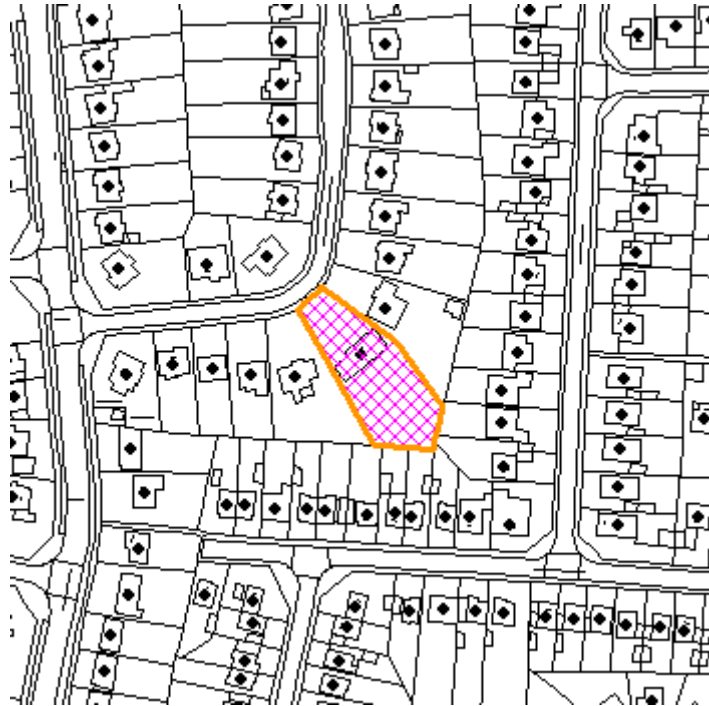


Application Number**Address****Report Items**

- a.** 17/00368/FUL
39 Half Moon Crescent
Oadby
Leicester
LE2 4HD

- b.** 17/00507/OUT
Land North of Denbydale
Wigston
Leicestershire

a.	17/00368/FUL	39 Half Moon Crescent Oadby Leicestershire LE2 4HD
	7 August 2017	Demolition of existing dwelling and erection of new 4 bedroom dwelling
	CASE OFFICER	Tony Boswell



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Published 2014

Background

This application was previously considered by the Committee at their meeting on the 16 November 2017 when it was deferred for further negotiation between officers and the applicants. The particular matters which concerned the Committee were minuted as:

- a) Removal of the side entrance and associated stair case;
- b) out of place in the area;
- c) over-large and out of keeping in the area;
- d) Concern over the means of construction and whether, if they use steel, it would be capable of being built as shown on the submitted plans if they (or alternatives) are permitted;
- e) porch is out of keeping in the area; and
- f) size of the proposal is too wide and high with the footprint approximately 50% bigger than neighbours.

The applicant and his designer were present at that meeting and took note of the Committee's concerns. Amended drawings were received on the 18 December 2017, upon which near neighbours were re-consulted on that same day. No responses have been received to that re-consultation.

The bulk of this report is unchanged from that considered at the November 2017 meeting, except where the proposal is significantly changed.

Site and Location

Number 39 is an extensive bungalow towards the southern end of Half Moon Crescent. It has a floor area of approximately 145 sq metres. The street as a whole is overwhelmingly comprised of detached two storey houses with complex single span hipped roofs and mature gardens. Although those homes are of varied design they generally have floor areas of around 250 to 300 sq metres. That characteristic and the use of single span hipped throughout roofs gives the street a distinct local character.

The site lies within the outside curve of Half Moon Crescent, so that the site widens considerably to its rear, although its frontage is only some 11 metres wide – increasing to some 17 metres at a point level with the curved building line of its two adjacent neighbours.

Description of proposal

- The previously shown "side entrance" ((point a) of the Committee's concerns) is no longer shown on revised floor plans, although the external bulk of the building remains unchanged in that location.
- A cross section of the proposed building clearly indicates that its upper part would be of steel framed construction ((point d) of the Committee's concerns). OWBC's Building Control Officers have commented that significantly more of the building than indicated will also need to be of framed construction to achieve structural stability objectives.
- The previous pillared front porch has been removed and replaced with a simpler "canopy" design ((point e) of the Committee's concerns).

The applicant's description of this proposal as a "mere" "4 bedroom house" is something of a misnomer. As drawn it includes a total of five rooms' annotated "bedroom" and a significant number of other domestic spaces.

The proposal is to demolish the existing bungalow in its entirety and to replace it with a very much larger new home of three storeys including rooms within the roof space. This would have an overall

floor area of approximately 500 sq metres. Its plan dimensions were 15.5 metres (frontage width) – now reduced to 14.8 metres. Previously 18.8 metres overall width – now reduced to 18.3 metres, with an overall depth of 15.2 metres – now reduced to 14.2 metres. Its height is still shown to be some 8.5 metres as previously (over 3 floors including a “pie crust” flat roof).

The siting of the proposed house has been moved around 1 metre further to the rear within its tapered site. This has the incidental benefit of increasing the gap between the house and its adjacent boundary to either side. Although the dimensions shown on the submitted floor plan and the block plan differ slightly, the side isolation at the level of the front main wall has increased to between 1.8 and 2.2 metres. (The dimensions shown on the block plan are 2.1 metres and 1.6 metres).

The proposed house would be of brick construction under a tiled pie crust roof with a large flat area in its centre. The front elevation would be broadly symmetrical with a central porch, balcony and central glazed feature window. The house would widen towards the rear on its ground floor to within close proximity to the two flank boundaries. The tiled pie crust roof would also include a number of supplementary Gable dormer features, one of which is shown with a flat roofed gable to avoid exceeding the height to the apparent “ridge” of the area of flat roof behind.

Relevant Planning History

None Relevant

Consultations

Leicestershire County Council (Highways) – No objections, refer to standing advice.

Representations

Eleven near neighbours have been informed and a press/site notice placed with two letters being received at the time of writing the former report considered on the 16 November 2017 (from two immediate neighbours). Those comments relate to the original scheme before receipt of amended drawings. Following those amendments the same eleven near neighbours were re-consulted. The date for the receipt of comments expired on the 23 October 2017 and latterly on the 8 January 2018. At the time of drafting no further comments have been received.

- “Out of place” with other properties in the immediate area.
- Flank and second floor windows will overlook adjacent homes.
- “The plans show there will be three floors on which there will be 3 lounges, dining room, 2 master bedrooms, 3 other bedrooms, 3 bathrooms, gym, study, office, 3 staircases, side entrance to second and third floors and 2 balconies. In order to accommodate these facilities in the house 3 floors are necessary”.
- I would be upset if the height of the proposed property exceeded that of the two adjacent for bedroomed houses
- I would be unhappy if the rear wall of the proposed property was positioned further into the garden than currently occupied by the bungalow itself.
- Finally, I think it untenable for the bungalow to be replaced by a building totally unsuited for the position in which it is proposed to place it.

Councillor Haq has also made representations on the application as she does not believe that the proposal is contrary to relevant planning policies.

Relevant Planning Policies

National Planning Policy Framework (NPPF)

Oadby & Wigston Core Strategy

Core Strategy Policy 14 : Design and Construction
Core Strategy Policy 15 : Landscape and Character

Oadby and Wigston Local Plan

Landscape Proposal 1 : Design of new development subject to criteria.

