



TO COUNCILLOR:

N Alam
L A Bentley (Chair)
G A Boulter
M H Charlesworth
J K Chohan

J K Ford
C S Gore
S Z Haq
P Joshi
R V Joshi

J Kaufman (Vice-Chair)
C D Kozlowski
C J R Martin
R E R Morris
I K Ridley

I summon you to attend the following meeting for the transaction of the business in the agenda below.

Meeting: Development Control Committee
Date & Time: Thursday, 27 November 2025, 7.00 pm
Venue: Civic Suite 2, Brocks Hill Council Offices, Washbrook Lane, Oadby, Leicester, LE2 5JJ
Contact: Democratic Services
t: (0116) 257 2775
e: democratic.services@oadby-wigston.gov.uk

Yours faithfully

Council Offices
Oadby
19 November 2025

Anne E Court
Chief Executive



Meeting ID: 2941

ITEM NO.

AGENDA

PAGE NO'S

Meeting Live Broadcast | Information and Link

This meeting will be broadcast live.

Press & Public Access:

A direct link to the live broadcast of the meeting's proceedings on the Council's Civico platform is below.

<https://civico.net/oadby-wigston/22930-Development-Control-Committee>

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 - 4

To read, confirm and approve the minutes of the previous meeting in accordance with Rule 19 of Part 4 of the Constitution.

5. **Brocks Hill Primary School, Howdon Road, Oadby, Leicestershire, LE2 5WP (Ref. No. 24/00433/FUL)**

5 - 49

Report of the Senior Development Control Officer

6. **97 Foxhunter Drive, Oadby, Leicestershire, LE2 5FH (Ref. No. 25/00104/FUL)**

50 - 65

Report of the Senior Development Control Officer

7. **The Borough Council of Oadby and Wigston (161 Gloucester Crescent) Tree Preservation Order 2025**

66 - 100

Report of the Arboricultural Officer

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**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT
CIVIC SUITE 2, BROCKS HILL COUNCIL OFFICES, WASHBROOK LANE, OADBY,
LEICESTER, LE2 5JJ ON THURSDAY, 30 OCTOBER 2025 COMMENCING AT 7.00 PM**

PRESENT

L A Bentley Chair
J Kaufman Vice-Chair



Meeting ID: 2922

COUNCILLORS

G A Boulter
J K Chohan
J K Ford
F S Ghattoraya
S Z Haq
P Joshi
R V Joshi
C J R Martin
I K Ridley

OFFICERS IN ATTENDANCE

S J Ball Legal & Democratic Services Manager / Monitoring Officer (Solicitor)
J Carr Planning Policy & Development Manager
K Robson Democratic & Electoral Services Officer
T White Senior Development Control Officer

OTHERS IN ATTENDANCE

C S Gore

23. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors N Alam, M H Charlesworth, C D Kozlowski and R E R Morris.

Councillor C S Gore attended the meeting remotely and so was not considered present for voting purposes according to the 1972 Act.

24. APPOINTMENT OF SUBSTITUTES

Councillor F S Ghattoraya substituted for Councillor N Alam.

25. DECLARATIONS OF INTEREST

None.

26. MINUTES OF THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting held on 28 August 2025 be taken as read, confirmed and approved.

27. FORMER TOILET BLOCK, EAST STREET, OADBY, LEICESTERSHIRE (REF. NO. 25/00329/FUL)

The Committee gave consideration to the report and appendix (as set out at pages 5 – 19 of the agenda reports pack) which sought planning permission for a change of use of the existing toilet block to a laundrette.

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

UNANIMOUSLY RESOLVED THAT:

The application be PERMITTED planning permission in accordance with the submitted documents and plans subject to the prescribed conditions and informatives.

THE MEETING CLOSED AT 7.06 pm

Agenda Item 5



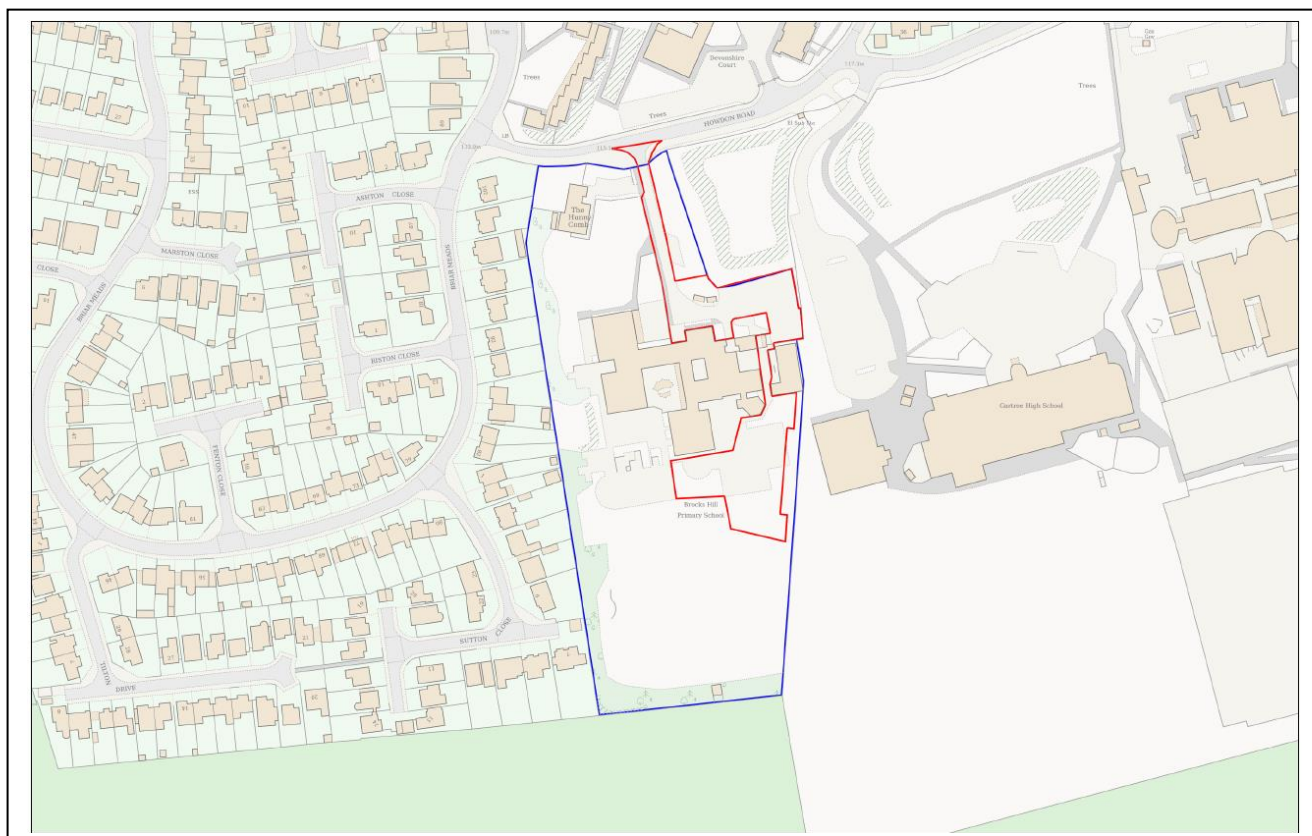
Development Control Committee	Thursday, 27 November 2025	Matter for Decision
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Report Title: **Brocks Hill Primary School, Howdon Road, Oadby, Leicestershire, LE2 5WP (Ref. No. 24/00433/FUL)**

Case Officer(s): **Max Heagin (Senior Development Control Officer)**

Site Address:	Brocks Hill Primary School, Howdon Road, Oadby, Leicestershire, LE2 5WP
Application Description:	Erection of two storey teaching block, car parking, drop off area, cycle parking and new playgrounds including alterations to site access.
Purpose of Report:	To consider and determine the planning application accordingly. The application is brought before committee following a member call in on highways and access concerns.
Recommendation(s):	That the application be PERMITTED planning permission in accordance with the submitted documents and plans subject to the prescribed conditions and informatives.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	Teresa Neal (Strategic Director) (0116) 288 8961 teresa.neal@oadby-wigston.gov.uk Adrian Thorpe (Head of the Built Environment) (0116) 0116 257 2645 adrian.thorpe@oadby-wigston.gov.uk Jamie Carr (Planning Policy & Development Manager) (0116) 257 2652 jamie.carr@oadby-wigston.gov.uk Max Heagin (Senior Development Control Officer) (0116) 257 2716 max.heagin@oadby-wigston.gov.uk
Consultees:	The consultee comments are as set out within section 4 of this report.
Background Papers:	Search application reference no. 24/00433/FUL via Public Access to access all available documents (e.g. assessments, plans, forms etc.)
Appendices:	1. Case Officer's Presentation (Ref. No. 24/00433/FUL)

1. Site and Location



- 1.1 The site is located to the south side of Howdon Road, a one-way road running to Briar Meads to the west. The development site accommodates Brocks Hill Primary School, the western most of a row of 3 schools with Beauchamp College and Gartree High School set to the east of the site and served off of Ridge Way a further one way road running from Coombe Rise to Howdon Road. The row of schools is set within a wider residential estate with agricultural fields and Coombe Park setting a break to the Cottage Farm development to the south. Resulting from the siting of 3 schools in close proximity there are existing traffic and parking issues at peak times which contributed historically to the imposition of a one way system for roads serving the schools to ease congestion.
- 1.2 Residential dwellings are set along the west boundary of the Brocks Hill Primary School site along Briar Meads and Sutton Close with the Devonshire Court Retirement Home to the north of the site adjacent to the site access. To the northeast of the site is an area of scrubland, to the side of the site access which forms part of the neighbouring Gartree High School site.
- 1.3 The wider site is comprised the main single storey school building formed of various flats roof elements at differing heights with a further single storey detached flat roof teaching block set to the east of the main building. The Hunny Comb Nursery is set to the north of the site close to the site access being developed and extended from the former caretaker's bungalow which is located to the north of the site. Various play areas and sports fields are accommodated to the south of the main school buildings.
- 1.4 Access is located to the north of the site from Howdon Road with a central vehicular access running up to the main building and serving an existing parking area set in front of the detached teaching block to the east of the main school providing a total of 37 parking bays. It is noted that the existing access road is quite narrow restricting two way vehicular

movement through the site whilst there is a lack of dedicated turning facilities within the site. A separate pedestrian access runs along the side of the scrub land to the north east of the site exiting close to a bus stop on Howdon Road.

2. Description of Proposal

- 2.1 The proposal is to accommodate an increase to the number of students at Brocks Hill with an additional form entry, increasing the pupil numbers by 210 students to 630 students as recommended by Leicestershire County Council as the statutory body responsible for provision of school places in the Borough.
- 2.2 To accommodate the proposed increase in student numbers and 9 additional staff a new two storey teaching block is proposed to the east of the main building requiring removal of part of the existing playground. The block would accommodate 6 classrooms, a ICT classroom and library. There will also be a hall available for indoor sports with small server and equipment storage. Additionally there will be offices, meeting rooms and other staff spaces as well as toilets sufficient for the increased number of students.
- 2.3 Externally, the area of playground removed to accommodate the teaching block is to be replaced by infilling around existing play spaces whilst encroaching as little as possible onto the playing field. The layout of playing field is to be amended to form a 9v9 football pitch which through a Community Use Agreement would be made available to the public.
- 2.4 The proposal also seeks to introduce new traffic management measures within site with
- Eight drop-off spaces and area;
 - An additional 14 cycle spaces bringing the total to 30;
 - 9 additional car parking spaces bring the total to 46;
 - 1 additional accessibility space bringing the total to 2;
 - Turning area within the site in the form of a roundabout; and
 - Widening of internal access road from approximately 5m to 5.6m and access point on Howdon Road.
- 2.5 New secure fencing and gates are proposed within the site set back from the nursery whilst alterations to the pedestrian footpath are proposed in conjunction with the internal highways alterations.
- 2.6 The site would also be landscaped with new trees to improve biodiversity.

3. Relevant Planning History

16/00560/FUL - Erection of single storey classroom block and construction of 9 additional car parking spaces - Approved (16.02.2017)

17/00489/FUL - Single storey extensions and use of building as a day nursery (former caretakers bungalow) - Approved (21.12.2017)

22/00461/FUL - Single storey side extension - Approved (13.03.2023)

4. Key Consultations and Responses

- 4.1 Local Lead Flood Authority: confirmed that the site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding though requested provision of further information to assess the proposals including a supporting surface water strategy.

Following receipt of further requested information no further comments have been received.

4.2 Sport England: *"Sport England raises no objection to this application as it is considered to broadly meet exception 5 of our Playing Fields Policy and to accord with Paragraph 104 of the National Planning Policy Framework (NPPF), subject to conditions securing*

- the protection of the remaining playing field during construction of the proposed development; and,*
- A Community Use Agreement agreed and secured for the community use of the remaining playing field land at the site.*

Sport England – Statutory consultee role and policy

We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 104 (that playing fields should not be built on) and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document': www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:

- all or any part of a playing field, or*
- land which has been used as a playing field land remains undeveloped, or • land allocated for use as a playing field*

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. A summary of the exceptions is provided in the annex to this response.

The Proposal and its Impact on the playing field

The proposal relates to the construction of a detached teaching block containing 6 teaching classrooms, an ICT classroom, library and hall. The hall would have an internal floor area of some 188m² and would be used for PE teaching as well as assemblies and dining. A new playground would be constructed to replace the playground lost due to the development. Located on playing field, the proposed building and playground would result in the loss of playing field land.

The proposal would also involve the construction of additional car parking and a drop off area to the front of the existing school building. This element of the proposal would not involve the loss of playing field land.

Sport England has provided pre-application advice on a proposal to construct a teaching block at the school. Following this advice the applicant has prepared a Sport England Summary Document (August 2024) as part of the application submission.

The playing field is included in Oadby & Wigston BC's Playing Pitch and Outdoor Sport Strategy (PPOSS) (2024) which is the evidence base for the local plan. The PPOSS shows that the playing field, Brocks Hill Primary School, has one youth 9v9 football pitch. The action in the PPOSS is that the playing field is protected.

As part of the assessment of this application Sport England has sought the views of the Football Foundation (FF) who act as Sport England's technical advisor in relation to football and its facilities. Their comments are summarised below:

- The 9v9 football pitch can continue to be marked out. A minimum safety run-off of 3m must be provided from all perimeter lines which must be free from obstructions and be of the same surface as the playing area.*
- The PPOSS shows a future demand undersupply of two 9v9 pitches in the area. Community use of the pitch would be beneficial for future use.*

Assessment against Sport England's Playing Fields Policy and the NPPF

The construction of a detached school building and replacement playground would result in the loss of an area of the playing field. As discussed in the Sport England Summary Document (Summary Document), the proposed size of the building and playground extension have been reduced following receipt of pre-application advice from Sport England. When accounting for the playing field land which cannot be used as shown on Drw No: 23409-04-S2E-00-D-A-09-20, the total area of playing field lost would equate to some 250m².

The submission has been amended to now include a hall within the building with internal measurements of 16.6 x 11.3m to a height of 6.1 metres. With a floor area of 188m² the hall would be used for sport as well as for assemblies and dining. A gym storage area is provided accessed via double doors off the hall with an area of 20m².

This loss of playing field should be assessed against the exceptions in Sport England's Playing Fields Policy which are in accordance with the exceptions in Paragraph 104 of the NPPF (2024). An assessment against Exception 5 is the most relevant for this proposal. This exception allows the development of an indoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

As included in the Sport England Summary Document with an internal height of 6.1 metres the hall could be used for a range of sports activities including gymnastics, five-a-side (softball) and short tennis. The hall would have sufficient space to mark out one badminton court, four table tennis tables and short mat bowls. However, the proposed measurements for the length of the hall would fall short of the required run-offs required for a badminton court by 0.8 metres and so a risk assessment would be required prior to use.

The Summary Document confirms that the lighting and internal surfaces would meet Sport England's guidance for Sports Hall. A storage area for equipment which would be accessed via double doors from the hall would be provided. The Summary Document concludes that the new hall would be of significant benefit to the school and its PE curriculum as the existing hall and PE provision is currently insufficient.

Two sets of unisex toilets would be provided on each floor of the building. The set on the ground floor would be accessible externally directly from the playing field and would be accessible for users of the hall.

The Summary Document includes the existing summer and winter pitch layouts on the playing field. Drw No: 23409-04-S2E-00-D-A-09-20 shows how the remaining playing field could accommodate the curriculum and extra-curriculum usage along with the marking out of a youth U11 and U12 (9 v 9) pitch – dimensions = 79.0 x 52.0m (inclusive of run-offs). The comments received from the Football Foundation confirm that this 9v9 pitch could continue to be marked out.

The PPOSS prioritises the need to secure formal Community Use Agreements with schools where feasible and appropriate. The Football Foundation has confirmed that the PPOSS shows a future demand undersupply of two 9v9 pitches in the area and so the community use of the pitch would be beneficial for future use.

The Summary Document includes text that the applicant is currently in the process of drafting a community use agreement (CUA) for comment. Whilst the school does not currently let out its facilities for sport, the applicant does let out the facilities at the adjoining Beauchamp College. A planning condition requiring a community use agreement to be agreed and implemented should be attached to the decision notice if the local planning authority is minded to grant approval to compensate against the loss of playing field and ensure that the remaining land is protected as required by the PPOSS and secured for community use to address one of the key issues highlighted in the PPOSS.

Sport England has produced guidance on drawing up a community use agreement - <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/community-use-agreements> Active Together can also assist schools with opening their existing sports facilities to the wider community - <https://www.active-together.org/openingschoolfacilities>

Based on the information submitted with the application, it is Sport England's opinion that the proposed development would broadly meet the requirements of exception 5 of Sport England's Playing Fields Policy subject to the imposition of planning conditions.

Sport England's Position

Given the above, Sport England raises no objection to the application because it is considered to broadly accord with exception 5 of our Playing Fields Policy and paragraph 104 of the NPPF in that the benefits to sport for the school by their use of the hall for PE would outweigh the loss of the area of playing field. The remaining area of playing field land would still accommodate a 9v9 pitch and this pitch would be available for use by the community as part of a CUA. The following planning conditions should be attached to the decision notice if the Council is minded to approve planning permission to ensure that the remaining playing field is protected as required by the Council's PPOSS and secured for community use to address one of the key issues highlighted in the PPOSS:

Protection of Playing Field Condition:

Condition ... Prior to the commencement of any development on the site, a construction fence shall be erected along the southern boundary of the proposed building and playground extension as shown on Drw No: D-A-03-XX Rev P05 (Proposed Site Plan).. This construction fence line (limit of works) shall remain in place throughout the duration of the construction activity and no works/storage shall take place on the playing field area which lies outside of this fence.

Reason..... To ensure that the retained playing field at the site is protected during construction of the approved development in accordance with the requirements of the NPPF (2024).

Justification - A pre-commencement condition is required so that this construction fence is in place prior to any development commencing on site to ensure that the construction activity does not encroach onto the adjoining playing field and impact its use.

Community Use Agreement Condition:

Condition... Prior to any works commencing on the sub-base of the development hereby approved a community use agreement prepared in consultation with Sport England shall be

submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The agreement shall apply to the community use of the retained playing field land. The agreement shall include details of pricing policy, hours of use, access by community users to the land, ancillary facilities and car parking, management responsibilities and a mechanism for review. The development shall be used in compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with the requirements of the NPPF.

