planning obligations do not apply to Section 278 agreements. However, should CIL be charged in an area, the CIL Regulations prohibit CIL being spent on a highway scheme where a Section 278 agreement has already been entered into.

## **2. Policy Framework**

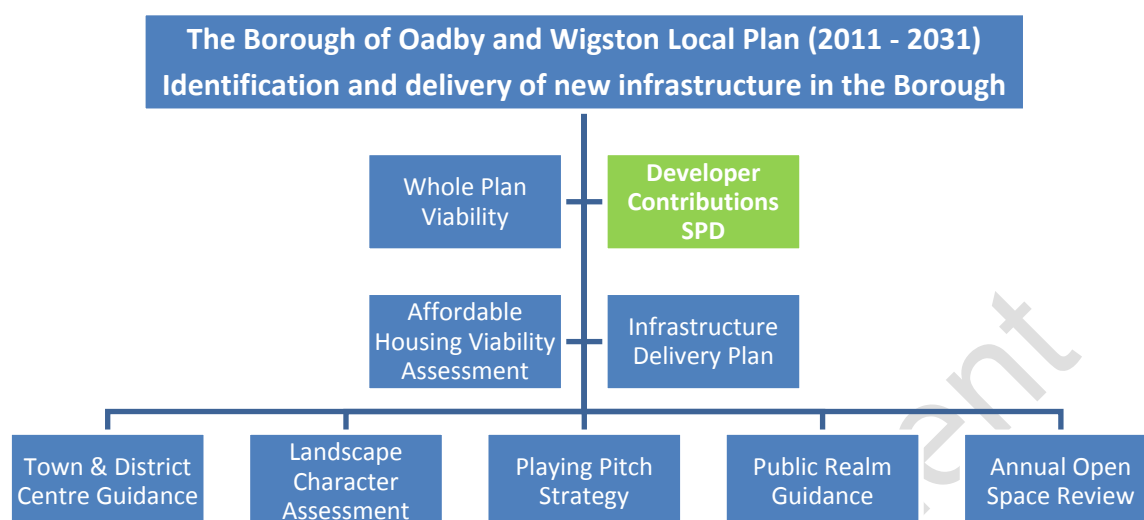
### **National Level**

- 2.1 The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (as amended); Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). The Council will also have regard to the Policy and guidance set out within the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

### **Local Level**

- 2.2 The statutory Development Plan for the Borough currently comprises of the Oadby and Wigston Local Plan.
- 2.3 The Local Plan contains both strategic and development management based policies for the Borough, and includes allocations, including those for housing and employment land. The Local Plan's Spatial Strategy sets out how the Council will deliver its Objectively Assessed Need (OAN) for both housing and employment, as established by the Leicester and Leicestershire Housing and Economic Development Needs Assessment (January 2017).
- 2.4 Other key planning policy and supporting evidence base documents include:
- Supplementary Planning Documents (SPDs). SPDs expand upon and / or provide further detail in relation to policies contained within Development Plan Documents.
  - The Infrastructure Delivery Plan (IDP). The IDP is a 'live' document adjusted over time and contains projects required to support Local Plan Policy including that related to Infrastructure and Developer Contributions.
  - The Playing Pitch Strategy (PPS). The PPS is an evidence based document, developed by the Council in partnership with key service providers with an active interest in sport and leisure in the Borough.
  - A number of other evidence based documents, enabling the effective delivery of infrastructure in the Borough.

**Figure 1.** Local policy approach to delivering new infrastructure in the Borough.



- 2.5 The Council's Local Development Scheme (LDS)<sup>4</sup> sets out the latest programme for the preparation of all of the key local planning policy documents.

### 3. Procedures

#### General Approach

- 3.1 Once adopted, this Developer Contributions SPD will comprise the Council's approach to seeking developer contributions from qualifying new developments in the Borough. It also sets out details of how external service providers will also have the opportunity to seek planning obligations in accordance with the Regulations from new qualifying development.

#### Planning Obligations

- 3.2 Although the scope for securing planning obligations via Section 106 Agreements has been reduced since April 2015 due to the pooling restrictions, it is expected that planning obligations for infrastructure needs will still be sought from qualifying developments that will mitigate the direct impact of the proposal (on a case by case basis), provided the obligations sought satisfy the statutory tests as set out by CIL Regulation 122 (2).
- 3.3 In order to ensure that developer contribution requests via Section 106 Agreements satisfy the three statutory tests, all planning obligation requests sought by non-signatory providers will be submitted in a timely manner and subsequently discussed at the Council's internal Section 106 Working Group that meets on a regular basis. It is important to note that all submitted planning obligation requests sought by non-signatory providers to be included within the relevant Section 106 Agreement must be accompanied by a completed 'CIL Compliance Checklist Form', as included in Appendix 1 of this SPD.

<sup>4</sup> A copy of the latest LDS can be viewed on the Council's website at [www.oadby-wigston.gov.uk](http://www.oadby-wigston.gov.uk)

- 3.4 Should it be necessary, the Council's Section 106 Working Group may request further evidence to ensure that the Council is satisfied that the planning obligation(s) sought by signatory or non-signatory service providers comply with the three statutory CIL tests, as per CIL regulation 122(2). In such circumstances, the designated Case Officer for the relevant planning application will liaise directly with the relevant agency, before it is determined by the Council whether an obligation satisfies the three tests and can therefore be put forward for inclusion within the Section 106 Agreement.
- 3.5 The Council and all other key agencies will use planning obligations to:
- Secure general planning requirements that are necessary to allow the development to be permitted and where this cannot be achieved by way of planning conditions;
  - Ensure that there is satisfactory infrastructure to allow the development to proceed and that the infrastructure provided will be maintained for a prolonged period; and
  - Offset relevant adverse impacts from the development where the proposal might otherwise have been refused because of those adverse impacts.

#### **Pre-Application Discussions**

- 3.6 For all new developments, applicants and / or developers are encouraged to engage with the Council at the earliest opportunity. It is the Council's strong preference, particularly when applications and associated planning obligations of a larger scale and / or more complex, that negotiations occur and agreement on Heads of Terms is achieved, prior to the submission of a planning application. Pre-application discussions can help to resolve potential problems and issues which may otherwise delay the determination of a planning application once validated.

#### **Unilateral Undertakings**

- 3.7 In cases where a planning obligation is only required to deal with financial contributions, an alternative option available is to make a Unilateral Undertaking.
- 3.8 A Unilateral Undertaking is a simplified version of a Section 106 planning agreement, which is relatively quick and straightforward to complete, and is entered into by the landowner and any other party with a legal interest in the development site. They can assist in ensuring that planning permissions are granted speedily, which benefits both the applicants and the Council.
- 3.9 A Unilateral Undertaking will consist solely of the payment of financial contributions, to be paid at agreed stages, but usually on the granting of planning permission and / or prior to or at different stages of development completion.
- 3.10 This approach allows applicants for small schemes to reduce the legal costs and avoid potential delays often associated with S106 legal agreements.

## **Cross Boundary Applications**

- 3.11 Where an application site falls partly within another neighbouring local planning authority area, the Council will, as far as possible, seek to coordinate proportionate planning obligation requirements with that authority. However, should an agreement not be reached, the Council will seek obligations from the portion of the site that falls within the Council's administrative boundary, only.

## **Viability**

- 3.12 One of the key objectives of this SPD is to alert applicants of the likely level of planning obligations that can be expected from proposed developments, well in advance of any planning application being submitted. Applicants and / or developers can then factor these requirements into potential scheme costs at an early stage.
- 3.13 In accordance with the National Planning Practice Guidance (NPPG), the Council will ensure that when seeking planning obligations, the combined total impact will not threaten the overall viability of the sites and scale of development identified in the Development Plan.
- 3.14 In the event of a disagreement arising about the financial viability and the level of planning obligations sought for a scheme, the applicant would be expected to provide the Council with clear, transparent, and, robust evidence to support their case. In most instances, this would involve the Council reaching an understanding based upon the submission of a detailed open-book financial appraisal, undertaken by an independent assessor. For situations where there are significant financial contribution requests from other public bodies responsible for providing infrastructure (including Leicestershire County Council), the Borough Council will expect that body to be actively involved in this assessment process and its conclusions. In all cases, the Council will require this evidence to be submitted and agreed in a timely manner, prior to the determination of the planning application in question.
- 3.15 If deemed appropriate by the Council, S106 Agreements can take account of the viability lifecycle of a development. Should exceptional circumstances warrant its inclusion, a developer may be requested to set out their 'predicted profitability levels' for the lifecycle of the development proposal. In such circumstances and on the basis of an agreed open book appraisal prior to the determination of an application, it can be a requirement of the initial S106 Agreement for there to be a second viability appraisal (and subsequent amended S106 Agreement) at some point during the course of the development, for example, after three years. If the results of the second viability appraisal show:
- That the predicted profitability levels have increased, then the Council will have a right to an overage, i.e. a further payment/provision of infrastructure or affordable housing to that already secured in the S106 Agreement;
  - That the predicted profitability levels have stayed the same, then there will be nothing further to do with the S106 Agreement;
  - That the predicted profitability levels have decreased, then the Council will negotiate further with the applicant concerning planning obligations.



- 3.16 All costs incurred by the Council in financial appraisals and viability assessments are to be met in full by the applicant, developer, and / or landowner(s) specified on the S106 Agreement.

### **Security and Timing of Payments**

- 3.17 Financial contributions (apart from fixed legal costs and standard administrative fees which are usually paid prior to the completion of the agreement) will need to be paid prior to the implementation of the planning permission or in accordance with the agreed programme of staged payments, as per the 'triggers' set out within the signed Section 106 Agreement.
- 3.18 The applicant should make a note of all of the corresponding triggers or payment dates for all of the planning obligations included within the S106 Agreement, prior to the signing of that legally binding contract.
- 3.19 Approximately 15 working days (Monday to Friday, excluding Bank Holidays) prior to reaching a trigger or scheduled payment date, the applicant or developer should notify the Council of their intention to pay the financial contribution. If the developer notifies the Council of their intention to pay the financial contribution after the trigger or payment date has elapsed, then late payment interest will be charged at a rate of 4% above the standard base rate or as otherwise stated in the legal agreement for each planning obligation. In such circumstances, the applicant or developer may also become liable for additional monitoring or enforcement costs.
- 3.20 The Council will then calculate the total financial contribution payable, including any interest and/or indexation due, and will provide a copy of this calculation to the applicant or developer. This calculation will be valid for a period of 15 working days (Monday to Friday, excluding Bank Holidays) from the date of issue unless otherwise agreed in writing. If the calculation has not been agreed within 15 working days and is shown to be arithmetically correct following the resolution of any dispute, then late payment interest will be charged as per paragraph 3.19 above.
- 3.21 Once the applicant or developer has agreed the calculation, the Council will issue an invoice for the agreed sum. The invoice issued will be subject to the Council's standard payment terms.
- 3.22 Upon receipt of the financial contribution, it will be held in a specific account by the Council before being transferred to the relevant internal departments or third parties (e.g. other public sector body, external service provider etc.) responsible for spending the contribution.
- 3.23 The S106 Agreement will include a clause detailing how and when any unspent funds will be refunded. In the case of a unilateral undertaking, there cannot be any requirement on the Council to return any unspent monies in such circumstances.
- 3.24 All receipts and spending of financial contributions will be recorded and monitored by the Council's Senior Management Team, via the Council's Section 106 Working Group.

- 3.25 An appropriate mechanism is needed to ensure that any facilities that are funded by developer contributions remain in use for their intended community benefit for at least 15 years. As such, any funds secured towards the provision of extensions to; improvements of; or, development of new facilities will be subject of an agreement with the relevant service delivery provider(s). All service delivery providers that benefit under these circumstances would be required to repay funds (on a pro rata basis) if the facility does not continue for 15 years after completion. For example, if a facility ceases after 5 years of having been completed, 10 years' worth of contributions will be repaid to the developer, with interest.
- 3.26 Please note that financial contributions payable to Leicestershire County Council (i.e. those relating to highways, education, relevant administrative and / or monitoring fees etc) will be subject to the County Councils own process and applicants or developers are advised to refer to Leicestershire County Council's Planning Obligations Policy (available online) or to contact the Leicestershire County Council's Development Contributions Officer for further information. For further details, please refer to paragraphs 4.42 to 4.44 of this SPD.

### **Fees**

- 3.27 The Council's legal costs of preparing legal agreements will be borne by the applicant or developer. These costs will be based on an hourly rate and will depend upon the complexity of the agreement and the length of time taken to settle the draft and proceed to completion. The Council will therefore require the applicant or developer to provide a 'cost undertaking' to pay for the Council's reasonable fees, even in the event that the agreement is not completed.
- 3.28 Standard Unilateral Undertakings will be subject to an administration charge covering the Council's legal costs and if necessary, the transfer of money to third parties.

### **Monitoring and Enforcement**

- 3.29 The Council monitors all of its own Planning Obligations and will work with developers to ensure that financial contributions and non-financial obligations are delivered on-time. Therefore, the Council will seek a flat rate payment of £500.00 per legal agreement or 4% of the total value (whichever is the greater) of the planning obligation(s) payable to Oadby and Wigston Borough Council. Where there is no quantifiable monetary value to the planning obligations owed to the Borough Council, a flat rate of £500.00 will be payable.
- 3.30 Where there is evidence of non-compliance with a Planning Obligation (such as the non-payment of financial contributions, failure to comply with an obligation, or failure to notify the Council of a due payment or event as required), the Council will seek to recover all reasonable administration and enforcement costs incurred. This could include, for example, costs incurred during site visits, the recovery of any unpaid monies and/or correspondence.
- 3.31 If it is clear to the Council's Section 106 Working Group that obligations within an agreement are not being complied with, the Council's Senior Management Team will instruct the Council's Legal Team to take appropriate action to secure compliance.



## **Indexation**

- 3.32 Financial contributions are based upon the costs of infrastructure. Financial contributions will therefore be indexed (i.e. index-linked to inflation) to ensure that they retain their original 'real value'. The base date and appropriate index for the planning obligation(s) to be applied will be set out in the legal agreement.
- 3.33 Where a formula has been set for the calculation of contribution levels, any cost figures used will be updated regularly to take account of inflation (often BCIS, RPI or CPI). The cost figures are the sums required at the time of negotiation. The County Council may also adjust payments, but these might be subject to different measures of inflation.

## **4. Specific Planning Obligation Guidance by Typology**

- 4.1 This section gives specific advice for various types of infrastructure commonly required by the Council to support new development.
- 4.2 As stated previously, this document does not cover every circumstance and / or planning obligation that may be needed to make a new development acceptable in planning terms. In all cases the Council will ensure that the infrastructure sought complies with the three statutory tests as contained within CIL Regulation 122 (2):
- "A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:*
- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development".*
- 4.3 As necessary, the Council may give consideration to the cumulative impact of a proposal, particularly if a proposed new development is likely to come forward in staged phases or if it is adjacent to or near another proposed new development.
- 4.4 Applicants are always encouraged to engage with the Council at the soonest of opportunities to understand what the likely infrastructure requirements for a proposed scheme may be and how these will be sought.

## **AFFORDABLE HOUSING**

- 4.5 The Borough of Oadby and Wigston has an identified affordable housing need. The Local Plan, together with its supporting evidence, recognises the need for affordable homes, and aims to ensure that the Council is well placed to maximise investment by registered providers and to respond to opportunities as they arise.
- 4.6 In addition, the provision of affordable homes, specifically those for affordable rent, is a priority for the Council as it recognises the important role that such provision plays in providing homes for all within its local communities.

- 4.7 The NPPF defines affordable housing<sup>[1]</sup> as housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the definitions set out in Annex 2 of the NPPF.

### **Local Requirements and Thresholds**

- 4.8 Chapter Six of the Local Plan deals with Housing Delivery. The Local Plan Policy covering Affordable Housing gives a full explanation of the Council's requirements. Affordable housing will be required at the following minimum targets which have been informed by the Council's current Whole Plan Viability Assessment and Affordable Housing Viability Assessment. It should be noted that all decimals will be rounded up to the nearest whole number of affordable dwellings required from each qualifying development scheme (as a 'portion' of a dwelling cannot be built):
- Oadby – 30 per cent of the total number of units
  - Wigston (including Kilby Bridge) – 20 per cent of the total number of units
  - South Wigston – 10 per cent of the total number of units
- 4.9 Of the affordable homes provided as per the percentages illustrated above, the Council will generally seek 80 per cent affordable rent and 20 per cent shared ownership, however, will respond to local housing need at the time of consideration of a relevant planning proposal.
- 4.10 In accordance with the NPPF, to support the re-use of brownfield land and where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount<sup>[2]</sup>. For further guidance on qualifying developments, applicants are advised to refer to relevant advice within National Planning Practice Guidance (NPPG).

### **Housing Choices**

- 4.11 Refer to Local Plan Policy covering Housing Choices for a full explanation of the Council's objectives regarding the delivery of an appropriate housing mix in the Borough. In summary, all residential development should contribute towards delivering a mix of dwelling types, tenures and sizes that meet the identified needs (and / or demand) of the communities within the Borough. For example, the provision of bungalows will be encouraged to meet demands of the Borough's ageing population. It is expected that all new residential development proposals demonstrate how they contribute to achieving the identified needs as set out within Chapter 12 of the Housing and Economic Development Needs Assessment, as well as the Council's Housing Strategy (2018). In addition, on all new large scale residential developments (11 dwellings and more) the proposal shall contain an appropriate housing mix having regard to the nature of the development site, character of the

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<sup>[1]</sup> Annex 2 of the National Planning Policy Framework (NPPF) – Affordable Housing definition:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/733637/National\\_Planning\\_Policy\\_Framework\\_web\\_accessible\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733637/National_Planning_Policy_Framework_web_accessible_version.pdf)

<sup>[2]</sup> Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.

surrounding area, the most up-to-date evidence of need, as well as the existing housing mix of the immediate area.

- 4.12 In some cases the Council may also seek to secure a small number of more specialist housing units which will provide accommodation for those with support needs. These will be sought in areas which are deemed to be appropriate and in discussions with applicants at an early stage.

### **Affordable Housing Standards**

- 4.13 The Council's Local Plan does not set out detailed policies on affordable housing standards, however, it is expected that all affordable housing provided under a rented tenure will be built to the Governments 'Technical Housing Standards - Nationally Described Space Standards'. Intermediate housing which is deemed to be low cost home ownership should be built to the same or better space standards, including garden sizes as the equivalent market housing on the site.
- 4.14 With all development sites that provide affordable homes, the Council will require 'tenure blind' provision. For example, there should be no discernible difference between affordable housing tenures and / or market housing. It is expected that where appropriate, affordable housing should not be clustered in any more than 10 units of one tenure and 15 units of multiple affordable tenures with no immediate boundary of other clusters nearby. The Council will be flexible and pragmatic on this clustering approach when considering certain site constraints or scheme densities if there is robust and justified reasoning for doing so. Applicants are encouraged to engage in pre-application or early discussions with the Council as part of a full planning application to reach agreement over the most appropriate approach for a scheme.

### **Viability**

- 4.15 The Council will seek the provision of affordable housing on all qualifying developments in accordance with criteria as per the Local Plan Policy covering Affordable Housing. Further detail of how the Council will assess viability is set out in Section 3 of this SPD.

### **Commuted Sum Calculations**

- 4.16 In the event that the Council accepts that there are exceptional circumstances that merit the payment of a commuted sum in lieu of on-site affordable housing provision, it will be calculated on the basis of the mix of tenures and sizes that the Council considers would have been appropriate for the site. The sum should be of a 'broadly equivalent value' of the developer contribution, if the affordable housing was provided on site. The commuted payment will be calculated by an independent viability assessor, at the cost of the applicant.

### **AIR QUALITY**

- 4.17 Promoting sustainable development is a key focus of National planning policy and has been addressed by a number of Local Plan policies including those relating to

Sustainable Transport and Initiatives; Climate Change, Flood Risk and Renewable Low Carbon Energy; and, Infrastructure and Developer Contributions.

- 4.18 The Council is aware of the need to consider the effects of development on air quality, and how it can contribute towards improvements to mitigate adverse impacts. The Borough's geographical location means that reducing travel by car and managing traffic congestion is a major challenge. Maximising the opportunity to shift from dependency on cars to more sustainable modes of transport is also identified as a priority for the Council.
- 4.19 The Local Plan seeks to ensure that where it is reasonable to do so, all new development proposals should be designed to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
- 4.20 For new major developments of 11 or more dwellings (net increase) and 1,000 sqm of floor area and above (gross internal area), when the Council has a justified reason to be concerned about the potential level of harmful emissions or pollutants that will be created as a result of a proposed development, the Council will expect measures that offset any potential increase and will either seek an appropriate on or off site mitigating project or a financial contribution towards any of the following types of schemes:
- Measures during the construction of new development including dust control; site monitoring and plant emissions;
  - Improved access to public transport;
  - The provision of on and / or off site facilities for cycling and walking;
  - The management of car parking;
  - Traffic management;
  - Road infrastructure;
  - Green Travel Plans;
  - On or off site equipment for the monitoring of air pollution.
- 4.21 The Council will discuss these concerns with the applicant during the application process, and if a financial or in-kind contribution is deemed necessary, on a case-by-case basis a project or sum will be identified and agreed to mitigate the scale, trip generation for different uses and the anticipated effect on air quality from the development.

## **COMMUNITY FACILITIES**

- 4.22 Community Facilities (sometimes referred to as Community Assets) are defined as buildings or spaces where community led activities for community benefit are the primary use and the facility is managed, occupied or used primarily by the voluntary and community sector. Community facilities can be located in a wide range of venues and can include purpose-built structures such as:
- Community halls and village halls;
  - Places of worship;

- Health centres;
  - Schools; and,
  - Cultural and heritage assets such as museums, libraries, theatres, post offices, nationally or locally listed buildings, and, public houses.
- 4.23 These can also include converted houses, flats, shops, scout and / or guide huts and rooms or halls attached to faith buildings.
- 4.24 To plan for sustainable communities successfully, there should ideally be good access to a choice of social, cultural, youth and sporting activity. Such opportunities are often provided by community or voluntary organisations and the Council actively encourages a wide range of providers within the area. New development can often have a direct and considerable impact upon these activities, placing additional demand on the existing facilities and often creating a need for new facilities.

### **Contributions and Thresholds**

- 4.25 In accordance with the Community Facilities Policy in the Local Plan, the Council will expect all new major developments of 11 or more dwellings (net increase) and 1,000 sqm of floor area and above (gross internal area) to contribute towards the provision of new community facilities or the improvement / expansion of existing facilities where there is not enough existing spare capacity to meet the needs generated by the new development. This may include financial contributions and / or the provision of land and buildings to enable new community facilities to be provided, or, for existing facilities to be extended or improved.
- 4.26 Developments of, for example over 300 dwellings, may generate the need for a new community facility as a resource to meet the needs of the new community. In this circumstance, a developer would be expected to make a contribution which may take the form of a suitable site and meet the construction costs of a new building to a specification agreed at the time of determining the application.
- 4.27 Adequate provision of and existing capacity within local facilities (e.g. community halls of a size to accommodate activities for all community members which include children & young people, families, adults and older people) is important in order to meet the additional demands arising from new developments. Off-site financial contributions will be sought and pooled (up to five obligations per infrastructure scheme) to deliver the following types of projects which increase the capacity and access to community facilities, including:
- Upgrading of current community facilities, to increase their use;
  - New community facilities;
  - Extensions of existing community facilities;
  - Feasibility studies (associated with identified and evidenced CIL compliant capital projects);
  - Professional costs (associated with identified and evidenced CIL compliant capital projects);
  - Refurbishment of community facilities to increase their use and capacity;
  - Provision of facilities for people with disabilities; and

- Improvement of access to community facilities.
- 4.28 Much of the new development that comes forward in the Borough of Oadby and Wigston is at a smaller scale, yet all qualifying sites should still be expected to similarly contribute to community needs generated by additional development, by helping to expand capacity or develop existing levels of provision. At the time of a planning application being received, the Borough Council will engage with the key Officers and refer to the Infrastructure Delivery Plan (IDP) for evidence of required identified infrastructure projects.
- 4.29 Contributions will be sought towards the creation of new and / or enhancement of existing community facilities in the vicinity of new development(s) where the proposed development will have a direct relationship with a community facility scheme identified within the Council's Infrastructure Delivery Plan (IDP).
- 4.30 In exceptional circumstances, contributions arising from non-residential developments may also be sought should it be evident that the scale and type of the development proposed is likely to place an additional demand upon the existing community facilities. For example, specialist residential or day care institutions may be required to provide on-site facilities or off-site contributions as appropriate.
- 4.31 The level of financial contributions sought will reflect the character and context of the projects required, the scale of the new proposed development that requires mitigation, and, will be negotiated on a case-by-case basis. If the Council requires the assistance of an independent party during negotiations, this will be done at the applicants cost.
- 4.32 Depending on the overall scale of the new development, including the potential cumulative impact if located adjacent or near to other new development(s), greater financial contributions may be sought to meet the identified needs of the new population.

#### **COMMUNITY SAFETY AND POLICING**

- 4.33 The East Midlands Ambulance Service NHS Trust (EMAS), Leicestershire Fire and Rescue Service and Leicestershire Police may request developer contributions from qualifying developments to meet the additional costs to deliver their respective additional emergency service provision required as a result of any qualifying development.
- 4.34 In accordance with the High Quality Design and Materials Policy in the Local Plan, the Council will expect all new developments and major refurbishments to create inclusive places that design out opportunities for anti-social behaviour and crime, as well as create connected places by ensuring that developments fit well with existing routes by avoiding dead ends and convoluted routes, allow integration with the wider settlement, and, link to existing services and facilities. Therefore, developers will be expected to contribute to creating safer communities through investing in positive design that minimises potential negative impacts upon community safety and the fear of crime.



- 4.35 The emergency services will be required to robustly demonstrate to the Council through sufficient evidence that there is a need for additional community safety and policing infrastructure in order to make a new development acceptable.
- 4.36 Contributions may be sought from qualifying residential schemes of all new major developments of 11 or more dwellings (net increase) and 1,000 sqm floor area and above (gross internal area), provided there is a justified need to seek contributions and that the proposed infrastructure scheme(s) to be funded are CIL compliant and in accordance with the Infrastructure and Developer Contributions Policy in the Local Plan. Contributions may also be sought from non-residential schemes of 1,000 sqm floor area and above, depending upon the likely impact of the new development. The level of financial contributions sought will reflect the character and context of the works required and will be negotiated on a case-by-case basis. All submitted planning obligation requests sought by non-signatory providers to be included within the relevant Section 106 Agreement must be accompanied by a completed 'CIL Compliance Checklist Form', as included in Appendix 1 of this SPD

## **HEALTH AND WELLBEING**

- 4.37 Improving public health and wellbeing is one of the principle overarching objectives for any growing community and delivering wellbeing for all is included as one of the Council's key objectives for the Borough of Oadby and Wigston. Therefore, the Improving Health and Wellbeing Policy, together with the Sustainable Transport and Initiatives Policy in the Local Plan, both seek to meet this objective by increasing levels of walking and cycling, encouraging more active lifestyles, reducing harmful transport emissions and by improving access to local healthcare provision.
- 4.38 To ensure this objective is deliverable, the Council will consult and seek to work in partnership with NHS England and East Leicestershire and Rutland Clinical Commissioning Group (ELR CCG) on future development plans in order to continually assess long term health planning within the Borough.
- 4.39 Where it can be clearly demonstrated that there is not enough existing spare capacity to serve the population of a new residential development, developers will be expected to contribute towards the provision of additional health care infrastructure to meet that need. This may include financial contributions and / or the provision of land and buildings, or, the upgrading or extension of existing facilities that will serve that development and therefore enable the greater accessibility to CIL compliant health infrastructure facilities that will serve the new development(s) population.
- 4.40 For all qualifying residential development(s) of 11 or more dwellings (net increase) and 1,000 sqm floor area and above (gross internal area) or non-residential developments of a combined gross internal floorspace of more than 1,000 sqm, where appropriate infrastructure schemes have been identified, financial or in-kind contribution(s) may be sought towards the delivery of new, improved, and / or, the extension of existing healthcare facilities. All submitted planning obligation requests sought by non-signatory providers to be included within the relevant Section 106 Agreement must be accompanied by a completed 'CIL Compliance Checklist Form', as included in Appendix 1 of this SPD

- 4.41 Many primary care practices are run as independent businesses and therefore, an appropriate mechanism is needed to ensure that any healthcare facilities that are funded by developer contributions remain in community use for at least 15 years. As such, any funds secured towards the provision of extensions / improvements or new facilities will be subject of an agreement with the individual practices. Any practice that benefits under these circumstances would be required to repay funds (on a pro rata basis) if the practice does not continue for 15 years after the facilities have been provided. For example, if a practice ceases after 5 years of the facilities being provided, 10 years' worth of contributions will be repaid to the developer, with interest.

#### **LEICESTERSHIRE COUNTY COUNCIL SERVICES**

- 4.42 Leicestershire County Council (LCC) is legally entitled to be a signatory to all Section 106 Agreements that are negotiated in the Borough of Oadby and Wigston, as well as enforce all relevant planning obligations as part of those relevant agreements.
- 4.43 The County Council is responsible for the delivery of a number of crucial services throughout the County of Leicestershire. Therefore, for all new major developments of 11 or more dwellings (net increase) and 1,000 sqm floor area and above (gross internal area), or non-residential developments of a combined gross internal floorspace of more than 1,000 sqm, when the Leicestershire County Council has a justified reason to seek contributions towards CIL compliant infrastructure projects, requests for planning obligations towards the following services may be submitted:
- Adult Social Care and Health;
  - Civic Amenity / Waste Management;
  - Education;
  - Economic Growth;
  - Highways and Transportation;
  - Library Services;
  - Sports and Recreation;
  - Community Safety; and,
  - Public Health.
- 4.44 The County Council's [Leicestershire Planning Obligation Policy](#) was adopted in December 2014 and sets out the approach for seeking planning obligations in Leicestershire. This document explains the level and types of infrastructure which may be sought to address the impacts of a new development.

#### **OPEN SPACE, SPORT AND RECREATION FACILITIES (INCORPORATING GREEN INFRASTRUCTURE)**

- 4.45 Proposals for all new major developments of 11 or more dwellings (net increase) and 1,000 sqm floor area and above (gross internal area) will be expected to contribute towards open space, sport and recreation facilities in accordance with all relevant Local Plan Policy.
- 4.46 Proposals for new residential development should contribute to the provision and / or enhancement of open space in areas where there is a deficiency in provision, or poor



quality of open spaces. This provision could be either on or off-site depending on the scale and nature of development and the level and quality of existing facilities in the local area. On-site provision of open space should provide at least the requirements as set out below in Table 2 and off-site contributions towards open space provision should be consistent with the Council's approach, as set out in this section of the SPD.