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document

Planning Considerations

Following a number of discussions with the applicant and agent some amended drawings were received on the 6 October 2017 upon which neighbours were then re-consulted (see above). The significant changes which those amendments introduced were as follows:

- 1m Set Back of the dwelling.
- 0.5m reduction in width from both sides.
- Side facing windows to be obscure glazed.
- Change of the pitch of the roof to make it a lower gradient.
- Reduction in width of the front balcony

The main issues to consider in the determination of this application remain as follows:

- The impact of the proposal on the street scene
- The impact of the proposal on neighbouring residential properties.

The impact of the proposal on the street scene

At present the submitted proposal as amended following the 16 November 2017 remains altogether too large in relation to its two immediate neighbours and the prevailing character and scale of the street as a whole. Although now relocated further rearward, that visual scale is emphasised by the fact that it is to be sited further forward than the existing bungalow – to a point near level with the front main wall of the two adjacent neighbours. The existing bungalow is set further to the rear. Its proposed scale is further emphasised by the fact that the “apparent” ridge of the frontage roof (concealing a large area of flat roof behind) would be further forward and much longer than the location of the two adjacent hipped roofed homes to either side. The amended pitch of the roof does reduce the impact of that disparity but does not remove its effects. The “assertive” visual scale of the proposed house is also emphasised by the symmetrical nature of the front elevation centred on a front porch in that forward location within the street scene. (Other homes in proximity tend to have a more restful asymmetric front elevation). Again, the proposed amendments as listed earlier do not remove that visually assertive characteristic.

The disparity of visual scale with Half Moon Crescent as a whole is also a result to the absence of any visually significant space to either side of the building at upper level, and the applicant's stated intention to remove the visually significant hedge which partially screens the frontage on its

northern side. (This point will be apparent from a Bing Maps "Birds Eye" view of Half Moon Crescent to be displayed).

As mentioned earlier, the existing bungalow has a floor area of some 145 sq metres. As proposed and over its three floors the proposed house has a now slightly reduced floor area of circa 500 sq metres. The two immediate neighbours within Half Moon Crescent are of around half that floor area – fairly typical of the street as a whole. Unfortunately, and even after amendments, the proposed design appears to emphasise that disparity of visual scale, rather than contributing "*positively to the overall quality of the environment and be carefully related to existing and proposed development*" (Landscape Proposal 1 below).

Relevant paragraphs within the NPPF read as follows (author's emboldening):

*59 ... However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall **scale**, density, **massing**, **height**, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.*

*60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. **It is, however, proper to seek to promote or reinforce local distinctiveness.***

*64. **Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.***

Core Strategy Policy 14 includes:

The Council will require high quality inclusive design for all new development and major refurbishment in Oadby and Wigston. Proposals for new development and major refurbishment will need to demonstrate how the proposed development:

- ***respects local character, patterns of development, is sympathetic to its surroundings and should contribute to creating buildings and places that are attractive with their own distinct identity;***
- *promotes safe and inclusive communities able to be accessible to all members of the community regardless of any disability or background and to encourage sustainable means of travel;*
- *will provide opportunities to promote biodiversity;*
- *will create, enhance or improve accessibility, legibility, permeability and connectivity;*
- *will provide opportunities for well designed and integrated public art;*
- *incorporates measures to minimise waste and energy consumption, conserve water resources and provide for renewable energy generation, in accordance with Core Strategy Policies 8 and 9;*
- ***utilises inclusive design principles including layout, orientation, landscape, streetscape, scale, materials, natural surveillance and sustainable construction;*** and
- *achieves layout and design that is safe, secure and enhances community safety.*

However, the most immediately relevant planning policy is Landscape Proposal 1 of the saved Local Plan:

Development will be permitted provided:

- 1) *existing landscape features, such as walls, hedges and trees, will be retained and additional well designed landscaping and open space that is well related in scale and location to the proposed development will be provided in the layout of larger developments;*
- 2) ***the building design, scale, form and materials will contribute positively to the overall quality of the environment and be carefully related to existing and proposed development;***
- 3) *the layout, design and landscaping features will discourage crime;*
- 4) ***it will not harm the amenities of occupiers of adjacent properties or cause a juxtaposition of incompatible uses; and***
- 5) *it will not prejudice the development of adjoining land.*

The impact of the proposal on neighbouring residential properties.

As mentioned earlier, the proposed house is shown to be located around 4 metres further forward than the existing bungalow – to a point roughly level with the front corners of its two immediate neighbours. That would place the rear main wall not less than some 36 metres from the rear of properties in Forest Rise to the rear. Ordinarily this Council's Residential Development Supplementary Planning Document would seek "back to back" distances of not less than 22 metres for opposing 2 storey developments. In this case there are proposed rear facing windows at second floor level, rather than just at first floor level – although generally angled away at increasing distance. Although opinions might well differ, officers do not believe that the actual and perceived privacy of those homes in Forest Rise to the rear would be threatened.

However, the two homes immediately adjacent to the site might suffer some loss of privacy and outlook due to flank facing windows at first and second floor level. Not least this would be due to a largely screened central rear facing balcony/terrace at first floor level. Note, however, that as amended those flank windows are proposed to be obscure glazed and the rear balcony screened to both of its sides. (These might be secured by condition if the Committee are minded to grant permission).

As inferred earlier, some of the impacts upon the street scene in terms of visual scale could be mitigated by relocating the proposed building further to the rear (by perhaps 3 to 4 metres). However, unless the proposed building is made substantially smaller in its bulk, any such rearward relocation would significantly aggravate the neighbourly impacts to either side. This possibility has been suggested by officers as one of various amendments but has been rejected by the applicant and his designers. In essence, the proposed building remains too large in its scale and bulk.

Conclusion

Although the proposed replacement house has been significantly amended since it was considered by this Committee on the 16 November 2017, the fundamental issues of scale and massing remain substantially at odds with the objectives of a number of relevant national and local planning policies. For this reason the recommendation below remains substantially unchanged.

This proposal is almost a textbook example of the occasional conflict between an applicant's private interests on the one hand and the broader public interest as represented by the requirements of adopted planning policy on the other. In discussion with his designer and the Council's officers the applicant has explained his wish to provide for multiple generations of his family and on a near enough "future proof" basis. However, the visual scale and impacts of the proposed building which those needs give rise to is objectionable and simply unacceptable in the context of Half Moon Crescent.

Implications Statement

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

Recommendation

For the reasons set out in the above report then **REFUSE** for the following reasons:

- 1 Half Moon Crescent as a whole is an area of distinctive local character, consisting of substantial detached homes and gardens with complex single span hipped roofs and extensive matured gardens. That local character would be unacceptably harmed and adversely eroded by the visual bulk and assertive character of the proposed house as submitted. The forward siting of that house within the site, its proximity to immediate neighbours and its height and plan depth in relation to the two immediate neighbours all emphasise that unacceptable disparity of scale. Furthermore, the forward alignment of the apparent "ridge" in front of the central flat roofed element in relation to the equivalent roof alignment of the two adjacent homes also emphasises that same disparity of scale within the street. The proposal would thereby be contrary to National Planning Policy referred to in paragraphs 58 and 64 (in particular) of the National Planning Policy Framework; policies CS14 and CS15 of the Oadby and Wigston Core Strategy, and Landscape Proposal 1 of the Saved Oadby and Wigston Local Plan.
- 2 A number of features of the proposed house pose a threat to the actual and perceived privacy of adjacent homes and gardens, including the external "private zone" immediately to the rear of those homes. While accepting that those matters could be secured by the use of appropriate planning conditions those unacceptable features include the rearward facing first floor balcony; and a number of flank facing windows. The proposal therefore conflicts with the provisions of Core Strategy policy 14 and Saved Local Plan Policy L1 which seek to ensure developments have no adverse or detrimental impacts upon amenity.

