



TO COUNCILLOR:

L A Bentley (Chair)
G A Boulter
Mrs L M Broadley (Vice-Chair)
F S Broadley

Mrs S Z Haq
Miss P V Joshi
J Kaufman
Miss A Kaur

C D Kozlowski
Mrs H E Loydall
R E R Morris
Dr I K Ridley

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **DEVELOPMENT CONTROL COMMITTEE** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **THURSDAY, 26 MARCH 2020** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston
18 March 2020

Mrs Anne E Court
Chief Executive



<u>ITEM NO.</u>	<u>AGENDA</u>	<u>PAGE NO'S</u>
1.	Apologies for Absence	
	To receive apologies for absence from Members to determine the quorum of the meeting in accordance with Rule 7 of Part 4 of the Constitution.	
2.	Appointment of Substitutes	
	To appoint substitute Members in accordance with Rule 26 of Part 4 of the Constitution and the Substitution Procedure Rules.	
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.	Minutes of the Previous Meeting	3 - 5
	To read, confirm and sign the minutes of the previous meeting in accordance with Rule 19 of Part 4 of the Constitution.	
5.	Action List Arising from the Previous Meeting	
	There was no Action List arising from the previous meeting.	



6. Report of the Development Control Manager (March 2020)

6 - 41

Report of the Development Control Manager

a. Application No. 19/00356/OUT - Land at Cottage Farm, Glen Road, Oadby, Leicestershire

7 - 39

Report of the Development Control Manager

For more information, please contact:

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and audio recordings electronically on:**



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**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT THE
COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 27 FEBRUARY 2020
COMMENCING AT 7.00 PM**

PRESENT

L A Bentley Chair
Mrs L M Broadley Vice-Chair



COUNCILLORS

G A Boulter
F S Broadley
Mrs S Z Haq
Miss P V Joshi
J Kaufman
C D Kozlowski
Mrs H E Loydall
R E R Morris
Dr I K Ridley

OFFICERS IN ATTENDANCE

S J Ball Trainee Solicitor
D M Gill Head of Law & Democracy / Monitoring Officer
A Matthews Planning Control Officer
R Redford Development Control Manager
A Thorpe Head of Built Environment

OTHERS IN ATTENDANCE

M Drew Public Speaker, Applicant/Agent

25. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Miss Amandeep Kaur.

26. APPOINTMENT OF SUBSTITUTES

None.

27. DECLARATIONS OF INTEREST

None.

28. MINUTES OF THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting held on 19 December 2019 be taken as read, confirmed and signed.

29. REPORT OF THE DEVELOPMENT CONTROL MANAGER (FEBRUARY 2020)

29a. APPLICATION NO. 19/00475/FUL - HM YOUNG OFFENDERS INSTITUTE GLEN PARVA, TIGERS ROAD, WIGSTON, LEICESTERSHIRE, LE18 4TN

Mr M Drew spoke upon the application on behalf of the applicant.

The Committee gave consideration to the report (as set out at pages 6 - 14 of the agenda reports pack) with reference to the Officers' Presentation (as set out at slides 3 - 9) which asked it to determine a planning application for the erection of an operational building of 2,355.064 sqm floorspace within a secure zone of an approved new prison at the site of the former HMP and YOI Glen Parva.

The Committee requested that all references within the report to the Committee's purported ability to "approve" the design, character and appearance of the proposed new operational building itself be removed from the report as it was not a planning consideration open to this Local Planning Authority to directly assess and/or control.

It was moved by the Chair, seconded by the Vice-Chair and

RESOLVED THAT:

- (i) The application be GRANTED planning permission in accordance with the submitted documents and plans subject to the prescribed conditions (as amended at (ii), (iii) and (iv) below);**
- (ii) A condition be added such that the applicant be advised that all works, ancillary operations and deliveries in association with the implementation of the development is to be carried out only between the hours of 0800 and 1800 Monday to Fridays, 0800 and 1300 on Saturdays and no work is to be carried out on the site on Sundays or Bank Holidays (as per the outline application under the reference of 16/00575/OUT);**
- (iii) An informative be added such that the applicant and the developer be requested to carefully consider the routing of the proposed systems for the disposal of surface water and foul sewage, with particular regard to be given to the adjacent residential properties off Crete Avenue and recommending that careful consideration is given to these adjacent properties and an arrangement of routing whereby the proposed systems can avoid these; and**
- (iv) An informative be added such that the attention of the applicant and the developer be drawn to Condition 9 of the outline application (under the reference of 16/00575/OUT which was granted planning approval on 4 September 2017) insofar as given that the development approved by this decision (referenced 19/00474/FUL) would fit within the wider development of the site, the applicant and the developer be advised that the requests of Condition 9 should also be applied to this approval.**

Votes For	10
Votes Against	0
Abstentions	1

29b. APPLICATION NO. 19/00511/P3JPA - LYN HOUSE, 39 THE PARADE, OADBY, LEICESTERSHIRE, LE2 5BB

The Committee gave consideration to the report (as set out at pages 15 - 19 of the

agenda reports pack) with reference to the Officers' Presentation (as set out at slides 10 - 12) which asked it to note a prior notification for a change of use from offices (B1) to 40 bed sits (C3).

It was requested by Councillor Mrs H E Loydall that it be specifically minuted that this Committee, under normal circumstances following ordinary planning policy, process and procedure, would object to this prior notification in the strongest possible terms.

The Member said that the proposed development at Lyn House would put the health and wellbeing of prospective occupants at considerable risk and that this Local Planning Authority ought not to be held directly responsible or accountable for any potential health and safety implications arising from the proposed development itself.

The Member was also critical of the Secretary of State for Communities and Local Government's decision to allow such prior notifications to be submitted under Class O of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 without proper recourse to due local planning policy, process and procedure.

It was moved by Councillor Mrs H E Loydall, seconded by Councillor G A Boulter and

UNANIMOUSLY RESOLVED THAT:

The comments made by Councillor Mrs H E Loydall (as reflected in the preceding minutes of the meeting's proceedings) be formally adopted by the Committee as the collective view of the Local Planning Authority.

It was moved by the Chair, seconded by the Vice-Chair and

UNANIMOUSLY RESOLVED THAT:

The prior notification be noted for APPROVAL.

THE MEETING CLOSED AT 8.02 PM



Chair

Thursday, 26 March 2020

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Agenda Item 6

Application Number

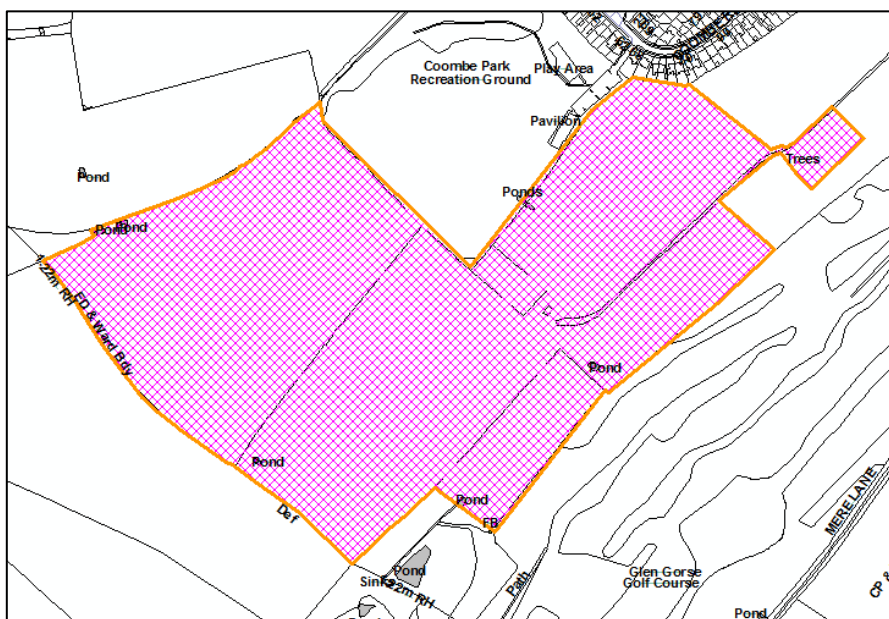
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Report Items

a. **19/00356/OUT**

Land At Cottage Farm
Glen Road
Oadby
Leicestershire

a.	19/00356/OUT	Land At Cottage Farm Glen Road Oadby Leicestershire
	24 September 2019	Development of 350 dwellings, comprised of a full planning application for the first 250 dwellings (Phase 2A), and an outline planning application for the additional 100 dwellings with all matters reserved for subsequent approval (Phase 2B).
	Case Officer	Richard Redford



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Site and Location

The application site comprises a number of agricultural fields edged by a mixture of hedgerows and trees. Bordered by a mixture of agricultural fields located in the open countryside to the north-west, west and south-west, a golf course borders the site to the south-east / east. To the north and north-east are residential dwellings and other uses all situated within the Principal Urban Area. Coombe Park Recreation Ground borders the site to the west.

Allocated as a Direction for Growth in the Oadby and Wigston Local Plan 2019, access to the site is off Glen Road through the existing 'Phase 1' development currently being implemented. Ground levels on the site generally fall from north and north-east to the south and south-east.