- 4.47 Locally based open space requirements have been developed by the Council and have been very successful in maintaining (and increasing) the levels of open space within the Borough. With this success, it is felt that it would not be appropriate to deviate from the current requirements, however through close discussion with Sport England, the requirement and provision of Outdoor Sport Space will be achieved through linking contributions sought to the requirements set out in the Council's Playing Pitch Strategy (PPS) and / or the Infrastructure Delivery Plan (IDP), rather than through the use of the Council's quantity requirement approach (as per Table 2) in isolation. Therefore, contributions for Outdoor Sport Space will only be sought where there is a deficiency in provision, and a suitable CIL compliant infrastructure project identified within the Borough, as per the Council's PPS and / or IDP.
- 4.48 The Council's PPG17 – Open Space, Sport and Recreational Facilities Study (2009), formed the basis for the Council's Annual Open Space Audit (updated regularly, most recently in 2018). This Open Space Audit assesses the provision of open spaces in the Borough, identifying where differing typologies are deficient and / or in surplus supply. All areas of open space, sports and recreational facilities will be protected, retained and enhanced, including those set out within the New Local Plan. The Borough's Annual Open Space Audit is used to inform where on or off-site developer contributions are required and are to be focused to meet identified deficiencies and to deliver relevant infrastructure projects, as highlighted in the Council's PPS and IDP.
- 4.49 As illustrated below in Table 2, the Borough's formula for seeking open space contributions will be sought from all new major developments of 11 or more dwellings (net increase) and 1,000 sqm floor area and above (gross internal area) to address open space quantity and access requirements moving forward.

**Table 2: Typologies of open spaces in the Borough**

<b>Typology of Open Space</b>	<b>Local Quantity Requirement</b>	<b>Provision per dwelling (sqm)</b>
<b>Outdoor Sports Space</b> These include seasonal and fixed sports spaces that are openly accessible to the public including sports pitches for cricket, football and rugby. They also include fixed sports spaces such as tennis courts and bowling greens. Very often these facilities are located within Parks or Recreation Grounds, and as such, many of the facilities, especially sports pitches are multi-functional. This means they can be used for sport one day, and for the rest of the week function as a space to walk and play.	1.0 ha / 1,000 ppl  Projects in the Borough identified in the PPS and / or IDP	23.86
<b>Children and Young People's Space</b> Equipped children's space (for pre-teens); and, provision for teenagers. The latter comprises informal	0.3 ha / 1,000 ppl	7.16

Typology of Open Space	Local Quantity Requirement	Provision per dwelling (sqm)
recreation opportunities for, broadly, the 13 to 16/17 age group, which might include facilities like skateboard parks, basketball courts and 'free access' Multi Use Games Areas (MUGAs). In practice, there will always be some blurring around the edges in terms of younger children using equipment aimed for older persons and vice-versa. Fields in Trust, formerly the National Playing Fields Association (NPFA), break down children and young person's playing space into three categories: Local Areas for Play (LAPs); Local Equipped Areas for Play (LEAPs); and Neighbourhood Equipped Areas for Play (NEAPs).		
<b>Parks and Recreation Grounds</b> All sites including recreation grounds, parks and formal gardens have been placed under a single classification called Parks and Recreation Grounds. They take on many forms and may embrace a wide range of functions including: informal recreation and outdoor space; play space of many kinds (including for sport and children's play); providing attractive walks to work; offering landscape and amenity features; areas of formal planting; providing areas for 'events'; and, providing habitats for wildlife.	0.5 ha / 1,000 ppl	11.93

### Delivering well designed open spaces

- 4.50 In accordance with the Open Space, Sport and Recreation Facilities Policy in the New Local Plan, good landscaping and design as part of an area of open space, sport and recreation can significantly enhance the experience of those using the facility. Appropriate landscaping can also contribute to the nature and biodiversity value of the Borough if new facilities are designed sensitively. It should be noted that for developments situated within the town centre boundary of Wigston and district centre boundaries of Oadby and / or South Wigston, contributions sought for Open Space, Sport and Recreation Facilities (incorporating Green Infrastructure) will be directed towards relevant, CIL compliant Public Realm schemes that have been identified within the Council's Infrastructure Delivery Plan (IDP).
- 4.51 Landscaping schemes should be considered as part of the overall design of the area of play and open space to ensure planning becomes an integral part of the scheme. A range of species should be chosen to provide interest throughout the year. Consideration should be given to providing a mix of colour, texture and smell. Planting should be designed so as to provide adequate shelter, but also allow good surveillance of the facility from neighbouring pedestrian routes and buildings. For open space that will be delivered on-site, details of planting schemes should be submitted to the Borough Council for approval prior to development commencing.

### Play and Sporting Equipment

- 4.52 The design of all signage, street furniture (and other associated public realm) and play equipment within open spaces should be approved by the Council in all

instances. Other hard landscaping features and materials should be sourced by the applicant or developer, but details should be submitted and approved to the Borough Council prior to development commencing. The Council's Public Realm Guidance provides a useful insight into the detail of the requirements, but in the first instance, developers are also encouraged to liaise directly with the Case Officer.

- 4.53 Any play equipment and associated landscaping must comply with the relevant regulations current at the time of installation e.g. BS EN 1176 and BS EN 1177 and to provide an exciting, challenging and safe environment for the appropriate age group it is intended for. The Borough Council must agree the design and equipment which should be robust and easy to maintain.
- 4.54 The area will then be put onto a 12 month period of maintenance during which time the developer will be responsible for all maintenance including inspection of play equipment, litter and graffiti removal etc to the Borough Council's standard. After 12 months and before handing over to the Council, an independent post installation inspection should be carried out by a registered play inspector at the expense of the applicant or developer. Any defects should be remedied at the expense of the developer. Risk assessment for the play equipment will be required.
- 4.55 The Borough Council will be guided by the Fields in Trust, formerly National Playing Fields Association (NPFA), requirements for equipped play provision, as included in Table 3 below.

**Table 3: LAP's, LEAP's and NEAP's**

<b>Equipped provision type</b>	<b>Age-group</b>	<b>Minimum size of activity area</b>	<b>Buffer Zones</b>
Local Area for Play (LAP) (fencing, furniture, path surfacing and signage)	Children	Minimum activity zone = 100 m <sup>2</sup> (0.01 ha)	5 metres minimum separation between activity zone and the boundary of dwellings.
Local Equipped Area for Play (LEAP) (play equipment, fencing, furniture, path surfacing and signage)	Pre-teens	Minimum activity zone = 400 m <sup>2</sup> (0.04 ha)	20 metres minimum separation between activity zone and the habitable room façade of dwellings.
Neighbourhood Equipped Area for Play (NEAP) (play equipment, MUGA, fencing, furniture, path surfacing and signage)	Older pre-teens and teens	Minimum activity zone = 1,000 m <sup>2</sup> (0.1 ha) comprising of an area for play equipment and structures and a hard surfaced area of at least 465 sqm	30 metres minimum separation between activity zone and the boundary of dwellings.

### **Level of contributions**

- 4.56 All schemes that necessitate open space provision will require the developer to maintain the area or pay for the maintenance costs incurred by the scheme for the first 20 years. Any contributions will be in the form of a commuted sum payment,

which relates to the size and context of the site. In line with the Community Infrastructure Levy Regulations (2010), the open space provision must fairly relate to the scale of development and specifically relate to the growth that each new development creates.

- 4.57 The Council's method for calculating contributions takes into account the existing provision and future need for open space and a detailed breakdown of this calculation is included below.

#### **Unit costs for off-site financial contributions**

- 4.58 The costs of provision have been established by and are based upon the Borough Council's own information relating to providing and maintaining relevant typologies of open spaces.
- 4.59 The costs included in the Council's previously published Developer Contributions Supplementary Planning Document (2011) have not been reviewed since Quarter 4 in 2011. Since that time, the BCIS All-In Tender Price Index has risen by approximately 40.80 per cent from 223 (Q4, 2011) to 314 (Q2, 2018). Therefore, the increase in contributions to be sought from new development in this Borough will now be based upon up to date costs, in accordance with the Council's Grounds Maintenance Supervisor's records of capital and maintenance costs, together with the Building Cost Information Service (BCIS) All-In Tender Price Index Rate, to ensure the costs included fairly reflect the local and national picture.
- 4.60 Table 4 details capital and maintenance costs for the three typologies illustrated in Table 2. These have been identified to ensure that a comprehensive approach to identifying necessary costs is taken to deliver quality open spaces in the Borough of Oadby and Wigston in circumstances where off-site developer contributions are being sought from qualifying developments. (All figures are in £'s unless otherwise stated):

A – Outdoor Sports Space

B – Children and Young People's Space

C – Parks and Recreation Grounds Space

D – Maintenance of Outdoor Sports Space

E – Maintenance of Children and Young People's Space

F – Maintenance of Parks and Recreation Grounds Space

**Table 4: Off-Site Financial Contribution Unit Costs**

	2018
<b>A – Outdoor Sports Space Requirement – Cost per hectare for establishment</b>	
<i>Please note that should land drainage measures be deemed appropriate then the cost for doing this would need to be calculated on a site by site basis.</i>	
1 Football pitch including cultivation (7200m <sup>2</sup> )	11,264
1 Multi Use Games Area (MUGA) (800m <sup>2</sup> )	84,480
1 Supply and install youth shelter Inc. hard standing	12,249.60
Grass surround (2,000m <sup>2</sup> )	3,872
Supply and install Litter Bin x 3	1,406.59
Total per hectare	113,272.19
Cost per m <sup>2</sup>	11.32
<b>B – Children and Young People's Space Requirement – establishment of 400m<sup>2</sup> play area (LEAP standard)</b>	
LEAP Standard 400m <sup>2</sup> Play Space (including minimum of 5 items of play equipment, safety surfacing, grassed area and safety surfacing)	84,480
Dog proof fencing and gates 100lm	11,968
Supply and install Litter Bin x 1	468.86
Supply and install Dog Bin x 1	268.93
Supply and install (OWBC) Bench x1	915.20
Total for 400m <sup>2</sup>	98,100.99
Cost per m <sup>2</sup>	245.25
<b>C – Parks and Recreation Grounds Space Requirement – establishment of 1 hectare</b>	
Hard surface/pathways 800, x 1.2m = 960 linear m	68,710.40
Establishment of grass 9,000m <sup>2</sup>	9,504
Plant trees - 10 heavy standards	1,689.60
Plant trees - 50 whips	119.68
Shrub planting 100m <sup>2</sup>	2,189.44
Supply and install OWBC Benches x 3	2,745.60
Supply and install Litter Bin x 3	1,406.59
Supply and install Dog Bin x 1	1,075.71
Total per hectare	87,441.02
Cost per m <sup>2</sup>	8.74
<b>D – Maintenance of Outdoor Sports Space Requirement – cost per hectare</b>	
Cutting of pitch	422.40
Additional maintenance (e.g. Fertilizer, harrow etc)	844.80
Multi Use Games Area (MUGA)	704
Teenage shelter	70.80
Grass surround – cutting	281.60
Litter collection and emptying (3 bins)	506.88

	2018
Weekly litter picking	563.20
Sweeping of hard surfaces	352
Total per annum	3,745.68
Total over 20 years	74,913.60
Total over 20 years per m <sup>2</sup>	7.49
<b>E – Maintenance of Children and Young People’s Space Requirement – cost per 400m<sup>2</sup></b>	
Grass cutting	704
Risk Assessment Annual	211.20
Quarterly Check	211.20
Weekly inspection of LEAP	844.80
Maintenance of equipment – 5 pieces at £250 each	1,760
Fence / bench / bin maintenance	211.20
Litter / Dog bin collection and emptying (2 bins)	337.92
Weekly litter picking	281.60
Total per annum (400m <sup>2</sup> )	4,561.92
Total over 20 years (400m <sup>2</sup> )	91,238.40
Total over 20 years per m <sup>2</sup>	228.09
<b>F – Maintenance of Parks and Recreation Grounds Space Requirement – cost per hectare</b>	
Hard surface cleaning	140.80
Grass cutting - 7,000 gang	394.24
Grass cutting - 2,000 pedestrian	2,252.80
Litter / Dog bin collection and emptying (4 bins)	675.84
Weekly litter picking	563.30
Sweeping of hard surfaces	352
Shrub bed maintenance	528
Bench / bin maintenance	168.96
Total per annum	5,075.94
Total over 20 years	101,518.80
Total over 20 years per m <sup>2</sup>	10.15

#### Calculation of financial contribution in lieu of on-site provision

- 4.61 The following formula indicates how financial contributions in lieu of on-site open space are calculated. If an element of open space is provided on site, this is discounted from the overall sum.
- 4.62 For qualifying new major developments of 11 or more dwellings (net increase) and 1,000 sqm floor area and above (gross internal area), developers will be required to meet the following:



- Each dwelling requires the equivalent provision of 23.86m<sup>2</sup> of Outdoor Sports Space.
- Each dwelling requires the equivalent provision of 7.16m<sup>2</sup> of Children and Young People's Space.
- Each dwelling requires the equivalent provision of 11.93m<sup>2</sup> of Park and Recreation Ground Space.

4.63 Refer to paragraph 4.73 under Open Space Quantity per Dwelling for an explanation of the above square metre provisions.

4.64 The categories of financial contributions listed below (A-F) correspond with those indicated in the costs shown in Table 4 above:

**A** Number of proposed dwellings x 23.86 (total square metre area of Outdoor Sports Space required per dwelling) x 11.32 (area cost per square metre) = total Outdoor Sports Space contributions

**B** Number of proposed dwellings x 7.16 (area of Children and Young People's Space per dwelling) x 245.25 (area cost per square metre) = total contribution towards Children and Young People's Space

**C** Number of proposed dwellings x 11.93 (area of Parks and Recreation Grounds Space per dwelling) x 8.74 (area cost per square metre) = total contribution towards Parks and Recreation Grounds Space

**D** Number of proposed dwellings x 23.86 (total square metre area of Outdoor Sports Space required per dwelling) x 7.49 (20 year maintenance cost per square metre) = total maintenance contribution for Outdoor Sports Space

**E** Number of proposed dwellings x 7.16 (area of Children and Young People's Space per dwelling) x 228.09 (20 year maintenance cost per square metre) = total maintenance contribution for Children and Young People's Space

**F** Number of proposed dwellings x 11.93 (area of Parks and Recreation Grounds Space per dwelling) x 10.15 (20 year maintenance cost per square metre) = total maintenance contributions for Parks and Recreation Grounds Space

4.65 Total financial contributions required per dwelling where no on site provision is proposed = **A+B+C+D+E+F**. The maximum sum required is **£4,063.28 per dwelling** in lieu of on-site open space provision.

#### **Circumstances when contributions will be discounted or not sought**

4.66 For category B (Children and Young People's Space) and category E (Maintenance of Children and Young Person's Space), there are circumstances where discounts are applied. Table 5 illustrates the discounts. Discounts are applied as the Council is aware that smaller dwellings are (in general) less likely to impact the Children and Young Peoples Space typology.

1 Bed / Studio – 100% discount  
 2 Bed – 50% discount  
 3+ Bed – 0% discount

**Table 5: Category B and E contribution per new dwelling**

	<b>0% Discount (Full Contribution)</b>	<b>50% Contribution for B &amp; E (50% Discount Incorporated)</b>	<b>0% Contribution for B &amp; E (100% Discount Incorporated)</b>
<b>3+ Bed Dwelling</b>	£3,389.11		
<b>2 Bed Dwelling</b>		£1,694.56*	
<b>1 Bed Dwelling</b>			£0.00

*\* This figure has been subject to rounding*

- 4.67 Contributions for category A and D (Outdoor Sport Space) will only be sought where there is a suitable CIL compliant infrastructure project identified within the Borough, as per the Council's Playing Pitch Strategy (PPS) and / or Infrastructure Delivery Plan (IDP). In circumstances when there are no CIL compliant Outdoor Sports Space infrastructure projects identified within Borough, category A and D will be discounted from any calculations for off-site contributions.
- 4.68 Therefore, every new dwelling (on developments of 11 or more dwellings and above 1,000 sqm gross internal area) built in the Borough will be expected to contribute (unless discounts apply) the following:
- A – Outdoor Sports Space
  - B – Children and Young People's Space
  - C – Parks and Recreation Grounds Space
  - D – Maintenance of Outdoor Sports Space
  - E – Maintenance of Children and Young People's Space
  - F – Maintenance of Parks and Recreation Grounds Space



**Table 6: Off-Site Contribution Values per Typology of Open Space, per Dwelling**

Open Space Typology	Contribution (£)
	<b>2018</b>
A – 100% Contribution	270.10
A – 0% Contribution	0.00
B – 100% Contribution (3+ Bed Dwellings)	1,755.99
B – 50% Contribution (2 Bed Dwellings)	878.00*
B – 0% Contribution (1 Bed / Studio Dwellings)	0.00
C – 100% Contribution	104.27
C – 0% Contribution	0.00
D – 100% Contribution	178.71
D – 0% Contribution	0.00
E – 100% Contribution (3+ Bed Dwellings)	1,633.12
E – 50% Contribution (2 Bed Dwellings)	816.56
E – 0% Contribution (1 Bed / Studio Dwellings)	0.00
F – 100% Contribution	121.09
F – 0% Contribution	0.00
<b>TOTAL (100% Contribution)</b>	<b>4,063.28</b>
A + D – 100% Contribution	448.81
A + D – 0% Contribution	0.00
B + E – 100% Contribution (3+ Bed Dwellings)	3,389.11
B + E – 50% Contribution (2 Bed Dwellings)	1,694.56*
B + E – 0% Contribution (1 Bed / Studio Dwellings)	0.00
C + F – 100% Contribution	225.36
C + F – 0% Contribution	0.00

\* This figure has been subject to rounding

- 4.69 For every new 3+ bedroom dwelling, where no discounts apply, there will be a maximum total contribution of **£4,063.28 per dwelling** sought to contribute towards Open Space, Sport and Recreation Facilities (Incorporating Green Infrastructure) in the Borough.
- 4.70 This contribution reflects the capital and revenue costs to deliver and maintain open space infrastructure, based upon the Borough's estimated population, total number of dwellings and the required open space per dwelling, per typology.

#### **Summary of Provision of Open Space by Ward and Typology**

- 4.71 Contributions for each typology of open space will only be sought when there is an identified under supply of that typology of open space in the ward where the new development is taking place. Should there be sufficient supply of a typology of open space, then that typology will be discounted from any calculations for an off-site contribution from a new development.
- 4.72 Table 7 Surplus / Deficient – Ward by Ward, Annual Open Space Audit (2018) reflects the most up to date situation in the Borough for each typology of open space sought.

**Table 7: Surplus / Deficient – Ward by Ward, Annual Open Space Audit (2018)**

<b>Sufficient supply</b>
<b>Under supply</b>

Ward	Outdoor Sports Space	Children & Young People's Space	Parks & Recreation Grounds
Oadby Grange	Identify project in PPS and / or IDP		
Oadby Uplands	Identify project in PPS and / or IDP		
Oadby St Peters	Identify project in PPS and / or IDP		
Oadby Woodlands	Identify project in PPS and / or IDP		
Oadby Brocks Hill	Identify project in PPS and / or IDP		
Wigston Meadows Court	Identify project in PPS and / or IDP		
Wigston Fields	Identify project in PPS and / or IDP		
Wigston St. Wolstans	Identify project in PPS and / or IDP		
South Wigston	Identify project in PPS and / or IDP		
Wigston All Saints	Identify project in PPS and / or IDP		

*Annual Open Space Audit, 2018*

#### **Open Space Quantity Requirement per New Dwelling**

- 4.73 The open space quantity per new dwelling is calculated using the following formulae and will be kept up to date each time this SPD is reviewed. Since 2011, the required space per dwelling has reduced in all three typologies as a result of National population projections re-basing the Borough's estimated population.

## Open Space Quantity Requirement per New Dwelling

$$(A \times B) / C \times D$$

Where:

- A** Total Borough population / 1,000
- B** PPG17 / Open Space Review requirement (hectares)
- C** Total number of dwellings in the Borough
- D** 10,000

1,000 is the constant population used when calculating the PPG17 Requirement (hectare) per population (as prescribed within the Borough's PPG17 Play, Open Space, Sport and Recreation Facilities Study). 10,000 is the constant used to convert Hectares to Square Metres.

### Outdoor Sports Space

Outdoor Sports Spaces require a provision of 1 hectare per 1,000 population. The Borough has a total population of 55,749<sup>5</sup>, with a total number of 23,368<sup>6</sup> dwellings.

$$((55,749/1,000) \times 1) / 23,368 \times 10,000$$

$$55.749 / 23,368 \times 10,000 = 23.856$$

= 23.86 square metres of Outdoor Sports Space requirement per dwelling.

### Children and Young People's Space

Children and Young People's Space require a provision of 0.3 hectares per 1,000 population. The Borough has a total population of 55,749, with a total number of 23,368 dwellings.

$$((55,749/1,000) \times 1) / 23,368 \times 3,000$$

$$55.749 / 23,368 \times 3,000 = 7.156$$

= 7.16 square metres of Children and Young People's Space requirement per dwelling.

### Parks and Recreation Grounds

Parks and Recreation Grounds require a provision of 0.5 hectares per 1,000 population. The Borough has a total population of 55,749, with a total number of 23,368 dwellings.

$$((55,749/1,000) \times 1) / 23,368 \times 5,000$$

$$55.749 / 23,368 \times 5,000 = 11.928$$

= 11.93 square metres of Parks and Recreation Grounds requirement per dwelling.

<sup>5</sup> ONS, Sub National Population Projections – Local Authorities: SNPP Z1 (released 24<sup>th</sup> May 2018)

<sup>6</sup> DELTA, Housing Flows Reconciliation (HFR), 2018

## **PUBLIC REALM**

- 4.74 Public realm relates to both the publicly and privately owned spaces between buildings and structures that are part of the built and/or natural environment that are open and freely accessed by the public. Public realm also provides the context and setting for existing and new development. It includes hard and soft surfacing materials, street furniture (including public art, lighting, benches, litter bins), traffic and pedestrian signage, way finding and control, trees, and landscaping. For a full definition of public realm see the Borough Council's Public Realm Guidance.
- 4.75 Public realm can play an important role in enhancing the quality and character of the built and natural environment, enriching the area and improving the spaces within which people live their lives.
- 4.76 Proposals for all new major developments of 11 or more dwellings (net increase) and 1,000 sqm floor area and above (gross internal area) will be expected to contribute towards public realm in accordance with the Public Realm Policy of the Local Plan. Other relevant policies in the Local Plan include Improving Health and Wellbeing; High Quality Design and Materials; Cultural and Historic Environment Assets; Development in Conservation Areas; Landscape and Character; and, Infrastructure and Developer Contributions.
- 4.75 One of the core principles of the National Planning Policy Framework (NPPF) is to provide healthy, inclusive and safe places which deliver high quality public spaces and encourage active and continual use for all. It also advocates planning policies, decisions and strategies aimed at improving health, social and cultural well-being for all sections of the community.
- 4.76 The Public Realm Policy in the Local Plan states that *'all proposals for large scale development and / or change must incorporate high quality public realm on-site and / or contribute towards public realm improvements off site. All proposals that propose new public realm or impact upon the existing public realm must ensure that the pedestrian is prioritised over other modes of transport and that materials and design are of the highest standards'*.

### **Level of contributions**

- 4.77 Therefore, contributions will be sought towards the creation and / or enhancement of the public realm in the vicinity of all major new developments where the proposed scheme(s) will have a direct relationship with an identified public realm improvement project included within the Council's Infrastructure Delivery Plan, which is a 'live' document and therefore updated regularly.
- 4.78 The scale of the contributions sought will reflect the character and scope of the works required and will therefore be negotiated on a case-by-case basis. It should be noted that for developments situated within the town centre boundary of Wigston and district centre boundaries of Oadby and / or South Wigston, contributions sought for Open Space, Sport and Recreation Facilities (incorporating Green Infrastructure) will be directed towards relevant, CIL compliant Public Realm schemes that have been identified within the Council's Infrastructure Delivery Plan (IDP).

## **WASTE – HOUSEHOLD AND RECYCLING RECEPTACLES**

- 4.79 The Climate Change, Flood Risk and Renewable Low Carbon Energy Policy in the Local Plan sets out the Council's commitment to making use of sustainable resources and seeking to reduce the impact that new development will have upon climate change. At its meeting on 31 July 2018, Councillors for the Borough unanimously approved proposals to keep weekly collections for both refuse and recycling. The Council is taking the initiative to minimise domestic household waste through maximising domestic household recycling and reuse of materials by rolling out a fresh approach to waste and recycling collection in the Borough.
- 4.80 To ensure waste is collected cleanly, safely and efficiently, the Council has specified that it will collect all household waste and recycling from wheeled bins by June 2019, unless properties are unsuitable or it is impractical to use wheeled bins. It can make this legal requirement under section 46 of the Environmental Protection Act 1990.
- 4.81 Where new or redeveloped homes resulting in a net increase in the number of dwellings are built and require new household waste and recycling wheeled bins, the Council will require the developer to purchase these wheeled bins and pay for their delivery. The Council requires a suitable notice period from the developer to ensure that the required bins are in stock and to arrange their delivery. Therefore, for all new developments, the Council requests 4 to 6 weeks' notice, prior to first occupation, to be given.
- 4.82 Applications for planning permission will always be encouraged to include appropriate provision for the storage and collection of household and waste recycling wheeled bin receptacles.
- 4.83 In addition to this, the Council's Garden Waste Service is optional for all households in the Borough and a range of payment options are available to the Borough's residents for a small fee per annum. Therefore, although the Council would not require developer contributions from developers to provide Garden Waste receptacles for new dwellings, it will continue to encourage all new developments to give due consideration to the design and layout of sites to allow for suitable access and storage arrangements for all household, recycling and garden waste wheeled bins.

### **Thresholds and level of contributions**

- 4.84 For all new residential developments where there will be a net increase in the number of dwellings, the Council will secure the cost for the provision and delivery of 1 x household waste wheeled bin (£20.00) and 1 x recycling waste wheeled bin (£20.00) by way of a taking payment of £40.00 per net additional new dwelling. The bins must be provided before the first occupation and the Council would therefore expect a minimum of 4 to 6 weeks' notice from the developer.
- 4.85 Therefore, all applications seeking planning permission for a net increase in the number of dwellings on a site must complete and submit a Unilateral Undertaking Agreement (as per Appendix B) together with the appropriate payment within 14 days

of the occupation of the 1<sup>st</sup> dwelling, ensuring the planning permission reference number is quoted with the payment.

- 4.86 For very large housing developments, financial contributions may be required to increase the Council's waste collection vehicle fleet. The scale of the contributions sought will reflect the scale and scope of the new development and will therefore be negotiated on a case-by-case basis.

Consultation Document

## **APPENDIX 1:**

### **COMMUNITY INFRASTRUCTURE LEVY (CIL) COMPLIANCE CHECKLIST FORM**

This form is to be completed by any non-signatory Agency, external to Oadby and Wigston Borough Council, to provide an auditable confirmation that the three CIL Tests as detailed below have been met and that asking for each Planning Obligation is justified.

The three CIL Tests that must be satisfied are:

- 1) Is the obligation necessary to make the development acceptable in planning terms?
- 2) Is the obligation directly related to the development?
- 3) Is the obligation fairly and reasonably related in scale and kind to the development?

A separate form must be completed for each individual Planning Obligation sought.

This form should be completed and returned to Oadby and Wigston Borough Council when seeking a Planning Obligation from a qualifying development within the Borough.

Upon receipt of the form, Oadby and Wigston Borough Council's Section 106 Working Group and the Council's Senior Management Team (SMT) must be satisfied that the CIL Tests have been met and that adequate justification has been given.

For any Planning Obligation where Oadby and Wigston Borough Council is not satisfied that all three CIL Tests have been met or where the justification is insufficient, the Case Officer will work with the relevant service provider to see if the request can be made CIL compliant.

Any Planning Obligation sought for that is deemed to not comply with all three of the CIL Tests and evidence cannot be provided to make the obligation sought compliant, will not be included within the Section 106 Agreement.

**COMMUNITY INFRASTRUCTURE LEVY (CIL) COMPLIANCE CHECKLIST FORM**

<b>Site Address</b>		
<b>Planning Application Number</b>		
<b>Organisation Name</b>		
<b>Obligation Title</b>		
<b>CIL Test</b>	<b>Yes / No</b>	<b>Justification for Meeting CIL Test</b>
<b>1) Is the obligation necessary to make the development acceptable in planning terms?</b>		
<b>2) Is the obligation directly related to the development?</b>		
<b>3) Is the obligation fairly and reasonably related in scale and kind to the development?</b>		
<b>ALL APPROVED OBLIGATIONS SOUGHT MUST BE AGREED AND SIGNED OFF BY OADBY AND WIGSTON BOROUGH COUNCIL'S SECTION 106 WORKING GROUP AND SENIOR MANAGEMENT TEAM</b>		
<b>OWBC S106 Working Group</b>		<b>OWBC Senior Management Team (SMT)</b>
<b>(Yes / No):</b>		<b>(Yes / No):</b>
<b>Name:</b>		<b>Name:</b>
<b>Signature:</b>		<b>Signature</b>
<b>Date:</b>		<b>Date:</b>



## **APPENDIX 2:**

### **HOUSEHOLD AND RECYCLING RECEPTACLES UNILATERAL UNDERTAKING**

**Note to applicant:** If applicable, please request an editable version of this document from the Case Officer processing your application.

Consultation Document

**DATED** .....(Insert Day, Month, Year).....

**(INSERT DETAILS OF OWNER)**

TO

OADBY AND WIGSTON BOROUGH COUNCIL

**UNILATERAL UNDERTAKING**

Pursuant to Section 106 of the Town and Country Planning Act 1990

Relating to a Household Waste and Recycling Receptacles contribution arising from  
proposed residential development at

**(Insert Planning Application Reference Number, Property Site Address and  
Description of the Proposed Development)**

THIS UNDERTAKING is made the ...(Insert Date)... day of .....(Insert Month).....Two thousand and .....(Insert Year).....

By

1. **Parties**

1.1 (Insert full name and address of "The Owner")

1.2 (Insert full name and address of "The Mortgagee")<sup>7</sup>

And given to

1.3 The Council

2. **Definitions and Interpretation**

2.1 In this deed:

2.1.1 "the Council" means Oadby and Wigston Borough Council of Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR.

2.1.2 "1990 Act" means the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004.

2.1.3 "Deed" means this Deed.

2.1.4 "Application" means the application dated .....(Insert Day, Month, Year)..... for planning permission (reference number .....(Insert Planning Application Reference Number)..... for the development of the Site.

2.1.5 "Permission" means planning permission granted pursuant to the Application.

2.1.6 "the Plan" means the plan annexed hereto (Attach Plan).

2.1.7 "Site" means the land situated at

.....(Insert Site Property Address).....

The aforesaid site is shown edged red on the attached Plan.

2.1.8 "Wheeled Bin Contribution" means the sum of £ .....(Insert total contribution in Pounds)..... (or £40.00 per residential dwelling) towards the provision of Household and Recycling Wheeled Receptacle Bin facilities for the Development.

2.2 In this Deed where the context so requires reference:

2.2.1 To Clauses or references to Clauses in this Deed.

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<sup>7</sup> Delete if not applicable.

- 2.2.2 To any Act of Parliament refers to the Act as it applies at the date of this Deed and any later amendment or re-enactment of it.