Informative: More information on Community Use Agreements including a model template is available on Sport England's website:

<https://www.sportengland.org/how-we-can-help/facilities-andplanning/planning-for-sport/community-use-agreements>

4.3 Leicestershire County Council Ecology: Following receipt of additional information for Biodiversity Net Gain and Preliminary Ecological Appraisal and Preliminary Roost Assessment it was advised that Ecology had no objection subject to the following comments and conditions:

- We have reviewed the submitted Statutory Biodiversity Metric Condition Sheets and are now satisfied that there is sufficient ecological information available to support determination of this application.*
- This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.*
- The mitigation measures identified in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech, April 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.*
- With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Revised Statutory Biodiversity Metric - Calculation Tool (Arbtech, October 2024), Revised Biodiversity Net Gain Assessment (Arbtech, March 2025) and Statutory Biodiversity Metric Condition Sheets. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:*
 - a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.*
 - b) Pre and post development habitat plans.*
 - c) Legal agreement(s)*
 - d) Biodiversity Gain Site Register reference numbers (if using off-site units).*
 - e) Proof of purchase (if buying statutory biodiversity credits at a last resort).*

- *We are generally satisfied that the post-intervention values are realistic and deliverable. However, it is recommended that the following matters will need to be considered by the applicant as part of the biodiversity gain condition:*

- *We note that the proposals include off-site enhancements within the blue line boundary.*

This will need to be registered with the biodiversity gain site register and will require a Habitat Management and Monitoring Plan (HMMP) and legal agreement to secure the enhancements for the 30-year period. As a result, the applicant is advised that it may be preferable to approach an off-site provider to meet the 10% biodiversity net gain requirement. This matter will need to be addressed as part of the biodiversity gain condition.

- *There is also an inconsistency between the metric and the Biodiversity Net Gain Assessment in regards to the created trees within the offsite area. The report proposed planting 58 small trees, whereas the number of proposed trees within the metric is 27. This difference also is reflected in the habitat units, with 0.66 units for the offsite habitat creation within the report and 0.31 within the metric.*

- *In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted post-intervention values, it is suggested that this includes the following habitats: Individual trees.*

- *The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.*

- *We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.*

- *This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.*

- *Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.*

RECOMMENDED CONDITIONS TO BE APPLIED:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment

(Arbtech, April 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal and Preliminary Roost Assessment Arbtech, (April 2024), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs or product descriptions to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);*
- d) persons responsible for implementing the enhancement measures; and*
- e) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Optional condition:

Management and monitoring for significant on-site enhancements should be secured by planning obligation as part of the biodiversity gain condition, to allow aftercare and monitoring to be secured for the 30-year period and the LPA to cover its monitoring costs. However, if the LPA would prefer that this is secured via a separate condition, the following pre-commencement condition could be used:

4. PRIOR TO COMMENCEMENT: HABITAT MANAGEMENT AND MONITORING PLAN (HMMP)

A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:

- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;*
- c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;*
- d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and*
- e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.*

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and*
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.*

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

Reason: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

Biodiversity Gain condition

Natural England advises that the biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

The local planning authority is strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using draft text provided by the Secretary of State:

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be INSERT LPA.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply."

4.4 Leicestershire County Council Highways: Following receipt of additional information.

"The Local Highway Authority advice is that, in its view, 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 116 of the National Planning Policy Framework (2024), subject to the conditions and/or planning obligations outlined in this report.

Background

The Local Highway Authority (LHA) has been re-consulted by the Local Planning Authority (LPA),

Oadby and Wigston Borough Council (OWBC), on a planning application which seeks the:

'Erection of two storey teaching block, car parking, drop off area, cycle parking and new playgrounds including alterations to site access.'

The proposals are at Brocks Hill Primary School, Howdon Road, Oadby, Leicestershire, LE2 5WP.

The LHA previously responded to the LPA on 3 March 2025 requesting further information, this included:

- *Submission of a Stage One Road Safety Audit with Designers Response;*
- *Existing and proposed trip rates to and from the site;*
- *Junction capacity modelling; and*
- *Re-consideration of proposed off-street parking provision.*

In response to the LHAs previous observations provided to the LPA on 3 March 2025, the Applicant has submitted the following documents:

- *Revised School Travel Plan;*
- *Construction Management Plan dated 5 March 2025;*
- *Areas Comparison - New Car Park, drawing number 24366-GMB-XX-XX-DR-C-0305 Rev P01; and*
- *Transport Assessment dated August 2025 (Contains modelling data, trip rates, stage one road safety audit, site plan etc.).*

Site Access / Off-Site Works

As part of the proposed off-site works a 'Stage One Road Safety Audit (RSA1)' is required. This should be accompanied with a designer's response and any amended plans that may be required. This has been provided and is contained within the 'Transport Assessment (TA) Appendix E'.

The RSA1 raised five problems, one was at the site access and four were within the site itself.

Problem 2 raised was within the public highway extents at the site access. The Auditor stated that there is no existing pick up / drop off area identified at the school for general use. The provision of such a facility is likely to result in a "free for all" where demand will exceed availability of the spaces, with parents not knowing this until they turn into the site. Vehicles queuing back onto Howdon Road risk shunt type collisions and blocking the pedestrian crossing at the access, resulting in pedestrians crossing between stopped vehicles and increasing the risk of vehicle to pedestrian collisions.

The Auditor recommended that the facility is moved further into the site such that queuing vehicles do not back onto Howdon Road or the pedestrian crossing at the junction. Alternatively, it is recommended that the use of the bays is highly restricted for use by a limited number of users with mobility impairment requirements.

The designer stated within their response that unfortunately this is not an option due to the site constraints site. The Applicant agrees that the proposed bays should be restricted to those with mobility issues in the first instance. The Applicant has also indicated that there may be opportunity in the future to allow use by parents of the smallest children e.g.

reception to also use the proposed bays as they are the mostly likely to need to walk to the classroom door, rather than make their own way to the playground/classroom.

Other incentives may be introduced to allow the use of the proposed bays e.g. priority for car sharing vehicles with more than two pupils.

In addition to restricting the use of the proposed bays, the Applicant has stated that the pedestrian crossing which is just ahead of the majority of the drop off bays, would stop traffic which in turn would allow the opportunity for vehicles to reverse out of the proposed bays. As the pedestrian crossing is between the only two pedestrian gates into the site, it is expected these will be manned with staff during drop off time. Therefore, there is likely to be staff supervision here to prevent collisions but also to enforce the restricted use of the bays.

The above is welcomed by the LHA.

It is also noted that the Applicant has addressed the four points identified within the site which is also welcomed by the LHA.

Given the above, the LHA considers the access proposals adequate for the scale of the proposals in these site-specific circumstances.

Junction Capacity Assessments / Trip Generation

Trip Generation

The Applicants undertook a travel survey at the school on 11 April 2025, this involved both staff and pupils. Older pupils who were driven to school were asked how many Brocks Hill pupils and how many pupils from neighbouring schools were in the car. It was assumed that younger pupils had similar travel patterns. Staff who drove to school were also asked how many pupils they transported, along with their arrival and departure times.

This survey was conducted under typical attendance conditions for both pupils and staff. Student attendance at the school generally ranges between 95% and 96%. On the day of the survey, the pupil attendance rate was 95%, consistent with the usual levels.

The total number of car trips to and from the existing school and the expanded school by parents/pupils and staff are shown in Figure 1 below.

AM: 0815 to 0915 PM: 14:45 to 15:45		Number	AM		PM	
			Arrive	Depart	Arrive	Depart
Current School	Staff	61	13	0	0	9
	Pupils	420	105	105	105	105
	Total		118	105	105	114
expanded school	Staff	70	14	0	0	10
	Pupils	630	159	159	159	159
	Total		173	159	159	169
Additional	Staff	9	2	0	0	1
	Pupils	210	54	54	54	54
	Total		56	54	54	55

Figure 1 - Trip generation, Brocks Hill Primary School

The above demonstrates that the expanded school would result in an estimated additional 110 car trips to and from the school in the morning and 109 trips in the afternoon.

Pedestrian counts at the school gates show the arrival and departure times of pupils and parents. For those that travel by car, the time in the car is assumed to be 10 minutes earlier for the arriving trips and 10 minutes later for the departing trips to account for parking, walking, and socialising.

With this adjustment, the AM peak hour for parent vehicles traffic associated with Brocks Hill Primary School is 08:15 – 09:15, and the PM peak hour is 14:45 – 15:45.

The proportion of these car trips arriving or departing in each of the 15-minute periods is shown in Figure 2 below.

Morning	Vehicles		
	arrivals	departures	Total
0815to 0830	10%	2%	6%
0830 to 0845	81%	1%	41%
0845 to 0900	8%	5%	6%
0900 to 0915	1%	92%	46%

Afternoon	Vehicles		
	arrivals	departures	Total
1445 to 1500	24%	0%	12%
1500 to 1515	68%	2%	35%
1515 to 1530	5%	11%	8%
1530 to 1545	2%	86%	44%

Figure 2 - Proportion of car trips arriving and departing in each 15-minute period

The Applicant states within the TA that the Applicant considers that it is likely that the number of new car trips on the network generated by the school expansion will be lower than the trips shown in Figure 1 above. The Applicant states that this would be because a number of the additional pupils will come from the recently approved Cottage Farm development (planning ref. 19/00356/OUT), which is within walking distance of the school. The proximity of this development would provide parents and pupils with sustainable, viable alternatives to single-occupancy vehicle trips. It is, therefore, reasonable to expect the proposed expansion to result in a lower average car trip rate than the existing scenario.

The LHA are aware that there is a pedestrian footpath proposed within the Cottage Farm site that links to the car parking area which in turn links to Coombe Rise, this however, would involve a walk of approximately 1km.

The LHA does however, concur with the Applicant that several existing vehicle trips on the network could be associated with children within the catchment area of Brocks Hill school who could be attending schools further afield, these trips could cease if the LPA were minded to grant these proposals.

Junction Capacity Assessment

Junction capacity assessments have been undertaken at the following junctions:

- 1. Ash Tree Road/Coombe Rise; and*
- 2. Howdon Road/Brocks Hill Primary School Access – Proposed Arrangements.*

The assessment of priority junctions has been undertaken using the 'Junctions 10' computer programme, which is the 'industry standard' traffic modelling computer software package used for assessing the capacity of priority junctions. Assessments have been undertaken for the AM peak period (08:15-09:15 hrs) only, this is because the PM network peak is between 17:00hrs and 18:00hrs.

The Ash Tree Road / Coombe Rise junction has been undertaken using both the 'DIRECT' method of inputting traffic flows in 15-minute intervals and the 'ONE HOUR' OD tab

method. The Howdon Road/Brocks Hill Primary School Access has been assessed using the 'ONE HOUR' method for inputting traffic flows for both existing and proposed arrangements.

The assessment has been provided utilising the following information:

- *Traffic flow and queue length information (as turning count matrices); and*
- *Base mapping.*

The following scenarios has been considered:

- *2025 Base Year;*
- *2025 Base Year plus Expansion;*
- *2030 Future Year; and*
- *2030 Future Year plus Expansion.*

Traffic growth factors for 2025 to 2030 have been derived using the DfT TEMPro 8.1 computer software, NTEM 8.0 NRTP 2022 Core Scenario, for the E02005412 Middle Super Output Area (MSOA).

The future year of 2030 represents five years post submission of a planning application in line with TA guidelines. The growth factor for the AM peak period is reproduced below:

- *Morning peak hour 2025–2030 = 1.04*

The growth factors have been applied to the 2025 base year traffic flows to give 2030 future year traffic flows.

The assessments for the AM peak period have been undertaken using Junctions 10, with the output results contained in Appendix A of the TA. The junction capacity assessments have been undertaken during the network peak period.

To note, for the Ash Tree Road / Coombe Rise junction capacity assessment, an adjustment to the stream intercept has been applied to take consideration of queueing at the junction into account, as captured within a queue length survey dated between 29th April 2025 to 1st May 2025 for the hours of 07:30 – 09:30 and 14:30 – 16:30.

The average queue length within the assessed morning peak period (08:15 – 09:15) was overall insignificant in impact and operations; however, the adjustments provide a worse-case scenario and therefore a robust assessment. The junction capacity assessment also takes in consideration the zebra crossing, approximately 50m east of the junction.

Capacity assessment results using the "Direct" method have been summarised in Table 1-1 of the TA for the Ash Tree Road / Coombe Rise junction during the AM peak period (08:15 – 09:15) only.

Ratio of Flow to Capacity (RFC) is a term used in Transport Modelling to assess the operation of a junction. The result provides an indication of the likely junction performance, with a value of 1 implying that the demand flow is equal to the capacity. Typically, a value of 0.85 is seen as the threshold of practical capacity, with results higher than this more likely to experience queuing or delay.

Having reviewed the data within Appendix H of the TA, the RFC of junctions 1, and 2 is not predicted to exceed 0.85 with the development in place in 2030. The LHA is satisfied these junctions will operate within capacity.

As such, the LHA considers the trip generation and junction capacity assessments to be acceptable in these site-specific circumstances.

Internal Layout

The Applicant previously offered:

- Eight drop-off spaces and area;*
- An additional 14 cycle spaces bringing the total to 30;*
- Six additional car parking spaces bringing the total to 43;*
- Three additional accessibility spaces bringing the total to four; and*
- Turning area within the site in the form of a roundabout.*

The LHA stated within their previous response to the LPA that a car parking space should be provided for each member of staff within the site. Whilst the Applicant has demonstrated nine additional parking spaces, it is noted that three of these were accessibility spaces which cannot be counted towards the parking provision. As such, the LHA requested the Application re-assesses the on-site parking provision.

The Applicant has provided a revised 'Proposed Site Plan', drawing number 23409-04 -S2E-00-D-A-03-XX Rev P07.

- Eight drop-off spaces and area;*
- An additional 14 cycle spaces bringing the total to 30;*
- Nine additional car parking spaces bring the total to 46;*
- One additional accessibility space bringing the total to two; and*
- Turning area within the site in the form of a roundabout.*

This is acceptable to the LHA, and no further information is required in this respect.

School Travel Plan

The Applicant has provided a revised School Travel Plan (STP). Having reviewed this document, the LHA finds the contents acceptable and has no further comments to make.

Construction Management Plan (CMP)

The Applicant has provided a CMP as part of this application, as such, the LHA have reviewed the document and provide the following comments.

The route to the site is identified within section 5.1, off the CMP and demonstrated within Appendix II and III. The LHA are satisfied that this is the most appropriate route to the site.

Section 5.3 of the CMP states that there will be an adequate amount of parking available on site for contractors and site operatives within the wider site area. Whilst this has not been

demonstrated on a plan, given the site distance from the public highway and the scale of the site, the LHA are satisfied that parking for contractors and site operatives can be achieved within the site.

The loading and unloading will be undertaken within the site as per section 6.3 of the CMP. Given the site distance from the public highway and the scale of the site boundary, the LHA are satisfied this can be achieved.

The storage of plant and materials will be within the site as per section 6.5 of the CMP. Given the site distance from the public highway and the scale of the site boundary, the LHA are satisfied this can be achieved.

The Applicant has stated with section 8.5 and Appendix III of the CMP that jet wash facilities will be located at the entrance to the site so that all vehicles leaving the site are clean. The water will then be filtered before being discharged into the site drainage system. This will prevent deleterious materials being deposited on the surrounding highways. In the event of deleterious material being deposited onto the road network, road sweepers will be engaged to carry out a sweep of the surrounding roads. The drawing titled 'Site Set Up Plan - Phase 1 (Ground Works)', drawing number 23409-04 -S2E-XX-X-X-01-XX Rev A contained within Appendix III of the TA demonstrates the wheel wash station to be approximately 10m away from the public highway which is welcomed by the LHA.

Section 4.2 of the CMP states delivery hours and waste collection will be between 09:30 and 14:30 Monday to Friday, to avoid peak travel times and not contribute to traffic congestion during rush hour times and school drop off / pick up times. On Saturday's deliveries will take place between 09:30 and 13:00. This will include waste collection, spoil removal and delivery of plant and general materials. This is acceptable to the LHA

The LHA are satisfied that the CMP has satisfactorily identified and mitigated all matters relating to the highway. However, the Applicant should ensure they always adhere to the contents of the CMP during the construction phase.

For the reasons set out above, the LHA would not seek to resist the development subject to the following conditions and contributions.

Conditions

1. No part of the development hereby permitted shall be brought into use until such time as the access arrangements shown on Site Access - General Arrangement, drawing number 24366-GMB-XX-XX-DR-C-0100 Rev P02 have been implemented in full.

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 (2024).

2. The development hereby permitted shall not be brought into use until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Plan', drawing number 23409-04 -S2E-00-D-A-03-XX Rev P07. Thereafter the onsite parking and turning provision shall be kept available for such use(s) 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 (2024).

3. The development hereby permitted shall not be brought into use until such time as secure cycle parking shall be provided in accordance with details first submitted to and

agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such use in perpetuity.

REASON: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2024).

4. The Applicant will comply with the details as set out within the Construction Management Plan dated 5 March 2025. 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.

Contributions

To comply with Government guidance in the National Planning Policy Framework (NPPF) and Leicestershire County Council Planning Obligations Policy the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets and mitigating the impacts of the development.

1. Six-month bus pass, one per new employee to encourage the new employee to use bus services, to establish changes in travel behaviour and promote usage of sustainable travel modes other than the car. These can be supplied through LCC at £450.00 per pass (subject to change).

Justification: In the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, reducing car use.

Suggested trigger point: Prior to the development being brought into use.

Informative

• Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. 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://www.leicestershirehighwaydesignguide.uk>

- 4.5 Leicestershire County Council School Organisation Service: this team are engaged with the applicant regarding provision and funding for additional school places and have advised the following:

"There will be 105 pupils from the Cottage Farm development and a further 105 pupils from current housing in your catchment. This is borne out by the number of applications over the current Planned Admission Number (PAN) of 60 for 2025, which showed that the additional 30 applications were all within 600 metres of Brocks Hill."

- 4.6 Oadby Civic Society: "wish to OBJECT to this application on the basis of the added traffic implications of a 50% increase in the school's size.

This neighbourhood is already inconvenienced by the amount of traffic generated in the early morning and school closing time every day of the week. Vehicles are already parking on both sides of Briar Mead causing an obstruction for emergency vehicles.

The proposal to include 9 drop-off spaces on the school driveway will be of little consequence.

I note that there is no statement of how the proposal will be constructed on such a confined site surrounded by active schools in use for most of the day and how material deliveries will be coordinated to avoid further disruption to traffic movements."

- 4.7 Oadby & Wigston Environmental Health: No objection though provided the following comments:

"The development, if approved, will require the submission of a construction management plan. This covers noise, vibration, air quality, dust, mud, lighting, traffic etc. and its control during construction. Guidance is attached.

A noise assessment will be required if any external plant and equipment is proposed from the new building (air conditioning units, air source heat pumps etc.). This will be used to determine what is required to ensure no additional noise impact will occur.

Given the location of the proposed new building and playgrounds (on the east of the site away from existing residential property) I do not consider any further controls will be necessary."

- 4.8 Oadby & Wigston Tree Officer: No comment.

5. Neighbour and Resident Responses

- 5.1 Neighbours have been notified by letter across two separate consultations and site notice with 14 objections (9 being the same template objection) being received at the time of writing this report.

- 5.2 The reasons for objection can be summarised as follows:

- Increased Traffic and associated highways issues.
- Severe pre existing highways issues.
- Creation of additional school places welcomed but area unsuitable.
- Lack of control of on street parking around the school.
- Parking provision within the site insufficient to meet increase in student numbers.
- Traffic backing up at the end of Howdon Road onto Briar Meads reducing visibility for pedestrians and cyclists.
- Does not take into account the needs of the adjacent retirement home or older residents of surrounding streets.
- Impact on local air quality.
- Result in overcrowding of the school.
- Council should consider building a new school as part of the Local Plan Spatial Strategy as a more strategic approach.
- Impact on quality of life for residents.
- Access for emergency vehicles, bin lorries and trade vans around the school at peak times.
- Does not align with net zero targets.
- Potential access from land to the south of Sutton Close would result in further traffic issues.

- School Travel Plan is inadequate and does not incorporate sufficient baseline statistics or the need for parents to take children to school by car and is vague on mitigation measures and targets.
- Overlooking from two storey building.
- Light spill from any flood lights.
- Impact of construction on neighbouring amenity.
- Proposals would see the loss of some area of playground and open space.
- Drop off area might reduce congestion but could also encourage more parents to travel by car.
- Application does not demonstrate a clear understanding of local transport policies, cycling strategies, or air quality plans.

6. Planning Policy Relevant to the Proposal

National Planning Policy Framework

- 6.1 The National Planning Policy Framework (NPPF) establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 6.2 Paragraph 2 of the NPPF states that '*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise*'.
- 6.3 Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are:
- An economic objective
 - A social objective
 - An environmental objective
- 6.4 Paragraph 11 states that '*Plans and decisions should apply a presumption in favour of sustainable development...For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay*'.