Description of proposal

The application as submitted is a hybrid application comprising 2 parts – Phases 2A and 2B – for the residential development of the site for up to a total of 350 dwellings in a mixture of full and outline forms.

Phase 2A seeks full planning permission for 250 dwellings with associated roads, landscaping and associated works. Full details of all 23 house types (comprising detached, semi-detached and terraced including flats of differing variations within the same house type with some brick, some rendered etc), materials, boundary treatments, parking provision (including garaging) and means of enclosure have been provided in relation to the 250 dwellings for which full permission is sought. The means of enclosure comprise 1.8m high close boarded fencing, 1.8m high panel fencing, 1.8m high brick wall and 0.45m high timber knee rails. On-site parking for these 250 dwellings will be provided in a mixture of open parking to the front or side of the proposed dwellings, integral garages or detached garages with the detached garaging being provided in garage structures providing either one or two spaces. In the case of the detached garage buildings containing two parking spaces, each space will be used by a different dwelling with those dwellings also having parking to their front or side. The materials proposed across these buildings comprise a mixture of brick, render and roof tiles with some of the dwellings having timber elements in their roof (main and porch). Within this element of the proposal, details on the surface treatment for the publically accessible surfaces, as well as for the private driveways, have been provided. Full details of all hard and soft landscaping have been provided for this phase. As part of this phase of development, a parking area is to be provided (with details to be agreed) adjacent to the Coombe Park Recreation Ground near to the existing building on the park in order to further supplement the parking provisions in this locality. The submitted plans also show an access point from this Phase 2A into the proposed Phase 2B which forms the outline element of the proposal.

The submitted plans in respect of Phase 2A for the 250 dwellings show all the necessary details in relation to the dwellings, landscaping, appearance, layout and materials. It should be noted that the submitted plans show the location of the allotment area but no specific details have been provided with the plans annotated that these details are to be agreed.

Phase 2B seeks outline permission for up to a total of 100 dwellings. Within the submitted plans, as set out earlier, access provision is identified on the submitted plans to enable the provision of access from Phase 2A into 2B. These submitted plans show how up to 100 dwellings could be located in a manner that would provide for roads, parking, private and communal amenity areas and relevant landscaping.

During the consideration of the submission, a number of sets of amended plans have been received as a result of on-going dialogue in respect of highways matters.

The statutory determination period for this application expired on the 24 December 2019, which has been extended by way of an extension of time and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

Relevant Planning History

While the application site, as submitted and outlined in red on the application forms, has no relevant planning history, the adjacent land off Glen Road through which the proposed development will be accessed has the following relevant history:

Development of land for up to 150No. dwellings (Use Class C3) and associated infrastructure, including pedestrian and vehicular access, open space and structural landscaping (Rev C) (13/00478/OUT) - Refused but allowed on appeal

Development of land for up to 150No. dwellings (Use Class C3) and associated infrastructure, including pedestrian and vehicular access, open space and structural landscaping (17/00310/REM) – Approved 13 October 2017

Non-material amendment from planning permission 13/00478/OUT in relation to tile types (18/00399/NMA) – Approved 26 September 2018

Change to external materials schedule (Non material amendment to application 17/00310/REM) (18/00491/NMA) – Approved 03 December 2018

Erection of 5 No. dwellings with associated garages, car parking, driveways and infrastructure (amendments to approved planning application 17/00310/REM including provision of 1 additional dwelling) (19/00415/FUL) – Under consideration

Consultations

Cadent – No objection

Has identified operational gas apparatus within the application site boundary and the applicant must ensure that works do not infringe on Cadent's legal right.

East Leicestershire CCG – No objection

Has no objections to the proposal subject to a contribution towards GP surgeries in the locality that would accommodate the occupiers of the development proposed.

Environment Agency – No formal comment to make on the application.

Leicestershire Police – No objections

Has no objection to the proposal but raise a number of observations.

Natural England – No formal comment to make on the application.

Oadby Civic Society – Object

Highlight that the proposal raises wildlife implications; has no provisions for self-build / custom-build; no consideration for properties to achieve ecological and environmental standards above mandatory Building Regulation level; increased pressure on existing school and medical facilities in Oadby which are already under strain; and flooding concerns given the storm drain is to use the existing watercourses via holding ponds with there having been recent flooding in this area.

Sport England – No objection in principle:

Has no objections in principle to the development but require further details in respect of the Coombe Park extension which can be covered by condition.

University Hospitals Leicester – Comment

Request a financial contribution towards the gap in funding created by each potential patient from the development.

Leicestershire County Council Archaeology – No objections

Has no objection to the proposal subject to the imposition of a pre-commencement condition.

Leicestershire County Council Contributions – Comment

Detail that contributions are required in respect of library provisions, education and childcare as well as a condition relating to waste.

Leicestershire County Council Ecology – No objections

Has no objections subject to the imposition of conditions should the application be approved.

Leicestershire County Council Lead Local Flood Authority – No objections

Has no objections to the proposal requesting both conditions and informatives.

Leicestershire County Council Highways – No objections

Following the submission of amended drawings based on discussions between the applicant, their agent, the Planning Authority and the Highway Authority, the Highway Authority are satisfied that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development, therefore, does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and/or planning obligations.

OWBC Planning Policy – Comment

The principle of the development is acceptable subject to compliance with other relevant local and national policy but request that the observations of the Highway Authority be obtained.

OWBC Tree Officer – No objections

Has no objection to the proposal subject to conditions.

Representations

Neighbours have been informed and a press/site notice placed with 19 letters of representation (from 19 properties) being received at the time of writing this report.

The date for the receipt of comments expired on the 25 October 2019.

The reasons for objection can be summarised as follows: -

*The site compound not being at the rear of existing dwellings

*Not needed

*Public meeting a number of years ago said Oadby was nearly full in terms of development

*Adverse impact on Brocks Hill and the local wildlife

*Light pollution

*Increased car, traffic and pollution levels

- *Loss of hedgerows and existing planting
- *Additional traffic
- *Out of character with the area
- *Protection of trees with no work to be done
- *Spoiling of view
- *Visual amenity
- *High number of houses proposed
- *No provisions for schools and doctors
- *Will put an extra burden on Oadby residents unfairly
- *Loss of wildlife and less fields for crop production
- *Housing to south of site a long distance from bus stops
- *Increased vehicle movements
- *The watercourse to be used via holding ponds floods on a regular basis
- *Environmental impact
- *Adverse impacts on pedestrians and cyclists
- *Higher congestion levels
- *Reduction in air quality levels
- *Poor infrastructure provision
- *No proof the proposed dwellings are eco-friendly and zero carbon
- *Drainage and foul sewage disposal concerns
- *Existing dwellings no really selling that fast
- *Have reached capacity
- *May pose a danger in relation to adjacent golf course re rouge balls going to dwellings; and
- *Oppose affordable housing provision.

Relevant Planning Policies

National Planning Policy Framework

Oadby and Wigston Local Plan

- Policy 1 – Presumption in Favour of Sustainable Development
- Policy 2 – Spatial Strategy for Development in the Borough
- Policy 3 – Regeneration Schemes and Large Scale Change
- Policy 4 – Creating a Skilled Workforce
- Policy 5 – Improving Health and Wellbeing
- Policy 6 – High Quality Design and Materials
- Policy 7 – Community Facilities
- Policy 8 – Green Infrastructure
- Policy 9 – Open Space, Sport and Recreation Facilities
- Policy 10 – Public Realm
- Policy 11 – Housing Choices
- Policy 12 – Housing Density
- Policy 13 – Affordable Housing
- Policy 14 – Self Build and Custom Build
- Policy 21 – Cottage Farm Direction for Growth Allocation
- Policy 26 – Sustainable Transport and Initiatives
- Policy 34 – Car Parking
- Policy 37 – Biodiversity and Geodiversity
- Policy 38 – Climate Change, Flood Risk and Renewable Low Carbon Energy

Policy 39 – Sustainable Drainage and Surface Water
Policy 40 – Culture and Historic Environment Assets
Policy 42 – Green Wedges
Policy 44 – Landscape and Character
Policy 46 – Infrastructure and Developer Contributions

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document (2019)
Developer Contributions Supplementary Planning Document (2019)
Landscape Character Assessment (2018)
Playing Pitch Strategy (2018)
Leicestershire Highways Design Guide (2018)

Planning Considerations

Due to the hybrid nature of the application submitted comprising, full permission for 250 dwellings and outline permission for up to 100 dwellings, there is a need to assess the submission in detail, covering the collective development, sought as a whole, then subsequently in relation to the two elements of the submission – full and outline.

The main issues to consider in the determination of this application include the following:

- *The principle of the development
- *Highway and parking matters
- *Design, appearance and layout of the full element of the submission
- *Amenity
- *Landscaping
- *Ability of the Phase 2B element to accommodate up to 100 dwellings
- *Heritage and ecology
- *Flooding
- *Contributions
- *Other matters

Principle of Development – the NPPF and Local Plan:

Paragraph 11 of the National Planning Policy Framework (NPPF), states that a '*presumption in favour of sustainable development*' should be followed in both plan-making and decision-taking. In relation to decision-taking, paragraph 11 goes on to suggest that development proposals that accord with an up-to-date development plan should be approved, without delay.