### **3. Recitals**

- 3.1 The Owner is the owner of the freehold of the Site (which is registered with title absolute at HM Land registry under Title number **.....(Insert Title Number).....<sup>8</sup>**) (subject to a legal charge in favour of the Mortgagee<sup>9</sup>).
- 3.2 The Council is the local planning authority within the meaning of the 1990 Act for the area within which the Site is situate and by whom the obligations on the part of the Owner herein contained will be enforceable.

### **4. Legal Effect**

- 4.1 This Deed is made pursuant to Section 106 of the 1990 Act to the intent that it shall bind the Owner and its successors in title to each and every part of the Site as herein provided and the covenants contained in Clause 5 hereof are planning obligations for the purposes of Section 106 of the 1990 Act.
- 4.2 This Deed (except clause 6 which shall have immediate effect) shall come into effect upon the grant of the Planning Permission.
- 4.3 This Undertaking is a local land charge and will be registered as such.

### **5. The Owner's Covenants**

- 5.1 The Owner covenants with the Council to make the Wheeled Bin Contribution to the Council within 14 days of the occupation of the 1<sup>st</sup> dwelling ensuring planning permission (reference number **.....(Insert Planning Application Reference Number).....**) is quoted with the payment.

### **6. Interest on Late Payments**

- 6.1 In the event of any delay in making the Wheeled Bin Contribution interest shall be payable on the amount payable at the rate of four per cent above the standard base rate.

### **7. Rights of Third Parties**

- 7.1 For the avoidance of doubt none of the provisions of the Contract (Rights of Third Parties) Act 1999 shall apply to this Deed.

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<sup>8</sup> Insert Title Number if Site registered at HM Land registry. Delete words in brackets if not applicable.

<sup>9</sup> Delete words in brackets if not applicable.

## **8. Consent**

8.1 The Owner hereby certifies that the Mortgagee has consented to the completion of this Undertaking and acknowledges that from the date hereof the Site shall be bound by the covenants restrictions and stipulations contained herein<sup>10</sup>.

**(INSERT NAME OF INDIVIDUAL (IF APPLICABLE)<sup>11</sup>)**

SIGNED and delivered as a deed by

The said Owner

**(Insert Signature)**

In the presence of **(PRINT NAME)**

**(Signature)**

**(Address of witness)**

**(Occupation of witness)**

**(INSERT NAME OF COMPANY (IF APPLICABLE)<sup>12</sup>)**

Executed and delivered as a Deed

By the Owner Acting by two directors

Or by a Director and its Secretary

**(Signature of first director)**

**(Print name)**

**(Signature of second director / secretary<sup>13</sup>)**

**(Print name)**

---

<sup>10</sup> Delete clause if not applicable.

<sup>11</sup> Delete as appropriate.

<sup>12</sup> Delete as appropriate.

<sup>13</sup> Delete as appropriate.

## **Privacy Notice**

### **Why are we asking for your personal information?**

*We require your personal data to assess and process your application.*

*This is in compliance with a legal obligation under section 106 of the Town & Country Planning Act.*

*You hold the following rights with regard to the personal data you provide us:*

*You have the right to receive a copy of your personal data. You have the right to have any inaccurate or incomplete personal data rectified, the right to request a restriction of the processing of your personal data in situations where it is inaccurate, unlawful, and no longer needed for the purposes for which it was originally collected.*

### **Sharing your information**

*We share information within the Council to ensure services are provided appropriately. We may share your personal data within the Council and with other agencies such as the Environment Agency, regulatory authorities, Police, etc if there is a legal reason to do so.*

*We may process the information you provide to prevent and detect fraud in any of our systems and may supply information to government agencies, credit reference agencies, audit or other external bodies for such purposes. We participate in the government's National Fraud Initiative.*

*If any of the information we have about you is incorrect, please tell us, we are reliant on you assisting us to keep your information accurate and up to date.*

### **Retention of your personal information**

*We only keep your information as long as necessary, for some items this will be dictated by law. You can find out more by looking at the council's Retention Policy on the website.*

*We do not routinely process any information about you outside the UK. We will not transfer your personal data outside of the EU.*

*Oadby and Wigston Borough Council is a registered Data Controller with the Information Commissioner's Office.*

*For more information regarding how we process and protect your data, please visit our website at <https://www.oadby-wigston.gov.uk/pages/privacy>*



**Oadby & Wigston**  
BOROUGH COUNCIL

## **EQUALITY ASSESSMENT**

### **PART 1 - INITIAL SCREENING**

Name of Policy/Function:  Draft Developer Contributions Supplementary Planning Document	<input checked="" type="checkbox"/>	This is <b>new</b>
	<input type="checkbox"/>	This is a <b>change</b> to an existing policy
	<input type="checkbox"/>	This is an <b>existing</b> policy, Function, not previously assessed
	<input type="checkbox"/>	This is an existing policy/function for <b>review</b>

Date of screening	04.09.18
-------------------	----------

#### **1. Briefly describe its aims & objectives**

To set out the types of developer contributions that the Council and other service delivery providers will seek from new qualifying developments in the Borough of Oadby and Wigston.

#### **2. Are there external considerations?**

*e.g. legislation/government directive etc.*

Relevant Legislation, National and local planning policy.

#### **3. Who are the stakeholders and what are their interests?**

All planning applicants, developers, landowners, service delivery partners and residents.

#### **4. What outcomes do we want to achieve and for whom?**

A higher quality of new and existing infrastructure assets to be delivered and maintained throughout the Borough to the benefit of the local community.

#### **5. Has any consultation/research been carried out?**

No previous public consultations. The contents of the document has been largely drawn down from the existing Developer Contributions Supplementary Planning Document (2011), together with research of current planning Legislation, National and local planning policy, as well as relevant local evidence based documents and examples of best practice.

**6. Are there any concerns at this stage which indicate the possibility of Inequalities/negative impacts?**

*Consider and identify any evidence you have -equality data relating to usage and satisfaction levels, complaints, comments, research, outcomes of review, issues raised at previous consultations, known inequalities) If so please provide details.*

No.

**7. Could a particular group be affected differently in either a negative or positive way?**

**Positive** – *It could benefit*

**Negative** – *It could disadvantage*

**Neutral** – *Neither positive nor negative impact or not sure.*

	Type of impact, reason & any evidence
Disability	Positive – potential increased access to community-based infrastructure.
Race (including Gypsy & Traveller)	Positive – potential increased access to community-based infrastructure.
Age	Positive – potential increased access to community-based infrastructure.
Gender Reassignment	Positive – potential increased access to community-based infrastructure.
Sex	Positive – potential increased access to community-based infrastructure.
Sexual Orientation	Positive – potential increased access to community-based infrastructure.
Religion/Belief	Positive – potential increased access to community-based infrastructure.
Marriage and Civil Partnership	Positive – potential increased access to community-based infrastructure.
Pregnancy and Maternity	Positive – potential increased access to community-based infrastructure.

**8. Could other socio-economic groups be affected?**

*e.g. carers, ex-offenders, low incomes, homeless?*



None apparent.

**9. Are there any human rights implications?**

None apparent.

**10. Is there an opportunity to promote equality and/or good community relations?**

None apparent.

**11. If you have indicated a negative impact for any group is that impact legal?**

*i.e. not discriminatory under anti-discrimination legislation*

N/A.

**12. Is any part of this policy/service to be carried out wholly or partly by contractors?**

None apparent.

**13. Is a Part 2 full Equality Assessment required?**

No

**14. Date by which a Part 2 full Equality Assessment is to be completed with actions.**

N/A.

We are satisfied that an initial screening has been carried out and a full equality assessment **is not required**

Completed by  
(Policy/Function/Report written)

Ed Morgan

Date: 04.09.18

Countersigned by  
(Head of Service)

Adrian Thorpe

Date: 04.09.18

Please forward an electronic copy to: [veronika.quintyne@oadby-wigston.gov.uk](mailto:veronika.quintyne@oadby-wigston.gov.uk)  
(Community Engagement Officer)



<b>Full Council</b>	<b>Tuesday, 02 October 2018</b>	<b>Matter for Decision</b>
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**Report Title:** **Draft Residential Development Supplementary Planning Document**

**Report Author(s):** **Jamie Carr (Planning Policy Team Leader)**

<b>Purpose of Report:</b>	<p>The draft Residential Development Supplementary Planning Document (SPD) is an update to the existing Residential Development SPD that was adopted by the Council in 2005.</p> <p>The update takes account of updated planning policy and guidance at both a national and local level. Prior to the adoption of any Supplementary Planning Document, the Council is required to undertake public consultation. This report seeks Council's approval for a 6 week public consultation on the Residential Development SPD.</p>
<b>Report Summary:</b>	<p>The Residential Development Supplementary Planning Document (SPD) is a planning policy document that focuses on the design, character and use of materials of all new residential related development within the Borough of Oadby and Wigston. The document sets out what the Council considers is acceptable development, as well as what it considers is not acceptable development.</p> <p>The document will supplement current and emerging planning policies contained within the Local Plan.</p>
<b>Recommendation(s):</b>	<b>That Council approves the draft Residential Development Supplementary Planning Document for the purpose of a 6 week public consultation due to commence on Monday 8 October 2018.</b>
<b>Responsible Strategic Director, Head of Service and Officer Contact(s):</b>	<p>Stephen Hinds (Director of Finance &amp; Transformation) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a></p> <p>Adrian Thorpe (Head of Planning, Development and Regeneration) (0116) 257 2645 <a href="mailto:adrian.thorpe@oadby-wigston.gov.uk">adrian.thorpe@oadby-wigston.gov.uk</a></p> <p>Jamie Carr (Planning Policy Team Leader) (0116) 257 2652 <a href="mailto:jamie.carr@oadby-wigston.gov.uk">jamie.carr@oadby-wigston.gov.uk</a></p>
<b>Corporate Priorities:</b>	<p>An Inclusive and Engaged Borough (CP1) Green &amp; Safe Places (CP4) Wellbeing for All (CP5)</p>
<b>Vision and Values:</b>	<p>"A Strong Borough Together" (Vision) Innovation (V4)</p>

<b>Report Implications:-</b>	
Legal:	Up-to-date Supplementary Planning Documents help to ensure effective and appropriate planning decisions are taken.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Economy/Regeneration (CR9)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. Initial EA Screening (See Appendices)
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Deputy Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None so far, however this report is seeking approval to consult with the public and other key stakeholders.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Draft Residential Development Supplementary Planning Document</li> <li>2. Initial EA Screening Assessment</li> </ol>

## **1. Information**

- 1.1 The draft Residential Development Supplementary Planning Document (SPD) is an update to the existing Residential Development SPD that was adopted by the Council in 2005.
- 1.2 The update takes account of updated planning policy and guidance at both a national and local level, as well as recent best practice guidance.
- 1.3 It is imperative that all new residential related development that occurs within the Borough area has a relationship with its surroundings, for example, in relation to its massing, height, balance, use of materials, roof shape and architectural detailing. It is also important that all residential development reflects the prevailing character in which it is situated.
- 1.4 The character and appearance of residential related development and how it fits with the local street scene are key considerations when deciding if proposed development is acceptable. All new residential related development should fit with the existing street scene and retain and/or enhance locally distinctive character.
- 1.5 The Residential Development SPD focuses on the design, character and use of materials of all new residential related development within the Borough of Oadby and Wigston. The document sets out what the Council considers is acceptable residential related development, as well as what it considers is not acceptable residential related development.

- 1.6 The Residential Development SPD contains supplemental policy and guidance to that set out within the Council's Local Plan and ensures that planning decision makers can make informed decisions on any planning application that proposes residential related development.
- 1.7 Alongside the Local Plan, the Residential Development Supplementary Planning Document will also be a key document for applicants to take account of in any proposed residential development planning application within the Borough.

## **2. Next Steps**

- 2.1 The Council is required to publish the draft Residential Development Supplementary Planning Document for public consultation for a period of not less than 6 weeks. Therefore this report seeks approval from Council to carry out the public consultation from the week commencing Monday 8 October 2018 for a 6 week period.
- 2.2 Once the SPD has been subject to public consultation, any representations that have been received will be taken account of and factored into a final version of the Residential Development SPD, as necessary. The final version will then be submitted for approval at Full Council on the 16 April 2019.

# Oadby and Wigston Borough Council

## Draft Residential Development Supplementary Planning Document

2018



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# 1. Introduction and general advice

- 1.1 This Supplementary Planning Document (SPD) is a planning policy document that focuses on the design, character and use of materials of all new residential related development within the Borough of Oadby and Wigston. The document seeks to supplement the related policies set out within the Council's Local Plan, as well as offering advice to any prospective residential related development applicant. Alongside the Local Plan, this SPD will help the Council approach planning decisions in a positive and creative way.
- 1.2 The following chapters set out specific (detailed) design, character and use of materials advice and guidance relevant to all new residential development proposals within the Borough area that require planning permission.
- 1.3 It should be noted that not all residential development proposals require planning permission before they can begin works. Works that do not require planning permission are referred to as Permitted Development. Permitted Development rights are set out within the governments General Permitted Development Order. Further information can also be found on the Planning Portal website.
- 1.4 It is however, always advised that expert advice is sought from the Council.
- 1.5 Both national planning policy and the Council encourage prospective applicants for residential development to contact the Planning Control team to discuss their proposals before making any planning application submission. Such approach is referred to as 'Pre-application advice'. Further information relating to Pre-application advice can be found on the Council's website.
- 1.6 Pre-Application Advice is promoted through the National Planning Policy Framework (NPPF), which suggests that the more issues that can be resolved at pre-application stage, the greater the benefits. It goes on to suggest that *'early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'*.
- 1.7 Pre-application advice is available to anyone who is thinking about submitting an application to the Council; however it is always encouraged that an applicant employs the services of a professional architect and / or an independent planning expert if they need help with the design of a scheme, as the Council cannot undertake such work.
- 1.8 In addition, it is advised by the Council that prior to Pre-application discussions taking place and / or the submission of a planning application proposal for residential related development, the applicant should check to see whether there are any existing planning restrictions, covenants on the deeds and / or Party Wall Act restrictions related to the proposal site.
- 1.9 Land drainage and flood risk issues may also be relevant to a development site. Advice is available from the Environment Agency's website [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) and the Lead Local Flood Authority.

## 2. Local Plan related policy

- 2.1 Amongst others, the Council's Local Plan sets out a number of residential related policies. These policies set out the Council's policy approach to specific residential related aspects and will need to be taken account of when new development is being drawn up / proposed.
- 2.2 Chapter 3 of this document sets out supplemental advice and guidance in relation to specific residential planning policies (listed below).
- Policy 6 High Quality Design and Materials
  - Policy 15 Urban Infill Development
  - Policy 44 Landscape and Character
- 2.3 Chapter 3 also seeks to help an applicant interpret the listed policies. It should be noted, that not all residential related policies are listed. It should also be noted that further information and guidance relating to residential development is contained within the Council's Landscape Character Assessment, as well as other Supplementary Planning Documents. All such documents can be found on the Council's website.

### **Policy 6 High Quality Design and Materials**

*The Council will require the highest standards of inclusive design and use of the highest quality materials for all new development and major refurbishment in the Borough.*

*Proposals for new development and major refurbishment should create a distinctive environment by;*

- *respecting the existing local and historic character;*
- *utilising inclusive design principles, including layout, orientation, landscape, streetscape, scale, materials, natural surveillance and sustainable construction;*
- *creating development that is of high architectural quality;*
- *ensuring patterns of development are sympathetic to their surroundings;*
- *responding to the local topography and the overall form, character and landscape setting of the settlements.*

*Proposals for new development and major refurbishment should ensure safe and healthy communities by;*

- *creating inclusive places that design out opportunities for anti-social behaviour and crime;*
- *creating spaces that are accessible to all regardless of ability or background;*
- *encouraging sustainable means of travel;*
- *protecting local amenity, including, resisting development that has unacceptable contributions towards air quality, noise, vibration, smell, light or other pollution, loss of light or overlooking;*
- *providing opportunities to promote biodiversity;*
- *providing opportunities for well designed and integrated public art;*
- *incorporating measures to minimise waste and energy consumption, conserve water resources and provide for renewable energy generation.*

*Proposals for new development and major refurbishment should create connected places by ensuring that development;*

- *connects effectively and efficiently to existing routes, by avoiding dead ends and convoluted routes, to allow it to integrate into the wider settlement and to link to existing services and facilities;*
- *integrates with existing sustainable modes of transport including cycle, pedestrian (including canal towpaths and public rights of way), and public transport; and*
- *provides appropriate parking facilities, including that for cycling and motor vehicles (where relevant).*



*Compliance with the above criteria will need to be expressed through submission of a Design and Access Statement.*

*Major development including large-scale refurbishment will require preparation of a masterplan, development brief and/or design code where deemed appropriate by the Council.*

*Proposals for innovative and outstanding design or construction that contributes to the aims of sustainable development and reducing the impacts of climate change will be considered favourably by the Council.*

### **Policy 15 Urban Infill Development**

*Within the urban areas of the Borough, proposals for infill development on previously developed land that are of high quality design, improve the character of the locale, do not have any adverse effect on / or loss of amenity to adjacent properties or nearby properties, and do not cause unacceptable noise, will in principle be considered favourably.*

*Any proposal for development on residential garden land or any other open amenity space around buildings will not be permitted unless it conforms to the guidance set out within the Council's Landscape Character Assessment.*

*Proposals that seek to split existing residential plots and propose development on the garden land of and / or open amenity space of existing plots will not be granted planning permission unless the proposal sits comfortably, is consistent with, in character with, and respects the direct existing street scene in which it is situated. The Council will not accept development proposals that 'over develop' a site from its original intended or existing use.*

*Development proposals would also need to illustrate high quality design and use of materials that are consistent with the character of the area and the existing properties in the direct area.*

### **Policy 44 Landscape and Character**

*All development proposals within the Borough will be considered against the need to conserve and enhance the distinctive landscapes in the Borough. The Council will seek to ensure that all development proposals reflect the prevailing quality, character and features such as settlement patterns, important views, open spaces and significant natural habitats.*

*Development proposals will only be permitted where it is in keeping with the area in which it is situated. Development proposals that are contrary to the policy guidance as set out within the Council's Landscape Character Assessment, the Conservation Areas Supplementary Planning Document and / or the Conservation Area Appraisals will not be approved.*

*Development proposals that have a potential impact on nationally designated areas or features of landscape and cultural significance will not be permitted.*

- 2.4 In addition to other relevant local policies set out within the Council's Local Plan national policy set out within the National Planning Policy Framework (NPPF), will also be of relevance in certain residential development related cases.
- 2.5 When preparing any planning application, the applicant must take account of NPPF, particularly where it states planning '*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents*'. The Council will also take account of the NPPF throughout the decision making process.

### **3. Specific advice and guidance**

- 3.1 This Chapter sets out specific design, character and use of materials advice and guidance for all new residential related development within the Borough.

#### **Design and overall appearance of the development**

- 3.2 All new residential related development should have a relationship with its surroundings in terms of massing, height, balance, use of materials, roof shape and architectural detailing. The character and appearance of residential related development and how this fits with the local streetscene are important considerations when deciding if proposed development is acceptable. All new residential related development should fit with the existing streetscene and retain and / or enhance locally distinctive character.
- 3.3 Residential extensions and enlargements should be in keeping with the character and appearance of the dwelling to be extended as well as the wider local area. There is a limit to the number of extensions which can be added to a property or to a site. What constitutes overdevelopment will vary from site to site, as each set of circumstances is unique. If extensions are beginning to overwhelm a property or if there is a large number of outbuildings in close proximity to each other, site boundaries or the main house, it may be that a site is already overdeveloped. In such circumstances additional development may not be appropriate. A key point of note, is that any extensions or enlargements should be visually subordinate to the existing dwelling that is to be extended.
- 3.4 Whilst variety in design through changes in roof form or storey height will not be discouraged, new development should not be over-dominant or otherwise harmful to the locally distinctive appearance of the surroundings. Large dominant extensions are rarely satisfactory and particular care is needed in the case of front extensions to semi-detached or terraced properties.
- 3.5 In order to improve the architectural quality of the built environment, a high standard of design will be required in all forms of development and external materials and finishes should be chosen to give a high quality appearance and identity to the scheme. Consideration should also be given to the boundaries (walls, railings, fences, hedges) and trees and vegetation within the area. Reference may also be made to the Council's non-statutory publication – *'OWBC Tree Strategy 2018 – 2023, Trees for Life'* which is available via the Council's website.

#### **Roof design**

- 3.6 Roof form and style often contribute significantly to the appearance and character of a residential dwelling. A Victorian villa and a post war suburban semi-detached property are both residential dwellings which can be built out of red brick but the differences in their roof form helps define their character. Roof form also has an important part to play in ensuring an extension is appropriately designed.
- 3.7 In order to ensure an extension is sympathetic to the original dwelling its roof should replicate the proportions, pitch, shape and materials of the main house. This is just as important for single storey extensions as those at two storey level.

- 3.8 Unless the existing residential dwelling dictates, the use of flat or semi-pitched roofs, particularly when extending above single storey level, often makes extensions incongruous features within the street scene, particularly when such roofs are on front or side extensions and are inconsistent with the design of the roof on the existing house. Full pitched or hipped roofs should be used to match the style of the existing roof on the dwelling, especially on two storey or first floor extensions. The use of full pitched roofs on single storey extensions and buildings within the curtilage of dwellings will be encouraged where appropriate.

(a) Likely to be acceptable  
subject to terracing effect



(b) unacceptable



- 3.9 The illustrations above (a) show a hipped roof property that has been extended to the side with sympathetic and consistent design that is in principle acceptable and (b) an unsympathetic side extension detailing a flat roof with a mock pitch to the front with the windows out of scale with the existing that would be deemed unacceptable.

#### **Impact of side extensions on the street scene and the terracing effect**

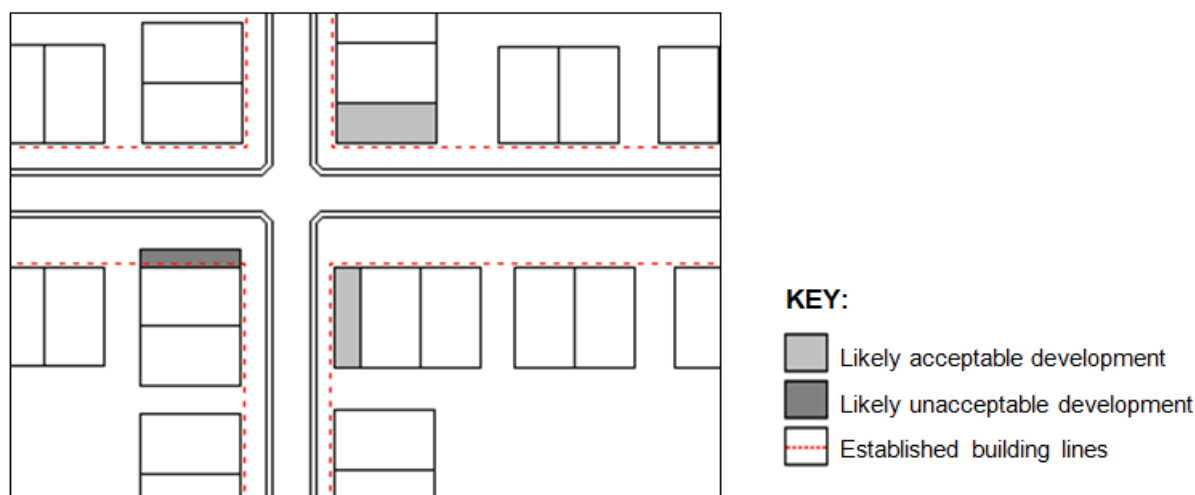
- 3.10 It is very often the case that the only satisfactory means by which detached or semi-detached dwellings can be extended is at the side and, because of the restricted nature of some plots, flush with the side boundary. Whilst such extensions can provide much needed additional living accommodation they often have a negative impact upon the house, street and locally distinctive character.
- 3.11 Such development proposals often give rise to unsatisfactory design since two adjacent properties may create a terrace effect by extending at two storey level up to their common boundary. The Borough Council will normally insist that such extensions are either set in by at least one metre from the boundary, or where this is impractical, recessed by at least one metre at first floor level behind the front wall of the dwelling so that visual separation is created in order to avoid any detrimental impact on the visual characteristics of the street scene. However, where the front walls of adjacent dwellings do not follow a common building line and there is an offset of at least 1 metre between the front walls, this may be satisfactory in preventing the terraced appearance. The front wall of the building nearest to the front boundary will be defined by the nearest corner of the dwelling to the side

boundary at first floor level. Projecting bays, gables and other features will not be taken into account.

- 3.12 A terracing effect will occur where buildings follow a common building line. Where dwellings are not on a common building line and the position of the plots are staggered there may be no risk of terracing hence the 1m set back at first floor level or the 1m offset from the boundary may not be required.

### **Impact of side extensions to corner plots on the street scene**

- 3.13 Side extensions to existing residential dwellings situated on corner plots effectively become front extensions and ultimately can have a major impact upon the appearance of the street scene. It is for this reason, as well their impact upon motorist visibility, that they are deemed unacceptable, unless exceptional circumstances dictate otherwise.
- 3.14 Existing building lines of development should be respected in all instances. If the building line is not clearly defined, then a projecting side extension may be acceptable if it would not have a detrimental impact on the street scene or motorist visibility or locally distinctive character.



- 3.15 The above drawing illustrates when a side extension to existing residential dwellings situated on corner plots would be acceptable and when they wouldn't be acceptable.

### **Use of materials**

- 3.16 All new residential related development should make use of materials that are in keeping and character with the local area in which it is situated. In exceptional circumstances, use of materials not in character with the local area can be deemed acceptable should they enhance the existing local character and streetscene.
- 3.17 Residential dwelling extensions and enlargements should not only be designed to match and complement the existing dwelling style, but should also be constructed in matching, similar and / or complementary materials, where the existing materials

are of an acceptable quality and standard. It should be noted that the use of matching materials is relevant to the extension in its entirety, for example the façade, the side(s) and the rear.

- 3.18 All external brickwork should be built using a high quality brick, mortar and pointing that has aesthetic value. Unless in exceptional circumstances, it would not be acceptable to use a low quality common brick or 'fletton' for external brickwork.
- 3.19 The re-use of building materials is in principle acceptable and encouraged by the Council, unless those materials were to have a detrimental impact on the local character and streetscene.
- 3.20 The details of materials to be used for any residential related development should be submitted with the planning application submission documentation to avoid the need for pre-commencement conditions requiring submission of details regarding the proposed external materials before the commencement of any building works (where a favourable planning recommendation has been given).

### **Windows and doors**

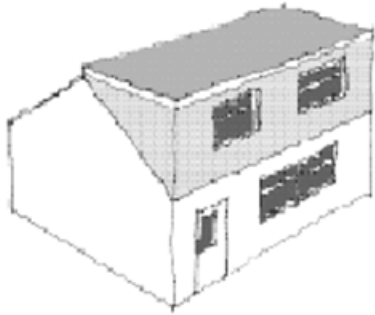
- 3.21 The use of inappropriate door and / or window sizing, detailing and materials can have a significant detrimental impact on an otherwise acceptable development proposal and its impact upon local character or upon close neighbours.
- 3.22 All new windows and doors should respect the character and appearance of the local area, and extensions or enlargements should respect the character and the appearance of the existing residential dwelling that is to be extended.
- 3.23 Particular attention should be afforded to all elevations equally. Specific details that will be considered (but are not limited to) by the Council when proposals are put forward are:
  - the size, shape, design and materials;
  - the placement of windows and doors within the building;
  - any recessing or reveals;
  - window and door heads and cill details.
- 3.24 The position of windows and / or doors should be positioned so as not to have a negative impact on the residential amenity or actual and perceived privacy of surrounding properties. The locating of primary windows to habitable rooms such as living rooms or bedrooms on the flank of a property (where they would rely upon the adjacent property for light and air) should be avoided.

### **Loft conversions and dormers of existing residential dwellings**

- 3.25 Utilising roof space of existing dwellings to provide additional living accommodation has proved popular to householders in recent years because it offers economy in space requirements and costs. However, it must be recognised that many dwellings were never designed to accept this form of extension and modern dormers are rarely attractive features unless designed well.

- 3.26 If a loft conversion / extension is to be proposed, particular care should be afforded to the size, design and positioning of dormers on dwellings. Badly designed dormer windows can create incongruous and / or intrusive features which would have a detrimental impact on the character of an area and / or can lead to a substantial loss of privacy and amenity of surrounding properties.
- 3.27 Measures that may assist in reducing the visual impact of dormers include (but are not limited to);
- the placing of dormers to the rear of the property,
  - restricting the size of the dormer so the main roof slope remains the dominant feature,
  - positioning the dormer below the ridge of the roof,
  - cladding the dormer in materials to match the existing dwelling,
  - and providing a pitched roof over the dormer.
- 3.28 Like all extensions, dormer windows should relate in scale and style to the original building and be in keeping with its fenestration. It is important for dormers to be designed to incorporate elements of balance and symmetry within their design which relate to the dwelling on which they are to be placed. They should be kept to a minimal size and avoid becoming an over dominant feature within the roof which creates a top heavy appearance to a dwelling. As a general guide dormers should be the same size or smaller than any windows on the existing property. Flat roofed dormers should be avoided.
- 3.29 Front dormers will only be acceptable where they can create an attractive feature which is in keeping with the style and character of the property on which it will be placed. Side dormers or proposals to create gable end roofs on one side of pairs of semi-detached and detached dwellings where both sides were originally hipped will not be acceptable unless there are exceptional circumstances that dictate otherwise.
- 3.30 Except in exceptional circumstances, dormers should be set at least 0.5 metres below ridge level.
- 3.31 Materials used on dormers should be sympathetic to the existing roof to help the dormers blend into their background. The pitches of the dormer must be designed to incorporate the same tiles as on the existing roof.
- 3.32 Except in exceptional circumstances box dormers will not be acceptable. The drawings below clarify this.

Unacceptable design



More appropriate designs

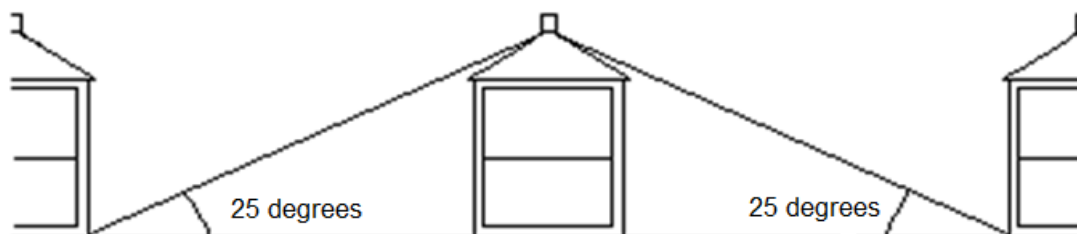


- 3.33 It should be noted that for any loft conversion or extension proposals, sections should be prepared, and submitted with any application, to illustrate that there is suitable vertical space within the roof to create a habitable room, with adequate roof space above to meet the requirements of paragraph 3.30 above.