Note(s) to Applicant :

- 1 In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application as required by the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. However, in this instance, it has not been possible to overcome the concerns raised and the proposal remains in conflict with the provisions of the Development Plan and therefore the application has been refused.
- 2 **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority 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 must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Telephone 0303 444 5000) or online at www.gov.uk/appeal-planning-inspectorate

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

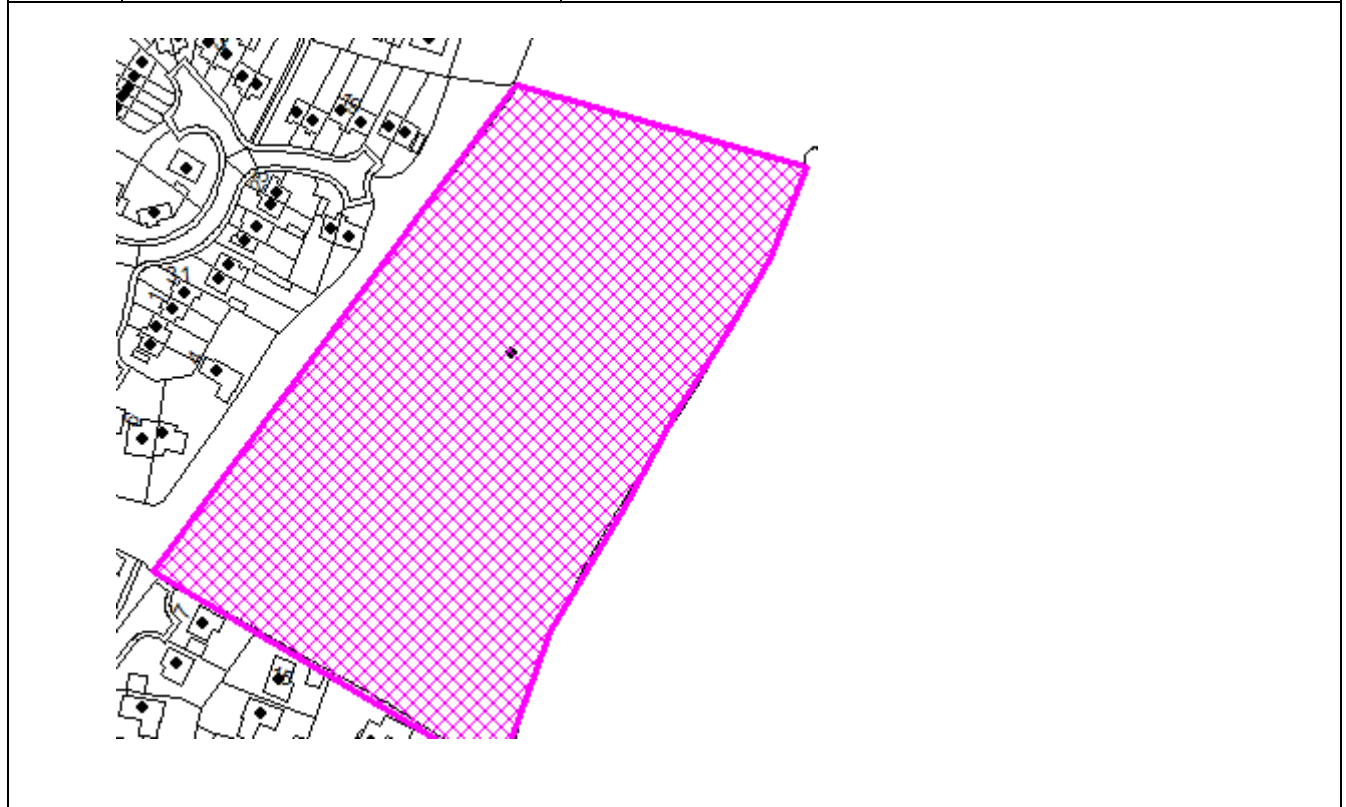
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements,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

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.

b.	17/00507/OUT	Land North of Denbydale Wigston Leicestershire
	24 October 2017	Outline application with access for the construction of up to 56 residential dwellings (Use Class C3) with associated internal roads, open space, landscaping and drainage
	CASE OFFICER	Richard Redford



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Site and Location

The site comprises an agricultural field with hedgerow forming the predominant site boundary treatment amongst which are a number of trees as well as a number of gaps. Vehicular access to the site for farm machinery is via an existing gap in the hedgerow from the adjacent agricultural field to the north, and a modern agricultural gate located in the sites south-western corner from Denbydale.

Located in a Green Wedge, the site is adjacent to but outside of the principal built up area with residential dwellings to the west and south-west while immediately to the north, east and south-east are agricultural fields. A mature hedgerow and tree boundary treatment exists along the sites western boundary beyond which is a grassed strip of land separating the application site from the adjacent residential estate. To the north, east and south-east of the site there are agricultural fields. From the northern edge of the site, the edge of Oadby is visible to the north and north-east. Other stand-alone dwellings are visible to the east in the distance. Ground levels generally fall from north to south while also falling in an easterly direction.

Description of proposal

As submitted the application seeks outline planning permission with access only for the construction of up to 56 residential dwellings with associated internal roads, open space, landscaping and drainage. Various reports were submitted as part of the application including Arboricultural Assessment, Archaeological Report, Drainage Strategy, Ecological Report and Transport Statement. Also submitted were an indicative site layout plan, opportunities and constraints plan and a framework plan.

Within the Design And Access Statement it is detailed that the proposal will have 0.59 hectares of open space including an equipped childrens play area and sustainable drainage provision, with the built form not exceeding 2-storeys in height and measuring 9.2m at it maximum. This, along with other documents, indicate off-street parking provision for each dwelling along with private garden amenity space, adopted and private roads, and landscaping throughout.

Matters relating to appearance, landscaping, layout and scale would be considered at reserved matters stage should an approval be issued.

The statutory determination period for this application expires on the 23 January 2018 and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

Relevant Planning History

The site has no relevant planning history.

Consultations

Leicestershire County Council (Lead Local Flood Authority)

Comment that the submitted drainage and flood risk details are technically acceptable apart from the invert level of the pipe entering the attenuation pond which appears to be incorrect. As such the documents as submitted are insufficient for the LLFA to provide a detailed response, and request the invert level of the pipe be re-assessed and confirmed on revised drainage details as well as evidence of correspondence with the Environment Agency in respect of surface water outfall connections and discharge rates.

Up-dated information has been provided by the agent along with points of clarification in response to the initial comments above. These have been assessed by the Lead Local Flood Authority who have commented no objection subject to conditions and informatives.