With regards to the Oadby and Wigston Local Plan, the provisions of policies 1, 2 and 21 are relevant to this element of the application's consideration. Further, Policy 26 on Sustainable Transport and Initiatives is also relevant although this part of the consideration will be addressed under the Highways heading further below.

Policy 1 – Presumption in Favour of Sustainable Development - states that all development must take account of the broad aim of sustainable development and that the Council will be positive when determining development proposals that reflect the presumption in favour of sustainable development contained within the NPPF.

Policy 2 – Spatial Strategy for Development in the Borough - sets out the approach to delivering the Borough’s growth over the Plan period to 2031. One of the key aspects of delivering growth within the Borough is through the provision of three Direction for Growth Areas. The proposal site forms part of the Cottage Farm Direction for Growth Area allocated within the Plan, therefore, in principle, residential development at the proposal site is acceptable.

Policy 21 – Cottage Farm Direction for Growth Allocation - sets out the requirements for the allocation site that this proposal comprises. Should the proposal fulfil all of the requirements set out within the policy, both on and / or off-site, the development proposal would be, in principle, acceptable.

Policy 26 – Sustainable Transport and Initiatives - states that in all new development, proposals must provide the highways and transport infrastructure requirements needed to support and service the proposed development. In addition, where development is of a significant scale and type, the policy requires the submission of a transport assessment to ensure that any negative impacts on the local highway network can be identified and remediated.

Through the Local Plan process, the Cottage Farm Direction for Growth allocation site was subject to cumulative highway and transport testing, comprising of testing undertaken as part of the South East Leicestershire Transport Study (2017). However, it should be noted that the assessment only tested the site for 250 new homes (Phase 2A) and, therefore, the applicant has been required to undertake additional strategic transport testing to take account of the 100 new homes additional growth proposed (in addition to the 250 already subject to testing) on Phase 2B of this development.

Leicestershire Highways Authority must consider the proposal to be acceptable from both a local and strategic highway and transport infrastructure point of view. This is assessed further on in the report.

As set out through Policy 21 in the Local Plan, the site as submitted was identified from an early stage in the Local Plan process as one of the key 'Directions for Growth' in the Borough with the specific purposes of providing a significant proportion of the housing need as identified in the Housing and Economic Development Needs Assessment (HEDNA). Through this Local Plan process the site was, along with 2 other sites, found to be acceptable for the purposes of providing an element of the Borough’s housing need. Its location on the edge of the Principle Urban Area with access to facilities and infrastructure contributes toward it being in a sustainable location as well as within the spatial strategy for the Borough.

In accordance with the provisions of Policies 21 and 26, there is also a need to ensure that the proposal complies with requirements in respect of factors such as contributions, highways etc to be acceptable as a whole. These are discussed below.

In summary, the proposal site forms part of the Cottage Farm Direction for Growth Area allocated within the Council’s Local Plan and identified on the related Adopted Policies Map. Therefore, in principle, residential development at the proposal site is acceptable.

Highways and parking:

Within their original comments the Highway Authority identified that there were areas where further information and detail was required and this was subsequently provided to the LPA having been undertaken. Based upon these drawings the Highway Authority provided further observations on 13 January 2020 confirming that they were satisfied with the following elements of the application:

- Site Access
- Highway Safety
- Trip Generation
- Transport Sustainability and
- Public Rights of Way (PROW)

The LHA considered that the only outstanding matters for agreement to be a satisfactory package of mitigation measures and the design of the internal layout. The Applicant has submitted an updated planning layout and further information on the proposed schemes of mitigation. This additional information is the subject of these final highway observations.

The LHA advised the LPA that the proposals to mitigate the impact of development at the A6/Ash Tree Road and A6/B582/Uplands Road junction were acceptable. For clarity this would involve highway improvement works at the A6/Ash Tree Road junction and a contribution to the South East Leicestershire Transport Study (SELTS) for a wider scheme at the A6/B582/Uplands Road. There would also be a separate contribution for the validation of the SCOOT system at the A6/B582/Uplands Road junction.

In respect of the A6/Florence Wragg Way, the highway observations of January 2020 sought clarification from the Applicant regarding the existing and future number of pedestrians at the junction to understand the potential for conflict between pedestrians and vehicles. The Applicant advised the LHA that without the benefit of controlled crossing points at this location, crossing movements would be very low. Similarly, the likelihood of additional pedestrian crossing movements at this junction as a result of the proposed development would also be low as pedestrians/cyclists are more likely to use the controlled crossing facilities provided at the new site access junction. The LHA agrees with this conclusion and a revised scheme, as shown on drawing number A104033-35-18-003 Rev A, without the Toucan crossing was submitted to the LPA on 4 February 2020. The LHA is satisfied that the proposed scheme will mitigate the impact of the proposed development and an appropriate planning condition is recommended below. Following the Applicant's assessment of the impact of the proposed development on the highway the LHA has requested that the LPA require the details of the schemes of mitigation to be agreed prior to occupation of the development. The LHA is satisfied that based on the impact of the proposed development the approved schemes at the A6/Florence Wragg Way and the A6/Ash Tree Road can then be implemented in full prior to occupation of the 51st dwelling.

With regards to the internal layout, in order for the site to be suitable for adoption, the internal layout must be designed fully in accordance with the Leicestershire Highway Design Guide (LHDG). The acceptability of an adopted road layout is subject to a Section 38 Agreement in accordance with the Highways Act (1980) once planning permission is granted. After further checks the LHA now considers the revised layout for Phase 2A shown on Composite Layout drawing number: M114-SL-401-2K, to be adoptable, subject to approval at the Section 38 technical stage. The LHA highlight that the items that can be addressed at the Section 38 technical audit stage are as follows:

- If Phase 2B does not proceed the LHA is happy with the turning head to stay as shown, however, further amendments are likely to be required as part of a Reserved Matters application for Phase 2B.
- Tracking is not shown at the turning heads of road 2, 6 and 13. These turning heads will need to conform to suitable tracking.
- There appears to be a fault with the cross hatching detail for the turning head at road 6. This will need to be reviewed and amended accordingly.

In conclusion, it is stated that the Applicant has tested the impact of the proposed development on the local highway network and the LHA recognises that the residual cumulative impacts of development can be mitigated by recommended conditions and contributions. The LHA agrees with the Applicant's conclusion that the provision of existing walking and cycling facilities in the area is generally good and the whole development is within a reasonable walk/cycle distance of local schools, shops and the site is near to local bus stops which are served by frequent buses to Oadby and Leicester.

There are several improvements required to the existing walking and cycling infrastructure to maximise opportunities to encourage walking and cycling to and from the site. Through the development of a South East Leicestershire Transport Strategy (SELTS), the LHA has investigated these issues as part of its efforts to address the cumulative impacts of growth across the area.

There are presently gaps in provision (e.g. lack of controlled crossings over Ash Tree Road and London Road at the Waldron Drive junction), inconsistencies in the facilities available (e.g. intermittent off-carriageway cycleway provision) and a lack of signing / waymarking along the A6 corridor.

For the reasons outlined above the LHA would seek to secure a fair and reasonable Section 106 contribution towards the implementation of these off-site highway works, as mitigation against the cumulative impacts of the development. These improvements to the walking and cycling infrastructure in the area would assist the Applicant in achieving targets set out in the Travel Plan.

Based on the latest site layout plan Phase 2A is designed to an adoptable standard subject to minor amendments as part of the Section 38 process. Notwithstanding this, the LHA acknowledges the adoptability of a site is not a material planning consideration and, therefore, the LHA would not seek to resist this application subject to the inclusion of the conditions and contributions

Layout, design and appearance of the 250 dwellings comprising the full element of the proposal:

The development has been arranged on the site to be a continuation of the development allowed on appeal following the refusal of the original outline application, and the subsequent approval of reserved matters that is currently being implemented. It serves to provide a strip of land adjacent to Glen Gorse Golf Course which will be used for the purposes of the on-site allotment provision as well as general amenity space. There will also be a strip of land running north-west to south-east through which an existing public right of way will continue to run while it will also have 2 sections of road crossing it in north-east to south-west direction and through this strip. The layout of the roads continue from the existing roads in the original development forming one large loop off which there will be a small number of roads to allow the site to be developed fully so enabling a better, more efficient and effective use of the land in providing the 250 dwellings for which full permission is sought as part of this proposal. Within the proposed road layout are a couple of open spaces (one through which the public right of way runs), a car park to provide parking facilities for use primarily in association with the adjacent Coombe Park Recreation Ground and the housing provided across a total of 12 areas. A total of 4 ponds are to be provided in order to ensure flood attenuation

measures are provided on-site. An assessment of this layout in relation to Phase 2A by officers is such that it provides an effective, efficient use of this part of the site that relates well to the development from which it is accessed, has a positive relationship with the adjacent recreation ground as well as the open space proposed in the development and works well with the existing housing in the area.