### **Residential amenity, privacy and visual intrusion**

- 3.34 All new residential development, including extensions and alterations, should be designed so that adequate levels of amenity for future and existing residents of the property and neighbouring properties are provided and maintained. This can be achieved either by spacing buildings at a suitable distance apart to avoid overlooking, visual intrusion and loss of daylight, or by the careful design and placing of windows and doors. Such guidance, applies, in the main, to habitable dwelling rooms. A habitable room includes bedrooms, dining rooms, kitchens, conservatories, studies, playrooms and home offices. It does not include bathrooms, en-suites, halls, utility rooms, landings, garages and workshops.
- 3.35 In some circumstances new extensions can be detrimental to the amenity of existing properties because they close the space between the facing windows of the two properties or because a flank elevation is proposed which is too close to the main habitable room windows of the neighbouring property. This kind of situation is particularly likely to arise where properties close to street corners are to be extended.
- 3.36 New housing development or extensions to existing dwellings must conform to separation distances unless there are exceptional circumstances that dictate otherwise. Separation distances do not normally allow distances of less than 22 metres between facing windows of two storey houses on level ground and, between facing windows and flank or secondary elevations, development should not rise above a line drawn at 25° from the ground floor of the neighbouring dwelling fronting onto the new dwelling or extension.
- 3.37 In addition to these separation distances, clear glazed windows in side elevations and the use of flat roofs as balconies where this would lead to overlooking of neighbouring properties and gardens will not be acceptable.

- 3.38 It should be noted that all measurements are taken from the original dwelling as built.
- 3.39 The diagram below assumes that a site is entirely level. In considering any particular case, account will be taken of any changes in level between properties to avoid any adverse impact upon loss of amenity due to loss of privacy or potential for overlooking.



### **The provision and retention of private open space associated with residential accommodation**

- 3.40 Private open amenity space (garden space) to the rear of dwellings plays an important role in facilitating the health and wellbeing of current and future occupiers of a dwelling. It is important therefore to protect any provision of open space at a level which can be utilised efficiently and enjoyed.
- 3.41 The amount of rear garden space required on all residential related development is dependent on the size of the property and so the practical needs of any household who might live within it. All dwelling house rear gardens should have the following minimum sizes, unless exceptional circumstances dictate otherwise
- 1 bedroom properties shall have a minimum private rear garden space of 50 square metres.
  - 2 – 3 bedroom properties shall have a minimum private rear garden space of 75 square metres.
  - 4 – 5 bedroom properties shall have a minimum private rear garden space of 100 square metres.
  - The loss of over half of an original garden to extensions or enlargement will not be acceptable.
- 3.42 This minimum provision will be applied to new residential development and to the remaining rear garden space should a proposed extension or enlargement to an existing dwelling house be built.
- 3.43 A bedroom is deemed to be any room which could potentially be used as a permanent bedroom. This includes any room annotated 'study', 'family room', 'store', 'bonus room' or the like. The rear garden will usually be classed as the main open section of the rear garden and shall not include alcoves or small un-useable sections of garden land.
- 3.44 An application for a development of more than 5 bedrooms shall have no less than 115 square metres of rear garden space however the required provision will be



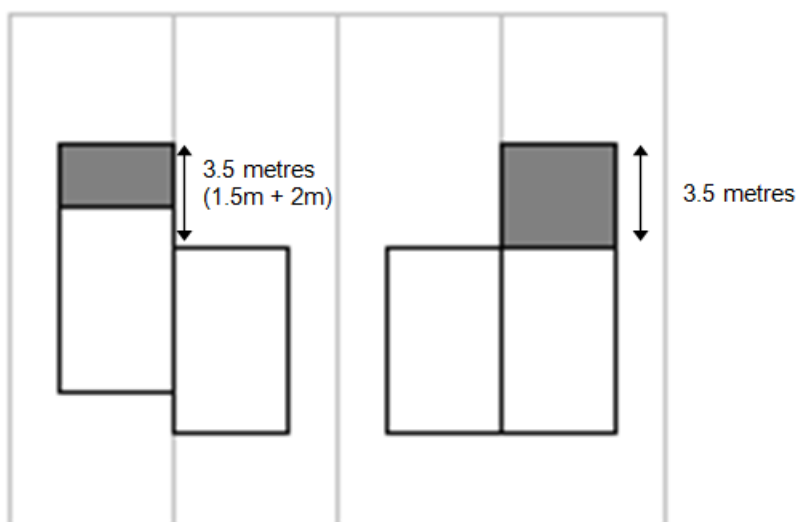
judged on its own merits. Flats and residential care units / homes should have a minimum of 75 square metres for up to 5 units with an additional 15 square metres per unit. That might include a combination of communal open space and 'private' spaces, such as balconies. If any development results in the loss of half or more of the original garden it may not be acceptable.

### **Sunlight and daylight**

- 3.45 Extensions can be of great benefit to the resident who builds it and at the same time a curse to the neighbour. If designed wrongly, it can cut out both sunlight and daylight, be overbearing and be too dominant on the boundary separating the neighbours.
- 3.46 To lessen the negative impact and to endeavour to protect the neighbour who will be affected by the extension, the Council will assess the natural lighting implications of any new development. All residential related development will need to conform to the 45 degree code of practice. This code is intended to make sure that extensions do not dominate neighbouring properties and detract from the enjoyment that neighbours have in their property.

### **The 45 Degree Code of Practice**

- 3.47 It should be noted that at the rear of dwellings a single storey extension projecting an effective maximum distance of 3.5 metres along the boundary will usually be allowed irrespective of these guidelines.



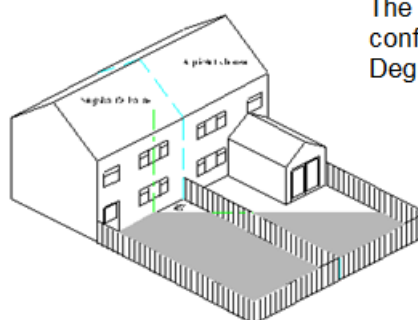
- 3.48 The code is intended for use in relation to all extensions, which affect residential properties and will be applied in the assessment of planning applications in conjunction with all the Council's related planning policies.
- 3.49 The 45 Degree Code is simple in its compliance. An imaginary line is drawn at an angle of 45 degrees from the nearest window of the flat / house that may be affected by any building work. This window must be the main source of light to a main habitable room such as a living room or bedroom. Secondary windows to a

room will not normally be taken into account. See also the point in paragraph 3.24 regarding flank windows.

- 3.50 A habitable room includes bedrooms, dining rooms, kitchens, conservatories, studies, play rooms and home offices. It does not include bathrooms, en-suites, halls, utility rooms, landings, garages or workshops.
- 3.51 The new building work should not cross this 45 Degree Line. The point from which the imaginary line is drawn depends on whether it is a single storey or two or more storeys. The following diagrams illustrate how the 45 Degree Code will be applied in a variety of circumstances.

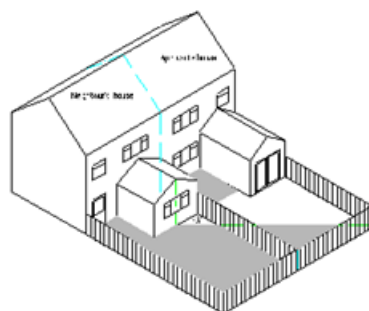
#### Single storey extensions (including conservatories).

The line is taken from the centre of the nearest ground floor window.



The extension shown conforms to the 45 Degree Code

#### An existing extension



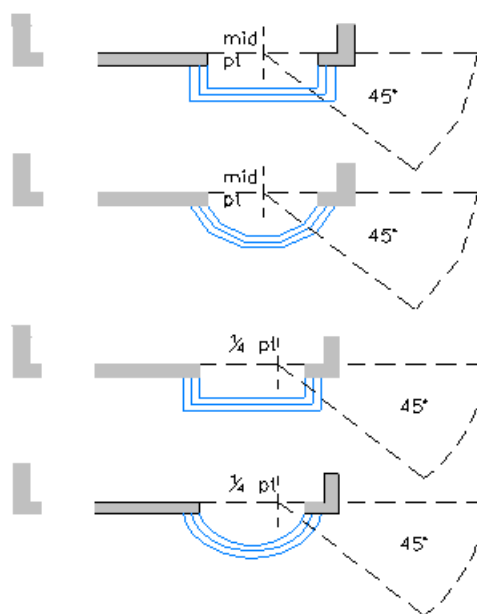
If your neighbour has an existing extension, the 45 Degree Code line is taken from the nearest habitable room window. This is providing it is the most likely to be affected.

#### Two storey and first floor extensions

- 3.52 It is important to remember that the Code will be applied when a further storey is added on an existing single storey extension. So if it is intended to build a first floor extension at a later date, the ground floor extension on which it is to be built should be designed to meet the requirements of the code for a two storey extension or the second storey will need to be set back.
- 3.53 The Code is applied in the same way, except that the line is drawn from a point a quarter of the way along the window.

## Bay and Bow Windows

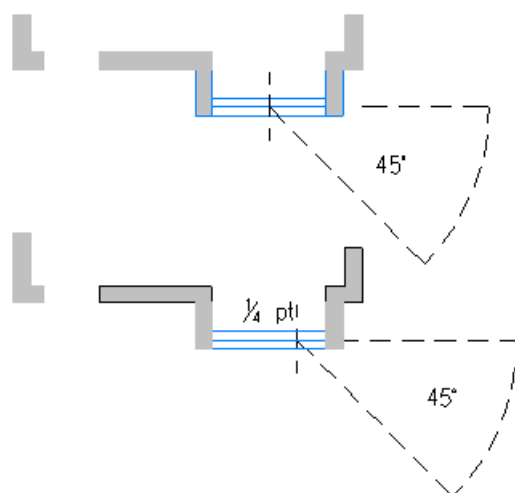
- 3.54 If the neighbour has a bow or bay window, the measurement is taken from the mid or quarter point at the back of the window where it joins the main wall or flat. See below.



The 45 Degree Code line is applied from the midpoint of the neighbouring bay / bow window for a single storey extension.

The 45 Degree Code line is applied from the quarter point of the neighbouring bay / bow window for a two storey extension.

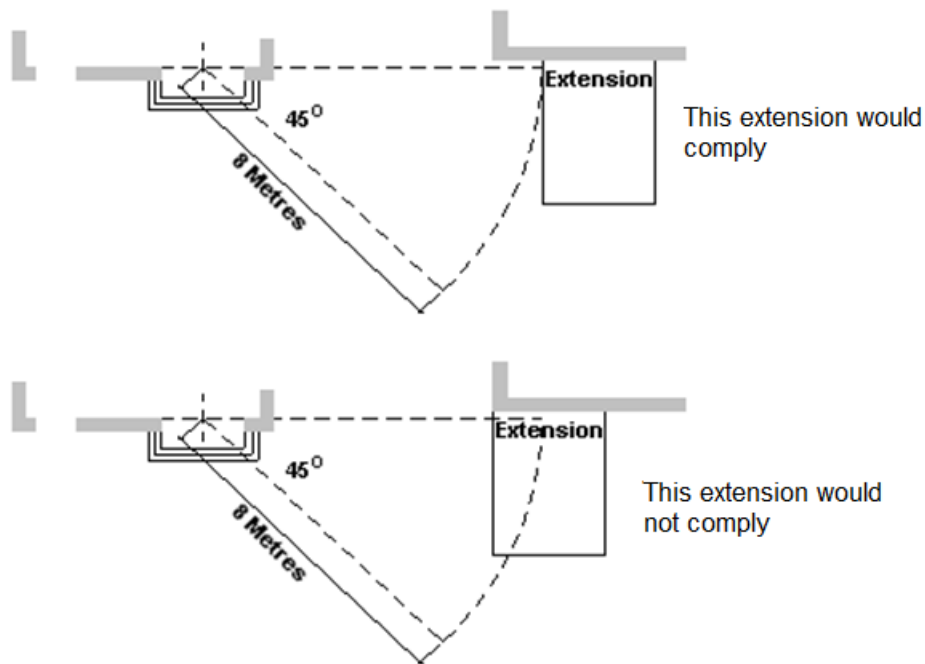
- 3.55 French windows, bay windows, bow windows and those with multiple sashes shall be treated as one opening and the measurement obtained from the face of the glazing where the windows project.
- 3.56 However if the bay has solid brick or similar sides, then the measurement is taken from the glazed part of the window. See below.



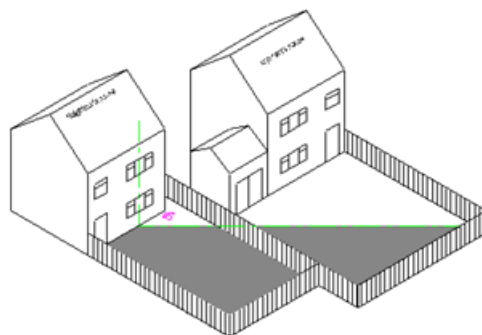
The 45 Degree Code line is applied from the mid point of a bay / bow window with brick sides, for a single storey extension.

The 45 Degree Code line is applied from the quarter point of a bay / bow window with brick sides, for a two storey extension.

## Application over distance



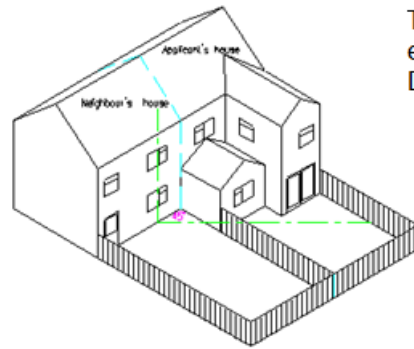
### Side extensions



If the extension is to the side of the property the 45 Degree Code line is only applied if the extension projects out further than the front or back wall of the neighbours house. This may apply where there is a staggered building line.

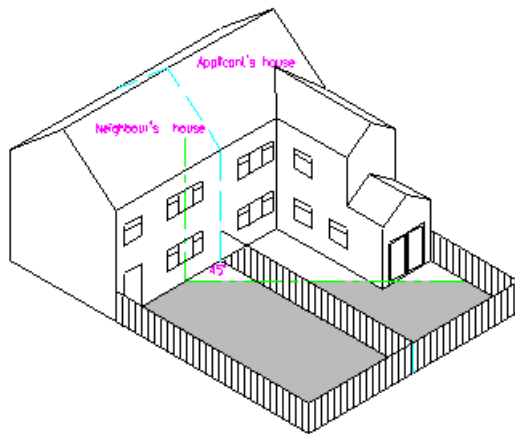
### Extensions to terraced properties

- 3.57 In cases of older terraced properties, where the original building has an existing rear projecting 'wing' extension, it is not normally acceptable to build an extension which fills the gap between the two properties unless it does not break the 45 Degree Code line. Examples are shown.



This infill single storey extension breaks the 45 Degree Code line.

- 3.58 Single storey extensions at the end of the existing projecting 'wing' extension will be looked at on their own merits as long as they leave enough back garden space. See below. Two storey extensions are not normally acceptable.



The extension would need to ensure that the minimum 8 metre distance is exceeded as it breaks the 45 Degree Code line.

#### Additional factors to consider when applying the 45 Degree Code

- 3.59 The 45 Degree Code is simple to apply in most cases, but there are some circumstances, where it is not so simple to apply. Such circumstances include.
- If the ground level is different between properties appropriate allowances must be made.
  - In some case, extensions may be considered overbearing or too dominant on the neighbouring property even though they comply with the Code. In these cases, planning permission may not be forthcoming.
- 3.60 The above is not an exhaustive list of circumstances. Each planning application is carefully considered on its own merits. However, this guidance is given in order to assist the applicant to decide whether or not planning permission may be easily obtained or not.
- 3.61 It should be note that the code will be applied with regard to all habitable room windows to the front and rear elevation of the affected property. In addition, the Code does not apply to windows in side elevations.

- 3.62 Staggering the design of an extension in attempt to conform to the Code would not be acceptable unless in exceptional circumstances. The design of any extension must take account of the architectural language and materials used in the main existing building. The extension must also be subservient to the main building. Angled walls on a new extension may only be acceptable if the main building has angled walls.

### **Joint extensions**

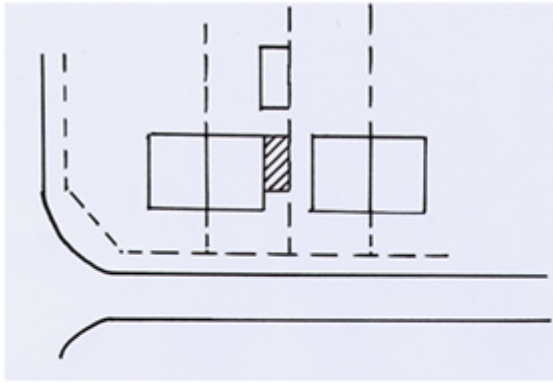
- 3.63 If you and your neighbour submit joint planning applications for extensions which are of the same size and will be built at the same time, the extensions may be allowed even though they would breach the 45 Degree Code if they were built separately. In these cases, neighbours must confirm in writing that the extensions will be built at the same time. It is important to stress that in these cases the 45 Degree Code will also be applied in the normal way to any other neighbouring houses / flats that might be affected. Please note that entirely separate planning applications by each of two neighbours will not readily be supported, as the Council could not then ensure that both extensions would be completed simultaneously.

### **Wedge shaped extensions**

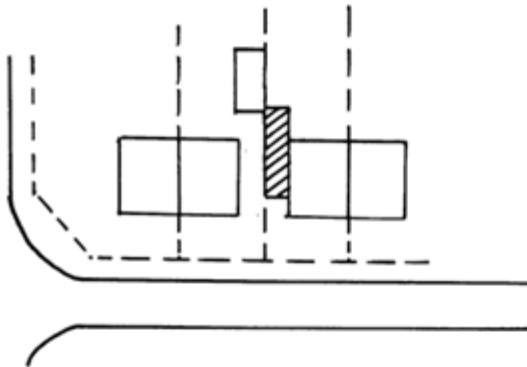
- 3.64 Wedge shaped extensions can be detrimental to the street scene and the visual amenities of neighbouring residents. The construction of such extensions often creates an uncomfortable appearance particularly in the roof form of any construction. Particular care is needed to achieve an acceptable design. In prominent locations wedged shaped extension will rarely be acceptable.

### **Continuous development on side boundaries**

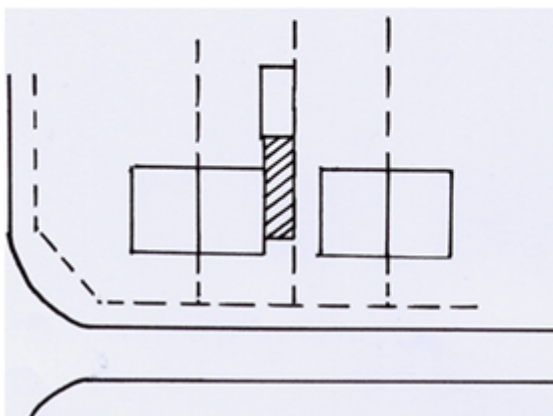
- 3.65 In some circumstances, extensions on, or close to, side boundaries can be detrimental to the amenity of neighbouring residential properties, if they result in long, continuous development along the side boundary, particularly where homes are in line. This can be worsened by two storey extensions and by extensions which link to an existing garage or outbuilding at the rear of the dwelling, filling in the entire gap, from the front of the property to a rearward garage. The excessive length and mass can be overbearing and result in an intrusive and over-intensive form of development, which would detract from the light, outlook and amenities of nearby residents to an unacceptable degree.
- 3.66 Such extensions can also be out of keeping with the existing form of development in established residential areas and cause harm to its character and appearance.
- 3.67 This overbearing impact can be reduced by limiting the two storey part of extensions to the same rear line as the original dwelling and by leaving a gap at the side / rear of the property, to give an open area adjacent to the side / rear of the neighbouring dwelling. Full two storey extensions may be acceptable but will have to mitigate any adverse effect upon the adjacent neighbour in terms of orientation to the sun, outlook and amenity.
- 3.68 The diagrams below illustrate this.



Acceptable for single or two storey extension.



Acceptable for single storey extension.



Not acceptable for two storey extension.

- 3.69 In addition, two storey extensions on, or within one metre of, side boundaries will not readily be permitted if they project beyond the rear line of the original dwelling. Single storey extensions on, or within one metre of, side boundaries should not extend for an effective length of more than 3.5 metres beyond the rear of the original dwelling, including any existing development, where this would close the gap to the rear of the adjacent property. This applies to dwellings in line; side extensions to staggered dwellings will be considered on their merits.

## **Annexes**

- 3.70 The Borough Council has seen a rise in applications for annexes / additional living units to existing residential properties, normally to house a dependent relative of the household. An applicant's proposals for 'granny annexes' are often driven by persuasive family circumstances. However, such personal circumstances can rarely be taken into account as a material planning consideration since the Council must

consider the future of any home over time and well beyond the life of the current household.

- 3.71 An annexe is an area of enlarged accommodation which is associated with, but not used as part of the main house. A proposal that forms its own entirely self-contained residential dwelling will not be considered an annexe. It will not be considered acceptable to create a separate unit with an independent entrance which could either be let or sold separately to the dwelling. The creation of a new habitable dwelling would require planning consent and would be subject to other planning restrictions and policy guidance.
- 3.72 In determining a planning application for an annexe, unless exceptional circumstances dictate otherwise, the Council will expect the development to:
- be linked internally to the main existing dwelling.
  - remain ancillary in form and function to the main existing dwelling.
  - have no boundary demarcation or sub division of garden areas between the curtilage of the main existing dwelling and the annexe.
  - have adequate parking and amenity facilities for the needs of the annexe occupants and other residents of the main household.
  - comply with the councils normal design standards for extensions.
  - share a pedestrian and vehicular access with the main existing dwelling.
  - be within the curtilage of the main existing dwelling.
  - be in the same ownership as the main existing dwelling.
  - be designed in such a manner as to easily enable the annexe to be used at a later date as an integral part of the main existing dwelling.
  - be used only by persons clearly associated with the occupants of the main existing dwelling.
- 3.73 Applicants should be aware that there may be other constraints which need to be considered on a case by case basis. Applicants will also need to comply with other relevant policies contained within the adopted Local Plan, such as, but not limited to, those related to housing allocation, conservation areas, listed buildings and development within areas at risk of flooding.

### **Parking, highway safety and garages**

- 3.74 Unless a residential development would involve small dwellings in a Town Centre location where there are good and frequent public transport services (i.e. a 'sustainable location'), adequate off street car parking provision will be required for all new dwellings that are built or created within the Borough area. That new parking provision will meet the need to accommodate vehicles that are used in the short term, but also to meet any future need by future residents and visitors to the same premises. Over time such new provision will help to reduce reliance on unsightly on-street car parking, and will also reduce competition for the often very limited amount of on-street parking capacity that is available in a number of locations. By reducing on-street parking in some locations it may also help to improve road safety for pedestrians, cyclists and other road users.
- 3.75 Occasionally works within the curtilage of a dwelling may involve changes to the means of access or to the parking arrangements which have implications for highway safety. Development will not normally be acceptable where it would cause



an obstruction to sight lines at a junction. New garages or car ports, which give access to a public highway, should retain a driveway within the residential curtilage in order to enable a vehicle to stand clear of the highway whilst the garage doors are opened.

- 3.76 When assessing a proposal that has an impact on; parking, garaging and / or highway safety, Leicestershire County Council's most up to date adopted parking, garaging and highway safety standards will be taken into account. Account should also be taken of the guidance set out in the Manual for Streets 2 publication.

### **Garages in communal car parking areas**

- 3.77 There are a number of areas in the Borough where the layout or density of residential development has resulted in car parking provision in communal areas. At the detailed planning stage, consideration is given to the design of parking areas so that they are adequately supervised, subject to public oversight and that trespass is discouraged. Communal car parking should not be subject to a higher risk of vandalism or auto-crime or become an unsafe area for those using the facility. Such communal car parking areas should ideally be designed, built and managed as part of the overall landscaping of the development as a whole. They should not be secreted away from the wider public domain.
- 3.78 In the past, some of the communal parking spaces have been used for the construction of single garages. Whilst this may provide enhanced security for the individual, it can result in hidden areas and create opportunities for crime. If natural surveillance is reduced, the potential for unlawful activities increases.
- 3.79 The erection of a garage on a single space can also reduce the effective width of adjoining spaces, as more space is needed to open a car door adjacent to a wall than over the edge of another parking space, thus making the spaces more difficult to use. This can result in additional, unnecessary on-street parking.
- 3.80 Individual garages, of differing types and materials in visually exposed areas, do not enhance residential environments and can cause loss of visual amenity.
- 3.81 The erection of individual garages on communal residential car parking areas will not be permitted unless in exceptional circumstances.

### **Infill and backland development in the Borough**

- 3.82 Many of the issues which are relevant to extensions also apply to new residential development which is infilling between existing residential properties. Any infill development will need to conform to all of the relevant guidance set out within this document, as well as all other related planning policy and guidance.
- 3.83 Infill development can vary from single dwellings to small clusters of development. It can be located where there are large gardens or where an area of backland is accessible. In some cases it may involve wholesale redevelopment of a site within a residential area.
- 3.84 Individual plots should fit in with the existing street scene and should have an area, frontage and depth which are comparable with adjoining properties. New residential

homes should not be out of character or do harm to the locally distinctive character of the locality in which it is situated.

- 3.85 It will not be appropriate for small dwellings to be tucked into the grounds of larger homes and / or gardens.
- 3.86 In cases where backland infill is in principle appropriate, both the new and existing properties should have sufficient private amenity space to complement the design of the buildings in order to avoid a discordant streetscene or other harm to the locally distinctive character of the locality.
- 3.87 The design of the new dwelling(s) should not have a detrimental impact on the amenities of existing properties through the loss of light or privacy and should normally provide sufficient off street car parking and garden space to meet the needs of the new development.

### **Boundary treatments and frontage treatments**

#### **Arrangements for collection of Refuse and Recyclables**

- 3.88 The Council operate a service to collect refuse and recyclables throughout the Borough for domestic premises (i.e. homes). This service is generally operated using 'Eurobins' which are of a standard or modular size. Ideally these should be stored in a convenient location at the rear of the home, before being placed temporarily on the street frontage ready for routine collection and emptying.
- 3.89 Leaving Eurobins on or near to the street frontage between collections can have a very detrimental effect upon the visual character of any street. This is particularly so when a number of nearby households behave in a similar way. Section 23 of The Building Act 1984 makes it an offence to 'close or obstruct the means of access by which refuse ... is removed from a building, and the local authority in giving their consent may impose such conditions as they think fit ...'
- 3.90 All new and existing homes throughout the Borough should have convenient and efficient arrangements for the storage and collection of refuse and recyclables. Proposals to extend or enlarge a home sometimes remove or obstruct the means of access to store refuse and recyclables out of sight at the rear or side of that home, so that the household are then only able to leave them permanently and visibly on or near to the street frontage.
- 3.91 If it is possible to do so in a visually acceptable and practical manner having regards to any competing needs for space in the front garden (such as off-street car spaces) then the Council may grant planning permission subject to a condition requiring prior provision of a suitably sized and visually acceptable 'bin store' structure near the street frontage. The location and appearance of any such bin store should be shown on submitted drawings to enable the Council to consider its implications, along with other aspects of that same proposal.
- 3.92 If in a particular case the visual and practical implications of a proposed bin store are in themselves unacceptable then the proposal as a whole might be refused planning permission due to the adverse visual impact of leaving multiple Eurobins visible from the street, in the absence of satisfactory means of access from the front

to rear/side of that enlarged home for the storage and removal of refuse and recyclables.

### The Enclosure of Front Gardens

- 3.93 Boundary treatments (fences, walls and hedges) can have many functions. They are used to enclose garden areas around houses and to differentiate between public and private areas. The type of boundary treatment, its materials and its height help to define the character and appearance of an area.
- 3.94 When many estates in the Borough were given planning permission, to retain their 'open plan' appearance, the Council felt it appropriate to take away the permitted development rights by which fences and means of enclosure could be erected. However, the Council recognise the desire of householders for boundary demarcation of front gardens and as such low level (610 mm) boundary treatments will normally be acceptable on such estates. It will not normally be appropriate to allow higher fences (up to 1 metre) since there may not be adequate visibility at accesses, bends and corners to ensure that a satisfactory level of highway safety is achieved. When the original open plan estate layout was approved, visibility across the front garden areas would have been taken into account.
- 3.95 Where the permitted development rights have not been removed, a fence or other means of enclosure up to 1 metre high can be constructed along the highway boundary of a property without applying for planning permission and there is no restriction on the height to which a hedge or tree screen can grow. This permitted development maximum of 1 metre has been set in recognition that the front gardens of a property are normally regarded as only semi private open space because the landscaped area of a front garden and drive all contribute to the quality of the street scene. Taller, tree and hedge screens can provide more privacy without having an intrusive and detrimental impact on the street scene and are therefore acceptable.
- 3.96 The Council recognises the importance of security but considers that it is important to ensure that the visual appearance of the street scene is not harmed by the introduction of inappropriate walls/fences.
- 3.97 Throughout most of the Borough the Council considers that the most acceptable way to provide adequate security while retaining the quality of the street scene is for fences and walls (or combinations of them) abutting the highway to be restricted to 1 metre high unless the wall / fence is set back from the boundary by a metre and a landscape screen or hedge is grown in front of it. Where metal railings or gates are proposed immediately adjacent to a public footway the Council would strongly prefer that those are 'hoop topped' or interlocking hoop topped, to prevent any possibility of a penetrating injury to passing pedestrians, including school children. Such injuries have arisen from 'arrow head' railings in the past. Railings may be permitted along the boundary provided a landscape screen of the same or a greater height is allowed to grow through them. It may be necessary for pedestrian visibility splays to be provided at driveway entrances in the interest of highway safety.

### Front boundary treatments in Oadby Hill Top

- 3.98 In the Oadby Hill Top Conservation Area and the adjoining streets which have a recognisable open character (The Broadway east from its junction with The Fairway

up to Manor Road, The Fairway eastwards from its junction with The Broadway including Ringers Spinney, Southmeads Close and Enysford Close) fences and / or walls will not be acceptable unless in exceptional circumstances. In these locations existing hedges shall be retained and where necessary reinforced.

- 3.99 In general the appearance of the boundary treatments of individual plots can be broken down into two broad types; (1) open, with the property bounded by a low wall or fence, this type of treatment is often backed by dense planting or; (2) enclosed, properties are bounded by hedges between 1.5 and 2 metres in height, these hedges may be backed by fences, walls or railings or have a low fence in front of them.
- 3.100 The street scene is made up of a mixture of this type of treatment. A predominance of either an open or enclosed frontage gives the street its general appearance and so it's locally distinctive character.
- 3.101 Enclosed boundaries by and large have a solid appearance, tall open railings and low walls surmounted by railings would therefore harm the locally distinctive character of the area. Only where this type of feature is backed by a solid screen of vegetation will it conform to the general appearance of the surrounding enclosures and not be objectionably intrusive.

#### The need to have regard to the character of an area

- 3.101 Where new walls or fences are proposed which require planning permission, the Council will ensure that the proposal will not have a detrimental impact on the visual environment and / or character of the area. Local Plan Policy 44, Landscape and Character requires all new development to have regard to the character and land use of the surrounding areas. This could mean, for example, that it would be inappropriate for new fencing to be installed adjoining the highway boundary in an area where all the nearby premises had walls / fences set back from the boundary.