Leicestershire County Council (Highways);

The Local Highway Authority advice is that, in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the National Planning Policy Framework (NPPF), subject to the Conditions and Contributions as follows.

The Local Highway Authority [LHA] understands the application is for 56 dwellings on a field site immediately to the north east of, and leading off, Denbydale, Wigston.

Section 6 of the application form states that 'no new or altered vehicular access is proposed from the highway, however, this is not correct as the application proposes to extend the current 'end' of Denbydale, remove the footpath and field gateway and create a new adopted road. The LHA's initial comments requested details of the access proposals, these have now been provided and the LHA finds the access, indicated in blue on WYG drawing no. 003, to be acceptable.

Oadby and Wigston Borough Council consulted upon its pre-submission draft Local Plan during November and December 2017 and is due to submit the Plan for Examination in January 2018. The LHA understands this site is not one of the sites allocated for housing development in the draft Plan.

Leicestershire County Council, as Local Highway Authority, has and continues to work jointly with Harborough and Oadby and Wigston Planning Authorities to understand the cumulative impacts of growth proposed in the Draft Local Plans. Phase 2 of this work was published alongside Oadby and Wigston Borough Council's pre-submission draft Local Plan in November 2017 and identifies key areas in the Borough that will be impacted by development. Given that this site is not one of the sites allocated for housing development in the draft Plan it was not specifically taken into account in this study. It is anticipated that this work will inform a contributions strategy relating to the wider area of Oadby and Wigston. The draft work to date does highlight the potential need for improvements in the area of the Newton Lane/Bull Head Street Junction and any significant additional growth (including that proposed in the pre-submission draft Local Plan), in this area would need to take this work into account once complete.

It is stated in section 3.6 and accompanying appendices of the submitted Transport Statement [TS] that background traffic flows have been surveyed and these form the basis of the further assessment of development traffic. In order to assess if the development was going to place significant additional growth on the area [see previous paragraph] the LHA undertook its own traffic survey of peak a.m. traffic at the Wensleydale Road / Meadow Way junction and the results of this 'comparison check' survey were broadly similar to those stated in the TS. The LHA, therefore, accepts that the proposed development will not lead to significant additional vehicular trips at the Meadow Way / Newton Lane, or the Kelmars Avenue / Bull Head Street junctions. It should be noted that there is a calculation error in table 2, and section 6.3.1 of the TS [70 dwellings used instead of 56], but that this does not carry forward into the further traffic generation calculations, so does not affect the overall traffic impact conclusions of the document.

With regards to the sustainability of the site, it is usual for a site of this size to be asked to contribute towards sustainable travel measures, so that the new residents are encouraged to use other than single occupancy vehicle trips and encourage modal shift to other forms of transport. To this end the LHA requests that s106 contributions towards travel information packs and 'free' bus passes should be provided to all the new households. Also to make journeying by bus easier the

installation of Real Time Information boards at the two nearest/most convenient bus stops; contributions are requested below.

The internal layout design, including parking, turning, garaging etc. will all need to be designed in accordance with 6Cs Design Guide however this will be dealt with at a later Reserved Matters application stage, and is therefore not considered or commented on further in this document.

In addition to the contributions identified as being required, conditions and informatives are requested.

Leicestershire County Council (Contributions Team);

Education – request an overall financial contribution of £329,752.88 based on existing requirements for primary and secondary schools.

Civic Amenities – detail that the existing provision within the locality is sufficient to meet the requirement that would be generated through this development.

Libraries – request a contribution of £1690 based on the proposed number of dwellings.

Leicestershire County Council (Ecology);

Have no objection in principle to this application and the ecology report (FPCR October 2017) is satisfactory.

The development is on land with negligible value. The main area of concern is Great Crested Newts. There is a known population very close to the east of the site, however, they are happy that in the long term this population will not be adversely affected and there will be limited habitat loss. However, there must be mitigation in place which is fully covered in sections 4.36 to 4.41 of the Ecological Appraisal (FPCR October 2017). A European Protected Species License will be required.

Recommend the following for planning conditions if approved:

- Great crested newt mitigation in accordance with FPCR's recommendation (sections 4.36 to 4.41 of the Ecological Appraisal)
- Vegetation clearance must take place outside of the bird-nesting season (March to July inclusive)
- All landscape planting in the informal/natural open space and adjacent to the site boundaries to be of locally native species only
- Light spill onto retained hedgerows should be minimised to a value of 1lux or lower at the edge of the habitats
- The hedges to the north and east of the development are retained and must have buffer zones of natural open space alongside of at least 5m (as shown in the indicative layout plan) and not be garden boundaries.

Leicestershire County Council (Archaeological Services);

In summary Leicestershire County Council Archaeology officers have commented they recommend that the applicant undertakes a phase of trial trenching to establish the specific archaeological significance of the remains present and to thus determine the likely impact development. It is stated that this is required prior to the determination of the application or that in its absence the application be refused.

Leicestershire County Council (Planning);

No comments received at the time of this report being written.

OWBC Environmental Health;

No comments received at the time of this report being written.

OWBC Housing;

No comments received at the time of this report being written.

OWBC Forward Plans;

In summary the proposed development does not accord with the current and / or the proposed development plan and the development plan's policies relating to location of development are not considered absent, silent or out of date.

OWBC Tree Officer;

Originally highlighted a primary concern is the proposed hedgerow/group removal of H4 (in the Ecology report) or G4 (in the Arb report) that forms a valuable foraging and wildlife corridor towards Brocks Hills Country Park and is a typical foraging route for bats which are known for not being able to adapt their foraging route following hedgerow removal, and objected on the grounds of;

- the hedgerow being protected under the hedgerow regulations;
- as recognised in the Ecology report "All hedgerows within the site comprised at least 80% cover of native species and meet the criteria to be defined as habitat of principal importance under S41 of the NERC Act 2006."
- as recognised in the Arboricultural report BS5837 Category B,2 - Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals or trees occurring as collectives but situated so as to make little visual contribution to the wider locality, with Appendix A – G4 - With regard to structural condition: 'No major defects were noted'
- The screening provided is highly valuable as visual demarcation between adjacent housing and agricultural land.

Following a site inspection:

- The hedge/tree group appears to be predominantly beyond the site boundary, I question the applicants ownership;
- The Ecology report identifies 8 woody species with hawthorn the dominant species with the Arboricultural report identifying 10 with field maple the dominant species but agrees with the report that field maple is the dominant species. The discrepancy between reports may adjust the ecology reports Important Hedgerow appraisal (Table 3).
- With regard to the different classifications of hedge vs tree group the tree officers professional opinion is that it's an outgrown hedge that could not reasonably be returned to and managed as a hedgerow, so would classify it as a tree group, which as a side note, could have the potential amenity value sufficient to warrant a Tree Preservation Order (TPO).

Indicates that from old maps the hedge was mapped between 1974 and 1982, this timing is in line to be part of planning application 79/0083/8R for the construction of dwellings off Meadow Way.

The establishment of this hedgerow is possibly in mitigation for the removal of large lengths of adjacent important hedgerow during this development. Under the current hedgerow regulations any replacement hedgerow is automatically considered to be important. Taking the latest possible date of establishment from available maps as 1982, the hedge is at least 30 years old, if the hedgerow appraisal were to change this could categorise it as important.