In respect of the design and appearance of the 250 dwellings for which full details have been provided for this element of the application, a total of 23 different house types are proposed comprising detached, semi-detached, terraced and flatted in a range of different designs and materials. The heights of the dwellings are predominantly in two-storey high buildings with roof above although there are a small number of 2 ½ storey houses also proposed. The height of the dwellings as well as their design and appearance are different to those currently being built in the original development but do share a number of characteristics throughout those proposed to be built. Further, they have also drawn on features in the existing dwellings nearby so enabling the dwellings proposed in this full element of the proposal to fully fit in with this locality without being out of keeping with the character and appearance of the area. The materials proposed to be used provide a varied type of bricks, render and roof tiles with external doors being in one of three colours. This variety will provide a greater choice in the area.

The detached garage buildings proposed to be provided are of a design and appearance appropriate to and in-keeping with not only the dwellings proposed but also the wider area. Their internal dimensions are such that they can be used for parking cars, hence meaning that they contribute to parking numbers although it is considered appropriate to attach a condition to any approval requiring that the garages only be used for parking purposes in association with the dwelling that they are part of by either being integral garages or detached.

The inter-relationship between the dwellings, garages, parking areas, roads and opens spaces are such that they provide a fluid, attractive relationship that is coherent and in-keeping with the character and appearance of the area. This will, in the opinion of officers, be further highlighted by the landscaping proposed.

Amenity:

The layout of the various dwellings proposed are such that the principal room windows face to the front and rear. While there are, in a number of the dwellings proposed, windows in flank walls these relate to bathrooms and the like which could, where appropriate, be conditioned to be obscure glazed. The location of the windows on the dwellings proposed as well as their interaction between the layout of the houses are such that there will not be unacceptable impacts upon neighbouring amenity by way of overlooking and loss of privacy, even with regards to the dwellings that are 2 ½ storey in height.

Dwellings are arranged on the site in a combination of back-to-back and back-to-side styles such that private gardens are either between the rear walls of dwellings or between the rear wall of one dwelling and the side wall of adjacent dwellings. While the gardens depths at an average of 10m are slightly below what would be desired, this in itself is not a reason for refusal and will still afford dwellings with an acceptable level of private garden space while also not resulting in any overlooking or loss of privacy such that would be unacceptable.

Landscaping:

As part of this element of the application, full landscaping details have been provided covering both hard and soft landscaping details.

In respect of the soft landscaping, the plans submitted detail that it will comprise a mixture of grass (which differs depending on whether it is within a residential garden, public open space or ecological areas) and a variety of different types of planting comprising trees and shrubs for which a full specification has been provided and assessed. In relation to the hard landscaping, the roads and footpaths will be of a combination of tarmac, paving and grasscrete depending on location.

These have been assessed individually and collectively and are considered to be acceptable, fitting in with the area including through the phase 1 scheme currently being implemented in an appropriate manner. The extent of soft landscaping including tree and shrub planting will serve to enhance the area visually while also contributing to the character, appearance and ecological makeup of the area.

It has also been assessed by the Council's Arborist who is satisfied with the proposal subject to the imposition of appropriate conditions.

Phase 2B element site ability:

Based upon the Masterplan as submitted along with the proposed layout plans for Phase 2A, the various drawings all show a vehicular and pedestrian access point from the full element of the proposal within Phase 2A into the outline element of Phase 2B. This access is in the western site boundary between the two phases as well as to the south-west of the Coombe Park Recreation Ground and the open space proposed between the recreation ground and proposed outline houses.

The area that forms the location of the outline element of this hybrid submission is located within the allocated Cottage Farm site as set out in Policy 21 the Oadby and Wigston Local Plan 2019. Within Policy 21 of the Local Plan – Cottage Farm Direction for Growth Allocation – it sets out the requirements for the allocation site including, amongst other things, that the Phase 2 development site as a whole should accommodate at least 250 dwellings with 30 per cent of these being affordable. From the consideration above in respect of the full element of this application for 250 dwellings on Phase 2A it has been shown that the 250 houses required can be provided, subject to the provision of contributions (to be dealt with below). The ability of this area of the allocated site to be developed in a satisfactory manner to provide for up to a further 100 dwellings above the required level of at least 250 would serve to increase density and housing numbers on the site. From a policy perspective given this area's location within the adopted site area for development it can be seen that in principle, and subject to consideration immediately below as well as appropriate contributions, this outline element of the proposal is acceptable.

The layout as shown would serve to allow for the provision of up to 100 dwellings, as has been sought in respect of this element of the proposal, alongside the necessary highway infrastructure, amenity, open space and drainage. Although, indicative in respect of the outline element for up to 100 dwellings, the submitted plans show these can all be provided satisfactorily while also appearing to be capable of providing sufficient parking provision as may be required for the dwellings that may be built on the land.

It is, therefore, considered that, subject to the appropriate conditions and contributions, this outline element of the proposal is acceptable.

Heritage and Ecology:

In respect of heritage and archaeology, Leicestershire County Council Archaeology Unit has commented.

They comment that assessment of the Leicestershire and Rutland Historic Environment Record (HER), supported by the results of the archaeological evaluation of the development area, which was undertaken in June 2019 by Cotswold Archaeology on behalf of the applicant (Bloor Homes Midlands), shows that the site lies in an area of significant archaeological potential.

Previous geophysical survey of the site identified a large number of anomalies of likely archaeological origin, indicative of the remains of prehistoric enclosures, house ring gullies, pits, boundary features and furrows. Subsequent archaeological evaluation of the site, comprising 60 trial trenches that were located to target and test the anomalies as well as any 'blank' areas, confirmed the archaeological origin of these anomalies. Artefactual evidence recovered during the evaluation is suggestive of a settlement and occupation site, focussed mainly in the western and south-western parts of the development area, dating from the Middle to Late Iron Age. In addition to the late prehistoric archaeological remains, evidence for medieval and post-medieval land use was also identified, in the form of boundary ditches and the remains of plough furrows.

In line with the National Planning Policy Framework (NPPF Section 16, paragraph 190 and Annex 2), the Planning Authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. This understanding should be used to avoid or minimise conflict between conservation of the historic environment and the archaeological impact of the proposals.

Paragraph 199 states that where loss of the whole or a material part of the heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.

As a consequence, the Archaeological team recommended that to prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. This will involve a programme of open area archaeological excavation and recording of the archaeological remains identified by the evaluation phase, to be undertaken and completed in advance of the commencement of any groundworks associated with the proposed development. The Leicestershire County Council Historic & Natural Environment Team (HNET) will provide a formal Brief for the work at the applicant's request.

If planning permission is granted, the applicant should obtain a suitable written scheme of investigation (WSI) for the necessary archaeological programme. The WSI must be obtained from an archaeological organisation acceptable to the planning authority, and be submitted for approval to both the LPA and HNET as archaeological advisers to the Borough Council, before the implementation of the archaeological programme and in advance of the start of development. The WSI should comply with the above mentioned Brief and with relevant Chartered Institute for Archaeologists' (CIfA) "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

Resultantly, they recommend that any planning permission be granted subject to the a condition (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present requiring a programme of archaeological investigation be undertaken in accordance with a written

scheme of investigation (WSI), submitted to and approved by the Local Planning Authority to ensure satisfactory archaeological investigation and recording.

Leicestershire County Council Ecology has commented that they have no objections in principle to this application, which is mainly on arable land of low ecological value. They are pleased to see that ecological features of value on the site will be retained with good buffer zones of natural open space, including two near-veteran oaks (T23 and T39), hedges and scrub, and a pond.

They comment that the ecology report (Ecology Solutions, 2019) is satisfactory and although it is based on surveys carried out in 2017 and 2018 these are still acceptable for the purpose of informing the application. The survey results confirm the presence of a colony of great crested newts on the golf-course, close to the south east boundary and are satisfied that impacts on this colony are mainly during site construction and can be fully mitigated – see 5.3.39 - 45 of Ecological Survey report. A badger sett is also present in this area, but should not be impacted by the proposals as long as precautionary working is followed (see 5.3.22 - 29 of ES' report). The mitigation proposals in ES' report for great crested newts and badger should be referred to in planning conditions. In addition, the status of badger needs to be kept under review during the construction period; before each phase of development, an updated badger check should be carried out.

The SUDS ponds are very close to the off-site Great Crested Newt (GCN) ponds. The applicant should be aware that GCNs may colonise the newly created SUDS ponds on site if these hold enough water during the active GCN season (Feb – June), which would require additional mitigation. GCNs may also enter the construction site during their terrestrial phase. Therefore, it is important to ensure that GCN exclusion fencing is maintained during the construction of phases adjacent to the SUDS features; this is covered in 5.3.43 of ES' mitigation plan. It will require a continual programme of monitoring, maintenance and repair throughout the construction phase; failure to do this would result in an additional burden of mitigation and survey.

The landscape plans provided are minimal, and further details will be needed which could be covered by condition. The wildflower grassland is not specified; a seed-mix similar to Emorsgate EM4 is recommended. The three SUDS ponds along the south east edge are placed within existing scrubland, which it's proposed to retain. The scrub is habitat of fairly low value. Clearance of scrub along the footpath link through this area will also be in public interest; a path with grassland verges is more attractive and feels safer than a path through scrub.