#### Choice of materials

- 3.102 Where it is appropriate for new fencing or other boundary treatments to be granted planning permission, the Council will ensure that the impact of the new boundary treatment is as least detrimental to the visual environment and / or character of the area as possible. Local Plan Policy 6, High Design and Materials requires that the building design, scale, form and materials should contribute positively to the overall quality of the environment and that it should be carefully related to existing development.
- 3.103 The choice of materials is particularly important when fences or walls are constructed. The materials should be chosen to give a pleasant appearance and identity to the scheme. They should be of a permanent texture and colour and should be designed for external use. The use of materials like galvanised metal will not be appropriate. 'Hoop topped' metal fences will need to be painted, preferably by treatment before they are erected. Walls will not be acceptable in common brick and long expanses of brick wall will need the introduction of brick detailing features to provide visual interest. Additionally, gates, both pedestrian and vehicular need to be taken into account when considering materials.

## Landscaping

- 3.104 A landscaping scheme should be provided where the characteristic front garden boundary treatments proposed are set off from the site boundaries. This will avoid the need for pre-commencement conditions where the Council has made a favourable approval of the proposed scheme.

## **Housing Choices and Housing Standards**

- 3.105 The Borough of Oadby and Wigston's new Local Plan provides details about the Council's commitment to providing new homes that are 'fit for purpose' and appropriate for modern living and requirements. The Council will therefore require all new homes, regardless of type or tenure, to be of a size that allows sufficient space for all of its proposed inhabitants to live comfortably and sustainably in the future.
- 3.106 Recognising that the Council has in recent times received a number of planning applications seeking to sub-divide, convert and / or change the use of existing properties into flats / apartments that are not of a size that is suitable for modern-day living standards, the Council's new Local Plan Policy on Housing Choices states that there is a requirement for applicants to take the Government's Technical Housing Standards into account when devising residential schemes that involve conversion, sub-division and / or changes of use. The Council will also use the Government's Technical Housing Standards to inform the planning application decision making process.
- 3.107 The Government's Technical Housing Standards sets out minimal space standards for all dwelling types and therefore, applicants seeking to convert, change the use of, and / or, to sub-divide existing buildings must conform to and satisfy these space standards.



**Oadby & Wigston**  
BOROUGH COUNCIL

## **EQUALITY ASSESSMENT**

### **PART 1 - INITIAL SCREENING**

<b>Name of Policy/Function:</b>  Draft Residential Development Supplementary Planning Document	<input checked="" type="checkbox"/>	This is <b>new</b>
	<input type="checkbox"/>	This is a <b>change</b> to an existing policy
	<input type="checkbox"/>	This is an <b>existing</b> policy, Function, not previously assessed
	<input type="checkbox"/>	This is an existing policy/function for <b>review</b>

<b>Date of screening</b>	4 <sup>th</sup> Sept 2018
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#### **1. Briefly describe its aims & objectives**

The Residential Development Supplementary Planning Document (SPD) is a planning policy document that focuses on the design, character and use of materials of all new residential related development within the Borough of Oadby and Wigston. The document sets out what the Council considers is acceptable development, as well as what it considers is not acceptable development.

The document will supplement current and emerging planning policies contained within the Local Plan.

#### **2. Are there external considerations?**

*e.g. legislation/government directive etc.*

Relevant legislation, national and local planning policy and guidance.

#### **3. Who are the stakeholders and what are their interests?**

All planning applicants, developers, landowners, service delivery partners and residents who are seeking / proposing residential related development.

#### **4. What outcomes do we want to achieve and for whom?**

This Supplementary Planning Document focuses on the design, character and use of materials for all new residential related development within the Borough of Oadby and Wigston. It is to be used to help guide high quality design within the Borough.

## 5. Has any consultation/research been carried out?

No previous public consultations have taken place. The contents of the document have been largely drawn down from the existing Residential Development Supplementary Planning Document (2008), and research of current planning legislation, national and local planning policy. The current draft of the updated Supplementary Planning Document, subject to Member approval, will be subject to a 6 week public consultation commencing on Monday 8th October 2018.

## 6. Are there any concerns at this stage which indicate the possibility of Inequalities/negative impacts?

*Consider and identify any evidence you have -equality data relating to usage and satisfaction levels, complaints, comments, research, outcomes of review, issues raised at previous consultations, known inequalities) If so please provide details.*

No.

## 7. Could a particular group be affected differently in either a negative or positive way?

**Positive** – *It could benefit*

**Negative** – *It could disadvantage*

**Neutral** – *Neither positive nor negative impact or not sure.*

	Type of impact, reason & any evidence
Disability	Positive – it is considered that the document will positively affect all residents equally.
Race (including Gypsy & Traveller)	Positive – it is considered that the document will positively affect all residents equally.
Age	Positive – it is considered that the document will positively affect all residents equally.
Gender Reassignment	Positive – it is considered that the document will positively affect all residents equally.
Sex	Positive – it is considered that the document will positively affect all residents equally.
Sexual Orientation	Positive – it is considered that the document will positively affect all residents equally.
Religion/Belief	Positive – it is considered that the document will positively affect all residents equally.
Marriage and Civil Partnership	Positive – it is considered that the document will positively affect all residents equally.
Pregnancy and Maternity	Positive – it is considered that the document will positively affect all residents equally.

**8. Could other socio-economic groups be affected?**

*e.g. carers, ex-offenders, low incomes, homeless?*

None apparent.

**9. Are there any human rights implications?**

None apparent.

**10. Is there an opportunity to promote equality and/or good community relations?**

None apparent.

**11. If you have indicated a negative impact for any group is that impact legal?**

*i.e. not discriminatory under anti-discrimination legislation*

N/A.

**12. Is any part of this policy/service to be carried out wholly or partly by contractors?**

None apparent.

**13. Is a Part 2 full Equality Assessment required?**

No.

**14. Date by which a Part 2 full Equality Assessment is to be completed with actions.**

N/A.

We are satisfied that an initial screening has been carried out and a full equality assessment **is not required**

Completed by  
(Policy/Function/Report written)

Emma Brackenbury

Date: 4<sup>th</sup> Sept 2018

Countersigned by  
(Head of Service)

Date

Please forward an electronic copy to: [veronika.quintyne@oadby-wigston.gov.uk](mailto:veronika.quintyne@oadby-wigston.gov.uk)  
(Community Engagement Officer)

Equality Assessments shall be published on the Council website with the relevant and appropriate document upon which the equality assessment has been undertaken.



# Agenda Item 17



<b>Full Council</b>	<b>Tuesday, 02 October 2018</b>	<b>Matter for Decision</b>
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**Report Title:** **Draft Conservation Areas Supplementary Planning Document**

**Report Author(s):** **Jamie Carr (Planning Policy Team Leader)**

<b>Purpose of Report:</b>	The Draft Conservation Areas Supplementary Planning Document (SPD) is an update to the existing Conservation Areas SPD that was adopted by the Council in 2008. The update has been produced as all nine Conservation Areas within the Borough have been re-appraised in the form of updated Conservation Area Appraisals. The updated SPD takes account of the appraisals undertaken for each Conservation Area. Prior to the adoption of any Supplementary Planning Document, the Council is required to undertake public consultation. This report seeks Council approval for a 6 week public consultation on the Conservation Areas SPD.
<b>Report Summary:</b>	The Draft Conservation Areas Supplementary Planning Document (SPD) is a planning policy document that focuses on enhancing and managing each of the nine Conservation Areas situated within the Borough of Oadby and Wigston. The document highlights the important role that Conservation Areas play within the Borough and stresses why they should remain and be enhanced at every opportunity. The document supplements planning policies contained within the Council's Local Plan.
<b>Recommendation(s):</b>	<b>That Council approves the draft Conservation Areas Supplementary Planning Document for the purpose of a 6 week public consultation due to commence on Monday 8 October 2018.</b>
<b>Responsible Strategic Director, Head of Service and Officer Contact(s):</b>	<p>Stephen Hinds (Director of Finance &amp; Transformation) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a></p> <p>Adrian Thorpe (Head of Planning, Development and Regeneration) (0116) 257 2645 <a href="mailto:adrian.thorpe@oadby-wigston.gov.uk">adrian.thorpe@oadby-wigston.gov.uk</a></p> <p>Jamie Carr (Planning Policy Team Leader) (0116) 257 2652 <a href="mailto:jamie.carr@oadby-wigston.gov.uk">jamie.carr@oadby-wigston.gov.uk</a></p>
<b>Corporate Priorities:</b>	An Inclusive and Engaged Borough (CP1) Green & Safe Places (CP4) Wellbeing for All (CP5)
<b>Vision and Values:</b>	"A Strong Borough Together" (Vision) Innovation (V4)
<b>Report Implications:-</b>	

Legal:	Up-to-date Supplementary Planning Documents help to ensure effective and appropriate planning decisions are taken.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	No corporate risk(s) identified.
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. Initial EA Screening (See Appendices)
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Deputy Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None so far, however this report is seeking approval to consult with the public and other key stakeholders.
<b>Background Papers:</b>	Conservation Area Appraisals and Development Control Guidance
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Draft Conservation Areas Supplementary Planning Document</li> <li>2. Initial EA Screening Assessment</li> </ol>

## 1. Information

1.1 The Draft Conservation Areas Supplementary Planning Document (SPD) is an update to the existing Conservation Areas SPD that was adopted by the Council in 2008. The update has been produced as all nine Conservation Areas within the Borough have been re-appraised in the form of updated Conservation Area Appraisals. The updated SPD takes account of the appraisals undertaken for each Conservation Area. The nine conservation areas that the SPD relates to are;

- All Saints Conservation Area
- London Road and Saint Peters Church Conservation Area
- Midland Cottages Conservation Area
- North Memorial Homes and Framework Knitters Cottages Conservation Area
- Oadby Court Conservation Area
- Oadby Hill Top Conservation Area
- South Wigston Conservation Area
- Spa Lane Conservation Area
- The Lanes Conservation Area

1.2 When undertaking the update to the Conservation Areas SPD, the designation of the existing Conservation Areas was considered against the definition as set out in the NPPF;

*'An area which has been designated because of its architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'*

1.3 It was considered that each of the existing Conservation Areas satisfied their status against

the definition and that their designation as Conservation Areas should remain and that they should be managed effectively and enhanced at every available opportunity. Further information relating to Conservation Area management and enhancement is contained within the Conservation Areas SPD which is contained in Appendix 1 to this report.

- 1.4 Conservation Area designation increases the Council's controls against inappropriate development proposals. Any planning application is judged by its impact on the character and appearance of the designated area. It also provides greater controls over the demolition of buildings and structures, whilst the rights which owners have to carry out works to their properties without planning permission (known as 'permitted development rights') are reduced or can be taken away. Stricter controls are also exercised over the design of new buildings.
- 1.5 The Conservation Area Appraisals, including Development Control Guidance, have been updated for each of the Borough's nine Conservation Areas. The drafted appraisals have been used to inform the update to the Conservation Areas SPD.
- 1.6 The Conservation Areas SPD contains supplemental policy and guidance to that set out within the Council's Local Plan and ensures that planning decision makers can make informed decisions on any planning application that proposes development or change affecting Conservation Areas within the Borough area.
- 1.7 Note, the revised Conservation Area SPD does not take account of the Grand Union Canal conservation area, as that conservation is managed by Leicestershire County Council.

## **2. Next Steps**

- 2.1 The Council is required to publish the Draft Conservation Area Supplementary Planning Document for public consultation for a period of not less than 6 weeks. Therefore this report seeks Council approval to carry out a public consultation from the week commencing Monday 8 October 2018 for a 6 week period.
- 2.2 Once the SPD has been subject to public consultation, any representations that have been received will be taken account of and factored into a final version of the Conservation Areas SPD, as necessary. The final version will then be submitted for approval at Full Council on 16 April 2019.

# **Oadby and Wigston Borough Council**

## **Conservation Areas Supplementary Planning Document**

**2018**



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# 1. Introduction

## Definition of a Conservation Area

- 1.1 Conservation Areas are defined in the National Planning Policy Framework (2018) as *'an area which has been designated because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'*. When considering the designation of conservation areas, local planning authorities must ensure that an area justifies such status and that the concept of conservation is not devalued through the designation of areas that lack special interest. Conservation Area designation recognises the unique quality of an area as a whole.
- 1.2 The character of a Conservation Area is often the product of various elements such as the mixture and style of buildings, the extent and form of open spaces and other natural elements such as trees and hedges.
- 1.3 When a conservation area is designated, it increases the Council's preservation controls, with planning applications judged by their impact on the character and appearance of the area. Greater controls over the demolition of buildings and structures are imposed, whilst the rights which owners have to do works to their properties without planning permission (known as 'permitted development rights') is reduced or can be taken away. Stricter controls are also exercised over the design of new buildings, and owners must give the Council six weeks' notice of their intention to carry out works to trees. Planning applications affecting a Conservation Area must be advertised on site and in the local press to give people opportunity to comment.

## Planning Policy Context

- 1.4 This section sets out the relevant national and local planning guidance which relate to this Supplementary Planning Document.
- 1.5 The National Planning Policy Framework makes the following statements regarding Conservation Areas:

*'When considering the designation of Conservation areas, Local Planning Authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.'*

*'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'*

*'Not all elements of a Conservation Area or World Heritage Sites will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Sites should be treated either as substantial harm under paragraph 195 or less than*

*substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Sites as a whole.'*

- 1.6 National Planning Practice Guidance states that a conservation area is an area *'which has been designated because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'*.
- 1.7 The Council's Local Plan sets out a specific local policy relating to development within conservation areas, Policy 41 Development in Conservation Areas. This document will supplement Policy 41. In addition to Policy 41 the Local Plan sets out number of other policies that could also influence development within conservation areas. The relevant policies are as follows:
- Policy 6: High Quality Design and Materials.
  - Policy 10: Public Realm.
  - Policy 11: Housing Choices.
  - Policy 15; Urban Infill Development.
  - Policy 32: Shop Fronts.
  - Policy 33: Security Shutters.
  - Policy 40: Culture and Historic Environment Assets.
  - Policy 44: Landscape and Character.
- 1.8 Conservation Area Appraisals including Development Control Guidance have been produced for each of the Borough's nine Conservation Areas. The Development Control Guidance statements have been brought together within this Supplementary Planning Document. The relevant Conservation Area Appraisal must be read in conjunction with this Supplementary Planning Document.

#### Aims of the Supplementary Planning Document

- 1.9 The objectives of the Supplementary Planning Document are as follows:
- To assess and define opportunities and threats within the Conservation Areas; and
  - To provide policy guidance to ensure that the character and appearance of the Conservation Area will be maintained through the effective management of change and that those opportunities to enhance the character and appearance are maximised.

#### Structure of document

- 1.10 Part A of the document sets out generic development control guidance which applies to all Conservation Areas within the Borough.
- 1.11 Each Conservation Area has its own individual and unique character; therefore Part B sets out management tools relating specifically to each Conservation Area so that proposals can be considered against this guidance.
- 1.12 Once adopted this Supplementary Planning Document will supersede any existing related Development Control Guidance documents.

Consultation Document



# **Part A**

## **General Conservation Area Guidance**

Consultation Document

## **2. Planning submissions in a conservation area**

### Outline planning submissions

- 2.1 Outline submissions for development within a Conservation Area will not be accepted unless they contain sufficient supporting information by which the impact of the proposed development on the character and appearance of the Conservation Area can be judged.
- 2.2 On major development sites this may include a masterplan supported by detailed design codes or statements to demonstrate the form which new buildings will take.

### Full planning submissions

- 2.3 These will need to include sufficient detail by which the full impact of the proposals on the character and appearance of the area can be judged. This will need to include consideration of the issues raised in the accompanying Conservation Area Appraisals (especially the 'Key Characteristics' Section) and a Design Access Statement which clearly sets out how the proposal is felt to preserve or enhance the character and appearance of the area.

### Listed Building consent

- 2.4 This is required for any works which affect the architectural or historic interest of the interior or exterior of any Listed Building and any building constructed before 1 July 1948 which stands within its curtilage. Applications must include a statement which demonstrates an understanding of the aspects of the building to be affected, describes why the work is needed, explains why any alternative options were discounted and considers how the damage to any historic fabric will be minimised.

### Conservation Area consent

- 2.5 This is required for the demolition of any unlisted building within a Conservation Area. In order to justify the works, a statement will be required which may need to include consideration of:
- The importance or otherwise of the building to the character and appearance of the area.
  - The structural condition of the building and the works necessary to repair or convert the building.
  - Details of why the building is incapable of beneficial reuse.
  - Details of the recording of the building to be demolished.
- 2.6 Where a building is to be replaced by a new structure, consideration of how the building will contribute to the character and appearance of the area will need to be included in the Design Access Statement which accompanies any planning submission.

### **3. Demolition in a conservation area**

- 3.1 Buildings situated within a Conservation Area, and / or buildings that are nationally Listed (including their outbuildings and lodges) and / or buildings that are Locally Listed have a general presumption against their demolition. Local Plan Policy 41 Development in Conservation Areas gives further information and policy guidance relating to demolition in Conservation Areas.
- 3.2 The demolition of such buildings will only be approved where it can be evidenced that:
- the building is structurally unsound and repairs would involve the significant loss or alteration of the original structure and any elements of particular historic interest;
  - it cannot continue in its current use, and it is not capable of being converted to a suitable new use in its current form;
  - the building has been offered for sale on the open market at a sensible market price for at least six months and that no interest has been received;
  - any proposed replacement building will make an equal or greater contribution to the character and appearance of the area; and
  - demolition would not result in a long term cleared site to the detriment of adjacent listed buildings or the conservation area.
- 3.3 The demolition of unsympathetic extensions to buildings will be approved provided that the intention is to return the building to its original state, or where any replacement extension will better respect the special architectural or historic interest of the building.
- 3.4 The demolition of other buildings (and boundary walls over 1 metre high fronting public highways) will be approved provided that:
- the building makes either a negative or insignificant contribution to the character or appearance of the area;
  - any replacement building or feature will preserve or enhance the character and appearance of the Conservation Area. It should be noted that any application for a replacement building must be accompanied by a Design Access Statement which describes how the new building respects the 'Key Characteristics' of the area as defined in the accompanying Conservation Area Appraisals, and;
  - the building is carefully dismantled so that the building materials are either salvaged for re-use or recycled.

## **4. Alterations and extensions within a conservation area**

4.1 Alterations and extensions should normally be confined to the rear or least important elevations unless the result would sustain or improve the architectural character of the building in its setting. Planning permission will be granted for proposals which:

- respect the prominent building line;
- do not destroy symmetry of balanced elevations or groups;
- do not lead to terracing (excluding South Wigston Conservation Area and other areas where terracing is the prevalent feature);
- do not interfere with key architectural features of the composition;
- are subordinate and appropriate to the form of the main building and either of the same materials as the main building or provide an appropriate contrast;
- serve to reinstate missing traditional features, such as doors, windows, front porches and other decorative features;
- use traditional and, where appropriate, reclaimed or recycled building materials; and
- explore the opportunity to implement energy efficiency measures.

4.2 Specific guidance on alterations and extensions is provided within this document.

## **5. Works to Listed buildings**

- 5.1 Works which affect the special architectural or historic interest of a Listed Building require Listed Building Consent. This applies to works to the main building, any outbuildings or boundaries (built before 1 July 1948) and the interior of any building. The acceptability of works to Listed Buildings is governed by relevant local and national planning policy.
- 5.2 Additional guidance is provided within this document.

Consultation Document

## **6. Works to Locally Listed buildings**

- 6.1 The buildings identified as Locally Listed Buildings in the Councils Local Plan make a positive contribution to the character and appearance of the Borough, (or area in which they are situated). In order to protect these properties and their boundaries from unsympathetic alterations, consideration will be given to making Directions under schedule 3, Article 4 of the Town and Country Planning (General Permitted Development) Order 2015.
- 6.2 'Article 4 Directions' effectively remove a householders permitted development rights. The types of development which might be controlled would include:
- painting, cladding or rendering of building facades;
  - insertion or replacement of doors and windows;
  - removal or replacement of boundary walls and fences; and
  - alteration of roof profiles and replacement of roofing materials.

## **7. Proposals affecting the setting of a conservation area**

- 7.1 Development will not be permitted which, although not within the Conservation Area, will have an adverse effect upon the area's special character or appearance, including intruding into any significant vista or view into, out of, within or across the area which is identified as being of significance.
- 7.2 Any future development of sites adjacent to a conservation area should have special regard to the special character identified within the accompanying conservation area appraisal. Particular attention should be given to the design, layout and massing of new buildings their relationship to the Conservation Area, the impact on car parking and landscape proposals.

Consultation Document

## **Part B**

### **Conservation Area Specific Guidance**

Consultation Document



## 8. All Saints Conservation Area Guidance

### Background

- 8.1 The Wigston All Saints Conservation Area was first designated in 1977. Changes were made to the Conservation Area Boundary in January 2007 following a Conservation Area Appraisal. The Conservation Area Appraisal and Development Control Guidance was updated in September 2018 and must be read in conjunction with this Guidance.

### Overview of the area

- 8.2 This area formed the southern core of Wigston Magna village and includes some of the most historically and architecturally significant buildings in the Borough. The survival of these traditional properties in this area provides an indication of the original character of the village of Wigston Magna before it became an urban town.
- 8.3 This southern core is centred around the Church of All Saints which formed one of the 'Two Steeples' of 'Wigston Magna District of Two- Steeples' as the settlement came to be known by 1529. It is very much the focal point of the Conservation Area and is an important local feature.
- 8.4 Newgate End retains a village like feel with its attractive group of older vernacular properties. This contrasts with the more mixed development of mostly later nineteenth or twentieth century development that has occurred along Moat Street and Bushloe End.
- 8.5 It is a predominantly residential area, but fragments of Wigston's hosiery industry remain in Bushloe End and Moat Street with the survival of framework knitter's buildings and workshops. The Framework Knitters Museum in Bushloe End is an important local attraction.
- 8.6 The area is located at the south-western corner of the old rectangular village centre that contains 'The Lanes' a system of footpaths that connects the two cores of the original village of Wigston Magna.

### Protection of open spaces

- 8.7 The area is focused on the junction of Newgate End and Moat Street where the largely fourteenth century All Saints Church (Grade I) forms a local feature. The quiet back water of Newgate End, with its older vernacular brick properties, some of which retain their large curtilages, gives some indication of the original character of the village. However, much of the frontage to Moat Street and Bushloe End which would once have displayed a similar character has been infilled during the nineteenth and twentieth centuries. The curtilage of the Manor House extends westwards to Launceston Road where it forms part of the western boundary of the Conservation Area. The survival of this orchard together with the substantial trees which have been retained around the more modern building of the Menphys Centre and Pochin's Close contributes to the semi-rural character of the Conservation Area as seen from Launceston Road and this area forms a significant urban open space.

- The Council will resist proposals for the development of the area of orchard adjoining the Manor House.

8.8 Numbers 42-44 Bushloe End are Grade II\* listed buildings. The eighteenth century cottage and the framework knitting workshop to the rear were occupied by a Master Hosier and illustrate the character of Wigston's industrial past. The buildings and their contents, which have survived unchanged since before the First World War, are now preserved as the Framework Knitter's Museum.

- The Council will seek to enhance the setting of the Framework Knitters Museum. Development which would detract from the special character and the setting of the Grade II\* Listed Buildings will not be permitted.

8.9 Gas Lane has an informal and rural feel which is created by the combination of hedges and trees which enclose it, and the unmetalled surface of the lane itself. It is important that this 'rural' feel is retained.

- The Council will work with and ensure that the Leicestershire County Council Highways Authority and other statutory undertakers utilise appropriate surfacing materials in the area.

#### The design of new buildings

8.10 There are very few potential development sites in the Conservation Area. The remaining possible sites include, the Menphys Centre, Birkett House and the rear of the British Legion building. Proposals for the development within the curtilage of the Manor House and number 10 Newgate End or on the corner green space on Bushloe End will not be permitted.

8.11 To be acceptable, the design of any new building will need to respect the character and appearance of the Conservation Area by:

- being of an appropriate mass, form and scale to complement the mainly two storey residential properties;
- respecting any well-defined building lines;
- having interesting roof forms and producing an interesting skyline silhouette;
- using materials which either reflect those found on the traditional buildings in the area or produce an acceptable and exciting contrast;
- respecting prevalent architectural detailing such as bay windows, window and door surrounds and decorative eaves and responding to the differences in detailing between terraces where a development covers more than one street;
- creating positive street corners with active frontages on all elevations; and
- providing a Design Access Statement as part of a Planning Submission which sets out the rationale behind the design of the buildings.

8.12 Infill development will need to comply to all relevant planning policy and should respond to the prevailing local character and quality of the surrounding townscape. The design of any proposed infill development should respond to:

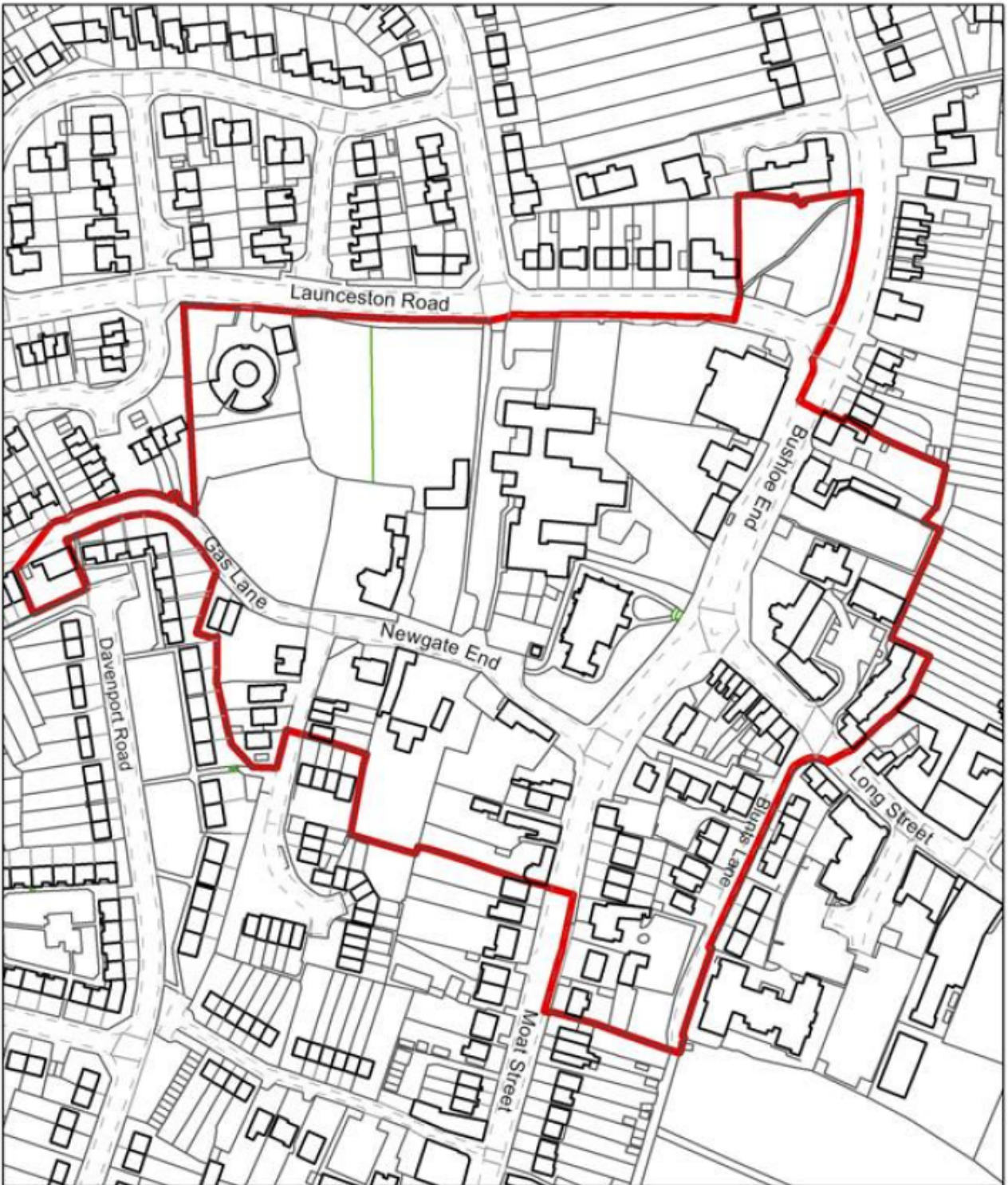
- established building and boundary lines and the local scale of development;
- prevailing overall heights, storey heights and the massing of adjacent buildings;

- characteristic frontage or plot widths;
- roof profiles and silhouettes of adjoining buildings;
- colour, type, source and texture of facing, roofing and paving materials;
- distinctive forms or architectural detailing prevalent in the immediate area;
- average dwelling size and net residential densities; and
- existence of set piece or otherwise unified architectural compositions or significant building groups.

- 8.13 High standards of energy efficiency will also be encouraged in new buildings and the possibility of on-site generation of energy from renewable sources should be explored. The visual impacts on the Conservation Area, however, must be carefully considered and any energy efficiency/generation measures must not adversely affect the character or appearance of the Conservation Area.

#### Enhancement opportunities

- 8.14 The removal of on street parking bays from the Newgate End entrance to Birkett Head School would vastly improve the general setting of All Saints Church.
- 8.15 The single storey wing of the British Legion complex on the corner of Bushloe End and Launceston Road is a weak structure and its improvement would be encouraged. Redevelopment of this wing in a style more sympathetic to the existing Georgian building would dramatically enhance the corner. The car park to the rear could also be enhanced through planting and screening schemes that would minimise the impact to the relevant streetscapes and would complement the attractive green spaces on the opposite side of the road. Improvement of the Georgian building façade would be encouraged.
- 8.16 Similarly the parking and garden areas to the two public houses, The Plough and The Old Crown, could be improved either by further hard landscaping and / or the addition of soft landscaping.
- 8.17 The pavements along Newgate End are attractively edged with historic stone. However the pavement surfacing consists of tarmacadam which has been repeatedly patched. This adds a distinctively urban element to an area that has an historic rural feel. Resurfacing the pavements with a more appropriate material such as a bonded gravel would do much to improve the public realm in the area.
- 8.18 Although Gas Lanes informal and rural character is derived from its un-adopted feel, its unmetalled surface is liable to flooding and has a rather untidy appearance. Appropriate resurfacing works in an informal material would not only improve the appearance but would also improve the functionality of the lane.
- 8.19 The greenspace on the corner of Bushloe End and Launceston Road adds character to the area. However, the seating area on the Launceston Road side could be improved. This could be improved with refurbishing the benches or new benches and the addition of some planters.
- 8.20 The Borough Council may seek to use 'Article 4 Directions' in order to retain traditional detailing on the exterior of non-listed buildings within the conservation area boundaries where such detail has not already been lost.