The importance provided to this hedge has been demonstrated by the aforementioned adjacent development, where properties do not join the site boundary (maximising the properties square meterage) but are offset away from the hedgerow which is unique to this area, the rationale for this should be considered. The attached title plan for the adjacent land (LT71045), part C section 8 *might* explain this, if not directly addressed in the 79/0083/8R planning application.

If the hedgerow were to be retained within or forming the boundary of a property curtilage, they would not be subject to any protection under current regulation. For proposals that incorporate existing hedgerows into dwellings or their boundaries I would request a condition as outlined in Hedgerow Regulations 1997 – A guide to the law and good practice:

The above being said, and should the hedge/tree group be retained, it could equally be subject to a TPO.

As a result of dialogue with the agent who has confirmed that as per the Arboricultural Report and Tree Protection Plan, the hedge on the sites western boundary will remain in situ, the tree officer has confirmed no objections subject to conditions.

Wigston Civic Society;

Wigston Civic Society would object to such an application on the following basis:

Despite the transport assessment accompanying the application being quite glib about the need for non car journeys being encouraged, the fact is, that people buying these houses are likely to be car owners with the possibility of at least two cars per dwelling, they are not likely to walk or cycle to the shops, schools or to work because despite being within the recommended 2 km distance this just does not happen, people do not have time, so they use their cars. There is the potential for an additional 100 vehicles to be using Denbydale and Wensleydale. Are these roads legally wide enough for this additional volume of traffic? There is very little mention in the Transport Assessment of the impact on the junction of Meadow Way with Newton Lane, where the report acknowledges that further to the east there are 450 dwellings about to be constructed with only one access onto Newton Lane, or on the Kelmarsh Avenue/ Bullhead Street traffic light controlled junction.

The report says that there are two metre wide pathways on Denbydale and Wensleydale, these have been measured and vary in width but are in the main less than two metres.

The Design and Access Statement correctly indicates that the site is within but on the edge of the green wedge designated in the existing local plan. The site is also within the green wedge on the emerging local plan. Developing this site would indicate the thin end of the wedge in destroying the existing designated green wedge especially as the outline plan clearly shows provision for a future access to an adjacent field to the north. The green wedge is an extensive boarder around the edge of the existing development running to Brocks Hill and the race course and must be preserved.

The D&A statement indicates that the existing Local Plan at Landscape Proposal 1 states that a development 'will not harm the amenities of occupiers of adjacent properties'. Clearly, the occupiers of Denbydale and Wensleydale will consider that their quiet enjoyment of the land around there houses will be harmed.

The existing gate into the field from Denbydale has not always been in place and was only installed some 10 years ago by the farmer, there is photographic evidence showing no gate in place.

The proposed layout indicates a high density of dwellings and allows access to adjacent fields, clearly indicating a further extension of development in the future.

Should the Council agree to the application then the Civic Society requests:

1. The provision of at least 25% of the dwellings as bungalows, existing plan being noted.
2. No three storey dwellings and a number of smaller two bedroom dwellings.
3. High quality boundary treatment to existing houses on Denbydale and Wensleydale.
4. Restrictions on site working hours.
5. An opportunity for additional archaeological investigations.
6. A section 106 agreement for road improvements, library provision, play area equipment, town centre improvements and for other community facilities.
7. Maximum affordable housing provision.
8. Preservation of existing hedgerows and fences.

Environment Agency;

Has no formal comment to make, highlighting that Standing Advice applies and that surface water comments should be provided by the Lead Local Flood Authority.

Natural England;

Has no comments to make on the application.

Severn Trent Water Ltd;

No comments received at the time of this report being written.

Western Power;

No comments received at the time of this report being written.

Leicestershire First;

No comments received at the time of this report being written.

Leicestershire Health Authority;

No comments received at the time of this report being written.

Representations

Neighbours have been informed and a press/site notice placed. The date for the receipt of comments expired on the 7 December 2017.

Neighbours have been informed and notices placed around the site. At the time of writing this report, the following third party correspondence has been received.

1 letter of representation has been received suggesting that bungalows form part of the development on the basis of limited bungalows having been built in the area recently yet there is increasing demand for them as they provide ground floor accommodation for those who are not able to cope with stairs.

96 letters of objection (from 56 addresses) have been received objection to the proposal. The grounds of objection are:-

- Denbydale is too small to cope with the extra vehicles associated with the proposal;
- Wensleydale Road being unsuitable to carry extra traffic through Meadow Way due to levels of vehicular parking on its southern side;
- safety will be compromised if the development is approved;
- the application site is highway than Denbydale and Wensleydale Road so existing properties will be overshadowed;
- the site floods which has impacted on adjoining gardens;
- the local infrastructure will be stretched;
- advised by Jelsons when they bought the land in 2014/2015 it was for agricultural prices and wouldn't be built on for 20 years;
- parking in the area is very limited so where would workers park their personal vehicles;
- refuse vehicles take branches off trees on Denbydale on collection days;
- is in direct conflict with the Oadby & Wigston Local Plan adopted in 1999 and reissued in 2007;
- residents being advised in 1996 any development would be accessed via a roundabout further down Newton Lane;
- the application needs to be refused in light of a post Brexit to ensure farmland is available to grow crops for our self-sufficiency moving forward;
- highway and pedestrian safety concerns;
- highway visibility concerns and traffic intensification;
- the roads are very narrow and unsuitable for the increase in traffic;
- highway safety concerns when construction vehicles are using the local roads;
- lack of school provision for the increase in residents and what provision is being made for extra schooling;
- lack of local doctor provision;
- the land is green belt land and should stay as such;
- worsening of traffic levels and concerns;
- parking concerns in the area;
- while the need for additional housing is accepted, the implications in this locality will be detrimental on the area;
- in-appropriate use of the land in direct conflict with Recreation Proposal 8 of Section 9 of the adopted Local Plan on recreational open space for the Meadows Estate;
- loss of boundary treatment planting;
- privacy, overlooking and security concerns;
- perceived property devaluation;
- additional traffic levels;
- it will be out of character in the area;
- the size of the development;
- spoiling views;
- visual amenity;
- noise and pollution;
- additional traffic;
- narrowness of the access roads;
- being out of character;
- the size of the development;
- detrimental impact on visual and residential amenity;

- current permission for 500 dwellings that with the proposal will mean possibly 2000 to 3000 more people;
- too many existing properties vacant;
- height should be restricted to two stories as above this would be out of character with the existing adjacent development and prevent overlooking;
- accept the need for housing to be built but there is a need to ensure it is done in an appropriate, systematic approach that does not impact upon amenity and the highway network;
- traffic calming measures needed;
- The land not being identified in the emerging local plan as being for development purposes;
- Road width concerns;
- the sites Green Wedge designation;
- not needed in the identified time frame for development;
- the application forms no work has commenced yet a query exists in relation to the gate into the site from Denbydale inserted recently;
- discrepancies in the submission between 56 dwellings and 70 dwellings;
- failure of the transport assessment to fully take account of parking conditions on Wensleydale Road at evenings and weekends;

Councillor Charlesworth has requested the application be determined by the Planning Committee as he is concerned about the access; density; and the need for the development having given permission for the Direction for Growth.

Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

Core Strategy Policy 1 - Spatial Strategy

Core Strategy Policy 4 - Sustainable Transport & Accessibility

Core Strategy Policy 5 - Green Infrastructure

Core Strategy Policy 6 - Green Wedge

Core Strategy Policy 8 - Climate Change and Renewable Energy

Core Strategy Policy 9 - Flood Risk and the Water Environment

Core Strategy Policy 11 - Affordable Housing

Core Strategy Policy 14 - Design and Sustainable Construction

Core Strategy Policy 15 - Landscape and Character

Core Strategy Policy 17 - Open Space and Facilities for Leisure, Recreation and Tourism

Oadby and Wigston Saved Local Plan

Landscape Proposal 1

Emerging Local Plan Pre-Submission November 2017 (ELPPS)

ELPPS Policy 1 - Presumption in favour of Sustainable Development

ELPPS Policy 2 - Spatial Strategy for Development

ELPPS Policy 6 - High Quality Design and Materials

ELPPS Policy 8 - Green Infrastructure

ELPPS Policy 11 - Housing Choices

ELPPS Policy 12 - Housing Density

ELPPS Policy 13 - Affordable Housing

ELPPS Policy 37 - Biodiversity and Geodiversity

ELPPS Policy 38 - Climate Change, Flood Risk and Renewable Low Carbon Energy

ELPPS Policy 39 - Sustainable Drainage and Surface Water
ELPPS Policy 42 - Green Wedges
ELPPS Policy 44 - Landscape and Character

Supplementary Planning Document / Other Guidance

HEDNA 2017
Housing Implementation Strategy April 2017
Objectively Assessed Housing Need
Green Wedge Review

Planning Considerations

The main issues to consider in the determination of this application are as follows:

- The principle of the proposed development;
- Highway matters;
- Ability of the site to accommodate the proposal;
- Contributions;
- Arboricultural and ecological matters;
- Flooding;
- Archaeology.

Principle of the development;

Paragraph 14 of the National Planning Policy Framework (NPPF), requires that a '*presumption in favour of sustainable development*' should be the golden thread that runs through both plan-making and decision-taking. In relation to decision-taking, paragraph 14 states that development proposals that accord with the development plan should be approved without delay, and '*where the development plan is absent, silent or relevant policies are out-of-date*'...permission should be granted.

Paragraph 12 of the NPPF also states that '*proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise*'.

The proposed development does not accord with the current and / or the proposed development plan and the development plan's policies relating to location of development are not considered absent, silent or out of date (for the reasons set out below).

The NPPF, at paragraph 17, also states that '*planning should be genuinely plan-led*'...and that Local Planning Authorities should 'encourage the effective use of land by reusing land that has been previously developed (brownfield land)'.

The application site is located outside of the current limits of the Leicester Principal Urban Area and within the Oadby and Wigston Green Wedge. The application site is also undeveloped and open in nature. The application site does not therefore encourage the effective use of land by reusing land that has been previously developed. Both, the current development plan's spatial strategy (set out within the Council's Core Strategy) and the proposed development plan's spatial strategy (set out within the Council's New Local Plan Pre-Submission document) focus development within the town and district centre areas, other areas of the Leicester Principal Urban Area, and the Direction for Growth areas.

With regards to the Council's current 5 year land supply the Council takes a pragmatic and proactive approach to delivering its identified housing need, both up to 2026 in the adopted Core Strategy and up to 2031 in emerging New Local Plan.

In the context of the adopted Core Strategy, the Council has a healthy five year housing land supply. This is demonstrated in the Council's latest Housing Implementation Strategy (April 2017). As stated in paragraph 4.2 of the Housing Implementation Strategy, *'the current 5 year requirement for the Borough, using the adopted Core Strategy target of 90 dwellings per year is 450 dwellings plus a 5 per cent buffer, totalling 473. As of the 31 March 2017 the Borough has a five year supply figure of 1,083 net additional homes, which is 610 dwelling units above the requirement of 473'*. This equates to 11.4 years supply.

In the context of the emerging New Local Plan, the Council's 5 Year Supply remains healthy. The annual housing requirement illustrated within the proposed New Local Plan is consistent with the Objectively Assessed Housing Need (OAHN) identified within the Leicester and Leicestershire Housing and Economic Development Needs Assessment 2017. The annual OAHN illustrated is 148 dwellings (up to 2031). Taking account of the proposed annual 148 figure, the following can be illustrated.

The current 5 year requirement for the Borough, using the annual dwelling figure of 148 dwellings is 740 dwellings plus a 5 per cent buffer, totalling 777. As of the 31 March 2017 the Borough has a five year supply figure of 1,083 net additional homes, which is 306 dwellings above the requirement of 777 dwellings. Taking account of residential net completions since 1 April 2011 (the commencement period for the HEDNA and the New Local Plan), the Council has a completion shortfall of 310 dwellings.

With the HEDNA being published in 2017, it would not be reasonable to seek to meet the shortfall within a 5 year period, as for the period 2011 to 2017, the Council was not planning for 148 dwellings per annum. Therefore, the 'Liverpool Approach' to dealing with a shortfall will be made use of for the purpose of these comments. Using this approach, the shortfall for the 5 year period would be 111 dwellings. Taking account of this revised shortfall figure, the requirement for the 5 year period would be 888 dwellings which is 195 dwellings below the supply figure of 1,083 dwellings. This equates to 6.1 years supply.

Taking account of the above information, it is clear that the Council has a healthy supply of deliverable housing sites and therefore, further 'unplanned' greenfield housing sites (such as the application proposal site) are not required by the Council at this time, to fulfil its requirement. Paragraph 49 of the NPPF states that *'relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'*. The Council can illustrate a 5 year supply of deliverable housing sites, therefore relevant policies for the supply of housing are up to date and should be applied through the 'Plan led' planning system.

In respect of local policy relating to the principle of development the levels of development proposed within the application site, must be taken account of relative to the Borough's annual housing requirement (adopted and proposed). 56 new dwellings equates to 62 per cent of the Council's current housing requirement of 90 dwellings per annum, and 38 per cent of the Council's OAHN set out within the HEDNA and subsequently the Council's New Local Plan Pre-Submission document. Relative, the proposed development is significant in the context of the Borough.

The current Spatial Strategy set out within the Council's Core Strategy seeks to concentrate development within the current extent of the Leicester Principal Urban Area, as well as a single greenfield Direction for Growth area at Wigston. The Council's New Local Plan Pre-Submission

document sets out a similar strategy for development, with development sought within the Leicester Principal Urban Area, however it allocates land for three greenfield Direction for Growth areas, due to the Council's increase in its identified housing need.

The sites to be allocated through the Council's New Local Plan, and the levels of development set out within the Plan have been subject to extensive evidence and testing, which this site has not been subject to. The South East Leicestershire Transport Study, took account of the full extent of development proposed within the Council's New Local Plan up to 2031, as well as levels of development sought within Harborough District's proposed New Local Plan up to 2031. The study confirmed that the majority of the Borough's junctions and highways routes would be severely stressed (particularly junctions along the A5199) due to the levels of development proposed. The study did, however suggest that through specific mitigation, the levels of development could be accommodated up to 2031. It must be noted that the application site, does not form part of the Council's New Local Plan Pre-Submission document and therefore the additional 56 dwellings that this site would deliver were not taken account of within the South East Leicestershire Transport Study.