As such it can be seen that from a heritage and ecological perspective the proposal is acceptable subject to conditions.

Flooding:

Leicestershire County Council, as the Lead Local Flood authority, has commented that the site is located within Flood Zone 1 being at low risk of fluvial flooding. There are accumulations of surface water along the northern and southern boundaries of the site.

A full planning application has been made for 250 dwellings (Phase 2A) and an outline planning application for 100 dwellings (Phase 2B).

Surface water from Phase 2A will discharge at 22l/s into a watercourse to the south of the proposed site via four attenuation ponds with a combined capacity of 4300 m³.

Surface water from Phase 2B will discharge at 10.6 l/s into a watercourse to the north of the proposed site via an attenuation pond with a capacity of 1750 m³. The total discharge rate from the site is, therefore, 32.6 l/s (QBar at 4.4 l/s/ha).

Leicestershire County Council as Lead Local Flood Authority (LLFA) has advised the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA subject to the imposition of conditions and informatives to any approval.

Contributions:

The provisions of Local Plan Policy 21 sets out a number of requirements associated with the development of this site. This includes the provision of at least 250 dwellings with 30 per cent of the number being affordable; off-site contribution(s) towards a community facility building in Oadby and / or the extension and refurbishment of Coombe Park pavilion, including further car parking; on-site open space (unless alternative off-site provision is justified in whole or in part), consisting of allotments, sports pitches, play areas and structural landscaping in accordance with the Open Space, Sport and Recreation Facilities policy of the Local Plan; off-site contribution towards new education facilities and the provision of any other associated infrastructure required to bring the site forward sustainably, including cycle ways and footpaths, on-site as well as off-site. As such there is a need for a Section 106 legal agreement to be associated with any permission.

Due to the hybrid nature of the submission, and following discussions with the applicant and their agent, any permission granted needs to be subject to a Section 106 agreement that would cover elements required in both full and outline form.

OWBC contributions:

Affordable Housing:

Within the full element of the proposal, submitted plans show the provision of the 30 per cent affordable dwellings as required through Policy 13 of the Local Plan. This is made up comprising 2 x one-bed, 28 x two-bed, 28 x three-bed and 2 x four-bed dwellings in the form of 2 one-bed flats and 58 houses as rented dwellings, with a further 4 x two-bed, two storey and 11 x three-bed, two story shared ownership dwellings. A total of 75 dwellings of the overall 250 dwellings will therefore be shared ownership. This provision meets that required by the policy for the full part of the submission.

Turning to the outline element of the proposal, as all matters on this are reserved and the proposal is for up to 100 dwellings, there will need to be provision for 30 per cent of the dwellings to be built out through this element to be provided as affordable housing. This could and should be inserted through any Section 106 agreement to ensure compliance with the policy.

Open Space, Sport and Recreation:

Within the submission, provision has been made for open space, sport and recreation provision to be provided and secured through any Section 106 legal agreement which would comply with policy requirements.

With regards to children and young people's play space, The Masterplan illustrates a number of new 'Proposed locations for Play Areas'. Regardless of the location of the new children's play space provision, the Council considers that it would be more appropriate to consolidate the play provision into a single location. If the applicant was to provide the new children's play space provision on-site and this provision was to be maintained by a site Management Company as opposed to the Council, the most appropriate location for such provision would be a more central location. If, however it

was agreed that the Council would take on the ongoing maintenance of the new children's play space provision, the Council considers that the most appropriate location would be Coombe Park. Any off-site contribution would need to be in accordance with the Councils relevant supplementary planning document.

An allotment area is shown on the submitted plans as is required by the policy allocating the site as a Direction for Growth. Its provision may need to be within the Section 106 agreement.

In addition to this, a request for a contribution to the extension of Coombe Park pavilion has been identified. Discussions with the agent have highlighted that from their perspective it seems reasonable subject to landowner agreement. This would need to be secured through any Section 106 legal agreement.

Leicestershire County Council contributions:

Various responses have been received from the County Council in respect of contributions covering waste, libraries, education and highways which are addressed as follows.

Waste:

The requirement for a waste management contribution is outlined in the Leicestershire Planning Obligations Policy (July 2019). The County Council's Waste Management Team has considered and assessed the proposal, considering the wider impact on the delivery of the existing waste management service to ensure that the Council maintains the service performance for existing residents of Leicestershire, as well as the new residents generated by this proposed development.

In 2017/18 the residents of Leicestershire generated approximately 1054kg of waste per household. Of this approximately 20 per cent is processed through Household Waste Recycling Centres (HWRCs), the remaining tonnage arising from household collections. At the local facilities, the proposed development would generate an additional 1.054 tonnes per annum multiplied by the final net increase in dwellings resulting from the proposed development.

The Leicestershire County Council Municipal Waste Management Strategy Update 2011 (LMWMS) has objectives and targets which focus on sustainable waste management through delivery of high quality, efficient services so that waste should at first be prevented from arising, be reused, recycled or composted and that local communities will be taking responsibility for the waste they produce. The Waste should be managed in accordance with the waste hierarchy. Waste prevention is at the top of the hierarchy, delivering environmental, economic and social benefits.

The ability to influence behaviour patterns from the start or early stages of a development is critical in successfully establishing sustainable waste behaviour by new residents, employees or visitors to those sites. Key methods of doing this include the provision of up-to-date information through Waste Minimisation Packs, to inform what local available services are available in the surrounding area and what incentives may be available as inducements to influence waste prevention and recycling behaviour.

To mitigate against the impacts of the development and reduce waste arising from the development, in accordance with Paragraph 8 (c) of the National Planning Policy Framework (NPPF), a planning condition is requested which meets the six tests as set out in Paragraph 55 of the NPPF.

Libraries:

The proposed development on Glen Road is within 2km of Oadby Library on The Parade, being the nearest local library facility which would serve the development site.

Post code analysis using 2015 mid-year population estimates demonstrates that the catchment population for Oadby library is 44,529. It is estimated that the proposed development will add 1047 to the existing library's catchment population. This will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought to provide materials e.g. books, audio books, newspapers, periodicals for loan and reference use, and associated equipment or to reconfigure the library space to account for additional usage of the venue for residents to hold meetings, including book reading and activity sessions.

The Museums, Libraries and Archives Council (MLA) publication "Public Libraries, Archives and New Development: a standard approach" recommends a minimum stock figure of 1,157 items per 1,000 population.

Therefore, in order to provide the additional materials required to meet the needs of the increased population Leicestershire Library Services requires a contribution.

The County Council consider the library contribution is justified and is necessary to make the development acceptable in planning terms in accordance with the relevant national and local policies and the additional demands that would be placed on this key infrastructure as a result of the proposed development. The contribution requirement is directly related to the development because the contribution is to be used for the purpose of providing the additional capacity at the nearest library facility to the proposed development which is at Oadby.

It is considered fair and reasonable in scale and kind to the proposed scale of development and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the library facilities at Oadby which would arise due to this proposed development.

Education:

The County Council, as the Local Education Authority, has provided an assessment of education need in relation to primary, secondary, post-16 and special provisions. Within their response they set out detailed justification in relation to financial contributions sought that will go towards addressing existing issues.

In respect of primary provision the site falls within the catchment area of Brocks Hill Primary School. The School has a net capacity of 420 and 575 pupils are projected on the roll should this development proceed; a deficit of 155 pupil places. A total of 8 pupil places are included in the forecast for this school from Section 106 agreements for other developments in this area and have to be deducted. This reduces the total deficit for this school to 147 pupil places. There are 4 other primary schools within a two mile walking distance of the development all with deficits. The overall deficit including all schools within a two mile walking distance of the development is 255 pupil places. A total of 10 pupil places have been deducted that are being funded from Section 106 agreements for other developments in the area. The 105 deficit places created by this development can, therefore, not be accommodated at nearby schools and a claim for an education contribution of 105 pupil places in the primary sector is justified.

Turning to secondary school provision, the site falls within the catchment area of Beauchamp College. The College has a net capacity of 1500 and 1708 pupils are projected on roll should this development proceed; a deficit of 208 pupil places. A total of 168 pupil places are included in the forecast for this school from Section 106 agreements for other developments in this area and have been deducted. This reduces the total deficit for this school to 40 pupil places. There are 2 other schools within a three mile walking distance of the development. The overall deficit including all schools within a three mile walking distance of the development is 9 pupil places. A total of 169 pupil places have been deducted that are being funded from Section 106 agreements for other

developments in the area. The 59 deficit places created by this development can, therefore, be partly accommodated at nearby schools and a claim for an education contribution of 9 pupil places in this sector is justified.

With regards to post-16 provision, the nearest school to the site is Beauchamp College. The College has a net capacity of 800 and 984 pupils are projected on roll should this development proceed; a deficit of 184 pupil places. A total of 56 pupil places are also being funded at this school from Section 106 agreements for other developments in this area. This reduces the deficit at this school to 128 pupil places (of which 116 are existing and 12 are created by this development). A claim for an education contribution in this sector is, therefore, justified.