**MAP 1: ALL SAINTS  
CONSERVATION  
AREA**

— Boundary line

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## 9. London Road and Saint Peters Church Conservation Area Guidance

### Background

- 9.1 The London Road and Saint Peters Church Conservation Area was first designated in 1988. Changes were made to the Conservation Area Boundary in March 2007 following a Conservation Area Appraisal. The Conservation Area Appraisal and Development Control Guidance was updated in September 2018 and must be read in conjunction with this Guidance.

### Overview of the area

- 9.2 The area retains some of its village character with a mixture of uses preserving the appearance of its organic growth. The area is centred on the oldest remaining part of Oadby around St Peter's Church and stretches along London Road.
- 9.3 The linear character of the Conservation Area reflects the development of the original settlement along the road between Leicester and London with the village green to the southeast of St Peter's Church. Agriculture formed the basis of life in the village which was consequently surrounded by fields.
- 9.4 There is great variety in scale between buildings and as a result, the roofscape provides interest to views in and out of, and within the Conservation Area. Although most properties sit on the back of the footpath, the juxtaposition of scales adds diversity to the street scene. Part of the Conservation Area now comprises a Local Centre.
- 9.5 There are a handful of listed buildings scattered within the Conservation Area. These tend to be 2 storey houses which are grander than the other terraced properties in the area. The exception is the small row of cottages on London Road which is a surviving example of the type of dwelling in which artisans would have lived. There are also a number of Locally Listed Buildings.
- 9.6 The strong non-conformist tendencies of the area are well represented in the selection of Methodist and Baptist related buildings, the most prominent being the striking Baptist Church in London Road. Many surviving (often converted) buildings have (or had) connections to a Baptist or Methodist figure in Oadby's history.
- 9.7 The village green has long since disappeared with the redevelopment of the village as its size and nature has become much more urban. The only clue to its existence is the orientation of two large houses, The Hermitage and The Nook, both of which used to overlook the green. Today the area is merely a car park and the area to the west of it was redeveloped in the twentieth century.
- 9.8 The key public green space in today's Oadby is Lawyer's Lane. This is a public footpath which, for much of its length, is lined by vegetation and trees. The north-south leg, in particular, contains some of the most important trees in the area and contributes to the verdant southern part of the Conservation Area.

- 9.9 Saint Peter's Church is very much the centre point of the 'village' as it is located at the junction of the London and Wigston Roads and would have at one point overlooked the village green. Its steeple is prominent in long views and the building itself forms a local landmark.

#### The design of new buildings

- 9.10 Within the London Road and Saint Peter's Conservation Area, new development or redevelopment schemes should be well related to the context of adjoining buildings and should preserve the mix of uses and range of building styles in order to retain the form and scale of the former village street scene.
- 9.11 The London Road and Saint Peter's Conservation Area Appraisal describes Oadby's 'grain', i.e. how the existing buildings relate to the street. The relevant Conservation Area Appraisal, 'Key Characteristics' summarises information such as building heights and line, materials, detailing, etc. Paying particular attention to the street in which the new building(s) will sit will establish appropriate design principles and ensure that new buildings will respect Oadby's existing character.
- 9.12 In order to be acceptable, the design of any new building will, therefore, need to:
- be of an appropriate mass and scale to maintain consistency of, or juxtaposition of, scales and to avoid dominating the smaller residential properties;
  - be of an appropriate form to sit comfortably with the mix of residential and commercial styles of the buildings in the area;
  - have pitched roof forms or produce an interesting skyline silhouette;
  - respect the well-defined building line and plot position;
  - use materials and detailing which follow on from the design principles which influenced the basic form of the building, i.e. which either reflect those found on traditional buildings in the area or, as part of a very high quality design approach, produce a successful contrast; and
  - provide a Design Access Statement as part of a planning application which sets out the rationale behind the design of the building.

#### Change of use

- 9.13 Appropriate redevelopment and / or changes of use of existing premises to retail or commercial uses should take into account:
- the appearance of the building, which should be maintained without disfiguring extensions and alterations;
  - the survival of any elements of an original or appropriate shopfront which should be retained unless completely beyond repair;
  - the effect on the character of the street scene which should not be unduly altered;
  - the potential for restoring any important 'lost', altered or dilapidated architectural details;
  - satisfactory vehicular access, parking and servicing arrangements being provided to ensure highway safety is not jeopardised; and
  - the need to ensure that development proposals would not have any detrimental effects on the amenities of any nearby residential properties.

- 9.14 The change of use of retail properties to non-retail uses will not normally be permitted, particularly where it would result in an over-representation of non-retail uses in a length of shopping frontage. All development proposals would need to conform to relevant planning policy.
- 9.15 Where retail uses remain viable on only the ground floors of properties, 'Living over the Shop' will be actively encouraged to bring vacant upper floors back into use and generate activity at different times of the day. Such uses will be supported provided that:
- appropriate noise insulation between the living accommodation and the shop below can be provided;
  - where the living accommodation is to be accessed separately from the shop, an appropriate separate entrance can be provided without damaging the character of the building and any original or appropriately designed shop front; and
  - adequate waste storage and car and cycle parking can be provided for the occupants.
- 9.16 Planning permission for proposals, such as restaurants and cafes, drinking establishments or hot food takeaways (Use Classes A3, A4 and A5 respectively) will only be approved when it conforms to relevant planning policy and it can be demonstrated that there will be no harm to residential amenity or local environmental quality as a result of smells, noise, increased late-night activity and disturbance, or increased parking and traffic. Adequate parking must be provided and considered as part of the overall design. Unsightly plant such as air conditioning units, ducting, flues, etc. should be appropriately screened.

#### Shop fronts, signage, blinds and security measures

- 9.17 In keeping with its village origins and continuing character, the area has a variety of small shop units along London Road. These now comprise part of a Local Centre.
- 9.18 Shop fronts. Several good quality late nineteenth century and early twentieth century shop fronts survive in London Road. Planning Permission will not be approved to remove such shop fronts or any elements of them unless they are beyond repair.
- 9.19 Where some elements of an original shop front survive, the existing elements should be retained and used as the basis for the restoration of the original frontage or incorporated into an appropriate new shop front design. Removal of original features will only be permitted if they are completely beyond repair or are incapable of being successfully incorporated into a new shop front.
- 9.20 The replacement of inappropriate shop fronts will be encouraged provided that the replacement respects the character of the building, adjacent buildings if part of a group or terrace or the area as a whole. To be acceptable, new designs should:
- have a clear structural logic with a clearly defined frame of pilasters, fascia and, where appropriate, stall risers;
  - relate to the character and proportions of the original building;
  - maintain or improve the ease of access to the building for those with disabilities;



- be of appropriate materials;
- not stretch across the frontage of more than one building; and
- provide an appropriately designed separate access where separate living accommodation is to be provided within the upper storeys.

9.21 Where change of use is sought for the conversion of a shop to residential use and elements of an historical shop front survive, these will be retained in any conversion unless they are completely beyond repair.

9.22 Signage. Several buildings in Oadby have been disfigured by inappropriate and clumsy signage. In future, to be acceptable, new signage must:

- not obliterate, hide or destroy the proportions of the building or any of its architectural features;
- have lettering of appropriate size, materials and font type for the building;
- be clear and simple to read and not incorporate garish or unsuitable colours; and
- have only one appropriately designed and located hanging sign for each shop frontage.

9.23 Illumination. Advertisement Consent is required for most forms of illuminated signage in the Conservation Area. Clumsy, internally illuminated 'box' signs will not be permitted. Fascia or hanging signs should be of traditional design and externally illuminated where necessary. To be acceptable, illuminated signs must:

- have a discrete light source which does not interfere with the proportions of the building or frontage or damage any architectural features;
- not affect the amenity of nearby residential uses; and
- have a subdued and consistent light level.

9.24 Blinds and canopies. Blinds and canopies will only be permitted in the Conservation Area when there is a historical precedent and the existing blind box survives, where they can be accommodated without damaging the character of the building or shop frontage and will relate successfully to existing features and detailing of the building. Such blinds or canopies may need the consent of the Local Highways Authority if it overhangs a public footpath.

9.25 Shop front security. When designing a new shop front, consider the likely security needs of the occupier. It is much easier to design in suitable security measures at the outset than attempt to add them to existing frontages.

9.26 Solid external shutters will only be permitted in the Conservation Area where it can be clearly demonstrated that they are the only viable means of security to enable the shopkeeper to retain his livelihood. Even if the security need is demonstrated, an open removable mesh shutter should be considered before solid external shutters.

9.27 External shutters, of the solid or grille type, will only be permitted when they respect the features and proportions of the shop front, do not cover the pilasters and fascia and are of an appropriate colour and finish.



## Car parking

9.28 There are several areas of car parking in Oadby which are poorly landscaped and dominate the setting of the surrounding buildings. The manner in which car parking is arranged has a fundamental effect on the quality of the townscape and its impact should be alleviated with appropriate landscaping. The following should be considered in any landscaping schemes:

- opportunities to screen vehicles with planting to integrate parking into the urban landscape;
- establishing direct footways connecting with nearby buildings;
- creating shared surface treatments, providing that pedestrian routes are clearly defined; and
- dividing up larger areas with tree planting and other soft landscaping.

## Enhancement opportunities

9.29 A key enhancement opportunity within London Road and Saint Peters Conservation Area is the replacement of the less attractive buildings with more appropriately designed alternatives that reflect the character of the surrounding buildings. Such redevelopment should be in accordance with the accompanying Development Control Guidance document and any subsequent planning briefs which may be drawn up for certain sites.

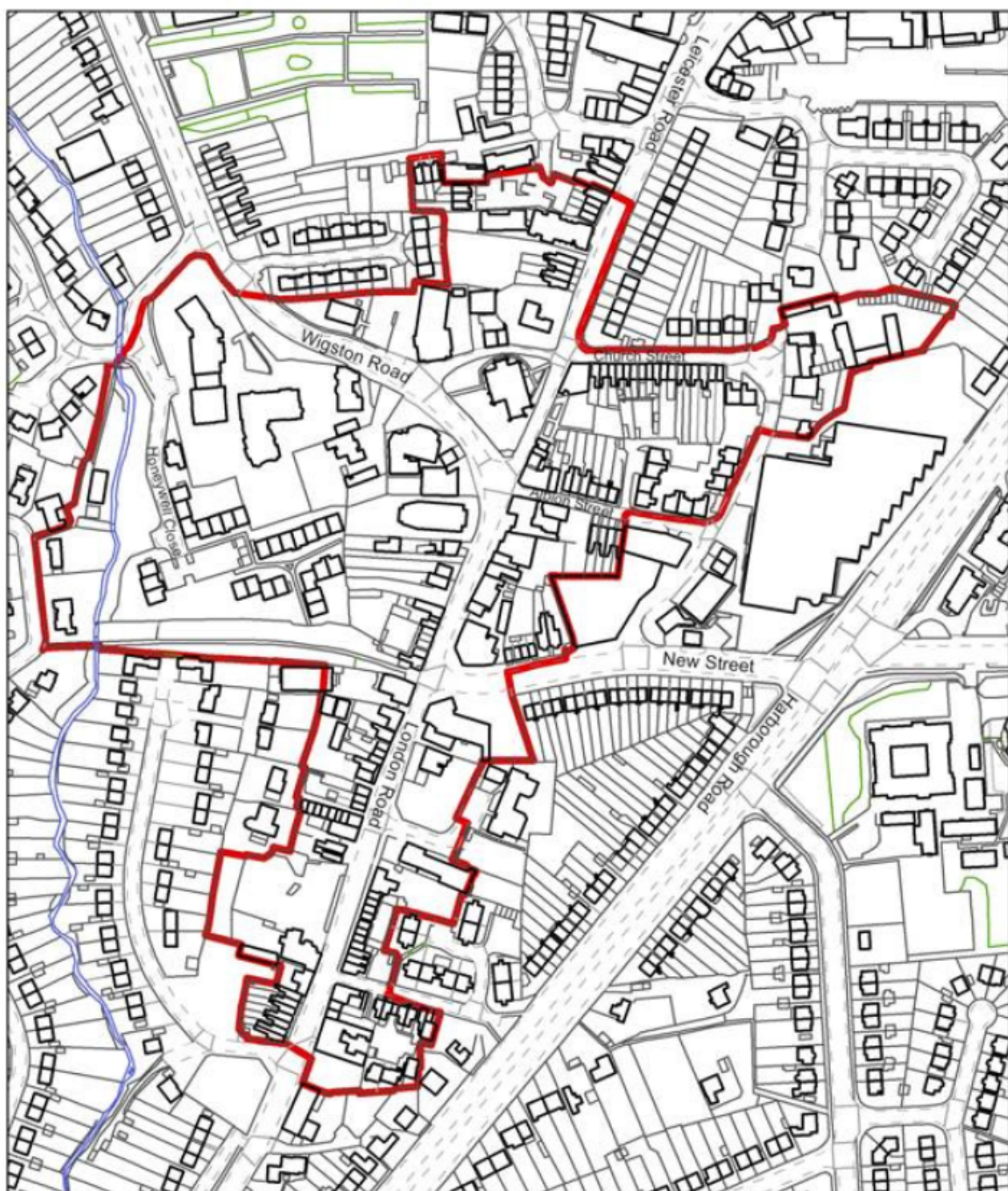
9.30 The redevelopment of (or) better landscaping and screening of parking areas within the Conservation Area would greatly enhance the existing streetscape, as such areas are unattractive open spaces which contribute little to the townscape. The largest areas are the parking area between Nos. 62a and 64 London Road and the car park adjacent to the restaurant on New Street.

9.31 If the opportunity for replacement street-lighting in the Conservation Area arises, the Borough Council and the County Council will cooperate to ensure an appropriate style is chosen.

9.32 In some areas, particularly along London Road, the streetscape has become cluttered with street signage which detracts from the Conservation Area. Should the opportunity become available, it would be beneficial to rationalise the street signage.

9.33 The footpath along Lawyers Lane has been paved with a modern tarmac surfacing which has a rather urban feel. The use of a surfacing material that seeks to soften the appearance of the path, giving it a more rural appearance in keeping with the lane, would be encouraged.

9.34 The Borough Council may seek to use 'Article 4 Directions' in order to retain traditional detailing on the exterior of non-listed buildings within the conservation area boundaries where such detail has not already been lost.



**MAP 2: LONDON  
ROAD AND SAINT  
PETERS  
CONSERVATION  
AREA**

 Boundary line

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## 10. Midland Cottages Conservation Area Guidance

### Background

- 10.1 The Midland Cottages Conservation Area was first designated in 1989. The Conservation Area Appraisal and Development Control Guidance was updated in September 2018 and must be read in conjunction with this Guidance.

### Overview of the area

- 10.2 The Midland Cottages Conservation Area is a small area containing a row of twenty former railway workers cottages together with the former Railway Hotel. The buildings were all built between 1871 and 1881 and are of virtually identical materials. Although the Railway Hotel is a much more imposing building, like the cottages it is of two storeys and sits on what was the road which crossed the railway line at a level crossing. The erection of a new road bridge in the first years of the twentieth century means that today the buildings sit at the bottom of the embankment carrying the new road.
- 10.3 The cottages and former hotel have considerable architectural and historic interest and have been Locally Listed, though the character of the former has been reduced in recent years due to incremental alterations made to individual properties. Whilst these could be considered minor in themselves, the cumulative effect has been to rob the terrace of its homogenous feel. The reinstatement of lost features and the removal of paint and cladding from the properties offer a great opportunity to restore the character of the terrace. The former hotel is remarkably well preserved and continues to serve local people as a public house.
- 10.4 The embankment effectively defines the southern boundary of the Conservation Area, whilst the railway line demarcates the western boundary. To the east are houses, whilst to the north stand modern houses and industrial concerns.
- 10.5 Not surprisingly, the setting is very urban and there is little greenery other than that which has colonised the railway line and embankment and the occasional garden tree. However the track in front of the cottages and the forecourt of the public house in particular offer great opportunities for enhancing the character of the area. Improvements to the railway land opposite the cottages and the embankment would also be a tremendous benefit to the setting and outlook of the cottages.

### Control of minor alterations to the Midland Cottages

- 10.6 In addition to promoting the restoration of lost features of the cottages, it is important to ensure that features do not continue to be lost. Article 4 Directions could therefore be considered which would mean that Planning Permission would be required for the following types of work:
- cladding or painting the external walls including window surrounds and reveals;
  - replacing or altering external windows and doors;
  - alterations to the roof, including changing the roof covering, inserting dormers or rooflights;
  - removal or alteration of chimney stacks;

- the demolition or alteration of rear boundary walls;
- the erection of porches, canopies and window shutters; and
- the erection of satellite dishes.

10.7 The Borough Council will promote the reinstatement of lost features. This will include new windows to the original designs (3 over 3 sashes to the first floor window over the front door and plate glass sash windows elsewhere), a standardised front door design and the reinstatement of front door canopies to match that on numbers 17 and 18.

#### Rear extensions to the Midland Cottages

- 10.8 The backs of the cottages are very visible from the main Blaby Road and the replacement of the single storey pitched roofed service wings with flat roofed extensions has damaged the unified character of the terrace.
- 10.9 Applications for alterations to the rear wings will only be considered if they conform to a high quality and are in keeping with the areas historic look and feel.

#### Retention of public house

- 10.10 The public house is an important aspect of the character and appearance of the Conservation Area with its historical associations as a former hotel to the railway line. The change of use of the public house will be resisted unless it can be proved that the current use is economically unviable, as whilst the appearance of the building could be retained even if the use of the building changed, the historical associations of the former hotel to the railway line would still be lost.
- 10.11 If it can be evidenced that the use as a public house is not viable, conversion to a suitable new use in line with current Planning Policy will be considered provided that:
- some form of interpretation material which chronicles the previous use of the building and its associations with the railway is provided in a publicly accessible part of the building.
  - the façade, appearance and the historic features of the building are retained and restoration work to improve the condition of these is carried out.
  - improvements are made to the public realm and setting of the building which are in keeping with the building and its history.

#### Demolition and redevelopment

10.12 The demolition of any Locally Listed Building will not be approved unless it can be clearly demonstrated that the building is structurally unsound, it cannot continue in its current use and it cannot be converted to another acceptable use or there are major public benefits from demolition which would outweigh the architectural and historic interest of the building and its contribution to the character and appearance of the Conservation Area. Any new development on land within or which affects the setting of the Midland Cottages Conservation Area must:

- respect the scale of all the buildings within the area;

- be built either of matching materials to the existing buildings or provide a successful contrast with them;
- have window and door openings, bays, chimney stacks and other features positioned to produce a clear rhythm reflecting the character of existing buildings;
- directly address the street and have a strong vertical proportion;
- have appropriate architectural detailing to window and door heads, eaves, verges, gable ends etc;
- produce a simple silhouette with ridge lines broken only by chimney stacks; and
- have suitable boundary treatments.

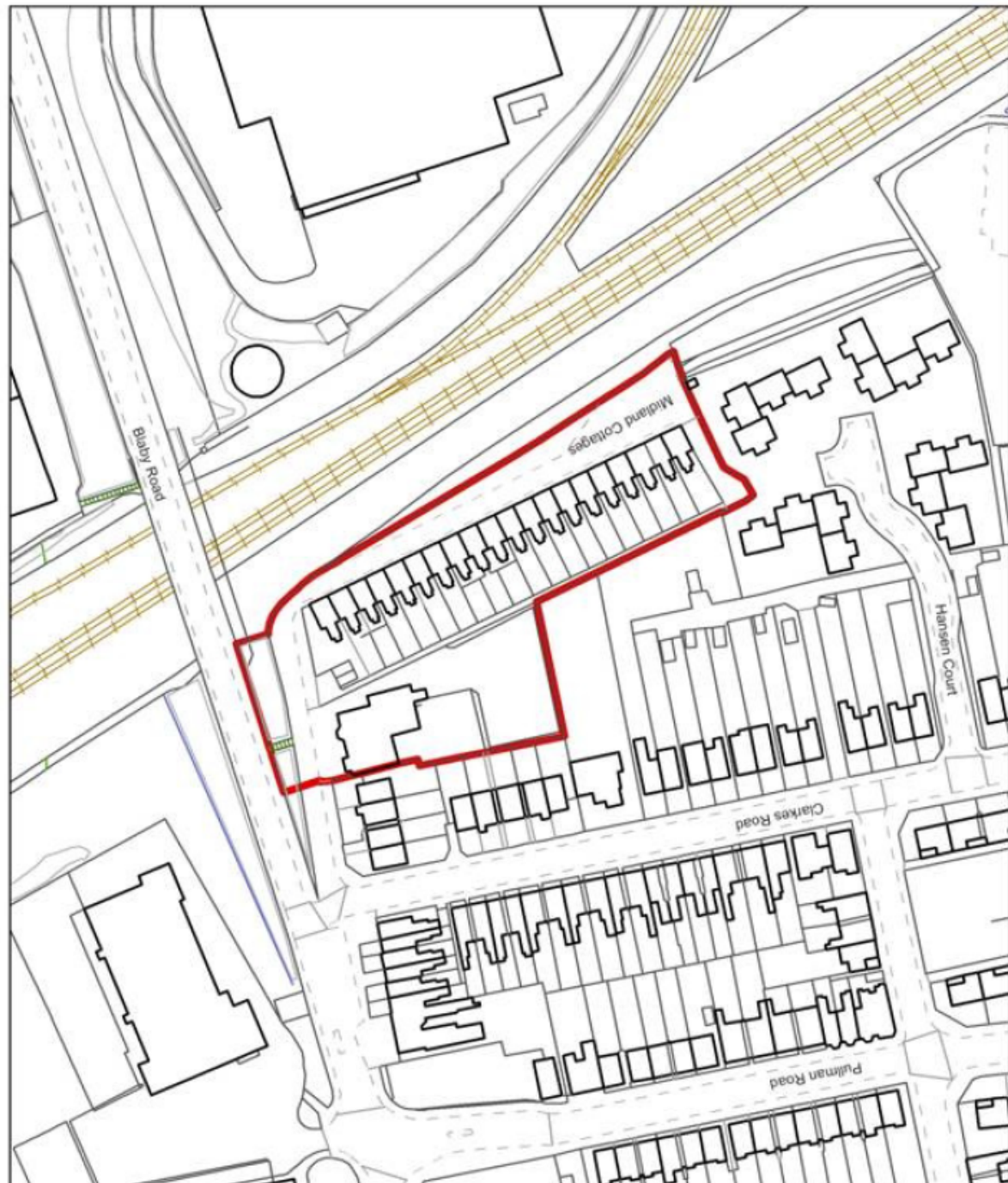
#### Enhancement opportunities

- 10.13 The greatest opportunity for enhancement within this Conservation Area is the restoration of features that have been lost. Such will include; the careful removal of stone cladding, render and paintwork from building facades; the reinstatement of sash windows to the original patterns; and possibly the restoration of front door canopies. The adoption of 'Article 4 Directions' to prevent further loss of original features could be considered.
- 10.14 Poor quality rear extensions, which are apparent from Blaby Road, would be helped by a standardised homogenous design that would gradually improve the terraces. Such an issue is explored within the relevant Conservation Area Appraisal and Development Control Guidance.
- 10.15 Repair to the brick wall, to the rear of the cottages is required, whilst a partial rebuild to the public house car park wall will also be needed. As well as this, a more appropriate alternative to replace the fence around No.1 would also be of enhancement.
- 10.16 Attempts should be made to persuade the railway company to paint the unattractive galvanised fence and improve planting, to reduce impacts. The grass verges between the fence and the cottages could also be planted to reduce the impact of the fence, thus significantly enhancing the setting of the cottages.
- 10.17 The garages built at the ends of the terraces are in very poor condition and lack the quality and detailing of the cottages and their replacement in more appropriate materials and with pitched roofs would significantly improve the character of the area.
- 10.18 The front apron of the public house would be significantly enhanced by repaving in historically appropriate materials such as setts or blue brick pavers.
- 10.19 The track to the western side of the road in front of the cottages could be resurfaced in bonded gravel or another appropriate finish with the footpath repaved with setts or blue brick pavers. Existing kerbs should be reused and any damaged lengths replaced with matching materials.
- 10.20 The improved maintenance of the embankment would significantly improve the outlook, particularly of the public house. The retaining wall in particular could be an attractive feature though it requires repair. The steps down the embankment that have been lost over time should be reinstated, however if they are not to be

replaced, the position of the steps should be marked by appropriate detailing in the retaining wall.

Consultation Document





**MAP 3: MIDLAND  
COTTAGES  
CONSERVATION  
AREA**

— Boundary line  
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## 11. North Memorial Homes and Framework Knitters Cottages Conservation Area Guidance

## Background

- 11.1 The North Memorial Homes and Framework Knitters Cottages Conservation Area was first designated in 1988. The Conservation Area Appraisal and Development Control Guidance were updated in September 2018 and must be read in conjunction with this Guidance.
- 11.2 The land and properties within the Conservation Area are almost entirely in the boundary of the North Memorial Homes and the Framework Knitters Cottages. These organisations are both social housing providers and the properties are managed by Boards of Trustees.

## Overview of the area

- 11.3 The Conservation Area comprises two sets of well-maintained 'open plan' almshouses which sit opposite each other east and west of Stoughton Drive. Although both were built in the early twentieth century of red brick with clay tiled roofs, both comprise homes set within attractive well-kept grounds and both are accessed from the road through private gateways, the character of the two groups is rather different.
- 11.4 The Framework Knitters Cottages are all single storey. They are mostly arranged around an open lawn and gardens however some directly face Stoughton Drive. More recently-built cottages stand to the south of the site and effectively create informal courts. The earliest cottages date from 1909 with the most recent built circa 2000. The general forms of the cottages are similar with hipped roofs and tile hung gables but there are considerable differences in detailing particularly between the earlier and more recent cottages. The cottages are built as pairs or small groups of three. Two communal buildings, Corah Hall and Corah House face each other across the open lawn. The former is part of the original foundation and is designed to be a feature building; the latter is modern and takes the general form of the cottages.
- 11.5 The North Memorial Homes are all two storey pairs some of which have been further split to form flats. They are quite formally arranged around the central gardens and are well screened from Stoughton Drive. All the houses were built in 1927 and at first sight are virtually identical. Closer inspection reveals that there are two predominant building types, with only one pair, which is effectively the focus of the main view east, being a slight variation. All the pairs have sweeping roofs with central chimney stacks, verandahs, gables (some hipped) and some have hipped roof dormers. The former Memorial Hall, which occupies a quite grand setting on the western boundary, is now leased to the Evangelical Church and is in a restrained Neo-Georgian style.
- 11.6 Both groups of houses, (North Memorial Homes and Framework Knitters Cottages), sit within attractive grounds mostly laid to lawn but with flower and shrub beds. The majority of mature trees in the Framework Knitters site are along the boundaries; the major exception being the Canadian Oak behind the main gate. Trees in the North Memorial Homes site are especially prevalent to the west of the site, and on the east and south boundaries with some trees strategically placed within the gardens.



- 11.7 Cars are restricted to the area in front of the Evangelical Church on the North Memorial Homes site. This allows the majority of the gardens to be kept free from vehicles as all the houses have rear access lanes. Vehicles can drive around the edge of the gardens on the Framework Knitters site, though the car parking area is well screened and vehicles rarely interrupt the attractive setting of the cottages. The streetlights on the Knitters site are of the traditional lantern type and complement their setting. Although the lights on the North Memorial Homes site are modern, the columns are painted dark green and the style is not intrusive.
- 11.8 All of the North Memorial Homes are Locally Listed Buildings, as are those Framework Knitters properties built before 1925. There are Tree Preservation Orders in force in the Conservation Area.

#### Protection of open spaces

- 11.9 The spacious open plan nature of both the Framework Knitters Homes and North Memorial Homes and lack of private garden enclosures are an important element of the character of the conservation area. This open plan nature should be protected and development that would change this character would not be acceptable.

#### The design of new buildings

- 11.10 There are very few potential development sites within the Conservation Area and the Council will seek to protect the spacious open plan character. For any new development to be acceptable, the design of any new building will need to respect the character and appearance of the Conservation Area by:-
- being of an appropriate mass, form and scale to complement residential properties, (single storey for Framework Knitters Homes and two storey for North Memorial Homes);
  - respecting any well-defined building lines;
  - having interesting roof forms and producing an interesting skyline Silhouette;
  - using materials which either reflect those found on the traditional buildings in the area or produce an acceptable and exciting contrast.
  - respecting prevalent architectural detailing such as bay windows, window and door surrounds and decorative eaves and responding to the differences in detailing between terraces where a development covers more than one street.
  - creating positive street corners with active frontages on all elevations.
  - providing a Design Statement as part of a Planning Application which sets out the rationale behind the design of the buildings.
- 10.11 Infill development will not be permitted as this would harm the spacious open plan nature of both sites.
- 10.12 High standards of energy efficiency will also be encouraged in new buildings and the possibility of on-site generation of energy from renewable sources could be explored. The visual impacts on the Conservation Area, however, must be carefully considered and any energy efficiency/generation measures must not adversely affect the character or appearance of the Conservation Area.

#### Enhancement opportunities

- 11.13 Both sites within the Conservation Area are extremely attractive, therefore management to ensure that the essential character is maintained, rather than redevelopment, repair or enhancement is the key consideration.
- 11.14 The modern black-top surfacing to some of the paths within the Framework Knitters site has a rather urban appearance. Clearly, the surface needs to be smooth. However, if an aggregate or gravel could be bonded into the tarmac, this would soften the appearance of the paths whilst maintaining a trip-free surface. This has recently been completed within the North Memorial Homes site and has greatly improved the look of the paving and it is much more in keeping with the setting.
- 11.15 The street lighting in North Memorial Homes could be improved. Whilst the columns have been painted dark green and they are generally unobtrusive, they are modern in style and out of character. These could be replaced with something more traditional in style.



**MAP 4: NORTH  
MEMORIAL HOMES  
AND FRAMEWORK  
KNITTERS  
COTTAGES  
CONSERVATION  
AREA**

 Boundary line

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## 12. Oadby Court Conservation Area Guidance

### Background

- 12.1 The Oadby Court Conservation Area was first designated in 1997. The Conservation Area Appraisal and Development Control Guidance was updated in September 2018 and must be read in conjunction with this Guidance.

### Overview of the area

- 12.2 Oadby Court is a very small Conservation Area which contains a large Victorian house and part of its original extensive grounds on an area on which five 'Modern Movement' style houses were built in 1933.
- 12.3 The 1930s houses (which give the Conservation Area its name) are the most visible of the buildings and despite considerable extensions and alterations maintain their cubed forms and white rendered walls. A number of fine and very mature trees surround the original Victorian house which was in use as an office for many years, but has now been converted to residential apartments. The trees add considerable value to the amenity of the area and the setting of both this house and the 1930s houses. A handful of similarly mature trees survive in the gardens of Oadby Court; the remnants of the tree screen which originally enclosed the south eastern corner of the Victorian property's extensive grounds.
- 12.4 The Oadby Court houses have lost some of their originally homogenous character. Although sufficient survives to allow them to be understood as a group, it is important that future alterations help restore the character rather than further eroding it.
- 12.5 The Victorian house (built as Oadby Hill and now called Brook's House) is a very attractive mid-nineteenth century villa and externally little altered. However, its setting has been significantly diminished due to the construction of Oadby Hill Drive, Granville Avenue and several other streets of twentieth century houses on land north east of the house. Part of the eastern and western tree belts survive and help buffer the building from the busy A6 road and the newer houses. Although the remaining garden area of the house is now mostly car parking, this does at least give the building some space around it.
- 12.6 Oadby Court is therefore a small enclave, well protected by mature trees and to some extent by the verge and planting left over following the realignment of the road in the late twentieth century.