The proposed development of the application site is therefore in addition to the levels of development tested for Local Plan purposes and as such, the severity of the impact that the development would have from a strategic highways perspective is unknown and therefore the levels of mitigation required are unknown also. Although the study does indicate limited scope to accommodate growth beyond that planned for in the New Local Plan, due to the constraints that highway capacity has within the Borough, permitting unplanned development that does not accord with the development plans spatial strategy could seriously risk the delivery of planned development in the future.

The South East Leicestershire Transport Study's forecast congestion along routes and junctions near to the application site, due to planned development is severe but can be mitigated. One of the ways in which the Council has sought to mitigate congestion through the New Local Plan is to locate larger scale planned development directly on to main arterial highway links, such as the Welford Road in Wigston. Of all the highway links within the Borough, these have the greatest (relative) highway capacity.

In response to the 'Response of the Local Highway Authority to consultation by the Local Planning Authority' in relation to this application, the Local Highway Authority is correct in its assertion that joint work has been undertaken to understand the cumulative impacts of growth (see above comments), however it should be stressed that the application site has not formed part of this joint work, and therefore its (cumulative) impact on the highway network has not been assessed and therefore is not understood.

The application site is situated within the current extent of the Oadby and Wigston Green Wedge, therefore Core Strategy Policy 6 – Green Wedges applies. The current extent of the Green Wedges situated within the Borough are identified on the Council's Adopted Policies Map.

The Council's Green Wedges were first introduced in 1987, and have been extremely important in shaping the urban areas of the Borough, as well as providing essential green, open and undeveloped areas for local residents and visitors, to not only enjoy, but contribute towards their health and wellbeing.

Local policy relating to Green Wedges sets out acceptable land uses, of which residential development is not one. The objectives of the policy seek to maintain the open and undeveloped character of the green wedges, as well as retain and create green networks between the countryside and open spaces within the urban area, as well as retain and enhance public access to

the green wedges. The proposed development of the application sites does not accord with the policy objectives, therefore is deemed inappropriate development of the green wedge, therefore does not comply with Core Strategy Policy 6 – Green Wedges.

For the purposes of the New Local Plan the Council undertook a Green Wedge Review. The purpose of the review was to assess the boundaries of the existing green wedge designations within the Borough. The review took account of the Broad Location for Growth Areas identified within the Council's Strategic Housing Land Availability Assessment and the options for greenfield release sites identified within the Council's Preferred Options Local Plan consultation document. The review also took account of the OAHN identified within the HEDNA.

The Council's New Local Plan Pre-Submission document took forward a number of the reviews recommendations, for example, in the main, retaining the boundaries of the Oadby and Wigston Green Wedge as illustrated on the Council's Adopted Policies Map, as well as extending the green wedge to take account of the Cottage Farm Direction for Growth area in Oadby. The review illustrated the important role that the Oadby and Wigston Green Wedge plays in preventing coalescence of settlements, guiding development form, providing a green lung into urban areas, and as a recreational resource.

With the Borough being predominately urban, green open spaces are essential for the health and wellbeing of its residents. The Council's New Local Plan Pre-Submission document, identifies planned release of green wedge in Oadby. The planned release was not taken likely and took full account of the Council's Green Wedge Review. The review did not set out any further green wedge release land. Bearing in mind the Council's planned approach to green wedge release, it would not be appropriate to release further green wedge land on an ad-hoc unplanned basis, due to cumulative impact, specifically when there is no requirement for the Council to do so from a land supply point of view.

On the basis of these preceding paragraphs it can be seen that the principle of the development is unacceptable. This is on the basis that the HEDNA clearly establishes the Council has a housing land supply in excess of 5 years and the site is located within a designated Green Wedge where no current or future designation for housing exists. Therefore in terms of the Core Strategy the proposal conflicts with the provisions of policies 1, 5, 6 and 17 while in respect of the emerging Local Plan it conflicts with policies 1, 2, 8 and 42 by virtue of representing inappropriate development in a non-designated, inappropriate location that would result in the loss of an area of designated green wedge.

Notwithstanding this, the development as submitted must be assessed as a whole including all other matters capable of consideration at this point.

Highway Matters;

Leicestershire County Council as the Local Highway Authority has assessed the proposal with their commenting that in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions and Contributions as follows.

As part of their comment they highlight that Section 6 of the application form states that 'no new or altered vehicular access is proposed from the highway', however this is not correct as the application proposes to extend the current 'end' of Denbydale, remove the footpath and field gateway and create a new adopted road. The LHA's initial comments requested details of the access proposals, these have now been provided and the LHA finds the access, indicated in blue on WYG drawing no. 003, to be acceptable.

Leicestershire County Council, as Local Highway Authority has and continues to work jointly with Harborough and Oadby and Wigston Planning authorities to understand the cumulative impacts of growth proposed in the Draft Local Plans. Phase 2 of this work was published alongside Oadby and Wigston Borough Council's pre-submission draft Local Plan in November 2017 and identifies key areas in the Borough that will be impacted by development. Given that this site is not one of the sites allocated for housing development in the draft Plan it was not specifically taken into account in this study. It is anticipated that this work will inform a contributions strategy relating to the wider area of Oadby and Wigston. The draft work to date does highlight the potential need for improvements in the area of the Newton Lane/Bull Head Street Junction and any significant additional growth (including that proposed in the pre-submission draft Local Plan), in this area would need to take this work into account once complete.

It is stated in section 3.6 and accompanying appendices of the submitted Transport Statement [TS] that background traffic flows have been surveyed and these form the basis of the further assessment of development traffic. In order to assess if the development was going to place significant additional growth on the area [see previous paragraph] the LHA undertook its own traffic survey of peak a.m. traffic at the Wensleydale Road / Meadow Way junction and the results of this 'comparison check' survey were broadly similar to those stated in the TS. The LHA, therefore, accepts that the proposed development will not lead to significant additional vehicular trips at the Meadow Way / Newton Lane, or the Kelmars Avenue / Bull Head Street junctions. They highlight that there is a calculation error in table 2, and section 6.3.1 of the TS [70 dwellings used instead of 56], but that this does not carry forward into the further traffic generation calculations, so does not affect the overall traffic impact conclusions of the document.

With regards to the sustainability of the site, it is usual for a site of this size to be asked to contribute towards sustainable travel measures, so that the new residents are encouraged to use other than single occupancy vehicle trips and encourage modal shift to other forms of transport. To this end the LHA requests that s106 contributions towards travel information packs and 'free' bus passes should be provided to all the new households. Also to make journeying by bus easier the installation of Real Time Information boards at the two nearest/most convenient bus stops; contributions are requested below.

The internal layout design, including parking, turning, garaging etc will all need to be designed in accordance with 6Cs Design Guide' however this will be dealt with at a later Reserved Matters application stage if this submission is approved, and is therefore not considered or commented on further as part of this application.

In addition to the contributions identified as being required, conditions and informatives are requested.

On this basis of these comments from Leicestershire County Council as the Highway Authority, the proposal would not result in any unacceptable highway impact that would justify refusal subject to appropriate conditions, informatives and Section 106 contributions.