In terms of special schools, the number of pupils on roll in Leicestershire Special schools has risen from 482 in 2002 to 1019 in 2015. The special school population will continue to grow as a result of the increasing birth rate and the growth in new housing. Currently 1.21 per cent of the primary age population and 2 per cent of the secondary age population are educated in Special Schools. All Special Schools in Leicestershire are full, and have a deficit of available spaces, and are forecast to remain so. In some instances, the special schools are having to use their own teaching staff to teach pupils in available space in mainstream schools. Pupils are, therefore, missing out on the facilities, equipment and environment a Special School establishment is able to provide. The Council, therefore, seeks developer contributions towards the cost of expanding Special school provision for developments of 100 dwellings or more. The threshold of 100 dwellings was chosen to reflect the low special pupil yield and the avoidance of claiming very small amounts on all developments. . This development of 348 houses with two or more bedrooms generates 1.26324 primary and 1.39200 secondary SEN pupils. There are five Area Special Schools in Leicestershire. The closest school to this development is the Birkett House in Wigston. The school currently has capacity for 198 pupils and 222 pupils are projected on roll should this development proceed, a deficit of 24 places. There is no other Special School in the locality of the development contributing to this element of the request being justified.

On the basis of this justification a financial contribution has been requested.

Highways:

As set out in the highway consideration of the submission above, it has been identified that there are several improvements required to the existing walking and cycling infrastructure to maximise opportunities to encourage walking and cycling to and from the site. Through the development of a SELTS strategy, the LHA has investigated these issues as part of its efforts to address the cumulative impacts of growth across the area.

As such the Local Highway Authority would seek to secure a fair and reasonable Section 106 contribution towards the implementation of these off-site highway works, as mitigation against the cumulative impacts of the development. These improvements to the walking and cycling infrastructure in the area would assist the Applicant in achieving targets set out in the Travel Plan.

Details on the SELTs contribution have been provided and are with the applicant. Within their response the LHA have also detailed contributions sought in respect of Travel Packs, bus passes, a travel plan co-ordinator, residential travel plan monitoring, works to the A6 / Cottage Farm junction, the A6 / B582 / Uplands Road junction, and a one-way system.

These would be required to be provided through a Section 106 agreement.

CCG Contributions:

Through the consultation of the application, the CCG has submitted details in respect of securing a financial contribution towards improved GP facilities within the area where the local surgeries will accommodate the occupiers of the dwellings proposed. An assessment of this request and the justification are such that Officers are satisfied that it complies with the Community Infrastructure Levy (CIL) regulations and as such it will need to be secured through the Section 106 agreement as a contribution.

NHS Contributions:

A request for a financial contribution has been received from and on behalf of the University Hospitals of Leicester NHS Trust with a document attached setting out how they consider it demonstrates that the University Hospitals of Leicester NHS Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare. It sets out further how they believe it is demonstrated that this development will create potentially long term impact on the Trust ability provide services as required.

They detail that the Trust's funding is based on previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract with quality requirements linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients. They continue that the contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical services. The Trust is unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Further, the following year's contract does not pay previous year's deficit retrospectively. This development creates an impact on the Trust's ability provide a services required due to the funding gap it creates. The contribution sought is to mitigate this direct impact.

There are two main issues which arise in the context of the request by the University Hospitals of Leicester NHS Trust for a contribution;

1. Whether those contributions sought make up funding which is intended to be provided through national taxation and, therefore, can lawfully be made subject to a valid Section 106 obligation having regard to the requirement such payments must serve a planning purposes and have a substantial connection to the development and not be merely marginal or trivial (***Aberdeen City v Elsick Development Company Ltd*** [2017] PTSR 1413). Members should consider whether the proposed contributions are directly related to the proposed development or whether they have an insufficient relationship to the development, even if there is some general or indirect connection; and
2. Whether those contributions sought are in any event ones which meet the requirements of reg. 122 of the Community Infrastructure Levy Regulations 2010 by reference to the requirements of whether they are (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.

The main contention by the NHS Trust is that the national funding mechanism does not secure that changes in funding keep in step with changes in population created by the building of new houses and that there will be a delay in the provision of funding after new housing is permitted which is said to be a pressure placed on the system directly by development permitted.

Officers consider that it is open to question that the contributions can lawfully be imposed as a planning obligation where the funding of the University Hospitals of Leicester NHS Trust is intended to be supplied through national taxation and that there may be more that can be done by the NHS

bodies to ensure that it has access to better and up to date information concerning proposed housing (e.g. through information obtained from local planning authorities) when it is making its funding arrangements rather than seeking to impose an additional burden on housing development to make up shortfalls for the period the NHS takes to react to information regarding new development.

Moreover, as also mentioned further in this report, account has to be taken of a number of factors which may bear on the requests made for funding such as the time it may take for any housing development to progress from permission to first and then full occupation, the extent to which the development is meeting the needs of new households and others already within the locality (such as those on housing waiting lists) and thus already taken into account, or capable of being taken into account in NHS funding arrangements.

In any event, for the reasons set out below, Officers do not consider that when considering the application of the CIL tests to the request for s. 106 funding, and the reasons advanced to justify that funding, members should consider not only the matters of policy and law referred to above (which overlap with the CIL considerations), but also:

- Whether the University Hospitals of Leicester NHS Trust can show that the development necessarily gives rise to the additional burden on the developer and that it arises from the development as opposed to a failure in the funding mechanism, whether caused by its structure or a lack of reasonable coordination within the NHS in agreeing contractual arrangements for care and treatment based on up to date information as to new or anticipated housing development.
- Consideration should be given as to whether the housing development that is permitted is likely to be built out and occupied within the period of delay in changing funding referred to by the NHS Trust or whether there is sufficient time for the NHS bodies to take it into account in their funding arrangements.
- Assess the evidence provided by University Hospitals of Leicester NHS Trust carefully to determine whether there is a direct and substantial connection between the sum claimed, the nature of the problem it is said to address and whether that can be shown to arise fairly from the assessment of genuinely new residents likely to occupy the permitted dwellings. It is unlikely that all residents of the new dwellings will be new to the area of the NHS trust e.g. they may arise from new household formation, be on the affordable housing waiting list or imply be moving within the area.

In consideration of the above issues, and in the light of the relevant law and policy, it is considered that the request does not have a sufficiently substantial planning connection with the proposed development to be included in an obligation; and in any event the proposals do not meet the CIL tests in that they are not considered necessary to make the development acceptable in planning terms.

Other Matters:

Leicestershire Police has viewed the submission, visited the site and provided a number of comments.

Third Party Representations:

In respect of the third party comments made on the application, the following comments are

relevant:

The location of the site compound not being at the rear of existing dwellings can be dealt with by way of a condition requiring details of its location as well as what will be there, lighting etc while normally able to be done under 'permitted development rights', it is considered in this instance that it would benefit from being covered by condition.

In respect of the statement that the proposal is not needed, the site is identified in the adopted Local Plan as being developed for housing to help and ensure that the Council meets its housing requirements. On this basis, the site is needed for the purposes of housing as submitted.

In relation to the comment about a public meeting held a number of years ago where it was allegedly said that Oadby was nearly full in terms of development, the current Oadby and Wigston Local Plan was adopted in 2019 following a significant amount of research, and evidence and it having been considered in a public hearing by the Planning Inspectorate. In finding the Local Plan to be sound, the Inspector also found that the development across the Borough was needed to meet identified needs and that the location of this site as a direction for growth was acceptable.

While the development will bring with it an increase in lighting and vehicles, they are not considered collectively to be sufficient to justify a refusal on the grounds that street lighting will be controlled by Leicestershire County Council with their highway department also having found the highway position to be acceptable to the point that there won't be a significant impact.

While there will be work to existing trees and hedgerows, a significant level of new and replacement planting forms part of the proposal so meaning that there will be no adverse impact on these areas.

As set out above the design, appearance, materials and layout are such that the proposal is considered to not be out of character with the area, while there is no entitlement to a view across land outside your own land. The site is an allocated site for housing and has been arranged in a manner that will, in officers opinion, not adversely affect views or visual amenity.

With regards to the objection relating to the high number of houses proposed, the wording of Local Plan Policy 21 is such that it requires at least 250 dwellings on the site. As set out earlier in the report the site is, based on the submitted drawings, capable of accommodating the 350 proposed comprising 250 in full and up to 100 in outline form. The numbers are higher than stated in the policy but as there is no maximum requirement it is acceptable.

Contributions have been sought in relation to both schools and local GP practices as well as for other areas including libraries and open space. It is not considered that it will put an extra burden on Oadby residents.

While there will be an increase in vehicle movements as a result of the housing proposed, officers do not consider it will result in increased congestion nor necessarily air pollution.

Concerns in respect of drainage, flooding and sewage disposal have been considered and subject to appropriate conditions can be addressed. The proposal will, through the building regulations regime, need to ensure foul sewage is dealt with appropriately.

There is a requirement through Local Plan policies to ensure that affordable housing need is provided.

In relation to loss of wildlife and less fields for crop production, the site is allocated through the Local Plan for housing purposes with the submitted scheme affording significant opportunity for wildlife through the landscaping proposed.