### Alterations and extensions of Oadby Court Houses

- 12.7 Although they are Locally Listed Buildings, the Oadby Court houses have all been altered and / or extended in some form. However, they do still retain character as a group. This is mostly because of the angular form of the buildings and their white painted render. The windows have been replaced with 'modern' windows, but have maintained the typical 1930s horizontal emphasis and provide a good representation of the original 'Crittall' patterns. Steps should be taken going forward to ensure that these window representations are maintained and that the render to the buildings remains white. This would help to maintain the character of the

buildings individually and as a group and not allowing it to be further eroded. The Borough Council will therefore consider the use of Article 4 Directions to control the following types of work:

- Repainting the external walls of the houses; and
- Replacing windows and doors.

12.8 Subject to conforming to all other relevant planning policy, extensions to the Oadby Court Houses will be permitted when they fulfil all of the following criteria:

- they maintain or restore the group character of the houses;
- they respect the angular form, proportions, materials and detailing of the original houses; and
- they preserve or enhance the setting of the houses and do not adversely affect any significant trees or hedges.

#### Alterations and extension of Brooks House, No. 81 Leicester Road

12.9 Brook's House is a Locally Listed Building. Any alterations which materially affect the external appearance of the building will require Planning Permission. Any alterations which would entail the loss of original architectural features will be resisted unless a convincing justification can be made that the feature is so badly damaged as to be beyond repair, or its removal or alteration will be to the long-term benefit of the building.

12.10 Subject to conforming to all other relevant planning policy, extensions to Brook House will be permitted if they fulfil the following criteria:

- they will not adversely affect significant elevations of the building;
- they will not destroy important architectural features or damage the proportions of the elevation;
- they will not bring about the loss, now, or in the future, of important trees or landscape features; and
- their design, materials and detailing will match or complement the design of the original building.

#### Change of use of Brooks House, No. 81 Leicester Road

12.11 Brooks House, No. 81 is currently used for residential apartments. The change of use of residential dwellings to non-residential uses will not normally be permitted.

#### Development within the grounds of Brooks House, No. 81 Leicester Road

12.12 Subject to conforming to all other relevant planning policy, development within the grounds of Brook's House will be permitted when the following criteria are met:

- the proposed development will not adversely affect the setting of Brook's House and will not interfere with key views of the principal elevations of that house;
- the design of any new buildings will respect or complement Brook's House in terms of scale and mass, form, materials and detailed design;

- Brook's House will retain an appropriate setting and amenity space and any new buildings will have adequate and suitably landscaped amenity space;
- the amount of car parking is not reduced;
- existing vehicle access is adequate, or can be modified without affecting the setting of the building or involving the loss of any important tree, boundary or hedge; and
- no important trees will be lost or unsuitably pruned either as a result of the change of use, any alterations or the likely future needs of occupiers of the building with regard to adequate lighting levels.

#### Enhancement opportunities

- 12.13 The principal enhancement opportunity relating to the Oadby Court houses would be the improved standardisation of the design in regards to extensions and windows.
- 12.14 The setting of Brooks House No. 81 Leicester Road would be considerably improved if some of the car parking could be broken up with some strategically placed trees or soft landscaping.





**MAP 5: OADBY  
COURT  
CONSERVATION  
AREA**

 Boundary line

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## 13. Oadby Hill Top and Meadowcourt Conservation Area Guidance

### Background

- 13.1 The Oadby Hill Top and Meadowcourt Conservation Area was first designated in 1987 with the comparatively much smaller area of Meadowcourt designated in the following year. The Conservation Area Appraisal and Development Control Guidance was updated in September 2018 and must be read in conjunction with this Guidance.

### Overview of the area

- 13.2 The Oadby Hill Top Conservation Area is an excellent example of an area developed for housing for the rich industrialists of a booming industrial town. Such people sought the space and fresh air which was in short supply in the town, often as a result of their own industrial concerns which manufactured bricks and machinery as well as hosiery and footwear. The availability of the land, mostly as a result of the sale of the Powys Keck estate, allowed the opportunity for the construction of large houses on the very large plots available.
- 13.3 The biggest plots were off Stoughton Drive South and to a lesser extent Glebe Road and Manor Road and it is on these roads that the finest houses, many of which are either nationally or Locally Listed, where the most impressive gardens can be found. The houses were built by the leading local architects, with the father and son combination of Stockdale and Shirley Harrison pre-eminent, and were constructed in fashionable Arts and Crafts styles. This style which had developed from the Victorian Gothic Revival allowed the use of elements from different periods of particularly vernacular architecture and gave scope for considerable freedom of expression for the owner and architect alike. Many of the earliest designs of the largest houses incorporate elements of Jacobethan architecture. This allowed the wealthy Leicester industrialists to build their own versions of the Elizabethan 'prodigy' houses as each sought to demonstrate his taste, wealth and standing in the town.
- 13.4 On the other streets, there are some equally impressive houses, though the plots tend to be smaller except where they were joined together. The houses show probably more variety than the larger houses and there are elements of Jacobethan, Vernacular-Revival, Art Nouveau and Neo-Georgian - the latter becoming particularly popular in the 1920s even for big houses such as Southmeade. The result is an area of exceptionally strong character. As well as this, after the Second World War, Leicester University began to purchase the larger properties in the area and use many of them for student accommodation, which has ensured that these important houses, now too large for individual occupancy or single families are continued to be enjoyed. The only discordant notes are struck by the occasional 1960s bungalow or house, or more particularly by the large student accommodation blocks.



### Change of use

13.5 To residential uses. The change of use of single family houses to, halls of residence, boarding houses, or guest house, or for the provision of flats or other more intensive residential uses (including hospitals or nursing homes) will only be permitted, subject to conforming to all other relevant planning policy and where it can be demonstrated that:

- the amenity of adjoining residents will not be significantly affected;
- adequate car and cycle parking and refuse storage can be provided and suitably screened from public view;
- existing vehicle accesses are adequate, or appropriately sized accesses can be provided without affecting the setting of the building or involving the loss of any important tree, boundary or hedge;
- car parking can be accommodated without the need for large areas of hard standing.
- the appearance of the dwelling will be maintained without the need for disfiguring extensions or alterations;
- the setting of the building will not be adversely affected and appropriate measures are in place for the maintenance of gardens, trees and hedges;
- no important trees will be lost or unsuitably pruned either as a result of the change of use, any alterations or the likely future needs of occupiers of the building with regard to adequate lighting levels;
- any signage will not adversely affect the residential character of the area and will not be illuminated; and
- there will be no significant increase in traffic generation or on street car parking.

13.6 Change of use to non-residential use. There will be a presumption against the change of use of existing family homes to non-residential uses.

### Subdivision of plots

13.7 A characteristic of many parts of the area is relatively large historic buildings, in spacious plots. Any proposals for the sub-division of plots, infill, backland and / or tandem development, or loss of open space will not be allowed.

### The design of new buildings

13.8 Subject to conforming to all other relevant planning policy, in order to be acceptable, the design of any new building will need to respect the character and appearance of the Conservation Area by:

- being of an appropriate mass and scale to avoid over development of the site, as well as avoid over-dominating the traditional 2 – 2.5 storey houses which characterise the Conservation Area;
- being of an appropriate form to sit comfortably with the Jacobethan, Vernacular Revival and Neo-Georgian styles of the buildings in the area;
- having interesting roof forms and producing an interesting silhouette;
- using materials which either reflect those found on the traditional buildings in the area or producing an acceptable and exciting contrast;

- taking their inspiration from the interesting plan forms, bays, oriels, gables and sweeping roofs of the traditional buildings in the area; and
- providing a Design Access Statement as part of a planning application which sets out the rationale behind the design of the building.

### Works to Listed Buildings

- 13.9 The acceptability of works to Listed Buildings is governed by relevant local and national planning policy. The Listed Buildings in the Oadby Hill Top Conservation Area are predominantly used as flats or student accommodation. Whilst such uses have ensured that the buildings are well maintained and enjoyed, the need to adapt buildings to comply with changing legislation can occasionally lead to inappropriate incremental alterations to the buildings. This section therefore seeks to give some additional guidance.

#### General.

- Before considering any work to a historic building, applicants must fully understand what the implications of the proposed work are on the historic building;
- For complex buildings or major applications, a Conservation Plan or Statement of Significance will help define what the significant aspects of the building, group and setting are; and
- When submitting an application to alter a Listed Building, a Design Access Statement will be needed which describes why the alterations are needed, what alternative approaches have been considered and how the proposed works are felt to be the least damaging to the special interest of the building.

#### Fire precaution works.

- Ensure that any compartmenting of the building does not adversely affect principal rooms, staircases, corridors or hallways;
- Consider how historic doors and glazing can be upgraded by use of intumescent products etc rather than replacing them;
- Where improved insulation is needed to floors, install this from above to avoid damage to plaster ceilings;
- Place alarms, sniffers and other equipment in the least prominent location possible (e.g. by locating them close to light fittings etc);
- Do not place equipment on panelling and ensure that cable runs do not cut across cornices, dados, panelling or open areas of wall; and
- Only consider external fire escapes as a last resort and locate them away from prominent facades and key architectural features.

#### Kitchens and bathrooms.

- Keep away from principal elevations if it would mean external SVPs, vents or obscured glass;
- Keep out of sensitive rooms with decorative plasterwork and panelling and do not locate them above such rooms;
- Group them together vertically so that pipe runs can be minimised; and
- Route vents up redundant chimney flues where possible.

Disabled access.

- Fully understand the issues and problems before proposing modifications and carry out an access audit of larger buildings and groups;
- Respect the balance of symmetrical facades when proposing ramps;
- Use appropriate materials; and
- Keep lifts away from principal rooms / staircases.

#### Trees and landscaping

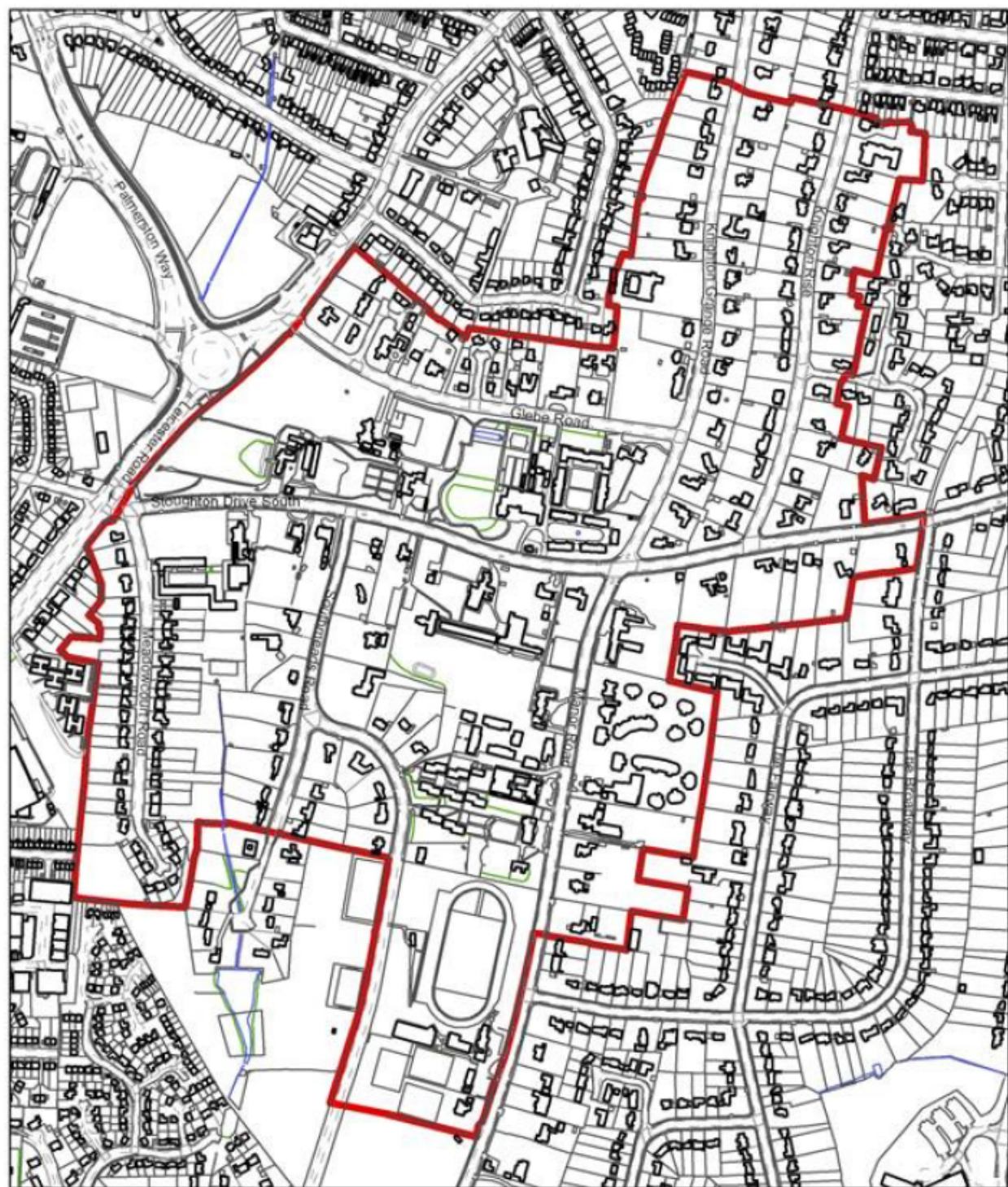
- 13.10 Trees. All trees within the Conservation Area already enjoy a degree of protection as owners are required to give the Borough Council 6 weeks' notice of the intention to carry out works to trees.
- 13.11 Development involving the felling, significant surgery (now or in the foreseeable future), or potential root damage to trees will only be permitted where there are demonstrable public benefits stemming from the proposal. When felling is permitted, replacement planting will be sought wherever possible and conditions will be imposed on planning permissions to ensure the replanting and maintenance of new tree planting.
- 13.12 New buildings will not be permitted in close proximity to important trees, where the likely needs of future occupiers will lead to disfiguring pruning works to the detriment of the tree or its felling.
- 13.13 Landscaping. Landscaping schemes will be required to accompany proposals for new development where it is appropriate to the character of the development. Conditions will be imposed on planning permissions to ensure the implementation of approved landscaping schemes.
- 13.14 Open Spaces. Development on major areas of public or private open space will only be permitted where there is clear, demonstrable public benefit stemming from the proposal and where there are no significant adverse impacts upon ecological habitats.

#### Enhancement opportunities

- 13.15 The potential use of 'Article 4 Directions' to control incremental changes to Significant Local Buildings.
- 13.16 Repair and restoration of greenhouses for example to the rear of Highgrove.
- 13.17 Improved screening to the rear of university houses, in particular Gilbert Murray Hall.
- 13.18 Improved screening to Beaumont Hall from the Botanic Gardens, Knighton Grange Road and Aigburth.
- 13.19 Where the gardens of the historic buildings have been surfaced over for parking, the expanses of tarmac which is a negative feature, could be broken up with suitable planting.

13.20 Enhance the role that the Botanic Gardens play within the local area.

Consultation Document



MAP 6: OADBY HILL  
TOP AND  
MEADOWCOURT  
CONSERVATION  
AREA

— Boundary line

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## 14. South Wigston Conservation Area Guidance

### Background

- 14.1 South Wigston Conservation Area was first designated in 1989. The Conservation Area Appraisal and Development Control Guidance was updated in September 2018 and must be read in conjunction with this Guidance.

### Overview of the area

- 14.2 South Wigston is a town developed in the late nineteenth century by the owner of a large brickworks. The settlement follows the tradition of establishing 'model' towns set by Victorian philanthropists at places such as New Lanark and Saltaire and continued in towns such as Bourneville and Port Sunlight. Unlike the majority of these other towns however, South Wigston was not just intended to house workers in the brickyard. Other commercial premises, particularly associated with the clothing industry, were established right from the start.
- 14.3 Like model settlements such as Saltaire, the settlement pattern is generally laid out as a grid and most of the housing is in terraces. Most of the houses are of similar type (though some were built bigger and had front gardens) with just a few larger houses on Orange Street, Blaby Road (until many were converted to shops) and particularly Saffron Road built to house wealthier residents. The clear provision of different sizes and standards of housing to suit different 'classes' of occupiers is not so great as in many model towns.
- 14.4 Although there are differences of detailing between the terraces and groups of houses, the area has a very strong character. The majority of traditional buildings are of red brick with a colour range towards orange and purple, with a few houses of gault brick or with such brick used as detailing. The settlement developed very quickly and was largely complete by 1913. Thereafter the main development was the provision of local authority housing on the undeveloped sites. Some of this was in terraces, the rest in more typical semi-detached forms.
- 14.5 Today, South Wigston retains its strong character despite more recent building and alterations to many of the houses. Some of the industrial uses have contracted or ceased and the buildings they have left behind offer scope for enhancement of the area.

### Development of large / sensitive sites

- 14.6 The following sites have long term potential for enhancing the character of the Conservation Area.
- Station Street – Bus garage. Allocated for residential use in the new Local Plan. The Council also have an adopted Local Development Order for the site.
  - Lower Canal Street/Park Road. Large industrial buildings mixed with residential uses. Opportunity for redevelopment to residential uses.

- Countesthorpe Road – Alpha House. Currently an office block. Site addresses both Orange Street and Countesthorpe Road. Potential for redevelopment with a building that respects the character and appearance of the Conservation Area.
- Countesthorpe Road – tyre depot. (southern end of Countesthorpe Road) Small site currently occupied by car park and single storey building. Associated with car spares sales in adjoining building. Opportunity for redevelopment to residential uses.
- Canal St – building immediately south of Healy Street. Significant local building. Retain and refurbish. Future use to ensure the external appearance and detailing remains intact. Has recently been subject to Compulsory Purchase Order with a view to redevelopment of the building to residential dwellings.

#### The design of new buildings

- 14.7 To be acceptable, the design of any new building will need to respect the character and appearance of the Conservation Area by:
- being of an appropriate mass and scale to avoid dominating the small two-storey residential terraces and/or, in the case of mixed small commercial and residential streets, to maintain an appropriate juxtaposition of scales;
  - being of an appropriate form to sit comfortably with the mix of residential, industrial and commercial styles of the buildings in the area;
  - respecting any well-defined building lines;
  - having interesting roof forms and producing an interesting skyline silhouette;
  - using materials which either reflect those found on the traditional buildings in the area or produce an acceptable and exciting contrast;
  - respecting prevalent architectural detailing such as bay windows, window and door surrounds and decorative eaves and responding to the differences in detailing between terraces where a development covers more than one street;
  - creating positive street corners with active frontages on all elevations; and
  - providing a Design Access Statement as part of a Planning Application which sets out the rationale behind the design of the buildings.
- 14.8 Appropriate infill development, subject to conforming to all other relevant planning policy, will be permitted as long as its design has regard to the prevailing character and quality of the surrounding townscape. The design of this type of development should respond to:
- established building and boundary lines and the local scale of development;
  - prevailing overall heights, storey heights and the massing of adjacent buildings;
  - characteristic frontage or plot widths;
  - roof profiles and silhouettes of adjoining buildings;
  - colour, type, source and texture of facing, roofing and paving materials;
  - distinctive forms or architectural detailing prevalent in the immediate area;
  - average dwelling size and net residential densities; and
  - existence of set piece or otherwise unified architectural compositions or significant building groups.



## Change of use

- 14.9 The conversion of former industrial or commercial buildings of townscape value to residential or appropriate commercial use will be actively encouraged provided that:
- the appearance of the building will be maintained without the need for disfiguring extensions or alterations;
  - where the property was purpose-built as a shop and elements of an original or appropriate shopfront survive, these will be retained in any conversion unless they are completely beyond repair;
  - the amenity of adjoining residents will not be significantly affected;
  - adequate car and cycle parking and refuse storage can be provided and suitably screened from public view;
  - existing vehicle accesses are adequate, or appropriately sized accesses can be provided without affecting the overall townscape quality of the area, the setting of the building or involving the loss of any important tree or boundary; and
  - any important 'lost', altered or dilapidated architectural details will be restored.
- 14.10 There is a presumption to retain retail uses along Blaby Road. However it is recognised that shopping patterns are changing in the area. Many of the properties, especially at the western end and the terrace of buildings with Gothic detailing were built as houses were converted to shops later. Where retail uses are no longer commercially viable in these buildings, subject to conforming to all relevant planning policy, conversion back to residential use will be supported when:
- the architectural character and detailing of the original houses will be restored;
  - front gardens with appropriate boundaries will be reinstated;
  - adequate car and cycle parking and refuse storage can be provided and suitably screened from public view; and
  - the living accommodation is of an adequate standard and the occupants have an acceptable level of amenity.
- 14.11 Where retail uses remain viable on only the ground floors of properties, 'Living over the Shop' will be actively encouraged to bring vacant upper floors back into use and generate activity at different times of the day. Such uses will be supported provided that:
- appropriate noise insulation between the living accommodation and the shop below can be provided;
  - where the living accommodation is to be accessed separately from the shop, an appropriate separate entrance can be provided without damaging the character of the building and any original or appropriately designed shop front; and
  - adequate waste storage and car and cycle parking can be provided for the occupants.
- 14.12 The change of use of residential dwellings to non-residential uses will not normally be permitted.
- 14.13 Planning permission for proposals, such as restaurants and cafes, drinking establishments or hot food takeaways (Use Classes A3, A4 and A5 respectively), subject to conforming to all other relevant planning policy, will only be approved



when it can be demonstrated that there will be no harm to residential amenity or local environmental quality as a result of smells, noise, increased late-night activity and disturbance, or increased parking and traffic.

14.14 The sub-division of single residential properties into multiple dwellings, subject to conforming to all other relevant planning policy, will only be permitted if:

- the appearance of the building will be maintained without the need for disfiguring extensions or alterations;
- the amenity of adjoining residents will not be significantly affected;
- satisfactory car and cycle parking, and refuse bin storage for the occupants can be adequately accommodated and appropriately screened;
- the location of the property or the nature of nearby land uses will not affect the quality of the occupants' residential amenity;
- the living accommodation created will be satisfactory;
- where separate accesses are required, these entrances are adequate and safe, and can be provided without damaging the character of the building; and
- appropriate noise insulation between dwellings can be provided.

#### Shopfronts, signage, blinds and security measures

14.15 The provision of shops was an important element of the original foundation of South Wigston. Blaby Road developed as the main shopping street, but shops were also found on the ends of many of the residential streets to the north and south. Although some old shopfronts survive, many others have been lost or disfigured by modern alterations or the addition of clumsy signage.

14.16 The Council is always seeking to improve the quality of the shopfronts in the Conservation Area and will apply the following guidance to achieve this aim. The restoration of original shopfronts in South Wigston is not a difficult task. Many shopfronts were of consistent design within terraces and good photographic records of the area also survive.

14.17 Shopfronts. Several good quality late nineteenth century and early twentieth century shopfronts survive in South Wigston. Planning Permission will not be approved to remove such shopfronts or any elements of them unless they are beyond repair.

14.18 Where some elements of an original shopfront survive, the existing elements should be retained and used as the basis for the restoration of the original frontage or incorporated into an appropriate new shopfront design. Removal of original features will only be permitted if they are completely rotten or are incapable of being successfully incorporated into a new shopfront.

14.19 The replacement of inappropriate shopfronts will be encouraged provided that the replacement respects the character of the building, adjacent buildings if part of a group or terrace or the area as a whole. To be acceptable, new designs should:

- have a clear structural logic with a clearly defined frame of pilasters, fascia and, where appropriate, stallrisers;
- relate to the character and proportions of the original building;
- maintain or improve the ease of access to the building for those with disabilities;

- be of appropriate materials;
- not stretch across the frontage of more than one building; and
- provide an appropriately designed separate access where separate living accommodation is to be provided within the upper storeys.

14.20 Where change of use is sought for the conversion of an original shop back to residential use and elements of an original or appropriate shopfront survive, these will be retained in any conversion unless they are completely beyond repair.

14.21 Signage. Several buildings in South Wigston have been disfigured by inappropriate and clumsy signage. To be acceptable, new signage must:-

- not obliterate, hide or destroy the proportions of the building or any of its architectural features.
- have lettering of appropriate size, materials and font type for the building.
- be clear and simple to read and not incorporate garish or unsuitable colours.
- have only one appropriately designed and located hanging signage for each shop frontage.

14.22 Illumination. Advertisement Consent is required for most forms of illuminated signage in the Conservation Area. Clumsy, internally illuminated 'box' signs will not be permitted. To be acceptable, illuminated signs must:-

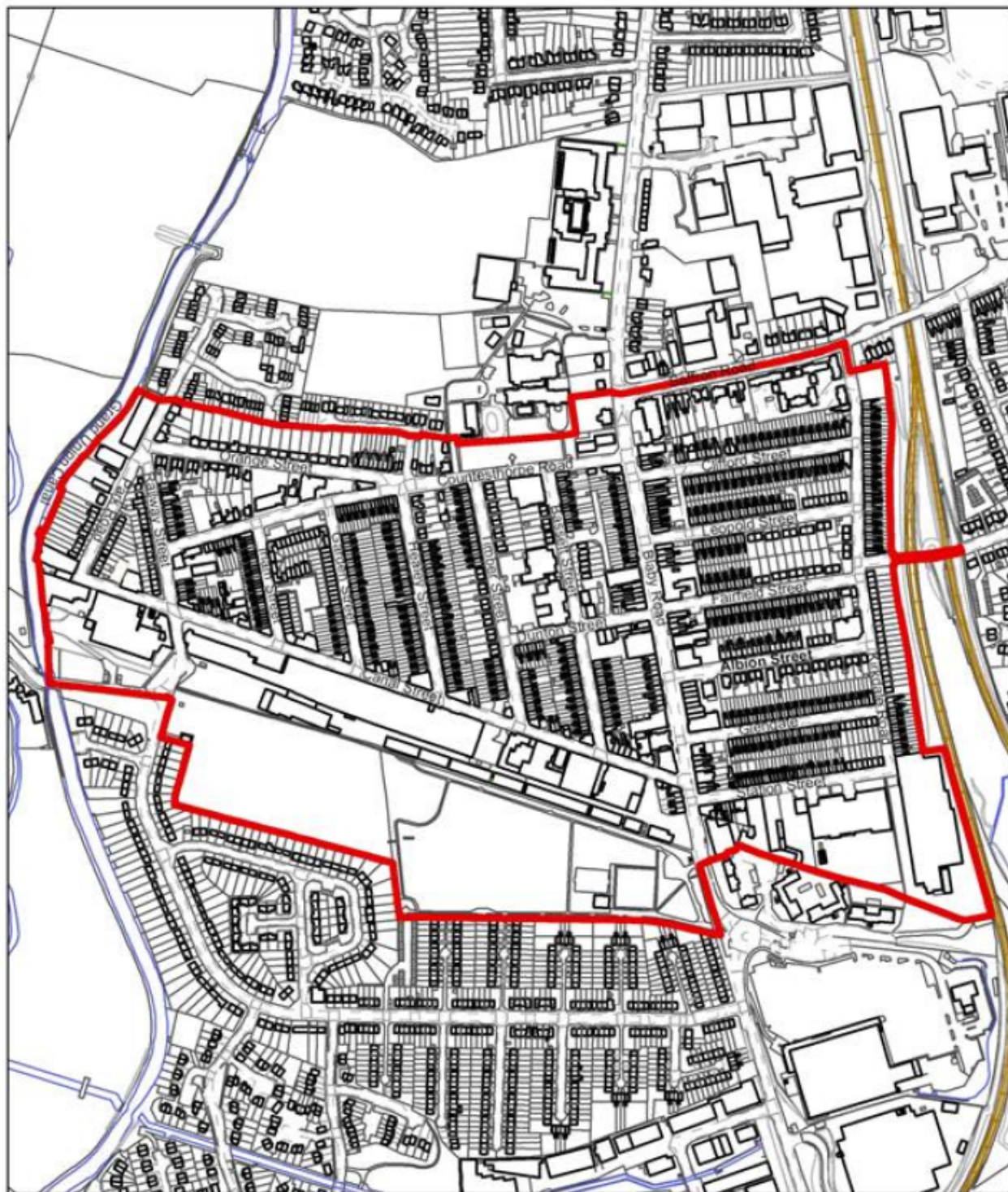
- have a discrete light source which does not interfere with the proportions of the building or frontage or damage any architectural features.
- not affect the amenity of nearby residential uses.
- have a subdued and consistent light level.

14.23 Blinds and Canopies. Blinds and canopies will only be permitted in the Conservation Area when there is a historical precedent and the existing blind box survives, where they can be accommodated without damaging the character of the building or shop frontage and will relate successfully to existing features and detailing of the building.

14.24 Shopfront Security. When designing a new shopfront, consider the likely security needs of the occupier. It is much easier to design in suitable security measures at the outset than attempt to add them to existing frontages.

14.25 Solid external shutters will only be permitted in the Conservation Area where it can be clearly demonstrated that they are the only viable means of security to enable the shopkeeper to retain their livelihood.

14.26 External shutters, of the solid or grille type, will only be permitted when they respect the features and proportions of the shopfront, do not cover the pilasters and fascia and are of an appropriate colour and finish.



**MAP 7: SOUTH  
WIGSTON  
CONSERVATION  
AREA**

 Boundary line

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## 15. Spa Lane Conservation Area Guidance

### Background

- 15.1 Spa Lane Conservation Area was first designated in 1989. The Conservation Area Appraisal and Development Control Guidance were updated in September 2018 and must be read in conjunction with this Guidance.

### Overview of the area

- 15.2 This area of Wigston is part of the original northern core of Wigston Magna village. Only St Wistan's Church, albeit rebuilt, remains from the village's origins, but the area still contains a mixture of residential and industrial uses reflecting a later period of the village's development and is a valuable record of Wigston's working past.
- 15.3 The area is separated from the centre of the modern borough by Bull Head Street, a dual carriageway 'A'-road. This wide expanse of fast moving traffic is a major physical barrier and has had a detrimental effect on the setting of the few remaining traditional buildings along the street by sweeping away their original village context.
- 15.4 There are a number of vacant and / or unsightly areas within the Conservation Area which currently detract from the character of the area. However, they offer scope for appropriate and well-designed development in the future.