Oadby & Wigston Local Plan

- Local Plan Policy 1 - Presumption in Favour of Sustainable Development
- Local Plan Policy 4 – Creating a Skilled Workforce
- Local Plan Policy 5 – Improving Health and Wellbeing
- Local Plan Policy 6 - High Quality Design and Materials
- Local Plan Policy 7 – Community Facilities
- Local Plan Policy 9 – Open Space, Sport and Recreation Facilities.
- Local Plan Policy 26 – Sustainable Transport and Initiatives
- Local Plan Policy 34 – Car Parking
- Local Plan Policy 37 – Biodiversity and Geodiversity
- Local Plan Policy 38 – Climate Change, Flood Risk and Renewable Low Carbon Energy
- Local Plan Policy 39 – Sustainable Drainage and Surface Water
- Local Plan Policy 44 – Landscape and Character

Supplementary Planning Document/Other Guidance

- Landscape Character Assessment (2018)
- Leicestershire Highways Design Guide (latest version)
- Residential Development Supplementary Planning Document (2019)
- Oadby & Wigston BC's Playing Pitch and Outdoor Sport Strategy (2024)

7. Planning Considerations

- 7.1 Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise and whether those material considerations are of such weight that the adopted policies of the Development Plan should not prevail in relation to any proposal.

In addition to the policy considerations set out above, there are a number of substantive material considerations that relate to the development of this site, which are:

- Principle of Development
- Impact of the Proposal on the Street Scene and Local Surroundings
- Impact of the Proposal on Neighbouring Properties
- Impact of the Proposal on the Local Highway Network
- Trees, Landscaping and Ecology
- Other Matters

Principle of Development

- 7.2 This section of the report is primarily concerned with identifying those policy areas or factors that provide demonstrable benefit weighing in favour of the development or where the proposals would be otherwise contrary to the development plan. In this it is noted that given the existing use of the site as a school the principle of the use of the site is established though the intensification of the use of the site still needs to be considered in line with relevant policies of the Oadby & Wigston Local Plan.
- 7.3 Policy 4 in respect of creating a skilled workforce outlines that "existing educational facilities (amongst other facilities) will be protected from potential loss through the Community Facilities Policy of this Local Plan and in principle support will be given to proposals that will result in improved educational facilities, including proposals to expand existing educational facilities or create new educational facilities". Consideration of this policy is intended to be considered in conjunction with policy 7 Community Facilities though it should be done so on the basis that provision of education facilities would be generally supported where appropriate.
- 7.4 Policy 5 broadly relates to improving the general health and wellbeing of residents of the borough including application relating to "existing services and facilities, specifically services and facilities relating to health, social wellbeing, culture and recreation". The provision of the amended altered playing field for public use as well as improved physical education facilities contributes positively to the aims of the policy.
- 7.5 Policy 7 promotes the provision, enhancement and retention of community facilities which are defined as facilities "occupied or used primarily by the voluntary and community sector" including "purpose-built structures such as community halls and village halls, places of worship, health centres, schools and cultural facilities such as museums, libraries, theatres, post offices and public houses". The policy further outlines that "development proposals must support and enhance community services and facilities where appropriate". The National Planning Policy Framework outlines that proposal must "ensure that established

community facilities are able to develop and modernise in a way that is sustainable, and be retained for the benefit of the community”.

- 7.6 The policy establishes that provision or enhancement of community facilities would be supported under the development plan in principle subject to meeting the below criteria:
- “- there is good access by pedestrian routes, cycle routes and public transport;
 - they encourage co-location of community uses;
 - sufficient car parking is already available or can be provided to meet the needs of the development;
 - residential amenity can be protected from any detrimental impact in terms of noise, traffic and hours of use; and
 - the external appearance of the building can provide a sense of place and can positively reflect the character and appearance of its surroundings.”
- 7.7 Issues around highways, amenity and design are covered later in the report though are viewed as material consideration in their own right. Essentially the provision of additional facilities to support the function of the existing Brocks Hill Primary School is supported in principle under policy 7. In order to meet the demands of the Borough’s growth the authority in conjunction with relevant departments within Leicestershire County Council and other relevant bodies must consider provision of supporting services to meet the needs of a growing population including provision of sufficient school places.
- 7.8 It was suggested in objections received on the application that the Council’s spatial strategy should be allocating land for provision of a new school as part of the development plan rather than extending school buildings. In the first instance the provision of school places is the responsibility of the County Council and falls outside of the remit of the development plan. Essentially the role of the local planning authority is to consider whether the provision of new school facilities is appropriate as with other types of application received by the authority.
- 7.9 It is noted that on advice from the Leicestershire County Council School Organisation Service who are involved with the planning and funding for school places in Oadby that the need for an additional 210 school places in the Brocks Hill catchment area is in part made up of 105 pupils from the Cottage Farm development.
- 7.10 The provision of additional school places is supported by the County Council and can be considered to be supported under policy 7 in principle subject to there being no overriding material consideration contrary to the outlined criteria.
- 7.11 The development of the two storey teaching block would remove part of the existing play area and open space to the rear of the main building which is to be replaced. Alterations would be made to the playing fields to form a 9v9 football pitch which would be made available for public use through a Community Use Agreement. Policy 9 of the Oadby & Wigston Local Plan seeks to protect existing open space, sports and recreational buildings and land, including playing fields unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; and

- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 7.12 Furthermore the Council's Playing Pitch and Outdoor Sport Strategy (2024) identifies an aim to protect the playing field at Brocks Hill Primary School. Whilst it is noted in the report that the playing field is not open to the public at present however it is identified as being suitable for public use in future.
- 7.13 In assessing the impact of the loss of the existing playing fields and play ground the advice of Sport England have been sought to ensure the proposed replacement would be sufficient to comply with the requirements of policy 9, Playing Pitch and Outdoor Sport Strategy (2024), Sport England Playing Field Strategy and paragraph 104 of the NPPF.
- 7.14 The comments received from Sport England confirmed that the proposed alterations to the playground and playing fields were considered to be acceptable subject to protective fencing for the playground and playing fields to ensure development and storage of materials is not undertaken on these sites and provision of a Community Use Agreement to allow for use of the playing fields by the public. Furthermore the comments provided confirmed the proposed internal hall including lighting and internal surfaces would meet Sport England's guidance for a sports hall and provide a betterment to the available facilities for physical education at the school. It was identified that the length of the hall would fall short of the required run-offs required for a badminton court by 0.8 metres and so a risk assessment would be required prior to use however this would fall outside of the remit of the planning process.
- 7.15 The provision of a Community Use Agreement for the playing field, which would need to be agreed with the Council among other parties, would cover among other factors hours of operation. Use of the playing field by the public would be naturally restricted by daylight hours as well as the operations of the school during term time. The proposal does not include provision of floodlights for which separate planning permission would be required. As such it is considered a hours of operation condition for use of the playing fields by the public is not necessary as part of the application as it would in the first instance be controlled under the associated Community Use Agreement for which a condition would already be imposed and further control could be imposed should external lighting be proposed subsequently.
- 7.16 The proposed alterations to the playground and playing fields are considered to be acceptable in principle with the provision of a 9v9 playing field to the public in line Playing Pitch and Outdoor Sport Strategy (2024) offering a benefit to the public. As such the proposal is considered to meet the requirements of policy 9.
- 7.17 Policy 38 encourages developments to incorporate "innovative ideas to be more sustainable" including "integrating renewable energy solutions into the development". Specific requirements of the policy in respect of renewable energy and sustainability relate to larger schemes than the proposal however the provision of solar panels to the roof of the teaching block would be supported under the policy.
- 7.18 In assessment of the above and subject to there being no material consideration to the contrary it is considered that the principle of development is considered to be acceptable and in accordance with the development plan with there being some associated public benefit weighing in favour of the proposal.

Impact of the Proposal on the Street Scene and Local Surroundings

- 7.19 Policy 6 of the Local Plan states regarding all new development: *'The Council will require the highest standards of inclusive design and use of the highest quality materials for all new development in the Borough. Proposals for new development must create a distinctive*

environment by respecting the existing local and historic character.' This is further highlighted in the policies supporting text as follows:

5.3.1 – 'High quality design, and the use of high quality materials is paramount in ensuring that new development creates attractive, buildings and spaces that are sustainable, well connected, and are in character within the locale they are set. It is imperative that new development provides buildings and spaces that people enjoy now and in the future.'

5.3.4 – 'Any development proposal should deliver the highest possible quality of design and use of materials.'

5.3.14 – 'Development should have regards to and enhance local character and history by ensuring that it responds to its landscape setting and history of the area, topography and wider context, within which it is located, as well as the local streetscape and local building materials.'

7.20 Furthermore, Policy 44 of the Local Plan indicates that *'Development proposals will only be permitted where it is in keeping with the area in which it is situated.'*

7.21 The proposed teaching block comprises a flat roof two-storey building to be erected in brickwork with vertical timber cladding on part of the first floor elevation. The flat roof appears to form a partial parapet wall screening views of solar panels and rooflights.

7.22 The existing school buildings are single-storey and provision of a two-storey building to the rear is considered to form a highly visible and incongruous feature when viewed from within the site. Despite this the appearance of the development is mitigated when viewed from public vantage points on Howdon Road by the distance from public vantage points at the accesses to the development site and soft landscaping of the scrubland to the north of the site.

7.23 Additionally the neighbouring Gartree High School is formed of multiple two storey buildings including a two-storey building set on the east boundary of the site close to the detached teaching block as shown in the image below.



7.24 In this context the presence of a flat roof two storey building would not appear out of place when viewed on the street scene and whilst not in keeping with the existing pattern of development of Brocks Hill Primary School it is not considered to detract from the character of the street scene as a whole. Furthermore the proposed parapet would largely screen the associated rooflights and solar panels proposed with the application.

- 7.25 The proposed materials of the two storey building similarly do not match the existing school buildings of Brocks Hill Primary School with use of vertical timber cladding and buff brickwork contrasting the primarily glazed fascias of the existing school building. Despite this the appearance of the existing school buildings is not considered to represent a high degree of design that would merit replication. As such the more contemporary design of the proposed two storey building is not considered to represent harm to the overall appearance of the site by virtue of the alternate materials proposed.
- 7.26 Details on the proposed secure fencing and gates within the site are sparse beyond the siting on the layout plan however given the utilitarian appearance of the existing boundary fencing it is considered unlikely that this feature would be out of character. Details of the gates and fencing should be ensured by condition prior to installation to exercise control on the overall appearance and height.
- 7.27 The alterations to the playing fields to the south of the main school block, parking layout and access alterations are considered to represent minor alterations to the appearance of the site much so which would not be discernible from public vantage points.
- 7.28 As such the proposals are considered to comply with the requirements of Policies 6 and 44 of the Oadby & Wigston Local Plan subject to condition to restrict materials to those proposed on the application.

Impact of the Proposal on Neighbouring Properties

- 7.29 The Council's Residential Development Supplementary Planning Document seeks to ensure that new development is designed so that it does not unacceptably affect the amenities enjoyed by the occupiers of neighbouring dwellings, particularly through loss of daylight or privacy.
- 7.30 The proposed two storey building is set to the east boundary away from the residential dwellings on Briar Meads and Sutton Close so would not result in a direct impact from overbearing or loss of light.
- 7.31 Though there would be some windows and a first floor terrace facing these dwellings the proposal is set at a significant distance away so it could not be substantiated that there would be a resulting impact on the privacy of these dwellings. It is further noted that the west boundary to the dwelling on Briar Meads and Sutton Close is marked by a mature tree line that is proposed to be retained and offers mitigation from the proposed development to nearby dwellings.
- 7.32 The teaching block is set in close proximity to a two-storey building within the boundary of Gartree High School which is understood to accommodate a sports hall. Given the use of this building including limited windows and oblique angle at which the proposal is set to this building it is not considered that there would be significant amenity issues arising in respect of the proximity to the Gartree High School site. Similarly, whilst there would be some east facing windows from the proposal these would look out over the playing fields of Gartree High School which given the use of both sites for education is not considered to constitute an unacceptable relationship.
- 7.33 An objection on the application raised concerns with regard to external lighting, particularly floodlighting, impacting neighbouring amenity. No floodlighting is proposed as part of the application which would require separate planning permission. Some lighting may be required in connection with the outside of the building or associated paths however as has been suggested by County Ecology final details can be secured by condition. Subject to an appropriate level of luminance being secured it is not considered that lighting associated with the proposals would result in undue harm to neighbouring amenity.

Impact of the Proposal on the Local Highway Network

- 7.34 Policy 26 of the Local Plan requires proposals “be located and designed to; reduce the need to travel by the private motor vehicle; enhance the safety of pedestrians and other road users; encourage the use of cycling as a sustainable mode of transport; and, improve accessibility for residents, particularly in locations where there is poor transport choice and availability”. The policy further sets out that “where new development is of a significant scale or type, a transport assessment and / or a travel plan, will be required”.
- 7.35 Policy 34 of the Local Plan seeks to ensure that there is adequate provision of car parking spaces and facilities across the Borough. It further sets out that parking provision should accord with Leicestershire Highways Design Guide (or equivalent) though does make allowance that “flexibility could be factored into the standards in relation to the specific local circumstances”.
- 7.36 Further to this Paragraph 115 of the NPPF states *‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’*
- 7.37 As highlighted in the objections to the proposal there are existing issues on the local highway network relating to peak drop off times for the 3 schools. It should be noted that it is not within the purview of this application to resolve the existing highways issues associated with all 3 schools. Rather the proposals would need to demonstrate that the associated intensification of the site would not represent undue harm in excess of the existing highways issues in the local area.
- 7.38 To assess the associated highways impact resulting from the proposal the advice to County Highways has been sought. Following initial advice, the application has been supported by the submission of a Transport Assessment including a Stage One Road Safety Audit and revised School Travel Plan.
- 7.39 The full comments of County Highways are available in the consultation response section of the report however to summarize, the baseline data provided is accepted by County Highways who have advised “the impacts of the development on highway safety would not be unacceptable”. Subject to conditions and contributions outlined in the response they are not opposed to the proposed development.
- 7.40 As outlined in the development description a number of internal alterations to the site are proposed to facilitate the intensification of the site which in conjunction with the findings of the Stage One Road Safety Audit has seen some further alterations to the internal layout of the site.
- 7.41 In assessing the existing site it is observed that the narrow access road in conjunction with an absence of dedicated turning facilities and drop off point exacerbates the existing highways issues in the area as it becomes prohibitive for vehicle users to enter the site. It is therefore identified that there is a need for improvements to the site to facilitate the flow of vehicles within the site.
- 7.42 The proposals would see the provision of an additional 14 cycle spaces (bringing the total to 30), 9 additional car parking spaces (bringing the total to 46) 1 additional accessibility space (bringing the total to 2). Whilst there would be some availability for these spaces to be available in connection with drop off and collection times outside of solely accommodating staff parking this is not in isolation considered to address the increased needs resulting from additional students on site. All spaces provided accord with Leicestershire Highways design Guidance for space standards.

- 7.43 The primary betterment as it relates to peak times is the improvements to accessibility of the site in the form of widening of the site access & internal access road, provision of formal turning facilities in the form of a roundabout and a dedicated drop off point. In isolation given the existing layout largely discourages entry into the site for the purposes of drop off and collection given its tight confines and lack of dedicated turning and drop off facilities these proposals represent significant betterment to the existing site promoting free movement of vehicles within the site. It is difficult to quantify how many additional trips these changes would accommodate though it is asserted that it would be sufficient to accommodate the estimated 54 extra car trips each way without exacerbating existing highways issues.
- 7.44 Other improvements include the appointment of a travel coordinator to monitor & report on issues and engage with parents & stakeholders, management of drop off bays & internal flow of traffic by staff posted at the pedestrian access gates and a programme of remedial measures outlined in the School Travel Plan to address identified issues going forward. It is also acknowledged that the site is in a sustainable location with a bus stop located at the site access.
- 7.45 In view of the internal improvements County Highways advised it was considered "the access proposals adequate for the scale of the proposals in these site-specific circumstances" though did make a contribution request for six-month bus passes for new employees to promote sustainable travel.
- 7.46 In terms of impact on the wider highway network trip generation modelling and junction capacity assessments have been undertaken incorporating the proposed increase in students up to 2030. This incorporated assessment of the Ash Tree Road/Coombe Rise and Howdon Road/Brocks Hill Primary School Access junctions. Further adjustments were made to data collected on site to provide a 'worse-case scenario' and a more robust assessment.
- 7.47 It was assessed using Ratio of Flow to Capacity as a statistical measure that the junctions would operate within capacity which was accepted by highways.
- 7.48 In respect of the submitted construction management plan it was confirmed that the plan had "satisfactorily identified and mitigated all matters relating to the highway" though compliance with the submitted details particularly the times of delivery and waste collection to not coincide with peak times would need to be ensured by condition.
- 7.49 In the absence of an objection from County Highways as the relevant statutory consultee it is considered that refusal of the application on highways grounds could not be substantiated. Whilst the proposed improvements to vehicular access for the site would not address the existing issues observed on the local highway network they would represent significant betterment in terms of accessibility and flow of traffic into the site to off set the intensification of the use of the site resulting from the proposal.

Trees, Landscaping and Ecology

- 7.50 Policy 36 states that the authority will "support development proposals that proactively seek a net gain" and "conserve, protect and enhance biodiversity and geodiversity". The policy further sets out that the authority would look to "explore opportunities to restore, enhance, create or connect with established natural habitats as an integral feature of the proposed scheme".
- 7.51 Policy 44 of the Local Plan relating to Landscape and Character states that 'all development proposals with the Borough will be considered against the need to conserve and enhance the distinctive landscapes in the Borough. The Council will seek to ensure that all development proposals reflect the prevailing quality, character and features such as settlement patterns, important views, open spaces and significant natural habitats'. The

policy goes onto state that 'development proposals will only be permitted where it is in keeping with the area in which it is situated.'

- 7.52 Development of the site is largely restricted to an area of open grass and existing hardstanding such as the playground considered to be of little ecological value though some trees would be removed. In support of the application the proposals are accompanied by a Preliminary Ecological Appraisal, Biodiversity Net Gain Assessment including the associated metric, an Arboricultural Impact Assessment & Method Statement and a Landscaping Plan.
- 7.53 In considering the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment the advice of County Ecology has been sought for which full final comments are provided in the consultee section of the report. It was advised by Ecology that they agreed with the findings of the Preliminary Ecological Appraisal and that Biodiversity Net Gain Assessment was achievable as proposed.
- 7.54 The findings of the Preliminary Ecological Appraisal did not identify any ecological constraints which would restrict the development beyond remedial measures during the construction phase though did identify some opportunities for ecological enhancement which can be secured through condition.
- 7.55 The proposed works would primarily impact low value grass habitat units which can be compensated for within the Brocks Hill Primary School site to provide 11.24% net gain in habitat units. The land required to achieve Biodiversity Net Gain falls outside of the red line area of the development site though would still fall within the blue line area of the wider Brocks Hill Primary School Site. As such provision of BNG is to be secured through a section 106 agreement which is currently being worked on with the applicant.
- 7.56 The submitted Arboricultural Impact Assessment identified 4 trees to be removed (T4 Plum, T5 Hawthorn, T6 Whitebeam & T10 Willow) though these trees fall within categories C & U and are not considered to represent high value specimens. The remaining proposed works to the tree scape are for crown reduction to some trees on the grounds of which is considered to represent reasonable maintenance. Proposed protection measures for retained trees during the proposed works including the erection of protective fencing in line with the provided protection plan is considered to be appropriate.
- 7.57 To offset the loss of trees recommended in the Arboricultural Impact Assessment and contribute to improved amenity and meeting the Biodiversity Net Gain Requirements the application is accompanied by a landscaping scheme. The general layout would see the planting of additional tree along site boundaries and is considered to be acceptable in principle though final details of species would need to be provided though this can be ensured by condition.
- 7.58 The proposed works are not considered to unduly harm the overall ecological value or landscape character of the site to the extent that they would be contrary to policies 36 or 44 of the Oadby & Wigston Local Plan. Furthermore it is agreed that provision of 10% Biodiversity Net Gain can be achieved on the site hence it is considered that subject to conditions and section 106 agreement in respect of securing BNG the application is considered to be acceptable in ecological and landscape terms.