While the proposal may pose a danger in relation to adjacent golf course re rogue balls going to dwellings, it should be noted that only 23 of the dwellings in Phase 2A will be adjacent to the golf course, albeit they will be separated from it by a road, strip of amenity space and then the trees and hedges that form part of the boundary for the golf course. The remainder of the trees will be separated by an area of landscaping, the 'balancing ponds' and the main road through the site. As such it is not considered that this would represent any reason for a refusal to be issued.

Conclusion

In conclusion it can be seen that through the Oadby and Wigston Local Plan adopted in April 2019 and the specific provisions of Policy 21, due to the site being a site allocated for at least 250 dwellings with the application totalling 350 (250 full and up to 100 in outline form) the principle of the development is acceptable with the overall acceptability or otherwise relating to the other considerations.

An assessment of both full and outline elements of the proposal show that the development is arranged in an acceptable manner with regards to layout, design and appearance for Phase 2A while the Phase 2B area is capable of being developed to facilitate the dwellings along with associated parking, amenity space, roads, landscaping etc. Parking levels are to be provided in accordance with the adopted standards.

The developer has, through its agent, confirmed agreement in principal with regards to the contributions sought. This is with the exception of that sought by the University of Leicester Hospitals Trust on the grounds that it is not compliant with the Community Infrastructure Levy (CIL) as set out earlier in the report.

Based on the consultation comments of the consultees it can be seen that the proposal would not adversely impact upon their respective areas and where there is an issue it can be dealt with by way of condition.

Overall, therefore, the proposal is considered acceptable and recommended for approval subject to a Section 106 legal agreement, conditions and informatives.

Implications Statement

Health	No Significant implications
Environment	No Significant implications
Community Safety	No Significant implications
Human Rights	The rights of the applicant to develop his property has to be balanced against the rights of neighbours.
Equal Opportunities	No Significant implications
Risk Assessment	No Significant implications
Value for Money	No Significant implications
Equalities	No Significant implications
Legal	No Significant implications

Recommendation

For the reasons set out in the above report then approve the development subject to the completion of a suitable Section 106 Agreement and for the reasons set out in the above report, **PERMIT** subject to the following conditions:

- 1 Phase 2A of the development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 An application for approval of the reserved matters in respect of Phase 2B of the development hereby permitted shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990.
- 3 Prior to the commencement of work on Phase 2B on site plans and particulars of the access, layout, scale, appearance and landscaping (hereinafter called "the Phase 2B reserved matters") shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details that have been approved in writing by the Local Planning Authority.
Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.
- 4 Phase 2B of the development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last reserved matter(s) to be approved.
Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.
- 5 The development hereby permitted shall be carried out in accordance with the following documents and plans;

INSERT DOCUMENTS AND PLANS HERE

Reason: For the avoidance of doubt and to ensure the development is carried out in accordance with the plans and documents considered by and found to be acceptable by the Local Planning Authority.

- 6 Phase 2A of the development hereby permitted shall be constructed of materials as specified in drawings numbered MI114-SL-402.1A Rev A and MI114-SL-402.2A Rev A both dated 13 January 2020 submitted to and approved in Condition 5 above by the Local Planning Authority on 14 January 2020. **Reason:** To ensure that Phase 2A of the development approved is constructed of materials assessed by the LPA and found to be acceptable in accordance with Policy 6 of the Oadby and Wigston Local Plan.
- 7 Prior to the commencement of Phase 2B of the development hereby permitted, full details of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority with the development only carried out using the agreed materials unless otherwise agreed in writing by the Local Planning Authority by way of a non-materials amendment, minor material amendment or new full planning application.

Reason: To ensure that Phase 2B of the development hereby permitted is constructed of

materials that are appropriate to the character, appearance and setting of the buildings in accordance with Policy 6 of the Oadby and Wigston Local Plan.

- 8 All soft and hard landscaping hereby approved in respect of Phase 2A as set out in the approved landscaping detailed shall be carried out in accordance with the approved details. All soft landscaping for Phase 2A including planting, seeding and or turfing comprised in the approved landscaping details shall be carried out in the first planting season following the first occupation of the dwelling to which it relates to or the completion of the development whichever is sooner; and any tree or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To ensure that an approved landscape scheme for Phase 2A is implemented in a speedy and diligent way, and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with the aims and objectives of the NPPF and Local Plan policies 6 and 44.
- 9 All soft and hard landscaping to be approved through a reserved matters submission in respect of Phase 2B shall be carried out in accordance with the details to be approved. All soft landscaping for Phase 2B including planting, seeding and or turfing shall be carried out in the first planting season following the first occupation of the dwelling to which it relates to or the completion of the development whichever is sooner; and any tree or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To ensure that an approved landscape scheme for Phase 2B is implemented in a speedy and diligent way, and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with the aims and objectives of the NPPF and Local Plan policies 6 and 44.
- 10 The boundary treatments hereby approved in respect of Phase 2A shall be completed in accordance with the approved details prior to the first occupation of the dwelling to which it relates unless otherwise agreed in writing by the Local Planning Authority by way of a non-materials amendment application, minor-material amendment application or new full planning application.
Reason: To ensure that adequate boundary treatments for Phase 2A of the development are provided in accordance with the approved plans to safeguard the visual amenities of the area as well as the amenities of future occupiers in accordance with the NPPF and policies 6 and 44 of the Oadby and Wigston Local Plan.
- 11 Prior to the commencement of Phase 2B following any approved of reserved matters, a details plan (or plans) indicating the positions, design, materials and type of boundary treatment for the phase of development shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details prior to the first occupation of the dwelling to which it relates unless otherwise agreed in writing by the Local Planning Authority by way of a non-materials amendment application, minor-material amendment application or new full planning application.
Reason: To ensure that adequate boundary treatments are provided for Phase 2B of the development to safeguard the visual amenities of the area as well as the amenities of future

occupiers in accordance with the NPPF and policies 6 and 44 of the Oadby and Wigston Local Plan.

- 12 Notwithstanding the provisions of Classes A and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking, amending and re-enacting that Order, the garage accommodation and parking spaces detailed on the approved plans in respect of Phase 2A shall be provided in connection with the development approved thereafter being retained and made available at all times for the parking of vehicles in relation to the residential dwellings they will serve and for no other reason.
Reason: To ensure that the necessary parking provision is provided and retained in the interests of ensuring that adequate off street parking provision for each dwelling is provided and retained in the interests of highway safety and Policy 34 of the Oadby and Wigston Local Plan.
- 13 No phase of the development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.
Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and Policies 38 and 39 of the Oadby and Wigston Local Plan.
- 14 No phase of the development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.
Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase and Policies 38 and 39 of the Oadby and Wigston Local Plan.
- 15 No occupation of any phase of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority.
Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development and Policies 38 and 39 of the Oadby and Wigston Local Plan.
- 16 No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
- A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
 - Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and in accordance with the provisions of Policy 9 of the Oadby and Wigston Local Plan as well as the Playing Pitch Strategy (2018).

- 17 No development shall commence until a schedule of playing field maintenance including a programme for implementation for a minimum period of five years starting from the commencement of use of the development has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Following the commencement of use of the development the approved schedule shall be complied with in full.

Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and in accordance with the provisions of Policy 9 of the Oadby and Wigston Local Plan as well as the Playing Pitch Strategy (2018).

- 18 Notwithstanding the submitted details in respect of Phase 2A and prior to the commencement of any site works on Phase 2A for the development hereby approved, details of all existing and proposed slab and site levels (including any re-grading proposed to the site) shall be submitted to and approved in writing by the Local Planning Authority. Phase 2A of the development shall then be carried out in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority by way of non-material amendment, minor-amendment or full application.

Reason: To ensure that Phase 2A of the development does not adversely affect the amenities of the area and adjoining properties as well as in the interests of the character and appearance of the area in accordance with the NPPF and Local Plan Policies 6 and 44.

- 19 Prior to the commencement of any site works on Phase 2B details of all existing and proposed slab and site levels (including any re-grading proposed to the site) shall be submitted to and approved in writing by the Local Planning Authority. Phase 2B of the development shall then be carried out in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority by way of non-material amendment, minor-amendment or full application.

Reason: To ensure that Phase 2B of the development does not adversely affect the amenities of the area and adjoining properties as well as in the interests of the character and appearance of the area in accordance with the NPPF and Local Plan Policies 6 and 44.

- 20 All mitigation measures contained within the Ecological Assessment Report by Ecology Solutions dated July 2019 and numbered 7775.EcoAss.vf3 shall be carried out as set out in the report unless otherwise agreed in writing by the Local Planning Authority by way of Non Material Amendment, Minor Material Amendment or new full planning application.

Reason: To ensure the satisfactory protection of protected species and in accordance with Policy 37 of the Oadby and Wigston Local Plan.

- 21 Prior to each phase of development hereby approved an up-dated badger survey shall be undertaken with resultant report and details, to include any mitigation as necessary, submitted to and approved in writing by the Local Planning Authority. The subsequent phase of development shall then be implemented in accordance with the approved details.

Reason: To ensure the satisfactory protection of protected species and in accordance with Policy 37 of the Oadby and Wigston Local Plan.