### Development of vacant sites

- 15.5 The vacant land within the Conservation Area forms unsightly areas which detract from its appearance. It is important that any proposed development of these vacant areas should be of a high quality both in terms of design and materials in order to ensure that the Conservation Area is visually enhanced by the scheme.
- 15.6 The following sites have potential for enhancing the character of the Conservation Area:
- Former Filling Station site, Bull Head Street. Currently used as a hand car wash. Flanked by two residential Locally Listed Buildings (Numbers. 20-22 & 36). Potential to significantly improve aspect to Bull Head Street Potential housing or commercial site.
  - Mowsley End / Spa Lane. Currently contains Kwik Fit garage, various light industrial buildings and vacant plots. Potential housing or commercial site, possibly linking into Filling Station site. Identified Locally Listed Buildings and buildings of townscape value should be retained and integrated into any new development. Potential to significantly improve aspect to Mowsley End / Spa Lane & Bull Head Street. Main vehicle access for any development should be via Mowsley End / Spa Lane.
  - Ford Dealership, Spa Lane. Currently workshop / garage and showroom with surrounding car parking area. Potential to significantly improve aspect to Spa Lane and setting of nearby Locally Listed Buildings. Possible site for housing and opportunity to establish appropriate building line.

### Change of use

- 15.7 The conversion of former industrial or commercial buildings of townscape value will be considered if the site would make an important contribution towards improving the environment and where their conversion would not result in an unacceptable loss of the buildings historic integrity. Schemes will be encouraged provided that:
- the appearance of the building will be maintained without the need for disfiguring extensions or alterations;
  - the amenity of adjoining residents will not be significantly affected;
  - adequate car and cycle parking and refuse storage can be provided and suitably screened from public view;
  - existing vehicle accesses are adequate, or appropriately sized accesses can be provided without affecting the townscape quality of the area, the setting of the building or involving the loss of any important tree or boundary; and
  - any important 'lost', altered or dilapidated architectural details will be restored.
- 15.8 The change of use of residential dwellings to non-residential uses will not normally be permitted.

### The design of new buildings

- 15.9 The Spa Lane Conservation Area Appraisal describes the area's 'grain', i.e. how the area's existing buildings relate to the street. The appraisal summarises information such as boundary treatments, building heights and line, materials, detailing, etc. Paying particular attention to the street in which proposed development will sit will establish appropriate design principles and ensure that the new buildings will respect the Conservation Area's existing character.
- 15.10 In order to be acceptable, the design of any new building will need to respect the character and appearance of the Conservation Area by:
- Being of an appropriate mass and scale to avoid dominating the two storey residential properties and to maintain an appropriate juxtaposition of scales;
  - Being of an appropriate form to sit comfortably with the mix of residential, industrial and commercial styles of the buildings in the area;
  - Having interesting roof forms and producing an interesting silhouette;
  - Use materials and detailing which follow on from the design principles which influenced the basic form of the building, i.e. which either reflect those found on traditional buildings in the area or, as part of a very high quality design approach, produce a successful contrast;
  - Providing a Design Access Statement as part of a Planning Application which sets out the rationale behind the design of the building;
  - Responding to the differences in detailing where a development covers more than one street; and
  - Creating positive street corners with active frontages on all elevations.

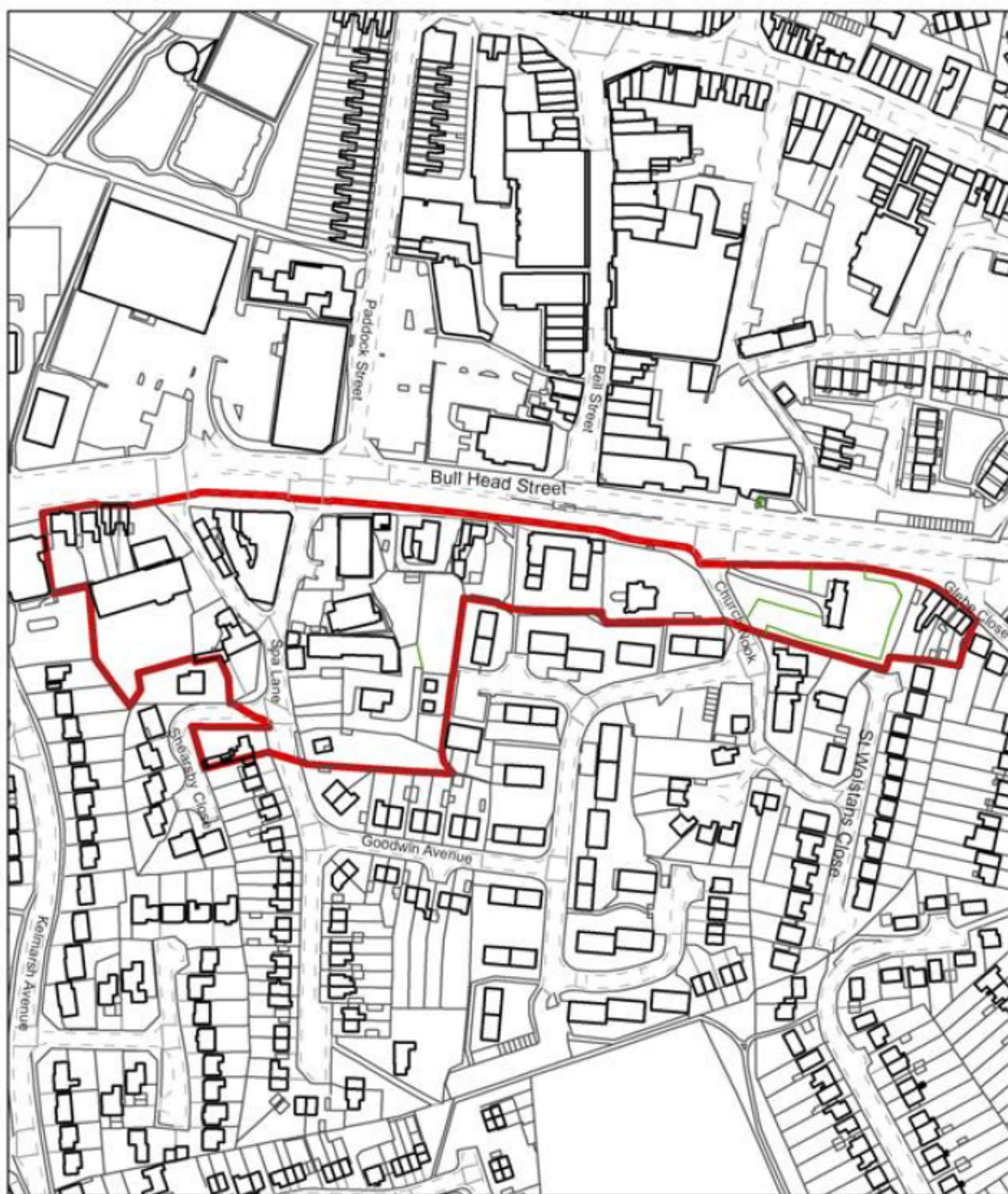
### Enhancement opportunities

- 15.11 The vacant land along Spa Lane (to the east of No. 6A Spa Lane) forms an unsightly area which detracts from the Conservation Area's appearance. It is

important that any proposed development of these vacant areas should be of a high quality both in terms of design and materials in order to ensure that the Conservation Area is visually enhanced by the scheme.

- 15.12 The unattractive car parking area to the front of the Kwik Fit garage and the adjacent gravelled space erode the character of the Conservation Area. An appropriate screening or improved landscaping of such areas would improve the setting of the Conservation Area.
- 15.13 Similarly the Ford dealership garage on Spa Lane and the hand car wash on Bull Head Street have a negative visual impact upon the Conservation Area. Relocation to a more appropriate location would aesthetically be the most satisfactory solution. However, a good landscaping scheme may be able to 'soften' the impact of all the vehicles, the utilitarian buildings and the proliferation of signage.
- 15.14 The churchyard of St Wistans Church is very much overgrown, almost obscuring the church from view. The churchyard should be reclaimed, with much of the vegetation cleared away, leaving key shrubs and trees. Such a scheme would enable appropriate use and would provide a viable green space in a predominately urban industrial area.
- 15.15 The Council may seek to use 'Article 4 Directions' in order to retain traditional detailing on the exterior of non-listed buildings within the conservation area boundaries where such detail has not already been lost.





**MAP 8: SPA LANE  
CONSERVATION  
AREA**

 Boundary line

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## 16. The Lanes Conservation Area Guidance

### Background

- 16.1 The Lanes Conservation Area was first designated in 1981. The Conservation Area Appraisal and Development Control Guidance were updated in September 2018 and must be read in conjunction with this Guidance.

### Overview of the area

- 16.2 'The Lanes' Conservation Area is characterised by the contrast between the 'hidden' green open space of the Manchester Gardens, (Allotment Space), and the urban built development that surrounds it.
- 16.3 The Lanes themselves are a throwback to the village's origins and probably served to link the two cores of the original settlement. Today they are a series of quiet routes away from traffic in the middle of an urban environment and are of great value in creating the feeling of a quiet backwater in the town centre.
- 16.4 The survival of the Manchester Gardens at the heart of 'The Lanes' as an area of open space in such an urban environment is hugely beneficial. Today it acts as a 'green lung' providing a respite from the urbanity of the surrounding streets with their continuous built frontage (except where this is broken by the Peace Memorial Park).
- 16.5 The four perimeter streets of the rectangular 'village' centre, (Long Street to the west, Bull Head Street to the east, Bell Street to the north and Moat Street to the south), are characterised by their commercial character with small clusters of residential properties. This is reversed in the streets that run west from this central rectangle which are dominated by nineteenth century housing. The northern and eastern sides of the built frontage to the central green area are mainly comprised of commercial buildings and form part of the centre of the modern Wigston Magna. A large area of the Conservation Area is taken up by the vast concrete mid twentieth century Police and Fire Stations.
- 16.6 The northern and eastern sides of the built frontage to Manchester Gardens area are mainly comprised of commercial buildings and form part of the centre of the modern Wigston Magna. A large area of the Conservation Area is taken up by the vast concrete mid twentieth century Police and Fire Stations and large twentieth century superstores
- 16.7 The southern and western sides of the built frontage to the central green space are much more residential in character and contain many terraces with subtle variations between them in their architectural detailing.

### Protection of open space

- 16.8 Few towns possess such an intricate system of footpaths as Wigston. These 'Lanes' link across the town centre extending from Junction Road to the Little Hill Estate and provide a series of quiet routes across the town centre away from traffic. Improvements to enhance the footpaths will be carried as and when schemes are permitted.



- The Council will preserve and enhance The Lanes system of footpaths and use development control powers to ensure the character and appearance of the area is not prejudiced by unsympathetic development on land adjoining the footpaths.

16.9 Outside 'The Lanes' proper, at the western boundary of the Conservation Area is The Black Pad which links Central Avenue to Bushloe End. This public footpath has an informal, semi-rural feel similar to that of 'The Lanes'. This character is largely due to the vegetation that lines The Black Pad, and it is, therefore, important that the key vegetation is retained and maintained.

- The Council will work with statutory undertakers and the Highways Authority to ensure that the vegetation is retained during, and reinstated (if necessary) after, any works undertaken along The Black Pad. Where appropriate, sustainable drainage methods and materials should be used, provided that these do not have an adverse visual impact on the historic environment.

16.10 The informal nature of The Lanes is a key component of the quiet character of this green space in the heart of the town centre. The Lanes are well used by the local community and it is, therefore, important that these footpaths are adequately maintained and appropriately surfaced.

- The Council will work with the Highways Authority and statutory undertakers to ensure the adequate maintenance of The Lanes and that appropriate surfacing materials are used in the area. Where appropriate, sustainable drainage methods and materials should be used, provided that these do not have an adverse visual impact on the historic environment.

16.11 The survival of the Manchester Gardens as an area of open space at the heart of the Conservation Area is of great value in creating a feeling of a quiet backwater near the town centre.

- The Council will resist proposals for the development of the Manchester Gardens.

16.12 Although the Manchester Gardens are surrounded by built development, except on the Chapel Lane frontage where they adjoin the Memorial Park, these buildings are largely set back from the Gardens' boundary, to which they turn their backs. This factor also contributes to the sense of space felt by people who use The Lanes.

- The special character of the Manchester Gardens will comprise a material consideration when the Council determines planning applications on adjacent land within the Conservation Area.

#### Change of use

16.13 The conversion of former industrial or commercial buildings of townscape value will be considered if the site would make an important contribution towards improving the environment and where their conversion would not result in an unacceptable loss of the buildings historic integrity. Schemes will be encouraged provided that:

- the appearance of the building will be maintained without the need for disfiguring extensions or alterations;
- where the property was purpose-built as a shop and elements of an original or appropriate shopfront survive, these will be retained in any conversion unless they are completely beyond repair;
- the amenity of adjoining residents will not be significantly affected;
- adequate car and cycle parking and refuse storage can be provided and suitably screened from public view;
- existing vehicle accesses are adequate, or appropriately sized accesses can be provided without affecting the overall townscape quality of the area, the setting of the building or involving the loss of any important trees or boundaries; and
- any important 'lost', altered or dilapidated architectural details will be restored.

16.14 Where retail uses remain viable on only the ground floors of properties, 'Living over the Shop' will be actively encouraged to bring vacant upper floors back into use and generate activity at different times of the day. Such uses will be supported provided that:

- appropriate noise insulation between the living accommodation and the shop below can be provided.
- where the living accommodation is to be accessed separately from the shop, an appropriate separate entrance can be provided without damaging the character of the building and any original or appropriately-designed shopfront.
- adequate waste storage and car and cycle parking can be provided for the occupants.

16.15 The change of use of residential dwellings to non-residential uses will not normally be permitted.

16.16 Planning permission for proposals, such as restaurants and cafes, drinking establishments or hot food takeaways, (Use Classes A3, A4 and A5 respectively), subject to conforming to all other relevant planning policy, will only be approved when it can be demonstrated that there will be no harm to residential amenity or local environmental quality as a result of smells, noise, increased late-night activity and disturbance, or increased parking and traffic. Adequate parking must be provided and considered as part of the overall design. Unsightly plant such as air conditioning units, ducting, flues, etc. should be appropriately screened.

#### The design of new buildings

16.17 In order to be acceptable, the design of any new building will need to respect the character and appearance of the Conservation Area by:

- being of an appropriate mass and scale to avoid dominating the mainly two-storey residential properties and/or, in the case of mixed small commercial and residential streets, to maintain an appropriate juxtaposition of scales;
- being of an appropriate form to sit comfortably with the mix of residential, industrial and commercial styles of the buildings in the area;
- respecting any well-defined building lines;
- having interesting roof forms and producing an interesting silhouette;

- using materials which either reflects those found on the traditional buildings in the area or producing an acceptable and exciting contrast;
- providing a Design Access Statement as part of a Planning Application which sets out the rationale behind the design of the building; and
- respecting prevalent architectural detailing.

#### Alterations and extensions

16.18 Rear Extensions. These are the most common type of extension as they usually offer the greatest degree of flexibility and privacy. Care is needed, however, to ensure that the effect upon neighbouring properties is kept to a minimum. Particular care should be taken in the design of rear extensions to the terraces along Central Avenue as these are visible from public footpaths. In addition to all other relevant policy and guidance;

- an extension should not dominate the neighbour's house or garden or affect their light quality;
- two storey extensions on common boundaries are unlikely to be approved;
- the eaves level of a rear extension should be kept as low as possible and particular care should be taken to ensure the ridgeline of the new roof does not interfere with the existing roof; and
- it should not be visible from the front of the building.

16.19 Roof Extensions. These are a popular way of extending houses, but can pose considerable challenges in order to avoid damaging alterations to the character of the property. On terraces and groups of similar properties such as those along Central Avenue and Paddock Street, they can also be highly intrusive because of the relative uniformity of the houses and so their impact on the street must be carefully considered.

- roof extensions should relate well to the local roof form and should reflect or complement the character of the property and the area;
- ridgelines and chimneystacks, in particular, are often a key part of a building's character and they should not be altered unless it can be demonstrated that this would create a positive feature;
- the potential for overlooking should be addressed in the design;
- the size and number of dormer windows should be kept to a minimum and they should generally not be placed on the front elevation (or the elevation most visible from the public realm) unless it is appropriate to the design or history of the building.
- the style of windows should be influenced by the design, proportion and arrangement of existing windows in the building; and
- roof lights should be of the traditional 'Conservation' type which lies flush with the roof slope and should also be kept off the front roof slope, particularly on formal buildings.

#### Shopfronts, signage, blinds and security measures

16.20 Parts of Leicester Road and the northern end of Long Street fall within Wigston's primary shopping area.

- 16.21 Although many of the retail units in these shopping areas are housed in older nineteenth century/early twentieth century properties, most appear to have lost their traditional shopfronts and have been much altered in the later twentieth century. The following guidance aims to enhance the appearance of the Conservation Area by providing detailed design principles for designers to follow to ensure that new and refurbished shopfronts fit into their context.
- 16.22 Shopfronts. Number 2 Leicester Road, a Significant Local Building, retains a good quality 1940s shopfront. Planning permission will not be approved to remove this shopfront or any element of it.
- 16.23 Where some elements of an original shopfront survive, the existing elements should be retained and used as the basis for the restoration of the original frontage or incorporated into an appropriate new shopfront design. Removal of original features will only be permitted if they are completely beyond repair or are incapable of being successfully incorporated into a new shopfront.
- 16.24 The replacement of inappropriate shopfronts will be encouraged provided that the replacement respects the character of the building, adjacent buildings if part of a group or terrace, or the area as a whole. As well as conforming to all other relevant planning policy, to be acceptable, new designs should:
- have a clear structural logic with a clearly defined frame of pilasters, fascia and, where appropriate, stallrisers;
  - relate to the character and proportions of the original building;
  - maintain or improve the ease of access to the building for those with disabilities;
  - be of appropriate materials;
  - not stretch across the frontage of more than one building;
  - provide an appropriately designed separate access where separate living accommodation is to be provided within the upper storeys.
- 16.25 Where change of use is appropriate and not detrimental to the area and elements of a good shopfront survive, these will be retained in any conversion unless they are completely beyond repair.
- 16.26 Signage. Several buildings in Wigston have been disfigured by inappropriate and clumsy signage. Along with conforming to all other relevant planning policy, to be acceptable, new signage must:
- not obliterate, hide or destroy the proportions of the building or any of its architectural features.
  - have lettering of appropriate size, materials and font type for the building.
  - be clear and simple to read and not incorporate garish or unsuitable colours.
  - have only one appropriately designed and located hanging sign for each shop frontage.
- 16.27 Illumination. Advertisement Consent is required for most forms of illuminated signage in the Conservation Area. Clumsy, internally illuminated 'box' signs will not be permitted. To be acceptable, illuminated signs must:

- have a discrete light source which does not interfere with the proportions of the building or frontage or damage any architectural features.
- not affect the amenity of nearby residential uses.
- have a subdued and consistent light level.

16.28 Blinds and Canopies. Blinds and canopies will only be permitted in the Conservation Area when there is a historical precedent and the existing blind box survives, where they can be accommodated without damaging the character of the building or shop frontage and will relate successfully to existing features and detailing of the building.

16.29 Shopfront Security. When designing a new shopfront, consider the likely security needs of the occupier. It is much easier to design in suitable security measures at the outset than attempt to add them to existing frontages.

16.30 Solid external shutters will only be permitted in the Conservation Area where it can be clearly demonstrated that they are the only viable means of security to enable the shopkeeper to retain his livelihood.

16.31 External shutters, of the solid or grille type, will only be permitted when they respect the features and proportions of the shopfront, do not cover the pilasters and fascia and are of an appropriate colour and finish.

#### Street furniture

16.32 The traditional lampposts found throughout The Lanes are noted as positive aspects. The traditional style of these lampposts contributes to the character of the historic 'Lanes' footpath system as well as providing lighting and safety after dark.

- The Council will encourage the appropriate maintenance of the lampposts within The Lanes area. Where a traditional lamppost is incapable of repair, its replacement must be appropriate to the history of the area. Similarly, the opportunity to remove any modern lampposts within The Lanes area should be taken; these should be replaced with traditional lampposts appropriate to the history of the area.

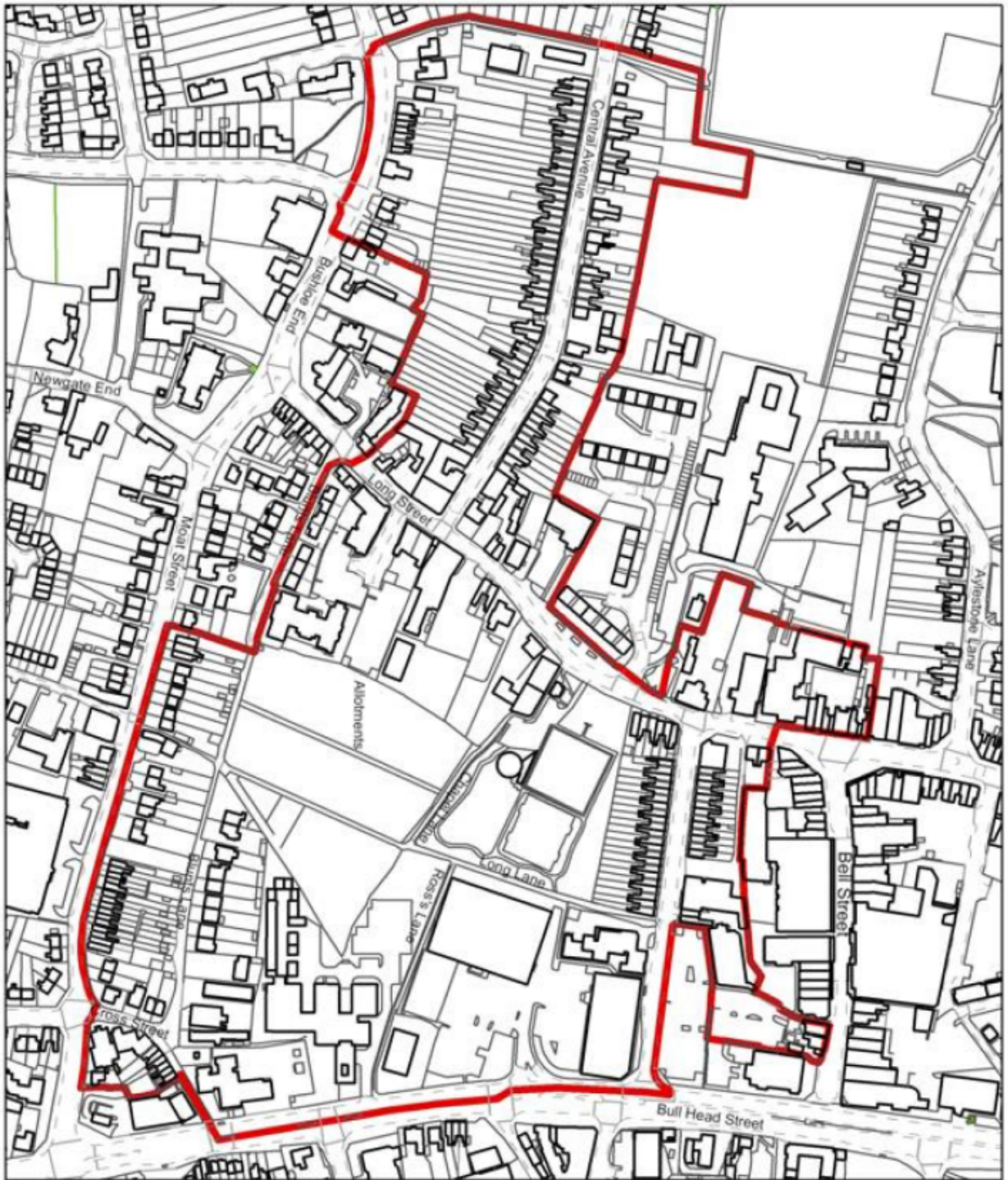
#### Enhancement opportunities

16.33 The two shops at 41 – 47 Bell Street could both benefit from shop front improvements to a style more in keeping with the age and style of the buildings and the first floor windows which are currently boarded up, should be reinstated. Additionally, the replacement of the heavy metal shutters to a style that is more appropriate within the Conservation Area would be of benefit.

16.34 Views from Paddock Street into the service yards of the Bell Street commercial units are unattractive, thus creating an unpleasant pedestrian environment for users of Long Lane. Appropriate screening of these servicing areas would dramatically enhance the Conservation Area.

16.35 The car parking area to the west of Belvoir House on Paddock Street is unattractive and detracts from the street scene. The redevelopment of the site should be considered and has the potential to enhance the character and appearance of the Conservation Area. Any proposed redevelopment of this site should refer to Development Control Guidance.

- 16.36 Similarly, Paddock Street Car Park detracts from the Conservation Area and redevelopment of the site should be considered to enhance the character and appearance of the Conservation Area.
- 16.37 Some forecourts to properties such as the Wigston Conservative Club, the Royal Mail Depot and Nos. 61 and 65 Long Street would benefit from more attractive landscaping, thus not only enhancing the setting of the buildings but also the street scene.
- 16.38 The vacant site adjacent to the Working Men's Club should be redeveloped. The site detracts from the appearance of the Conservation Area and has the potential for enhancing the character through redevelopment. Any proposed redevelopment of this site should refer to The Lanes Development Control Guidance.
- 16.39 The quiet backwater character of The Lanes is reinforced by the informal nature of its footpaths which criss-cross the area. However, regular maintenance is necessary to ensure they continue to be well used by the local community and their traditional character is retained. Clearly, the surface needs to be smooth. However, if an aggregate or gravel could be bonded into the tarmac, this would soften the appearance of the paths whilst maintaining a trip-free surface. Similarly, traditional street furniture that contributes to the area's historic character should be maintained and replaced where necessary with matching designs.
- 16.40 In their present condition the vacant office building and adjoining site of the former shop situated on Long Street are negative features to the surrounding streetscape. The area should be redeveloped and tidied, to 'add to' the surrounding area.
- 16.41 The Borough Council may seek to use 'Article 4 Directions' in order to retain traditional detailing on the exterior of non-listed buildings within the conservation area boundaries where such detail has not already been lost.



**MAP 9: THE LANES  
CONSERVATION  
AREA**

 Boundary line

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## **17. Implementation and monitoring of this supplementary planning document**

- 17.1 The nine designated Conservation Areas within the Borough of Oadby and Wigston play an important role in safeguarding its heritage.
- 17.2 Once adopted, the SPD will be implemented through the planning process, being taken into account and applied when determining planning applications for development within or adjacent to Conservation Areas. In addition, applicants will be encouraged to consider the enhancement opportunities and to take these into account when preparing proposals for development. The Council will also seek to work with potential applicants to assist them in ensuring that development enhances the character of the Conservation Area, for example through pre-application meetings.
- 17.3 The SPD will be monitored by considering the impact of the proposals when considering planning applications and the number of enhancement opportunities taken forward over time. In addition, there will be period reviews of the Conservation Area Appraisals and the SPD.

Consultation Document





**Oadby & Wigston**  
BOROUGH COUNCIL

## **EQUALITY ASSESSMENT**

### **PART 1 - INITIAL SCREENING**

<b>Name of Policy/Function:</b>  Draft Conservation Areas Supplementary Planning Document	<input checked="" type="checkbox"/>	This is <b>new</b>
	<input type="checkbox"/>	This is a <b>change</b> to an existing policy
	<input type="checkbox"/>	This is an <b>existing</b> policy, Function, not previously assessed
	<input type="checkbox"/>	This is an existing policy/function for <b>review</b>

<b>Date of screening</b>	4 <sup>th</sup> Sept 2018
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#### **1. Briefly describe its aims & objectives**

The Draft Conservation Areas Supplementary Planning Document (SPD) is a planning policy document that focuses on enhancing and managing each of the nine Conservation Areas situated within the Borough of Oadby and Wigston. The document highlights the important role that Conservation Areas play within the Borough and stresses why they should remain and be enhanced at every opportunity. The document supplements planning policies contained within the Council's Local Plan.

#### **2. Are there external considerations?**

*e.g. legislation/government directive etc.*

Relevant legislation, national and local planning policy and guidance.

#### **3. Who are the stakeholders and what are their interests?**

All planning applicants, developers, landowners, service delivery partners and residents who are seeking / proposing change within a designated conservation area.

#### **4. What outcomes do we want to achieve and for whom?**

Conservation Areas are defined as '*areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*'. The Council has nine designated conservation areas and recognises their unique quality and the role they play within the Borough. A Conservation Area designation increases the Council's controls to protect the area, to help preserve the historic environment and create a high quality environment for residents of the borough to live and work in.

## 5. Has any consultation/research been carried out?

No previous public consultations have taken place. The contents of the document has been largely drawn down from the existing Conservation Areas Supplementary Planning Document (2008), together with a re-appraisal of each Conservation Area, carried out in line with current Historic England Guidance and research of current planning legislation, national and local planning policy. The current draft of the updated Supplementary Planning Document, subject to Member approval, will be subject to a 6 week public consultation commencing on Monday 8<sup>th</sup> October 2018.

## 6. Are there any concerns at this stage which indicate the possibility of Inequalities/negative impacts?

*Consider and identify any evidence you have -equality data relating to usage and satisfaction levels, complaints, comments, research, outcomes of review, issues raised at previous consultations, known inequalities) If so please provide details.*

No.

## 7. Could a particular group be affected differently in either a negative or positive way?

**Positive** – *It could benefit*

**Negative** – *It could disadvantage*

**Neutral** – *Neither positive nor negative impact or not sure.*

	Type of impact, reason & any evidence
Disability	Positive – it is considered that the document will positively affect all residents of the conservation areas equally.
Race (including Gypsy & Traveller)	Positive – it is considered that the document will positively affect all residents of the conservation areas equally.
Age	Positive – it is considered that the document will positively affect all residents of the conservation areas equally.
Gender Reassignment	Positive – it is considered that the document will positively affect all residents of the conservation areas equally.
Sex	Positive – it is considered that the document will positively affect all residents of the conservation areas equally.
Sexual Orientation	Positive – it is considered that the document will positively affect all residents of the conservation areas equally.
Religion/Belief	Positive – it is considered that the document will positively affect all residents of the conservation areas equally.
Marriage and Civil Partnership	Positive – it is considered that the document will positively affect all residents of the conservation areas equally.
Pregnancy and Maternity	Positive – it is considered that the document will positively affect all residents of the conservation areas equally.

## 8. Could other socio-economic groups be affected?

*e.g. carers, ex-offenders, low incomes, homeless?*

None apparent.

**9. Are there any human rights implications?**

None apparent.

**10. Is there an opportunity to promote equality and/or good community relations?**

None apparent.

**11. If you have indicated a negative impact for any group is that impact legal?**

*i.e. not discriminatory under anti-discrimination legislation*

N/A.

**12. Is any part of this policy/service to be carried out wholly or partly by contractors?**

None apparent.

**13. Is a Part 2 full Equality Assessment required?**

No.

**14. Date by which a Part 2 full Equality Assessment is to be completed with actions.**

N/A.

We are satisfied that an initial screening has been carried out and a full equality assessment **is not required**.

Completed by  
(Policy/Function/Report written)

Emma Brackenbury

Date: 4<sup>th</sup> Sept 2018

Countersigned by  
(Head of Service)

Adrian Thorpe

Date: 4<sup>th</sup> Sept 2018

Please forward an electronic copy to: [veronika.quintyne@oadby-wigston.gov.uk](mailto:veronika.quintyne@oadby-wigston.gov.uk)  
(Community Engagement Officer)

Equality Assessments shall be published on the Council website with the relevant and appropriate document upon which the equality assessment has been undertaken.