Other Matters

- 7.59 In comment from the Local Lead Flood Authority it was confirmed that the site is in Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding. It was requested that further information be provided to assess the proposals including a supporting surface water strategy though further comments have not been received.

- 7.60 Despite this it is considered that it has been demonstrated there are no further flood risk sources that would result in or exacerbated drainage on site and given the initial advice of the LLFA it is reasonable to conclude that sufficient surface water drainage could be achieved on site with full details secured by condition.

8. Conclusion

- 8.1 In summary, the provision of a new school block to accommodate up to 210 additional students would meet a growing need for school places in the local catchment area and is supported in principle by the development plan. Whilst there are existing highways issues related to peak times for the schools in the local area consideration of the application must be on the basis of the proposed development not exacerbating this existing issue to an unacceptable degree as it is not within the purview of this application to address these issues which at least in part relate to surrounding site in addition to the development site. The proposed alterations to the site frontage to facilitate greater ease of movement into and within the site would alleviate some of these issues where it would facilitate drop off within the site rather than parking up in the surrounding area. The findings of the Transport Assessment and associated documentation as well as the improvements to vehicular mobility and parking within the site have been accepted by County Highways and in the absence of any other substantive reason to resist the proposed development it is recommended for approval subject to the below conditions and satisfactory completion of a S.106 Agreement.

9. Recommendation, Proposed Conditions and Informatives

- 9.1 It is recommended that the application is PERMITTED subject to the suitable conditions set out below.

9.1.1 Recommended Conditions

1. 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. Unless otherwise first approved in writing (by means of a Non-material Amendment/Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below:

Location Plan - Planning Portal Reference: PP-13367590v1 (received 30.10.2024)

Proposed Site Plan - 23409-04-S2E-00-D-A-03-XX Rev P08 (received 24.09.2025)

Proposed Ground Floor Plan - 23409-S2E-04-00-D-A-02-10 Rev P07 (received 16.12.2024)

Proposed First Floor Plan - 23409-S2E-04-00-D-A-02-11 Rev P07 (received 16.12.2024)

Proposed Elevations - 23409-S2E-04-00-D-A-03-ZZ Rev P06 (received 16.12.2024)

Proposed Roof Plan - 23409-S2E-04-00-D-A-02-12 Rev P06 (received 30.10.2024)

Site Access - General Arrangement - 24366-GMB-XX-XX-DR-C-0100 Rev P02 (received 04.09.2025)

Reason: For the avoidance of doubt as to what is permitted by this permission and in the interests of proper planning.

3. All external materials used in the development hereby approved shall be in accordance with the details outlined on the application form unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6 and 44 of the Oadby and Wigston Local Plan.

4. Prior to their first installation details of the fencing and entrance gates shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6 and 44 of the Oadby and Wigston Local Plan.

5. Prior to the commencement of any development on the site, a construction fence shall be erected along the southern boundary of the proposed building and playground extension as shown on approved plan Proposed Site Plan - 23409-04-S2E-D-A-03-XX Rev P08 (received 24.09.2025). This construction fence line (limit of works) shall remain in place throughout the duration of the construction activity and no works/storage shall take place on the playing field area which lies outside of this fence.

Reason: To ensure that the retained playing field at the site is protected during construction of the approved development in accordance with the requirements of the NPPF (2024).

6. Prior to any works commencing on the sub-base of the development hereby approved a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The agreement shall apply to the community use of the retained playing field land. The agreement shall include details of pricing policy, hours of use, access by community users to the land, ancillary facilities and car parking, management responsibilities and a mechanism for review. The development shall be used in compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with the requirements of the NPPF.

7. All mitigation measures and/or works during the construction phase shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech, April 2024).

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

8. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal and Preliminary Roost Assessment Arbtech, (April 2024), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

9. Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

10. A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:

- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
- c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and

- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

Reason: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

11. No part of the development hereby permitted shall be brought into use until such time as the access arrangements shown on approved plan Site Access - General Arrangement - 24366-GMB-XX-XX-DR-C-0100 Rev P02 (received 04.09.2025) have been implemented in full.

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 (2024).

12. The development hereby permitted shall not be brought into use until such time as the parking and turning facilities have been implemented in accordance with approved plan Proposed Site Plan - 23409-04-S2E-D-A-03-XX Rev P08 (received 24.09.2025). Thereafter the onsite parking and turning provision shall be kept available for such use(s) 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 (2024).

13. The development hereby permitted shall not be brought into use until such time as secure cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such use in perpetuity.

Reason: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2024).

14. The Applicant will comply with the details as set out within the Construction Management Plan dated 5 March 2025. 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.

15. No 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. The development must be carried out in accordance with these approved details and completed prior to first occupation.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

16. Notwithstanding the solar panels illustrated on the approved plans, no external plant or machinery (including air conditioning units, air source heat pumps or flues) shall be installed on the two-storey teaching block hereby approved without details (including noise and/or odour impact assessments when applicable) first being submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of occupants and neighbouring sites possible adverse impacts from any external plant and machinery in accordance with Policy 6 of the Oadby and Wigston Local Plan (2019).

17. The works permitted shall be carried out in accordance with the recommendations and safety measures outlined within the Arboricultural Impact Assessment, Arboricultural Method Statement & Associated Tree Plans prepared by AA Tree Surgeons Arboricultural Consultancy – Ref 240827 Brocks Hill (received 20.12.2024) including provision of protective fencing in accordance with Appendix 2 Tree Survey and Protection Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that all trees, shrubs and hedges to be retained are adequately protected during the construction of the development.

18. Prior to commencement of the development hereby permitted details of hard and soft landscaping including species, numbers and locations of tree planting, areas of turfing or modified grassland and materials for hardstood or laid surfaces shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure suitable landscaping is provided to enhance the development and in accordance with the aims and objectives of the National Planning Policy Framework and Policy 44 of the Oadby and Wigston Local Plan.

19. All planting, seeding or turfing comprised in the approved details of landscaping under condition 18 of this permission shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants including those to be retained as part of the proposal 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 similar size and species, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure that an approved landscaping scheme 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 the occupiers of adjacent buildings and in accordance with the aims and objectives of the National Planning Policy Framework and Policy 44 of the Oadby and Wigston Local Plan.

9.1.2 Proposed Informatives

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. If the proposal involves the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Etc. Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.
3. 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.
4. 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).
5. 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.
6. More information on Community Use Agreements including a model template is available on Sport England's website: <https://www.sportengland.org/how-we-can-help/facilities-andplanning/planning-for-sport/community-use-agreements>.
7. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be INSERT LPA.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

8. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. 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://www.leicestershirehighwaydesignguide.uk>

9. 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/appeal-planning-decision>. 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.

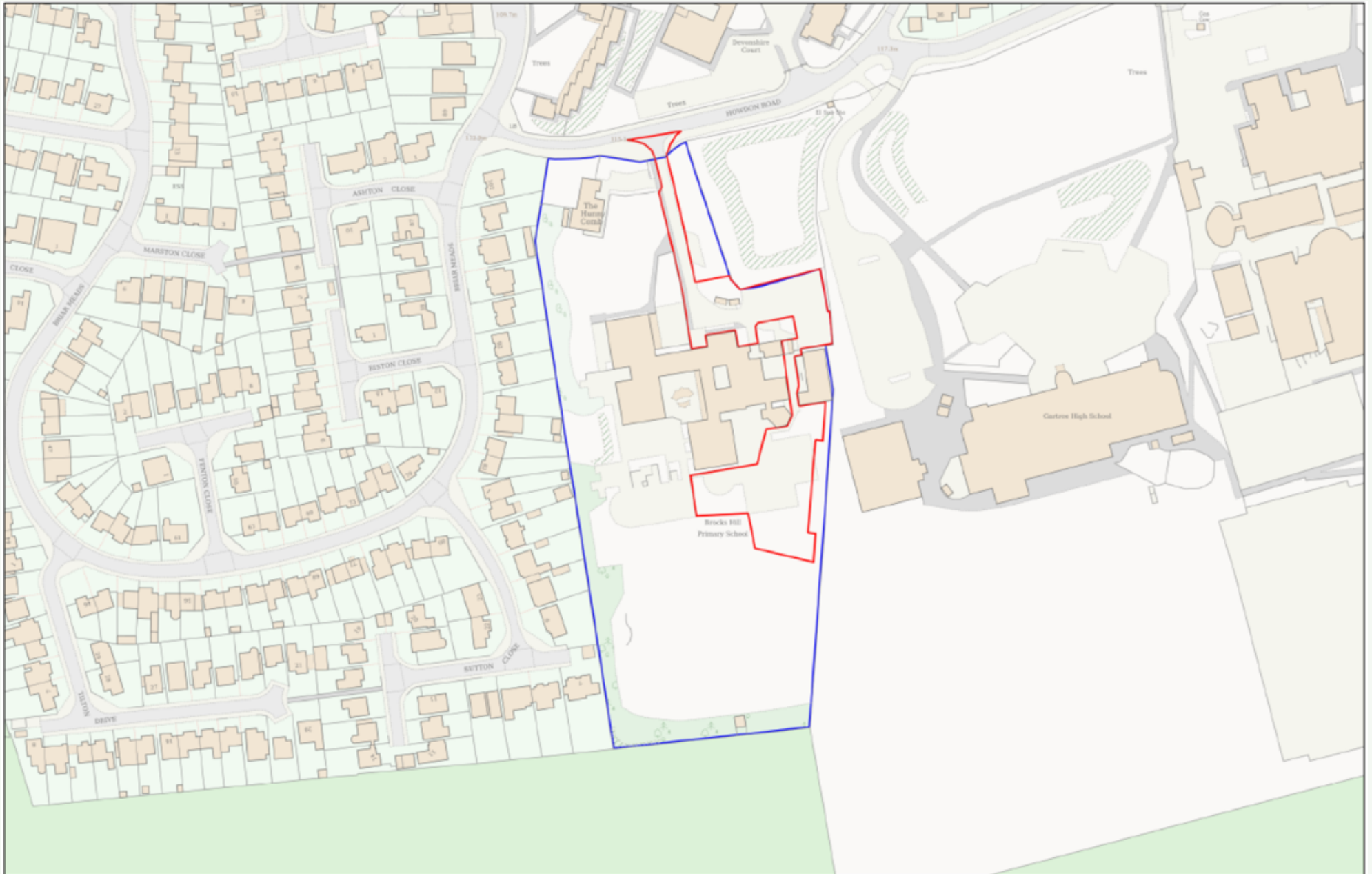
Application Ref. No. 24/00433/FUL

Appendix 1

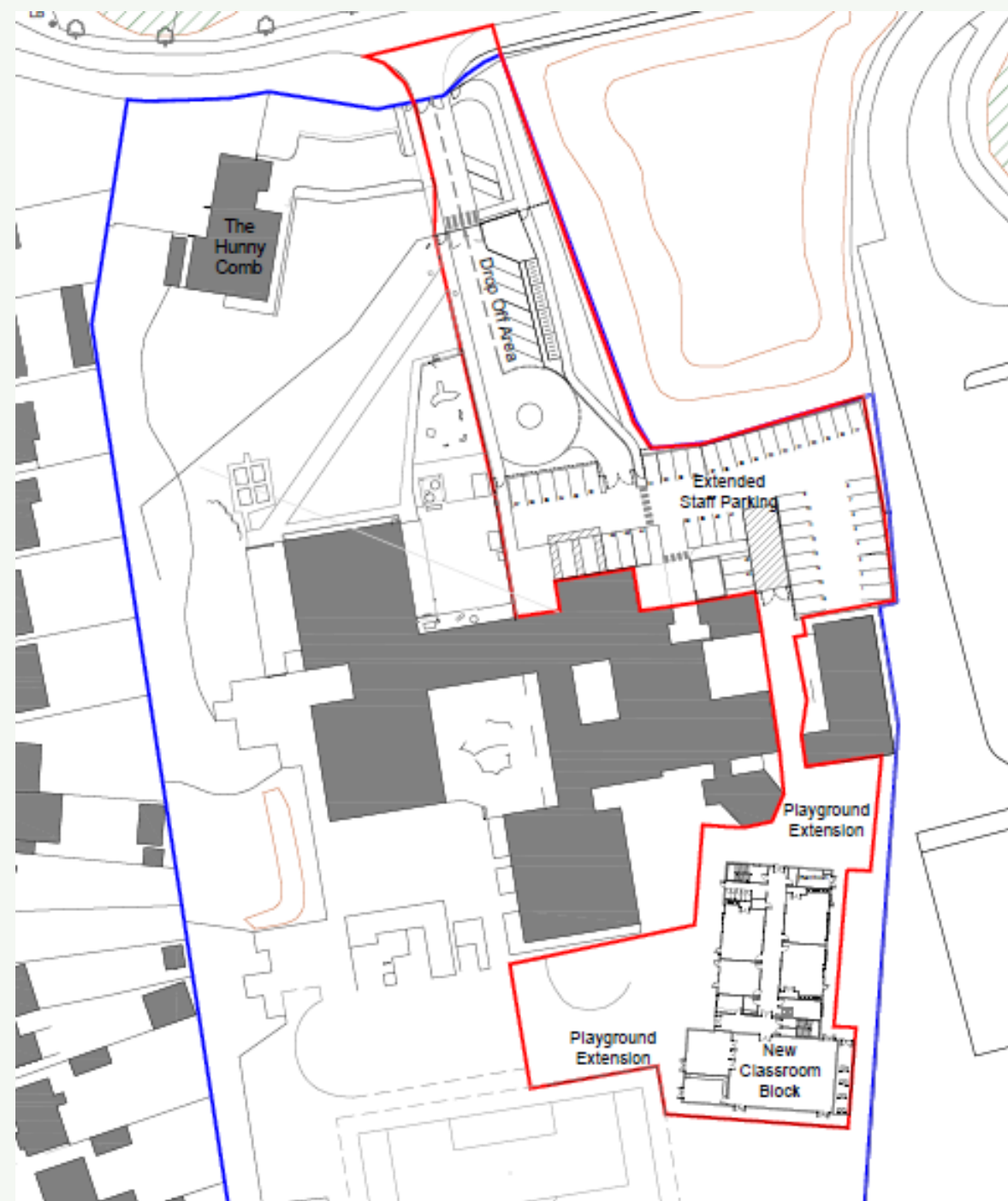
Brocks Hill Primary School, Howdon Road, Oadby, Leicestershire, LE2 5WP

Erection of two storey teaching block, car parking, drop off area, cycle parking and new playgrounds including alterations to site access.