22 The existing boundary hedges along the sites boundaries with Coombe Park and Glen Gorse Golf Course shall be retained and no development placed within 5m of these boundaries.
Reason: In the interests of protecting the hedgerows and trees as well as the ecological habitat whilst also contribution to the visual amenities of the locality in accordance with Policy 44 of the Local Plan.

23 No demolition or development shall take place or commence until a programme of archaeological investigation has been undertaken in accordance with a written scheme of investigation (WSI), which has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

The development shall then be undertaken in accordance with the agreed details unless otherwise agreed in writing by way of a non-material amendment, minor material amendment or new full planning application.

Reason: To ensure satisfactory investigation and recording of heritage assets in accordance with the NPPF and Policy 40 of the Oadby and Wigston Local Plan.

24 The development shall be carried out in accordance with the provisions of the Arboricultural Assessment, including tree protection measures and the new tree and hedgerow planting, by fcpr dated July 2019 unless otherwise agreed in writing by the Local Planning Authority by way of a non-material amendment, minor-material or new full application.

Reason: To ensure the satisfactory protection of existing trees and hedgerows as well as the provision of new planting necessary to provide a satisfactory setting for the development in accordance with the NPPF and Policy 44 of the Oadby and Wigston Local Plan.

25 Prior to the commencement of Phase 2B of the development hereby permitted a Tree Protection Plan with arboricultural method statement and schedule of works for the area covered by Phase 2B shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the agree details unless otherwise agreed by way of a non-material amendment, minor-material or new full application.

Reason: To ensure the satisfactory assessment of trees on the land covered by Phase 2B and their subsequent protection in accordance with the NPPF and Policies 8 and 44 of the Oadby and Wigston Local Plan.

26 Prior to the commencement of each phase of development hereby permitted a Tree and Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the agree details unless otherwise agreed by way of a non-material amendment, minor-material or new full application.

Reason: To ensure the satisfactory management of the trees and landscaping of the site in the interests of visual amenity, ecological and tree benefits in accordance with the NPPF and Policies 8 and 44 of the Oadby and Wigston Local Plan.

- 27 Prior to the occupation of the first dwelling on Phase 2A full details of the allotments to include site layout, access roads / paths, water points and a management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the agreed details prior to the occupation of the final dwelling on Phase 2A unless otherwise agreed by way of a non-material amendment, minor-material or new full application.
Reason: To ensure the allotments are provided in a manner that provides for needs in accordance with Policy 21 of the Oadby and Wigston Local Plan.
- 28 Notwithstanding the provisions of Schedule 2, Part 4, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order revoking and re-enacting that Order, prior to the commencement of work on each phase full details and drawings of the site compound for each phase (to include area, office building locations and height, external lighting etc. and time frame for their removal following completion of the development) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
Reason: To ensure the development is sited in an appropriate location and arranged so as to not result in any adverse or detrimental impacts upon residential amenity.
- 29 No development shall commence on the site or each phase of development hereby approved until such time as a construction traffic management plan for that phase, including as a minimum detail of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
- 30 The access arrangements shown on WYG drawing numberA083270-1-35-12-101 RevP2 shall be implemented in full prior to occupation of the development hereby permitted.
Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).
- 31 The offsite capacity improvement works at the A6 Glen Road / Ash Tree Drive junction shall be provided in general accordance with WYG drawing numberA104033-35-18-001. The approved scheme shall include any amendments as recommended by a Stage 2 Road Safety Audit and/or detailed design process and be implemented in full prior to occupation of the 51st dwelling unless agreed in writing by the Local Planning Authority.
Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).
- 32 The offsite capacity improvement works at the A6 Glen Road / Florence Wragg way junction shall be provided in general accordance with WYG drawing numberA104033-35-18-003 Rev A. The approved scheme shall include any amendments as recommended by a Stage 2

Road Safety Audit and/or detailed design process and be implemented in full prior to occupation of the 51st dwelling unless agreed in writing by the Local Planning Authority.
Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).

- 33 No development shall take place until a scheme and timetable for the delivery of a new bus stop and associated infrastructure on Coombe Rise has been approved in writing by the Local Planning Authority. If a suitable location for a new bus stop cannot be identified then the bus stop that serves St James Close (ID: 260016208) shall be relocated on Coombe Rise to serve the proposed development. Thereafter the new bus stop or relocation of the existing bus stop shall be implemented in full in accordance with the approved scheme and timetable.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).

- 34 The measures and incentives included in the full Travel Plan dated July 2019 and submitted to the Local Planning Authority on 7 November 2019 shall be implemented in accordance with the timescale's set out in Table 3 - Cottage Farm Residential Travel Plan Timetable unless an alternative timetable is submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2019).

- 35 The development hereby permitted shall not be occupied until such time as the parking and turning facilities for Phase 2a have been implemented in accordance with Bloor Homes drawing number M114-SL-401-2K. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

- 36 Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmac, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019)

- 37 No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the private access drives with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2019).

38 Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2019).

39 No development shall take place until a scheme and timetable for delivery for the treatment of Public Rights of Way C38 and C26 has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction (including any arrangements for a temporary diversion) fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the approved scheme and timetable.

Reason: to protect and enhance Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2019.

40 No deliveries shall be taken at or despatched from the site except between the hours of 8.00am and 6.00pm Monday to Friday, 9.00am to 2.00pm on Saturday. There shall be no deliveries or dispatches on Sundays or Bank Holidays.

Reason: In the interests of the amenities of local residents and the locality in general in compliance with Policies 6 and 44 of the Oadby and Wigston Local Plan.

41 Unless otherwise first agreed in writing by the Local Planning Authority no building works or associated works or operations shall take place on the site except between the hours of 8.00am and 6.00pm Monday to Friday, 9.00am to 2.00pm on Saturday and there shall be no works at any time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of local residents and in compliance with Policies 6 and 44 of the Oadby and Wigston Local Plan.

Note(s) to Applicant :

- 1 You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
- 2 For the avoidance of doubt this permission does not authorise any development outside the application site including any foundation, footings, fascias, eaves, soffits, verges or guttering.
- 3 You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
- 4 This permission requires you to submit further details to the Local Planning Authority on the proposal prior to the commencement of works on site. There is a fee payable to the Local Planning Authority when a request is made for the discharge of one or more conditions on

the same permission or for confirmation of compliance with a condition or conditions. At the time of writing, the fee is payable per written request to discharge conditions not per condition and therefore any number of conditions may be included on a single request. The fee for such a request associated with this permission (at the time of this decision notice) is £116. The fee must be paid when the request is made. The Local Planning Authority has a statutory period of 8 weeks for the determination of such requests.

- 5 This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.
- 6 Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.
- 7 All felling works should be undertaken in accordance with BS3998:2010 'Tree Works Recommendations' which revises and supersedes all previous issues and includes updated information based on the very latest Arboricultural research.
- 8 The Applicant is advised that each car parking space shall measure a minimum of 2.4 metres in width by 4.8 metres in length with any access isles being a minimum of 6 metres in width.
- 9 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Leicestershire County Council's Southern Area Manager - (telephone 0116 3052202).
- 10 The applicant is advised that no demolition works or associated works or operations should take place on the site except between the hours of 8.00am and 6.00pm Monday to Friday, 9.00am to 2.00pm on Saturday and at no time on Sundays or Bank Holidays.
- 11 In respect of conditions 13, 14 and 15 above the scheme(s) to be provided shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent QBar greenfield rates (4.4l/s/ha); the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

Details should also demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.

- 12 Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted.

Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>

Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

- 13 If a proposed building/wall or other construction appears to sit astride an indicated surface water flow route, the new build may deflect floodwater onto another person's property or raise flood levels by a significant amount locally. In these circumstances, the County Council should be contacted to discuss whether consultation is necessary in that particular case.

In order to deliver safe development the LLFA advise that single storey buildings or ground floor subdivisions with no access to higher floors, should have access to a refuge set above the 1 in 1000 annual probability (0.1%) in any year flood level including an allowance for climate change.

- 14 Overland flow routes as shown on the update map for surface water should be considered such that buildings are not placed directly at risk of surface water flooding. Such flow routes should be utilised for roads and green infrastructure

- 15 Where a watercourse adjoins or flows through a development, provision should be made such that the watercourse can be accessed throughout the life of the development through provision of a suitable easement. The ownership and responsibility for maintenance of the watercourse should also be clearly identified and conveyed to the relevant parties. Additional information and guidance is available here: <https://www.leicestershire.gov.uk/environment-and-planning/flooding-and-drainage/>
Note: Response provided by the Lead Local Flood Authority under the delegated authority of the Director of Environment and Transport.

- 16 Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

- 17 The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011) [insert document titles].
- 18 It is recommended that the maintenance schedule and programme for implementation of the sports pitches is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.
- 19 In respect of Condition 26 above, it is advised that the applicant / developer contact Margaret Kind at Oadby and Wigston Borough Council to discuss requirements.
- 20 For the avoidance of doubt this permission does not authorise any development outside the application site including any foundation, footings, fascias, eaves, soffits, verges or guttering.
- 21 Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
- 22 To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- 23 If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.

- 24 In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

BACKGROUND PAPERS

- a. 19/00356/OUT

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