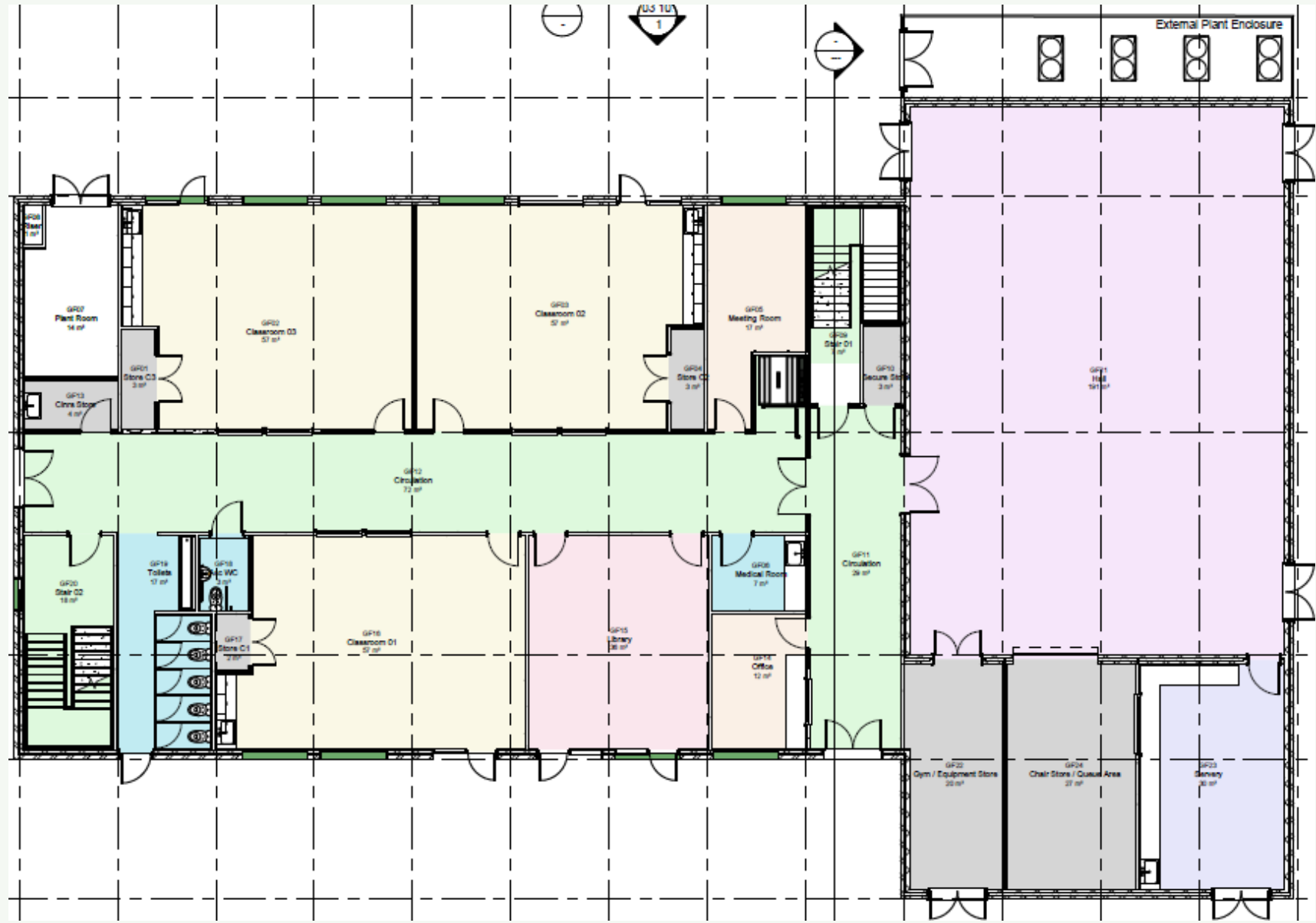
Site Location



Site Plans

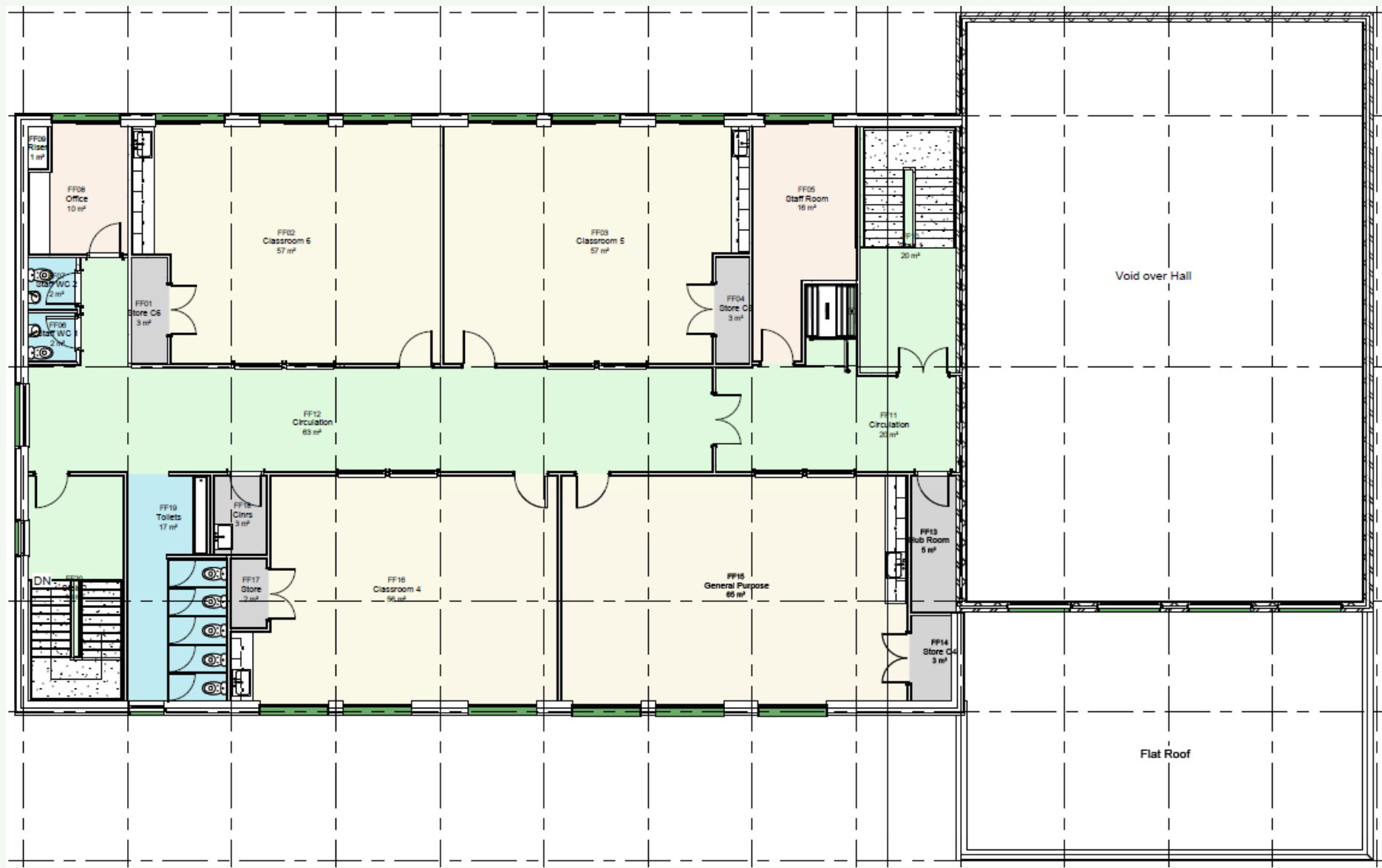


Proposed Ground Floor Plan





Proposed First Floor Plan



Proposed Side Elevations

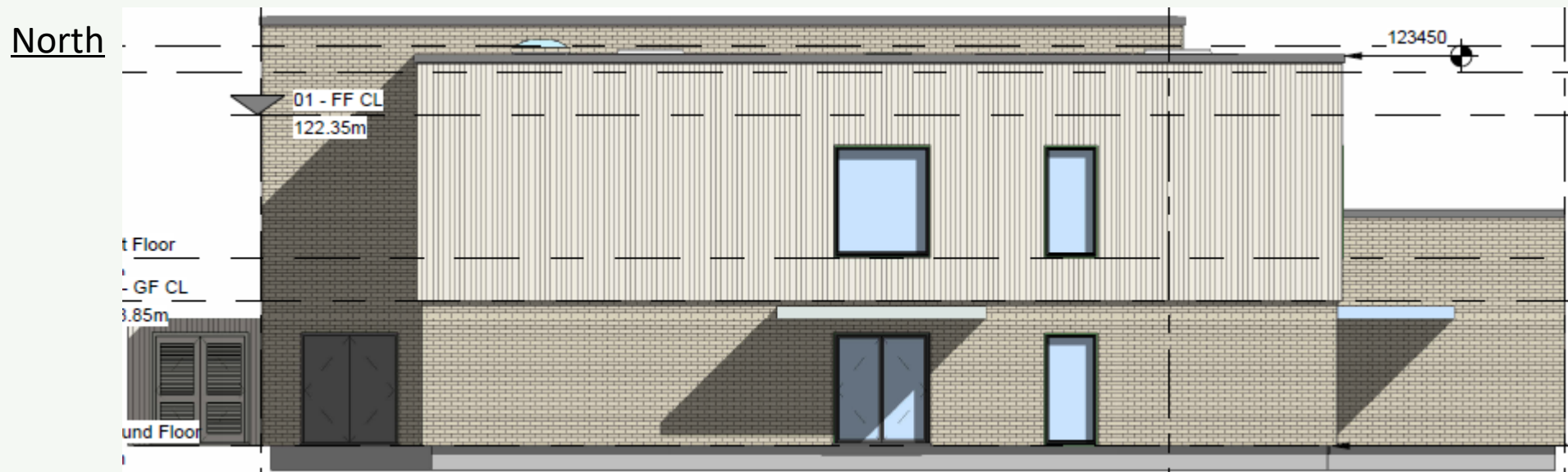
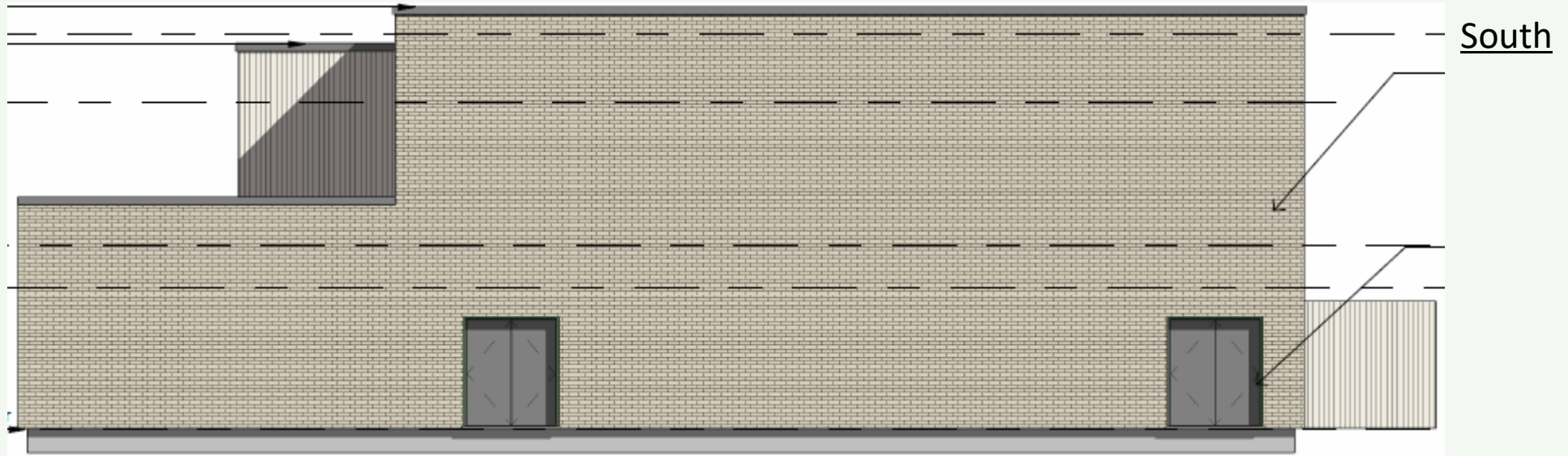


West

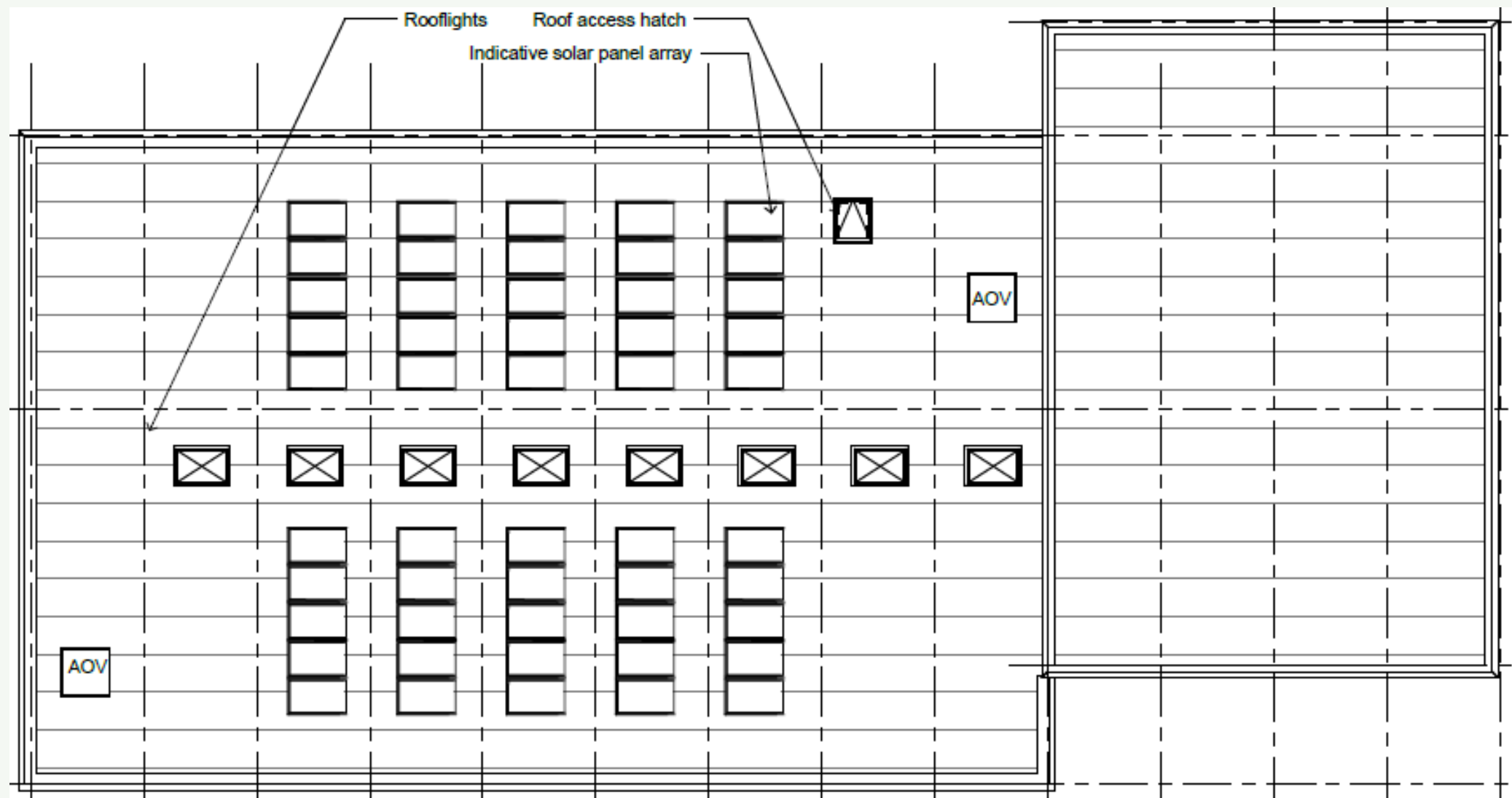


East

Proposed Front & Rear Elevations



Proposed Roof Plan





Internal Layout Alterations



Site Access



Agenda Item 6



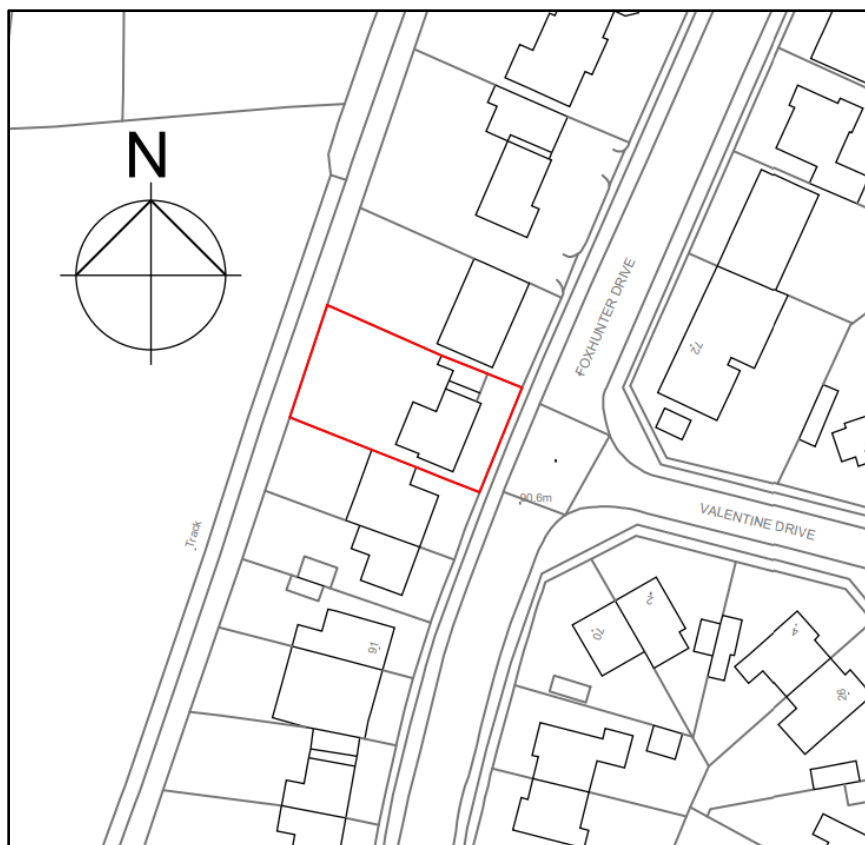
Development Control Committee	Thursday, 27 November 2025	Matter for Decision
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Report Title: **97 Foxhunter Drive, Oadby, Leicestershire, LE2 5FH (Ref. No. 25/00104/FUL)**

Case Officer(s): **Max Heagin (Senior Development Control Officer)**

Site Address:	97 Foxhunter Drive, Oadby, Leicestershire, LE2 5FH
Application Description:	Erection of two storey side and rear extension including demolition of garage, single storey front porch extension and single storey rear extension including demolition of conservatory and creation of first floor roof terrace above.
Purpose of Report:	To consider and determine the planning application accordingly. The application is brought before committee as the applicant is related to a member of the authority.
Recommendation(s):	That the application be PERMITTED planning permission in accordance with the submitted documents and plans subject to the prescribed conditions and informatives.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	Teresa Neal (Strategic Director) (0116) 288 8961 teresa.neal@oadby-wigston.gov.uk Adrian Thorpe (Head of the Built Environment) (0116) 0116 257 2645 adrian.thorpe@oadby-wigston.gov.uk Jamie Carr (Planning Policy & Development Manager) (0116) 257 2652 jamie.carr@oadby-wigston.gov.uk Max Heagin (Senior Development Control Officer) (0116) 257 2716 max.heagin@oadby-wigston.gov.uk
Consultees:	No statutory consultations required.
Background Papers:	Search application reference no. 25/00104/FUL via Public Access to access all available documents (e.g. assessments, plans, forms etc.)
Appendices:	1. Case Officer's Presentation (Ref. No. 25/00104/FUL)

1. Site and Location



- 1.1 The site is located within the settlement of Oadby and is occupied by a large two storey detached property located to the west side of Foxhunter Drive in Oadby backing onto the Leicester Racecourse. The area is characterised by two storey detached and semi-detached properties of a few distinct house types though a number of properties have been previously extended at both ground and first floor level contributing to a mixed built form on the street scene.
- 1.2 The area is characterised by two storey detached properties and detached bungalows of a few distinct original house types though many have been previously extended contributing to a mixed built form.
- 1.3 The development site reflects a common house type on the street scene characterised by a gable ended pitched roof, tile hanging on the first floor of the principal elevation and a single storey side garage. It is noted that other properties of this house type have been previously extended including No.74 & No.80.
- 1.4 This proposal has been brought to Committee due to the applicant's relationship with a serving Council Member.

2. Description of Proposal

- 2.1 The application seeks planning permission for the erection of two storey side extension replacing the existing garage and extending approximately 4m past the rear of the existing dwelling. A single storey rear extension to replace the existing extension would also project approximately 4m in line with the two-storey extension with a roof terrace incorporated above. A single storey pitched roof front porch extension is also proposed on the existing front door.

- 2.2 Following discussions with the Local Planning Authority the scheme was amended to incorporate a timber slated privacy screen to the south side of the roof terrace to protect the amenity of neighbouring residents.
- 2.3 All materials are proposed to match the existing dwelling whilst the window fenestration is to match the existing windows in respect of scale and design.

3. Relevant Planning History

- 3.1 N/A

4. Key Consultations and Responses

- 4.1 N/A

5. Neighbour and Resident Responses

- 5.1 Neighbours have been notified by site notice posted on 02.05.2025 with no letters of representation being received at the time of writing this report.

6. Planning Policy Relevant to the Proposal

National Planning Policy Framework

- 6.1 The National Planning Policy Framework (NPPF) establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 6.2 Paragraph 2 of the NPPF states that '*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise*'.
- 6.3 Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are:
- An economic objective
 - A social objective
 - An environmental objective
- 6.4 Paragraph 11 states that '*Plans and decisions should apply a presumption in favour of sustainable development...For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay*'.

Oadby & Wigston Local Plan

- Local Plan Policy 1 – Presumption in Favour of Sustainable Development
- Local Plan Policy 6 – High Quality Design and Materials
- Local Plan Policy 34 – Car Parking
- Local Plan Policy 44 – Landscape and Character

Residential Development Supplementary Planning Document (2019)

- 6.5 This Supplementary Planning Document (SPD) is a planning policy document that focuses on the design, character and use of materials of all new residential related development within the borough. All new residential related development should have a relationship with its surroundings in terms of massing, height, balance, use of materials, roof shape and architectural detailing.
- 6.6 Paragraph 3.2 states that: *'All new residential related development should have a relationship with its surroundings in terms of massing, height, balance, use of materials, roof shape and architectural detailing. The character and appearance of residential related development and how this fits with the local street scene are important considerations when deciding if proposed development is acceptable. All new residential related development should fit with the existing street scene and retain and / or enhance locally distinctive character.'*
- 6.7 Paragraph 3.3 states that: *'Residential extensions and enlargements should be in keeping with the character and appearance of the dwelling to be extended as well as the wider local area. There is a limit to the number of extensions which can be added to a property or to a site. What constitutes overdevelopment will vary from site to site, as each set of circumstances is unique. If extensions are beginning to overwhelm a property or if there is a large number of outbuildings in close proximity to each other, site boundaries or the main house, it may be that a site is already overdeveloped. In such circumstances additional development may not be appropriate. A key point of note, is that any extensions or enlargements should be visually subordinate to the existing dwelling that is to be extended.'*
- 6.8 Paragraph 3.4 states that: *'Whilst variety in design through changes in roof form or storey height will not be discouraged, new development should not be over-dominant or otherwise harmful to the locally distinctive appearance of the surroundings. Large dominant extensions are rarely satisfactory and particular care is needed in the case of front extensions to semi-detached or terraced properties.'*
- 6.9 Paragraph 3.5 states that: *'In order to improve the architectural quality of the built environment, a high standard of design will be required in all forms of development and external materials and finishes should be chosen to give a high quality appearance and identity to the scheme. Consideration should also be given to the boundaries (walls, railings, fences, hedges) and trees and vegetation within the area. Reference may also be made to the Council's non-statutory publication – 'OWBC Tree Strategy 2018 – 2023, Trees for Life' which is available via the Council's website.'*
- 6.10 Paragraph 3.6 states that: *'Roof form and style often contribute significantly to the appearance and character of a residential dwelling. A Victorian villa and a post war suburban semi-detached property are both residential dwellings which can be built out of red brick but the differences in their roof form helps define their character. Roof form also has an important part to play in ensuring an extension is appropriately designed.'*
- 6.11 Paragraph 3.7 states that: *'In order to ensure an extension is sympathetic to the original dwelling its roof should replicate the proportions, pitch, shape and materials of the main house. This is just as important for single storey extensions as those at two storey level.'*
- 6.12 Paragraph 3.17 states that: *'Residential dwelling extensions and enlargements should not only be designed to match and complement the existing dwelling style, but should also be constructed in matching, similar and / or complementary materials, where the existing materials are of an acceptable quality and standard. It should be noted that the use of matching materials is relevant to the extension in its entirety, for example the façade, the side(s) and the rear.'*

- 6.13 Paragraph 3.22 states that: *'All new windows and doors should respect the character and appearance of the local area, and extensions or enlargements should respect the character and the appearance of the existing residential dwelling that is to be extended.'*
- 6.14 Paragraph 3.34 states that: *'All new residential development, including extensions and alterations, should be designed so that adequate levels of amenity for future and existing residents of the property and neighbouring properties are provided and maintained.'*
- 6.15 Paragraph 3.84 states that: *'Individual plots should fit in with the existing street scene and should have an area, frontage and depth which are comparable with adjoining properties. New residential homes should not be out of character or do harm to the locally distinctive character of the locality in which it is situated.'*
- 6.16 Paragraph 3.87 states that: *'The design of the new dwelling(s) should not have a detrimental impact on the amenities of existing properties through the loss of light or privacy and should normally provide sufficient off street car parking and garden space to meet the needs of the new development.'*

Supplementary Planning Document/Other Guidance

- Landscape Character Assessment (2018)
- Leicestershire Highways Design Guide (latest version)

7. Planning Considerations

Impact of the Proposal on the Street Scene and Local Surroundings

- 7.1 Policies 8 and 12 of the NPPF require development to be well-designed and promote safe, healthy and inclusive environments.
- 7.2 Policy 6 of the Oadby & Wigston Local Plan states regarding all new development: *'The Council will require the highest standards of inclusive design and use of the highest quality materials for all new development in the Borough. Proposals for new development must create a distinctive environment by respecting the existing local and historic character.'* This is further highlighted in the policies supporting text as follows:
- 7.3 5.3.1 – *'High quality design, and the use of high quality materials is paramount in ensuring that new development creates attractive, buildings and spaces that are sustainable, well connected, and are in character within the locale they are set. It is imperative that new development provides buildings and spaces that people enjoy now and in the future'*
- 7.4 5.3.4 – *'Any development proposal should deliver the highest possible quality of design and use of materials'*
- 7.5 5.3.14 – *'Development should have regards to and enhance local character and history by ensuring that it responds to its landscape setting and history of the area, topography and wider context, within which it is located, as well as the local streetscape and local building materials'*
- 7.6 Policy 44 of the Oadby & Wigston Local Plan states that all development proposals within the Borough will be considered against the need to conserve and enhance the distinctive landscapes in the Borough. The Council will seek to ensure that all development proposals reflect the prevailing quality, character and features such as settlement patterns, important views, open spaces and significant natural habitats.
- 7.7 The two-storey extension projecting from the rear of the side extension would form a separate rear facing gable slightly reduced at the ridge from the rest of the extension at

6.6m which matches the same eaves height. The gable ended pitched roof is considered to represent appropriate design and is reflective of similar design of rear extension at No.80 Foxhunter Drive. The projection of the rear extension is also level with the rear of the neighbouring two storey rear extension at No.99 Foxhunter Drive and as such is considered to be in character with the pattern of development in the area. Similarly, the proposed front porch extension is similar in design and scale to other front porch extensions observed on the street scene including the neighbouring property at No.99 Foxhunter Drive and as such is considered to be in keeping with the character of the area.

- 7.8 The single storey rear extension would be finished in a flat roof which is generally not supported by the Residential SPD however this is largely screened from public vantage points, and it is noted that there are more prominent examples of flat roof extensions visible adjacent to the site. It was observed on site that the requested privacy screen would be partially visible from public vantage points given the set back and pitched roof design of the neighbouring side extension combined with the separation between each of the main dwellings.
- 7.9 Public vantage points would be limited however and the proposed timber slatted design, which whilst not being particularly in keeping with the main dwelling, it is noted that the adjacent corner property at No.72 Foxhunter Drive features a prominent timber fence, so it is not considered reasonable to prejudice against the proposal based on the materials in this instance.
- 7.10 As it relates to the provision of a roof terrace the privacy screen would be the only part of the development visible (albeit partially) from public vantage points and would only be discernible from neighbouring properties and the Leicester Racecourse. It should be noted that permission was recently granted for a similar roof terrace extension facing the racecourse at No.58 Winslow Drive under application 25/00062/FUL. As such it is difficult to substantiate in principle that the provision of a roof terrace would be contrary to the character of the area where it does not directly impact upon the appearance of the street scene.
- 7.11 Overall, the area is characterised by a mix two storey semi-detached and detached dwellings of a similar character in addition to bungalows to the south and east of the site contributing to a mixed built form on the street scene. Extensions are prevalent on the street scene with a variety of two storey side, single storey side and single storey front extensions being a consistent feature. The design and scale of the proposal is considered to be suitable and in keeping with the pattern of development observed on the street scene. As such it is considered that the application would have accord with Policies 6 and 44 of the Oadby and Wigston Local Plan and Residential Development Supplementary Planning Document (2019).

Impact of the Proposal on Neighbouring Properties

- 7.12 Policy 6 of the Oadby & Wigston Local Plan, in conjunction with the Residential Development Supplementary Planning Document (2019), seeks to protect quality of life by ensuring new development does not result in an unacceptable impact on local amenity in terms of air quality, noise, vibration, smell, light or other pollution, loss of light, overlooking or visual intrusion.
- 7.13 The proposed single story rear extension would measure approximately 4m in depth which is set back from the neighbouring rear extension serving No.95 Foxhunter Drive whilst the two storey rear extension would align with the two storey rear extension of No.99 Foxhunter Drive. As such although the proposed extensions would be greater than 3.5m it is not considered to be contrary to the Residential SPD as it would not breach 45 degrees of any neighbouring window and the approximately 4m projection is broadly comparable to

the projection of the existing neighbouring extensions. Furthermore, the proposal is not considered to cause undue impact from loss of light or overbearing as a result of the extensions.

- 7.14 The flat roof of the rear extension is proposed to form a roof terrace which whilst screened to the north by the two storey element of the proposal is set adjacent to the single storey side extension of No.95 Foxhunter Drive from which there is considered to be the potential for overlooking of the neighbouring garden. Additionally, there is considered to be the potential for a neighbouring first floor side extension or existing dwelling to introduce side facing windows with visibility of the proposed roof terrace which would fall outside of the control of this application but is a consideration.
- 7.15 Through discussions with the agent/applicant a privacy screen was introduced to the south side of the roof terrace to mitigate against potential privacy issues for which it is considered necessary to ensure its provision and retention by condition. It is also considered necessary to condition provision of the approximately 1m balustrade across the rear of the roof terrace for the safety of users and to safeguard the privacy of neighbouring residents.
- 7.16 Though there would remain a degree of overlooking resulting from the roof terrace this would be limited primarily to the rear extents of neighbouring gardens which would be comparable to the degree of overlooking associated with a rear facing window. The primary impact from overlooking from such a roof terrace would be from the adjacent site which in this case would be the Leicester Racecourse which itself is bounded by a significant tree line and is not considered to be unduly impacted by the proposal. As such whilst it is acknowledged there is an associated impact from overlooking on the neighbouring rear amenity spaces with the provision of screening to each side of the roof terrace it is considered that the associated impact would not be significant enough to justify refusal of the application.
- 7.17 Given the above assessment it is considered that the application would accord with Policy 6 of the Oadby and Wigston Local Plan and does not unduly harm the amenity of neighbouring residents to the extent that refusal of the application could be justified.

Impact of the Proposal on the Local Highway

- 7.18 Policy 34 of the Oadby & Wigston Local Plan seeks to ensure that there is adequate provision of car parking spaces and facilities across the Borough.
- 7.19 The proposal would increase the number of bedrooms to 4 for which Leicestershire Highways Design Guidance requires provision of 3 off street parking spaces. The development site currently features an attached garage though this is no longer wide enough to accommodate modern vehicles whilst the site frontage is hard stood in front of the garage and main dwelling so is capable of potentially accommodating up to 2 off street parking spaces in line with guidance although this would be in a tandem format with one space being accommodated across the front of the main dwelling.
- 7.20 The proposed development would incorporate an integral garage providing an additional off street parking space that meets Leicestershire Highways Design Guidance and satisfy the increased provision required through the creation of an additional bedroom. Although the use of tandem parking is generally not considered to be suitable as it encourages on street parking to avoid the moving of cars for access it is acknowledged that this is an existing situation and the increase in bedrooms is provided for by the proposed integral garage. It is further noted that there is some capacity for on street parking on the street scene and as such the proposal is not considered to represent an unacceptable impact contrary to Policy 34 of the Local Plan.

Other Matters

- 7.21 No other matters are considered necessary.

8. Conclusion

- 8.1 In summary it is concluded that the application would blend in well with the existing dwelling in terms of its design and would not significantly harm the neighbouring properties in terms of overshadowing, overbearing and overlooking to the extent that it would justify refusal of the application. Additionally, it is considered that the proposal would not significantly harm the parking provision as well. As such is considered that the application be approved planning permission subject to conditions below.

9. Recommendation, Proposed Conditions and Informatives

- 9.1 Approve planning permission

1. 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. All external materials used in the development hereby approved shall in accordance with the materials listed on the application form unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6 and 44 of the Oadby and Wigston Local Plan.

3. The proposed render (including the overall finished colour) shall be completed prior to the first use of the development hereby approved.

Reason: To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6 and 44 of the Oadby and Wigston Local Plan.

4. The first floor east front elevation window of the two storey side extension serving the "bathroom" shall be fitted with obscure glass and be non-opening up to a height of 1.7m from floor level. Thereafter the window shall not be replaced or altered without the prior written permission of the Local Planning Authority.

Reason: To safeguard the privacy of occupiers of the adjoining property and in accordance with Policy 6 of the Oadby and Wigston Local Plan.

5. The privacy screen wall to the south side and balustrade to the east rear of the first floor roof terrace over the single storey rear extension hereby approved shall be installed in accordance with the approved plan 'Proposed Elevations dwg no. K116(PL)02 rev E received 31.10.2025' prior to first use of the development hereby approved and shall be retained thereafter.

Reason: To safeguard the privacy of occupiers of the adjoining property and in accordance with Policy 6 of the Oadby and Wigston Local Plan.

6. Unless otherwise first approved in writing (by means of a Non-material Amendment/Minor Material Amendment or a new Planning Permission) by the Local

Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below:

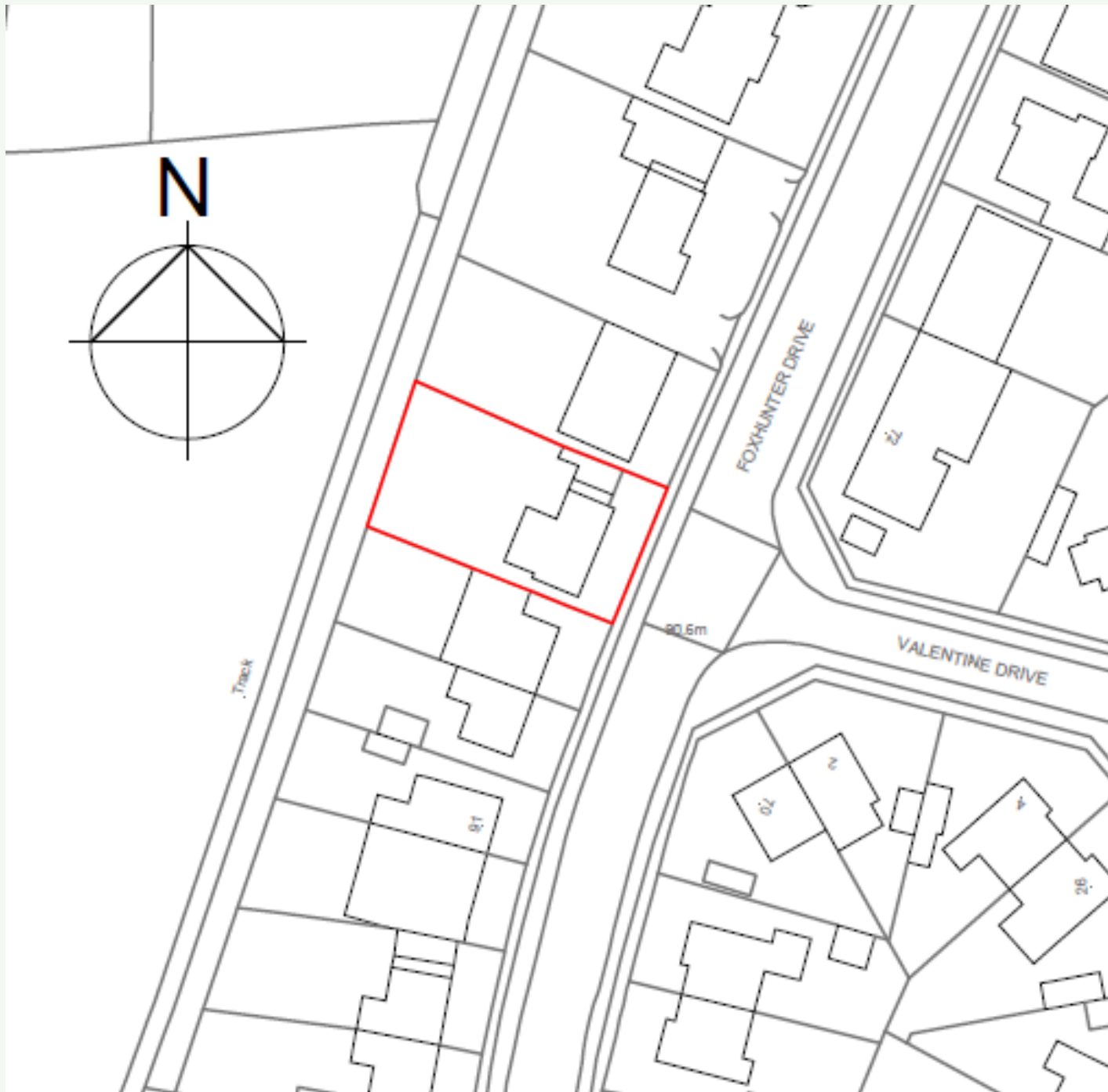
- Site/Block & Location Plans K116(90)01 rev B received 31.10.2025
- Plans dwg no. K116(PL)01 rev G received 16.09.2025
- Proposed Elevations dwg no. K116(PL)02 rev E received 31.10.2025

Reason: For the avoidance of doubt as to what is permitted by this permission and in the interests of proper planning.

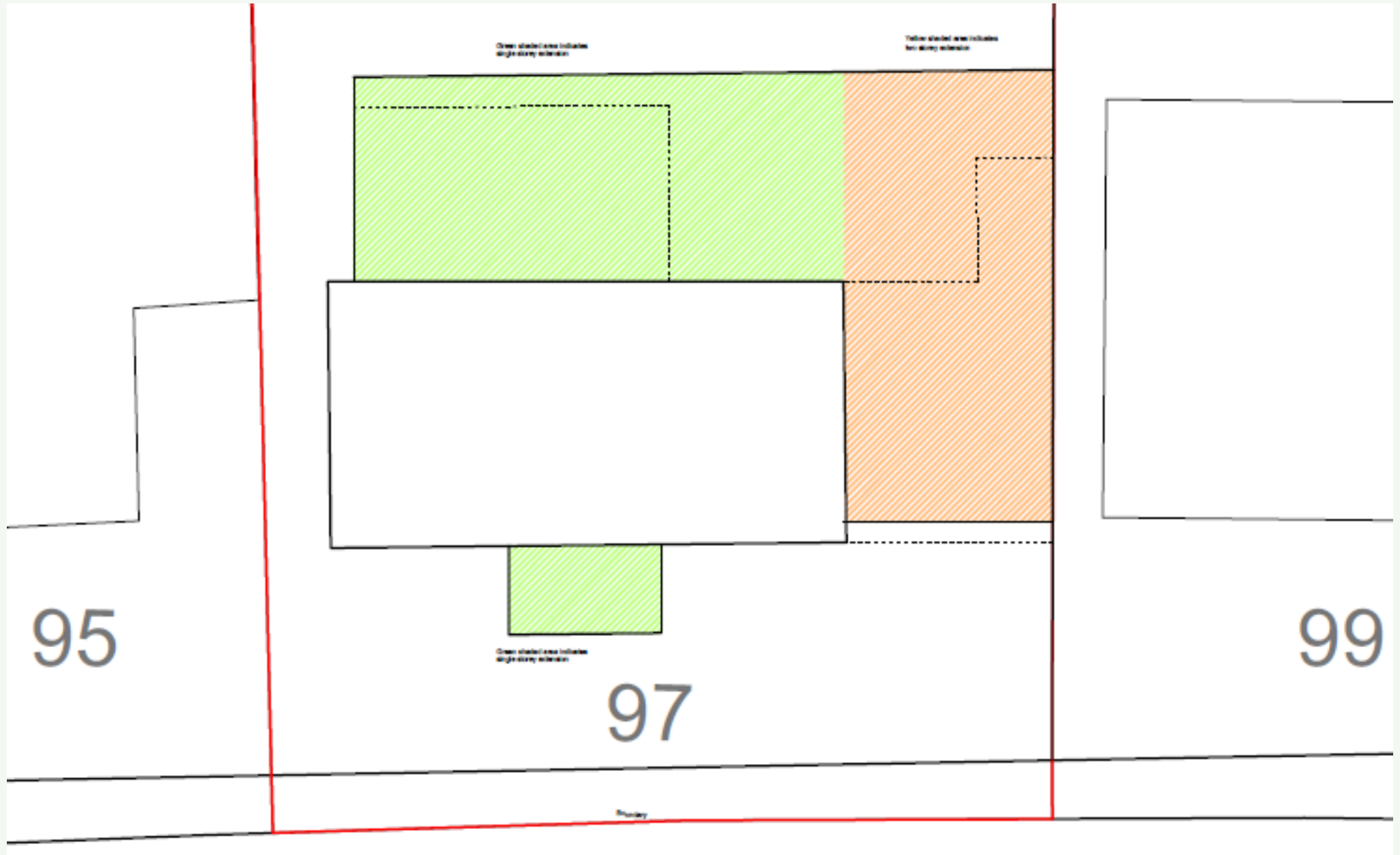
Application Ref. No. 25/00104/FUL

97 Foxhunter Drive, Oadby, Leicestershire, LE2 5FH

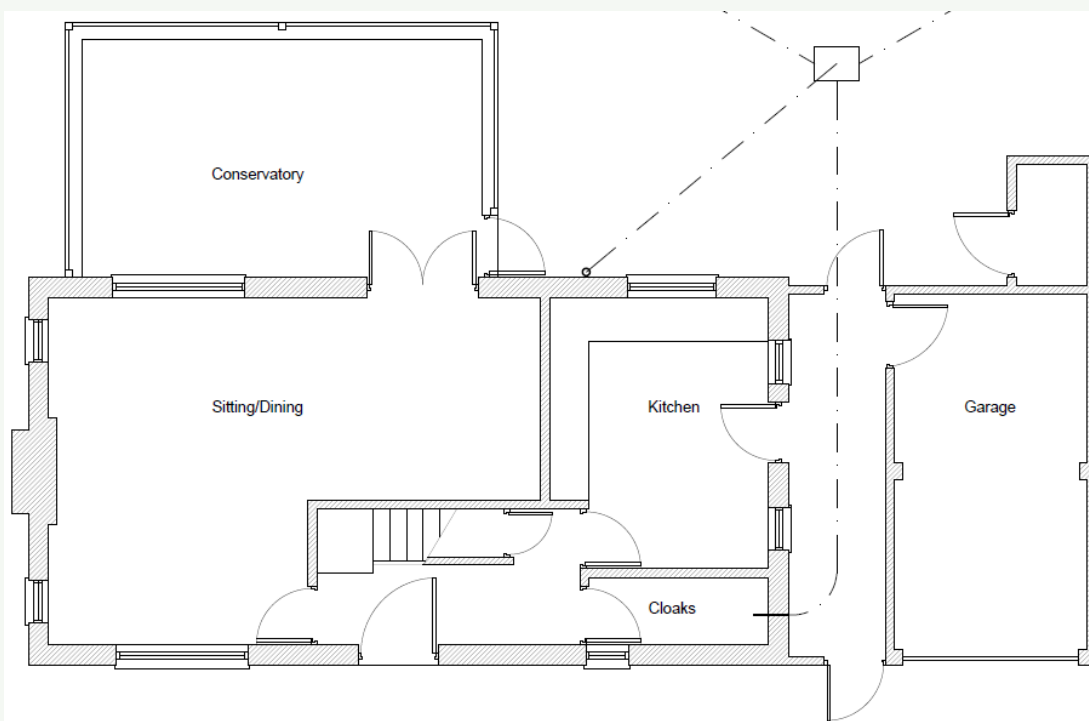
Erection of two storey side and rear extension including demolition of garage, single storey front porch extension and single storey rear extension including demolition of conservatory and creation of first floor roof terrace above.



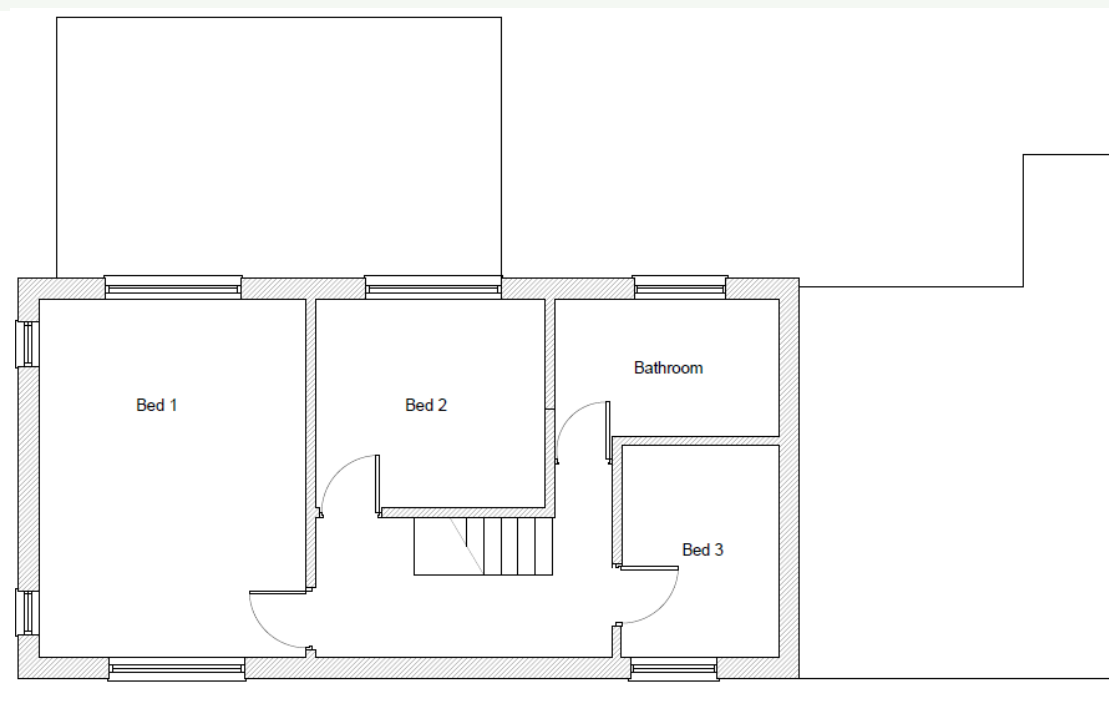
Site Location



Existing Floor Plans



Ground Floor



First Floor

Existing Elevations



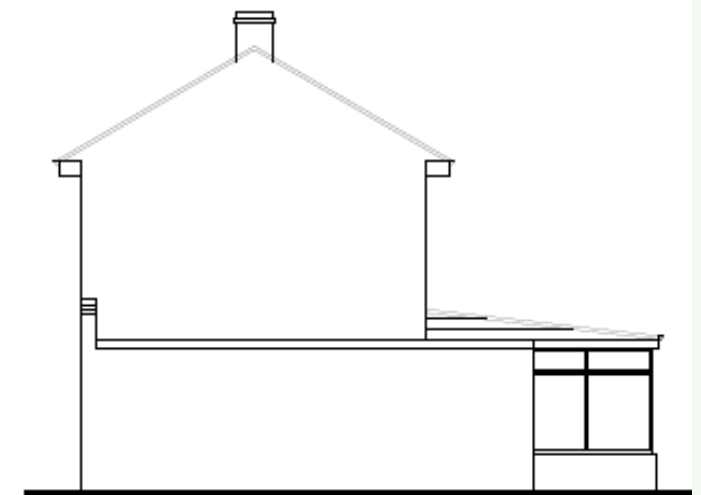
Road Elevation



Gable Elevation to 95

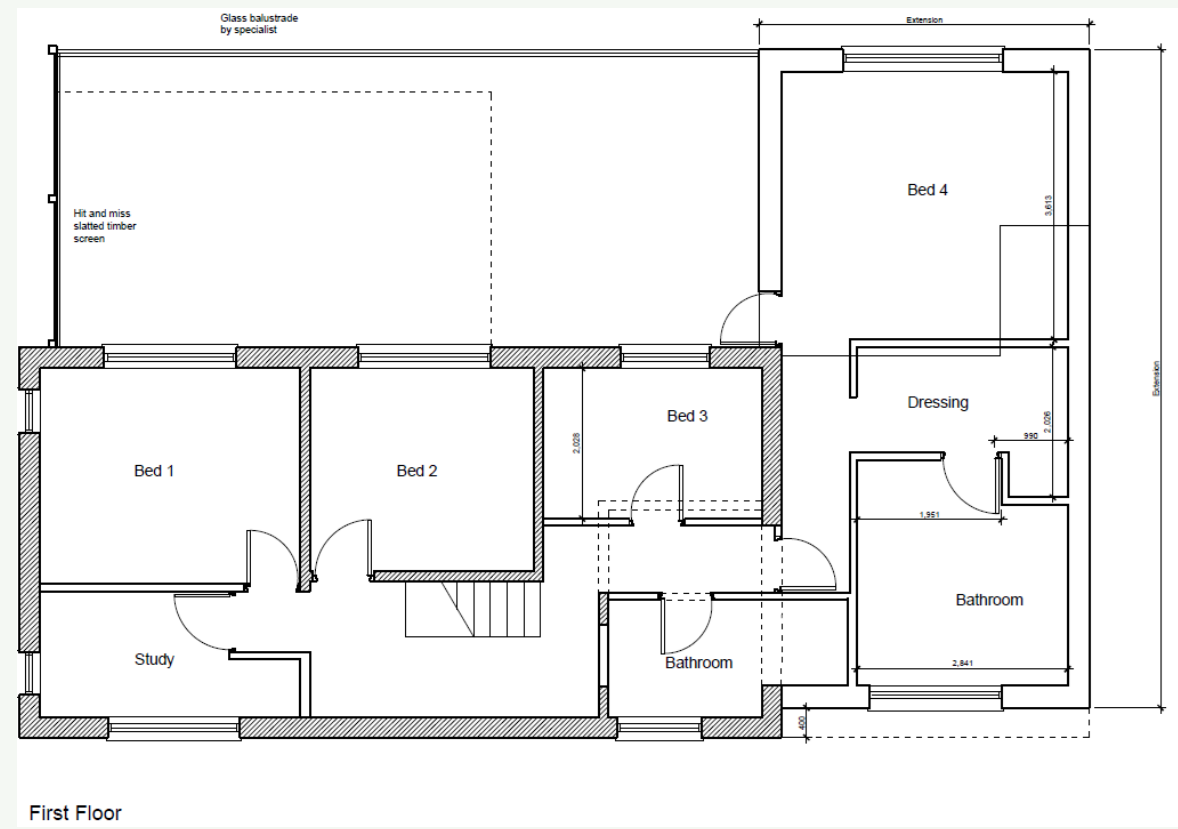
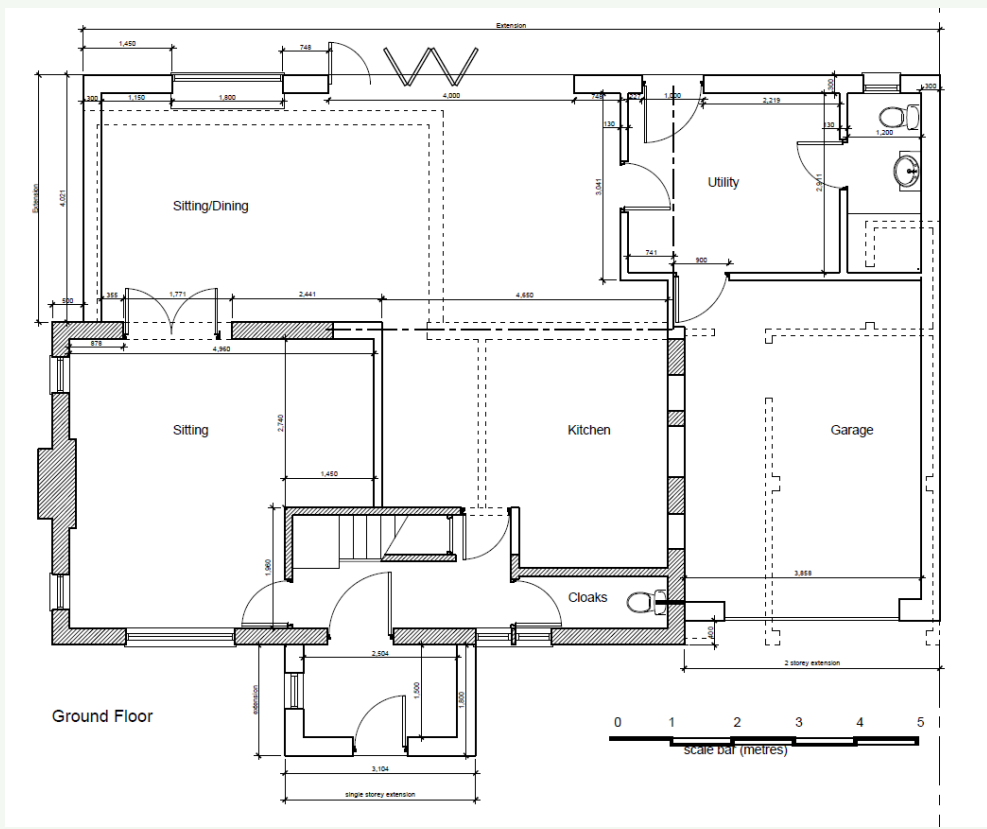


Garden Elevation

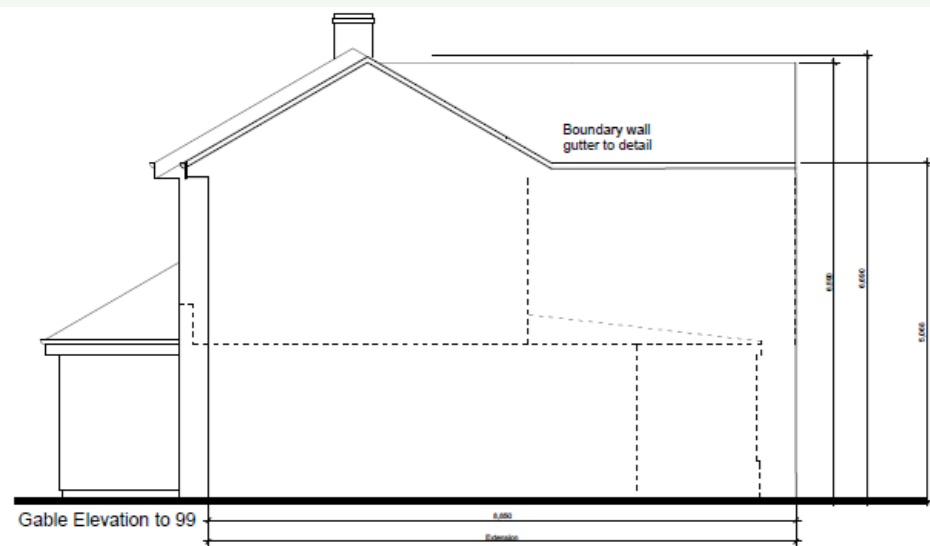


Gable Elevation to 99

Proposed Floor Plans



Proposed Elevations



Agenda Item 7



Development Control Committee	Thursday, 30 October 2025	Matter for Decision
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Report Title: **The Borough Council of Oadby and Wigston (161 Gloucester Crescent) Tree Preservation Order 2025**

Case Officer(s): **Michael Bennetto (Arboricultural Officer)**

Site Address:	Land fronting No. 161 Gloucester Crescent, Wigston, Leicestershire, LE18 4YH.
Application Description:	N/A
Purpose of Report:	To consider and determine the Tree Preservation Order accordingly. The provisional Tree Preservation Order requires Member ratification due to an objection being received on behalf of the landowner.
Recommendation(s):	That Members confirm the provisional Tree Preservation Order.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	Teresa Neal (Strategic Director) (0116) 288 8961 teresa.neal@oadby-wigston.gov.uk Adrian Thorpe (Head of the Built Environment) (0116) 0116 257 2645 adrian.thorpe@oadby-wigston.gov.uk Jamie Carr (Planning Policy & Development Manager) (0116) 257 2652 jamie.carr@oadby-wigston.gov.uk Michael Bennetto (Arboricultural Officer) (0116) 257 2697 michael.bennetto@oadby-wigston.gov.uk
Consultees:	Owners of the site were consulted for comment as part of the Tree Preservation Order confirmation process.
Background Papers:	Oadby and Wigston Borough Council Tree Strategy Town and Country Planning Act 1990 Part VIII, Chapter I, Trees. The Town and Country Planning (Tree Preservation) (England) Regulations 2012 Planning Practice Guidance - Tree Preservation Orders and trees in conservation areas
Appendices:	1. TPO-0375-TREE Provisional 2. Site Owner TPO Objection 3. Council Response to TPO Objection 4. Photographs of Damage 5. TEMPO Assessment

1. Site and Location



- 1.1 The trees subject to this provisional Tree Preservation Order (TPO) are located at the frontage of the Metalfactory site at No. 161 Gloucester Crescent, within an established industrial estate, however opposite residential. The trees are situated on private land but directly adjacent to and highly visible from the public highway and contribute to the visual amenity of the area.

2. Description of Proposal

- 2.1 To consider the confirmation of Provisional Tree Preservation Order TPO/0375/TREE, which was served on 28 May 2025 to protect 5 trees comprising 3 Atlantic Cedar (*Cedrus atlantica*) and 2 Silver Birch (*Betula pendula*) at the above location. For information, the provisional order is valid until 28 November 2025.

3. Relevant Planning History

- 3.1 A pre-application enquiry was received by the Council in relation to potential development at the Metalfactory site, which raised immediate concerns about the future of the trees.
- 3.2 A previous provisional TPO lapsed whilst the Council was undertaking further assessment of site owner's objections and assertions. A replacement provisional TPO was served to ensure continued protection while the matter is considered.
- 3.3 The morning after the initial provisional TPO lapsed, works were carried out with the apparent objective of making the trees retention untenable, consisting of cutting around the base of the trees (see images below showing examples of the works). However, subsequent site visits have shown that the trees have not suffered from significant decline, exhibiting continued growth and typical seasonal development.



- 3.4 In 4 out of the 5 trees, there remains a visible connection of the cambium layer - the living tissue responsible for the production of new cells and the transport of nutrients between the roots and canopy. This continuity suggests that, despite the damage observed at the base, the trees retain physiological function and the potential for recovery. Evidence of new leaf growth and callus formation further supports the view that the trees are responding to the injury and may continue to establish vascular reconnection over time. As such, the site owners presumed reduction in life expectancy cannot be assumed with certainty at this stage.

4. Key Consultations and Responses

- 4.1 Landowner/Agent (ACS Consulting): Submitted an objection to both provisional TPO's, raising concerns about the trees amenity value, visibility, structural damage, and seasonal nuisance.
- 4.2 OWBC Arboricultural Officer: Provided a detailed response addressing each point of objection, including reference to the TEMPO assessment, amenity considerations, and management options.

5. Neighbour and Resident Responses

- 5.1 No representations have been received from neighbouring properties or members of the public.

6. Planning Policy Relevant to the Proposal

- 6.1 The following planning policy and legislative frameworks are relevant to the consideration of this Tree Preservation Order:
 - 6.1.1 Town and Country Planning Act 1990 (as amended)
 - 6.1.2 Section 198 allows local planning authorities to make TPOs where it is expedient in the interests of amenity.
 - 6.1.3 Section 197(b) places a duty on authorities to ensure adequate provision is made for the preservation and planting of trees when granting planning permission.
 - 6.1.4 Tree Preservation (England) Regulations 2012
 - 6.1.5 These regulations govern the making, confirmation, and enforcement of TPOs.
 - 6.1.6 A TPO does not prohibit works but ensures they are subject to formal consent and appropriate assessment.
 - 6.1.7 National Planning Policy Framework (NPPF)
 - 6.1.8 Paragraph 131 encourages the retention of trees where they make a significant contribution to the character and quality of urban environments.
 - 6.1.9 Paragraph 174 supports the protection and enhancement of valued landscapes and recognises the benefits of trees and woodland.
 - 6.1.10 Oadby and Wigston Local Plan (2011–2031) – Adopted April 2019
 - 6.1.11 Relevant policies include:
 - (i) Policy 8: Green Infrastructure
Supports the protection, enhancement, and creation of green infrastructure, including trees, as part of sustainable development.
 - (ii) Policy 9: Open Space, Sport and Recreation Facilities
Recognises the role of green spaces and tree cover in contributing to health, wellbeing, and environmental quality.
 - (iii) Policy 44: Landscape and Character
Requires development to respect and enhance the local landscape character, including the retention of existing trees and vegetation where they contribute to visual amenity.

(iv) Policy 45: Local Green Space

Supports the protection of designated green spaces and features that contribute to the character and setting of the Borough.

- 6.1.12 These policies collectively support the Council's approach to protecting trees that contribute to public amenity, biodiversity, and landscape character. The TPO ensures that any future works are appropriately assessed and that the long-term environmental value of the trees is safeguarded.

7. Planning Considerations

- 7.1 Amenity Value: The trees, while not of cultural or historic significance, are among the few mature specimens in an otherwise sparse industrial streetscape. They provide visual softening between industrial and residential uses and contribute to the character of the area.
- 7.2 Visibility: While some trees out of the group are less individually prominent, their collective presence and species diversity enhance their amenity value.
- 7.3 Structural and Safety Concerns: No evidence has been submitted to substantiate claims of structural damage. The Council's response notes that surface damage is repairable and that root pruning or no-dig construction methods may be viable alternatives.
- 7.4 Seasonal Nuisance: Issues such as leaf fall and shading are not considered sufficient grounds to refuse a TPO. These are natural processes and can be managed through appropriate maintenance.
- 7.5 Liability and Risk: Tree owners have a duty of care, but this does not necessitate removal. Regular inspections and maintenance are considered appropriate mitigation.
- 7.6 Replacement Planting Proposal: The landowner has proposed removing the trees in exchange for planting on Council land. However, there is no suitable Council-owned land in the immediate vicinity, and any planting on the highway would require consent from Leicestershire County Council.
- 7.7 TPO Purpose: The TPO does not prevent works but ensures that any proposals are subject to proper assessment and management and, where appropriate, replacement planting can be secured.

8. Conclusion

- 8.1 The trees are considered to make a positive contribution to the local environment and streetscape. The objections raised do not outweigh the public amenity value provided by the trees. The TPO ensures that any future works are appropriately managed and that the trees are retained or replaced in a manner consistent with planning policy.

9. Recommendation

- 9.1 That Tree Preservation Order TPO/0375/TREE be confirmed without modification.

9.2 Reasons:

- 9.2.1 Amenity Value: The trees form a prominent and cohesive group that contributes significantly to the visual amenity of this part of the street - Gloucester Crescent. They provide a valuable green buffer between residential and industrial uses and enhance the character of the streetscape.
- 9.2.2 Visibility and Landscape Contribution: While some trees in the group are less individually prominent, their collective presence and species diversity (including cedar and silver birch) contribute to the broader landscape quality and visual interest of the area.
- 9.2.3 Expediency: The provisional TPO was made in response to a credible threat of removal following a pre-application enquiry. The use of the TEMPO system

confirmed the trees' suitability for protection, with a score indicating that a TPO was clearly merited.

- 9.2.4 Tree Viability: In 4 of the 5 trees, the cambium layer remains visibly connected, indicating continued physiological function. New growth and callus formation suggest potential for recovery, and a reduced life expectancy as inferred by the site owner cannot be assumed.
- 9.2.5 Management Options Available: Seasonal debris and shading are not grounds for removal. Pruning and maintenance remain viable alternatives.
- 9.2.6 No Feasible Off-Site Planting: The owner's proposal for replacement planting on Council land is not achievable due to lack of suitable space and the need for third-party consent.

Appendix 1

Town and Country Planning Act 1990

The Borough Council of Oadby and Wigston (161 Gloucester Crescent) Tree Preservation Order 2025

The Borough Council of Oadby & Wigston, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 hereby make the following Order:-

Citation

1. This Order may be cited as The Borough Council of Oadby and Wigston (161 Gloucester Crescent) Tree Preservation Order 2025, 28 May 2025 TPO/0375/TREE.

Interpretation

2. (1) In this Order "the authority" means the Borough Council of Oadby and Wigston unless the context otherwise requires.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to article 14, no person shall-
 - (a) cut down; top; lop; uproot; wilfully damage; or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of, any tree in the Schedule of this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 28 day of MAY 2025.

The Common Seal of the Borough Council of Oadby and Wigston
was hereunto affixed in the presence of:-


(Head of Law & Democracy)



15125126

CONFIRMATION OF ORDER

This Order was confirmed by the Oadby and Wigston Borough Council at its meeting of the Development Control Committee/under delegated powers* without modification on the day of 20 .

Minute Reference:

Officer:

CONFIRMATION OF ORDER SUBJECT TO MODIFICATION

This Order was confirmed by the Oadby and Wigston Borough Council at its meeting of the Development Control Committee/under delegated powers* on the day of 20 , subject to the following modifications:

Minute Reference:

Officer:

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Oadby and Wigston Borough Council at its meeting of the Development Control Committee/under delegated powers* on the day of 20 .

Minute Reference:

Officer:

DECISION TO VARY ORDER

A decision to vary this Order was taken by Oadby and Wigston Borough Council at its meeting of the Development Control Committee/under delegated powers* on the day of 20 .

Minute Reference:

Officer:

DECISION TO REVOKE ORDER

A decision to revoke this Order was taken by Oadby and Wigston Borough Council at its meeting of the Development Control Committee on the day of 20 .

Minute Reference:

* Delete as appropriate

SCHEDULE

SPECIFICATION OF TREES

Trees specified Individually

(encircled in black on the map)

Reference on map	Description	Situation
T1	Blue Cedar (<i>Cedrus atlantica</i> 'Glauc')	Frontage of 161 Gloucester Crescent
T2	Silver birch (<i>Betula pendula</i>)	Frontage of 161 Gloucester Crescent
T3	Silver birch (<i>Betula pendula</i>)	Frontage of 161 Gloucester Crescent
T4	Blue Cedar (<i>Cedrus atlantica</i> 'Glauc')	Frontage of 161 Gloucester Crescent
T5	Blue Cedar (<i>Cedrus atlantica</i> 'Glauc')	Frontage of 161 Gloucester Crescent

Trees specified by reference to an Area

(within a dotted black line on the map)

Reference on map	Description	Situation

Groups of Trees

(within a broken black line on the map)

Reference on map	Description	Situation

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation

TPO/0375/TREE

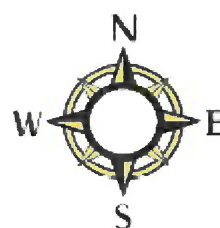
Scale 1:1250

Date / /2025



18125126a

D. Meek 28-5-2025





Director of Services
Oadby and Wigston Borough Council
Brocks Hill Council Offices
Washbrook Lane
Oadby
LE2 5JJ

Dear Sirs,

8th June 2025

Our Ref: 5222/TPO.24

**Town and Country Planning Act 1990
Town and Country Planning (Tree Preservation) (England) Regulations 2012
The Borough Council of Oadby and Wigston (161 Gloucester Crescent) Tree Preservation
Order 2025 TPO/0375/TREE - OBJECTION.**

We refer to your formal undated notice in respect of the making of the Tree Preservation Order.

We would respectfully point out that we raised a detailed objection to the first Tree Preservation Order (dated 14th January 2025). This objection went completely unanswered.

You, as the Local Planning Authority, completely failed to engage in any discussions, meaningful or otherwise, despite a number of representations from all interested parties.

You have allowed the original Order to lapse and then simply replaced it with a new Order not taking into account any of the issues raised.

Accordingly, the issues raised in our original objection stand and are repeated for clarity, along with a new development.

This letter is a formal objection on behalf of our client Metalfacture Ltd in respect of T1, T2, T3, T4 and, T5.

Section 198 of the Town and Country Planning Act gives the power to local planning authorities when they consider it is expedient "in the interests of amenity" to make Tree Preservation Orders. This is supplemented by The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and Planning Practice Guidance Tree Preservation Orders and trees in conservation areas: although a guide rather than a circular, the guide is no different to that of a Government Circular and so the weight attached to it should be no different to the weight that would normally be attached to a Circular. Although Oadby and Wigston Borough Council is not required to follow the advice within the Guide, it is considered good practice to do so.

The objection is made on four grounds.

1. That it is not expedient in the interest of amenity nor is there any amenity value;
2. Visibility;
3. Individual, collective and wider impact and;
4. Other factors.

We do not believe it is expedient in the interest of amenity to protect the trees nor, is there any amenity value that justifies the placing of the trees in a Tree Preservation Order.

We do not believe, nor has it been demonstrated in the interests of amenity, that it is expedient to make an Order. Authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way. We note the Council has relied on TEMPO as its basis for the justification to demonstrate the trees are worthy of being the subject of a TPO.

A review of the principal author's web site to obtain the latest version noted that it is no longer available. Thus, the veracity of the assessment document is in question.

A review of the figures presented are considered to be over stated. The assessment has failed to take account of the issues associated with the trees. Current guidance on TPOs notes that public visibility alone will not be sufficient to warrant an Order. It suggests that the authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of the area.

Orders should be used to protect selected trees if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order, they should be able to show that protection would bring a reasonable degree of public benefit in the present or in the future (Paragraph 007¹).

We contend the trees (T1 – T5) do not contribute significantly to the local environment and enjoyment by the public. The trees are not special or rare.

The trees have no cultural or historic value. The size and form are not remarkable, particularly the birch. The birch are incongruous features with poor canopy form. The trees make no contribution, nor have a significant relationship with the landscape, or make any special contribution to the appearance of the local area to warrant protection.

There are no other factors such as importance to nature conservation or response to climate change that justify as part of the overall assessment in making an Order.

The trees are growing in a small grassed margin between the pavement and Metalfacture's car park. The trees may have the potential to significantly increase in size both in terms of stem diameter and canopy spread.

The cedar, as well as the birch, are causing a great deal of damage, not only to the public footpath but to Metalfacture's own estate. The trees are causing extensive damage to the footpath and the edging creating a significant tripping risk (Figures 1, 2 and 3). The trees, through their roots, have caused extensive damage to the car park surface and the retaining wall (Figures 4, 5, 6 and 7).

The distance between the trees and the highway estate and Metalfacture's assets are such that even repaired, there is a real possibility of the damage reoccurring. The repair will require the cutting of a significant volume of roots which is damaging to tree physiology and stability. It is apparent that this damage has not been accounted for in the assessment, which is easily visible from a site visit. The damage alters the scoring on the TEMPO assessment from a 3 or 5 to 1 – unsuitable. Extrapolating this further, the total scores are reduced and trees fall into a category below which they are placed.

The trees have qualified under all sections, but have failed to do so convincingly. Clearly, the issue of applying a TPO is devolved to other considerations, such as the planning application or public pressure and not for genuine amenity reasons.

¹ Guidance Tree Preservation Orders and trees in conservation areas

It should be noted the trees have been poorly pruned from the footpath and, in the case of cedar (T5), suffered from storm damage. All of which reduces the value of the trees as amenity features.

The genus found at the site, cedar, is unsuitable for the setting in which they are found. Such trees attain significant dimensions and are only suitable in large parks and rural estates. They are not suitable specimens for urban areas. The species is widely prone to storm damage, readily losing large branches which creates issues with liability in view of the high use location and high value third party assets (Figure 8).

The trees already interfere with the reasonable enjoyment of the offices (Figure 9). They already create a great deal of nuisance, not only through their size and shading but through seasonal detritus constantly deposited. This will increase in frequency and volume if the trees mature. There are reasonably foreseeable future actionable nuisances that may be associated with, or caused by, the trees. The future growth of the trees will result in frequent applications to prune the trees to minimise shade and dominance issues.

For administrative reasons there was a delay, by you in issuing the replacement Order. This allowed for Metalfacture to attend to the trees with a view to their removal, should no Order be forthcoming.

Thus, for perfectly legal reasons, the trees have been prepared for felling. In making a TPO it has become accepted practice to only TPO trees which have a demonstrable life in excess of ten years. The preparation for felling clearly reduces the life expectancy to less than ten years.

In Summary:

We challenge the view that the trees T1 to T5 contribute to the amenity of the area and that it is expedient, in the interests of amenity, to make the TPO.

The trees have no rare, historical or cultural interest.

The assessment uses a withdrawn document. The assessment incorrectly categorises the trees, giving the impression of greater value than in reality. The assessment takes no account for the extensive damage already caused to the highway estate and that of Metalfacture. The repair of such damage will create significant loss of roots close to the trees' stems, leading to potential instability and damaging tree physiology.

The trees create a great deal of nuisance through seasonal detritus and interfere with the reasonable use of the offices. The TPO will protect trees that already constitute a nuisance and have a poor and unsustainable relationship with the property. The TPO protects trees that have been poorly managed and will require frequent management to ensure their safety and contain nuisance.

In respect of T3 and T4, our assessment indicates the trees have little visual amenity, the eye of the viewer being concentrated elsewhere. The trees are not special or rare, indeed they are no more noteworthy than any other tree or group within the highway estate.

The cedar are inappropriate genus for urban environs witnessed at this site. These trees are specimens that thrive in large parkland or private estates not urban environments where, being prone to storm damage, leads to issues of liability for Metalfacture.

Thus, for perfectly legal reasons, the trees have been prepared for felling (Figures 10 – 12). In making a TPO it has become accepted practice to only TPO trees which have a demonstrable life in excess of ten years. The preparation for felling clearly reduces the life expectancy to less than ten years.

For all of these reasons, explicit and/or implied, we object on behalf of Metalfacture Ltd.

We would be grateful for a formal acknowledgment of the safe receipt of this letter.

Yours faithfully,

Ian Murat

Direct Dial: 07595 280404 (Ian Murat)
Email: ian.Murat@acsconsulting.co.uk



Figure 1 - Damage to footpath



Figure 2 - Damage to footpath



Figure 3 - Damage to footpath



Figure 4 - Damage to car park



Figure 5 - Damage to retaining wall



Figure 6 - Damage to retaining wall



Figure 7 - Damage to car park



Figure 8 – Storm damage



Figure 9 – Poor relationship with offices



Figure 10 Preparation for Felling



Figure 11 Preparation for Felling



Figure 12 Preparation for Felling



Oadby & Wigston

BOROUGH COUNCIL

Ian Murat
ACS Consulting
Booths Park
Chelford Road
Knutsford
Cheshire
WA16 8GS

Please ask for: Michael Bennetto

Email: michael.bennetto@oadby-wigston.gov.uk

Telephone: 0116 257 2697

Our Ref: TPO/0375/TREE

Your Ref: 5222/TPO.24

Date: 19 September 2025

By e-mail

RE: Gloucester Crescent TPO 375 - Objection

Dear Mr Murat,

Having considered the objections raised in your letter dated 8th June 2025 please see the below response to the objections made.

- Lapse of original TPO

Whilst not raised as an objection, LPA procedure was raised in your response.

Point raised: The original provisional TPO was allowed to lapse and replaced without addressing prior objections.

OWBC response: Whilst we always endeavour for procedural fairness, the LPA is not legally required to respond to objections before confirming a new TPO. For the avoidance of doubt the TPO was not confirmed without the objection being duly taken into account.

The reason for putting the replacement provisional TPO in place was to allow for additional time so that we could fully assess the claims / objections that were raised.

Where any objections raised cannot be resolved the TPO would go before Council Members for deliberation and decision.

Objections Raised

1. That it is not expedient in the interest of amenity nor is there any amenity value.
2. Visibility.
3. Individual, collective and wider impact and;
4. Other factors.

OWBC response:

1. Expediency and Amenity

As you have highlighted S.198 of the TCPA gives authorities the power to make Tree Preservation Orders in the interests of amenity.

Where s.197(b) states that LPAs have a duty to make such orders under s.198, the issue of expediency arises; whereby when potential development becomes apparent, there is a significant threat that trees may be removed imminently. In this case the pre-app enquiry at Metalfacture brought to the Authorities attention that the trees may be at threat. This imminent threat is reflected within TEMPO as the expediency metric. The expediency in this case is further ratified by the immediate works done to the trees following the initial provisional TPOs lapse, while in full knowledge that the replacement provisional TPO was due to be served that day.

- TEMPO

TEMPO was developed by JFL to the apparent continuing uncertainty about what attributes a tree should have in order to merit statutory protection by TPO. It is not a required metric but stated to be designed as a field guide to decision making. Its presence helps to serve for transparency in quantitatively demonstrating why such an asset be considered for protection. As such TEMPO is utilised by a large number of LPAs either in its published form or adapted by the individual LPA.

Both provisional TPOs were signed into effect prior to any tree works having been carried out. Works were carried out after signing the second provisional TPO but before it was served.

You note that the Council has relied on TEMPO as the basis for justification; the TEMPO score was specifically requested by and provided to Metalfacture.

If you wish to contend that the figures presented are overstated, it may be best to respond with your own quantitative assessment whereby any differences can be specifically addressed. I am consciously conservative in my application of such assessments.

In review of the assertion that the principal authors website did not contain the document, on inspection the survey sheet was found to be available, the guidance notes were not, but available elsewhere. I have failed to find any evidence as to why the lack of the guidance document undermines the veracity of the TEMPO assessment. In any event, the Council uses TEMPO as a guide.

- Your objection states that, "The trees have no cultural or historic value."

It is acknowledged that the trees do not possess cultural or historic value, nor do they predate the surrounding development. However, within a landscape largely devoid of mature or historically significant vegetation, the presence of these trees contributes positively to the visual cohesion and amenity of the area. Their role in softening the built environment and providing continuity in the streetscape elevates their relative value. The assessment has duly considered cultural and historic factors and found no basis to ascribe such value to these specific specimens, however their presence in a locality largely devoid of trees does give them higher amenity value.

- Your objection speaks of the Distance between trees and highways and Metalfacture.

Repair work to the surfacing need not necessitate the cutting of roots, there are numerous no-dig construction techniques that can be explored as well as other engineering or arboricultural mitigation options (e.g. root barriers, flexible surfacing). Damage presented in figures 5 and 6 of your letter is to a non-structural low wall and surfacing which should be readily repairable.

In conversation with LCC highways “about 1 in every 10 cases we find roots in the sub-base, more often we remove the tarmac and find there are no roots in the upper parts of the subbase. Tarmac it good for downwards loading, but not upwards. Cracks in the path may appear because of the tree (slight movement in the wind, growth expansion) but they are greatly increased by water and the freeze-thaw effect. A path is repairable and does not require removal of the tree. Root pruning may be acceptable.”

Amenity:

The trees provide to the screening/softening between the dichotomy of the residential bungalows on one side of Gloucester Crescent, to the industrial units the opposite side of the road. Along an area of the highway where on the residential side are a few small sporadic trees on highways land contrasting with no highway’s trees on the industrial side.

2. Visibility

Objection: “In respect of T3 and T4, our assessment indicates the trees have little visual amenity, the eye of the viewer being concentrated elsewhere. The trees are not special or rare”.

While the silver birch trees T3 and T4 are less prominent, despite their shorter life expectancy than the adjacent cedar trees, they are arguably more suitable by offering a lighter more dappled shade. It is the broader impact of the trees as a group and species variety rather than individual prominence that adds to their individual amenity.

Objection: “The cedar are inappropriate genus for urban environs witnessed at this site. These trees are specimens that thrive in large parkland or private estates not urban environments where, being prone to storm damage, leads to issues of liability for Metalfacture.”

Tree owners have a duty of care to ensure their trees do not pose a foreseeable risk to others. If a tree is clearly dangerous and the owner fails to act, they may be liable for any resulting harm. Routine tree surveys / inspections are considered reasonable for owners of significant trees, particularly non-residential owners, especially where safety is a concern. Carrying out of tree inspections and carrying out of recommended works should absolve Metalfacture of liability should something happen. The potential for risk of storm damage is

not a reason to fell a tree, actively managing the tree and its canopy size can effectively mitigate perceived risk if considered prone to storm damage.

The 'preparation for felling' was carried out in the knowledge of the replacement provisional TPO being served. The works carried out do not ascribe with any best arboricultural practice. On recent inspection the trees appear to be in full leaf with some new growth indicating that the cambium layer is healthy and reconnecting over the basal damage. Your presumed reduction in life expectancy may therefore not be assumed as the trees may recover fully.

3. Individual, collective and wider impact.

Objection: T3 T4 "are no more noteworthy than any other tree or group within the highway estate."

Every tree within the estate is considered important from an amenity point of view. What makes these trees command a higher amenity value is that they are part of the noteworthy tree group at this site. There are very few notable trees along the industrial frontages of Gloucester crescent and the tree group outside of Metalfacture is by far the most prominent; further adding to their amenity value.

4. Other factors.

The TEMPO / amenity assessment was accurate at the time that it was carried out and when the provisional TPO was being made. The damage / 'preparation for felling' was only observed after the provisional TPO had been signed into effect.

Diligently specified pruning works should be considered to address any nuisance (and safety concerns)

Objection: "Seasonal debris and shading interfere with office use"

Seasonal detritus is a natural phenomena and broadly not accepted as reason to refuse a TPO.

Leaf fall, fruit drop, and sap are considered natural and predictable aspects of tree biology. These phenomena are not considered damage or nuisance in the legal sense unless they cause substantial harm (e.g. blocked drains leading to flooding or slip hazards that cannot be reasonably mitigated). The Planning Inspectorate and government guidance do not list seasonal detritus as a valid objection to a TPO. Suitably justified management options (e.g. crown thinning, regular maintenance) are more suitable proportionate responses.

The tree's amenity value and public benefit are the primary considerations, Natural tree processes (like leaf fall) do not override the public interest in tree protection. Management solutions are preferred over removal or refusal of protection. The Town and Country Planning Act 1990 and the Tree Preservation (England) Regulations 2012 focus on amenity and public interest, not private inconvenience.

We acknowledge that there was an earlier suggestion that the tree roots were impacting the buildings' underground structure, however we have not been provided with any evidence to substantiate this claim. Therefore, is not a consideration in determining this TPO.

Further, if the objection cannot be resolved the TPO will be brought to Planning Committee on Thursday 30th October 2025 for Member resolution.

For the avoidance of doubt, the presence of a TPO does not prevent works from being carried out, however enables the Local Authority to appropriately manage the works proposed and to ensure that appropriate replacement planting can be secured.

Yours Sincerely,

Michael Bennetto

Arboricultural Officer

Planning

Photos 15/10/2025



T1



T2



T3



T4



T5



T5



T4



T3



T2



T1

Amenity assessment											
T	Species										
		Condition 1A	Retention Span 1B	Relative Public visibility & suitability 1C	Other factors D(7+)	subtotal	Expediency assessment (>9 points)	TEMPO Score	Decision guide	Include in TPO	No.
2	Cedar	5	4	4	4	17	5	22	TPO defensible	Y	1
4	Cedar	5	4	4	4	17	5	22	TPO defensible	Y	2
5	Birch	3	2	4	1	10	5	15	TPO defensible	Y	3
6	Birch	3	2	4	1	10	5	15	TPO defensible	Y	4
8	Cedar	3	4	4	4	15	5	20	TPO defensible	Y	5