Ability of the Site to Accommodate the proposed development;

An indicative site layout plan was provided as part of the submission alongside a Design and Access Statement and other documents which set out details in respect of the proposal and its ability to be provided within the site as a whole.

Based on the submitted indicative drawing vehicular access would be via Dendbydale to the south-west corner of the site with pedestrian access being obtained at this point as well as two other

points on the sites western boundary making use of existing gaps in the hedging and trees along this site. The indicative plan shows 3 main sections of road which, from other submitted documents, would appear to be to adoptable standards while there would be 4 other smaller, private drive type roads. The main length of adoptable road would run parallel to the sites western boundary off which the other 2 main sections of road and one 'private' type road would run east and the remaining three 'private' type roads running roughly north to south. Around these indicative roads it is shown how the 56 dwellings proposed could be arranged in a manner that affords off-road parking, front and rear garden areas, public amenity space and SUDs provision. This is in addition to additional landscaping.

The Design and Access Statement submitted details that the dwellings to be provided would be a mix, relating to existing dwellings on adjacent sites to the east and south, while also drawing on their nature in terms of being 2-storey in height with a maximum overall height of 9.2m. Within this document it also sets out how a variety of ridge heights (not exceeding 9.2m) could be used along with differing designs and dual frontages could serve to provide variety within the area that could also draw from existing features so as to provide an element of continuity.

An assessment of the indicative plan suggests that the proposed number of units could be fitted comfortably into the area proposed for the dwellings with the remaining area being utilised for the roads, public open space, SUDs and site landscaping. The majority of dwellings have generous sized rear gardens and are positioned in a manner that would prevent overlooking and loss of privacy not only to the other dwellings proposed but to those adjoining the site as well. A small number of the units have small rear garden depths of below 10m which would be unacceptable and assuming the dwellings on these plots being two-storey with high pitched roof above (and thus allowing for the roof space to provide additional bedrooms requiring additional windows and parking spaces) there would be scope for unacceptable levels of overlooking, loss of privacy and insufficient on-site parking provision.

What appear to be garages and driveway parking spaces are shown on the indicative plan which is welcome however, without knowing the number of bedrooms in each it is hard to establish whether each of the units would have sufficient parking spaces. The layout and positioning of some of the garages in relation to likely principle building frontage could give rise to on-street parking for ease by occupants.

Notwithstanding these points, the site is of sufficient size in order that they could all be satisfactorily addressed at a reserved matters stage should any approval be granted through a variety of means including the type of housing to be built, altering site layout etc.

Through the type of housing to be built as well as materials, it would enable the proposal to relate to the existing adjacent dwellings as well as the adjacent countryside and green wedge areas in a respectful, appropriate manner. Furthermore, the layout of the scheme and type / size of dwellings could be altered along with the public open space and SUDs areas in a manner that they could ensure appropriate layout, living conditions, amenity, landscaping and facilities in a manner that can be accommodated on the site.

As such, and subject to reserved matters, the site is considered to be of a sufficient size to satisfactorily accommodate the development proposed in terms of numbers, roads and facilities albeit in a manner different to that shown on the indicative plans. It would therefore have the potential to comply with the provisions of Core Strategy policies 14 and 15, as well as Emerging Local Plan policies 6, 11, 12 and 44.

Arboricultural & Ecological Matters;

Arboricultural and ecological reports and surveys have been submitted as part of the application and considered by the Oadby & Wigston Borough Council Tree Officer and Leicestershire County Council Ecology unit respectively.

With regards to the tree and hedgerow element, as set out in the consultee responses, an initial objection was received from the Tree Officer objecting to the proposal on a number of different grounds including the hedgerow being protected under the hedgerow regulations; habitat importance; the screening provided currently is highly valuable; and discrepancies between report possibly adjusting appraisals.

Following these grounds for objections being received from the Tree Officer, discussions have taken place and clarifications provided including that the existing site boundary treatments (hedges and trees) will remain which addressed the concerns of the Tree Officer. As such the proposal would not unacceptably impact upon either the trees or hedgerows to an unacceptable level subject to conditions and or informatives being attached to any approval.

Turning to ecological matters, the report(s) provided have been assessed with Ecological officers satisfied that the proposal will not result in any adverse or detrimental impact upon any protected species. This is subject to conditions and informatives being attached to any permission granted on the site.

Affordable Housing, Education, Libraries and Civic Amenities;

The application forms set out that they would provide a total of 9 houses for Social Rented Housing purposes and 3 houses for Intermediate Housing purposes which represents 20% of the development proposed and in accordance with the provisions of Core Strategy policy 11 as well as policy 13 of the emerging Local Plan. Notwithstanding the fact that there is an objection to the principle of the development which hinders the ability to support the scheme, a Section 106 legal agreement would be required to secure this provision.

As set out in the consultee responses detailed above, requests have been received for the provision of financial contributions in association with education (primary and secondary schools), libraries and civic amenities. Details of these requests have been provided to the agent.

Flooding;

As part of the application drainage details were provided that, in conjunction with the indicative plan provided, showed the provision of a SUDs drainage scheme to the eastern side of the site running north to south. This SUDs indication was in addition to general drainage details for the site as a whole.

An initial assessment of these drainage details by Leicestershire County Council, as lead local flood authority, raised a couple of concerns notwithstanding the fact that the submitted drainage and flood risk details are technically acceptable. The issue was that the invert level of the pipe entering the attenuation pond which appears to be incorrect so the documents as submitted were insufficient for the LLFA to provide a detailed response. They requested that the invert level of the pipe be re-assessed and confirmed on revised drainage details as well as evidence of correspondence with the Environment Agency in respect of surface water outfall connections and discharge rates.

These comments were provided to the agent and subsequently up-dated documents were received by the Local Planning Authority. Having been forwarded to the Lead Local Flood Authority for further assessment, they have commented that based on the up-date drainage details provided they

would have no objections to the proposal subject to conditions and informatives being attached to any approval issued.

Archaeology:

An archaeological report was submitted with the application that was subsequently, following on-going discussions between the agent / applicant and the archaeologists at Leicestershire County Council, a geophysical survey report was provided.

In the assessment of the submitted documents by Leicestershire County Council archaeologists, they detail that an appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates that the application site lies in an area of an uncertain archaeological potential, owing largely to the lack of previous archaeological investigation of the site and its immediate locality. Metal detecting in the area has produced medieval archaeological remains including a spur and coin (HER ref.: MLE6921), as well as three Roman coins found in the vicinity. In the wider context, the HER indicates a general potential for prehistoric, Roman and medieval remains, although in the latter case the site lies to the east of the historic medieval and post-medieval settlement core of the village of Wigston Magna. The applicant's desk-based assessment (ULAS ref.: 2017-126), suggested the site possessed a 'moderate' potential for the presence of archaeological remains and, given the absence of recent development, a likelihood that any such evidence would have a good state of preservation. It further notes that clarification of the form and extent of any archaeological remains could be achieved through geophysical survey or trial trenching.

To clarify the above issues a second stage of assessment comprising a geophysical survey of the application site was undertaken (SUMO Survey Report: 11943), the results demonstrating a high probability of significant archaeological remains lying across much of the application area. The report suggests the presence of an area of possible settlement activity, comprising rectilinear enclosures complex. A possible trackway was been detected, however as its alignment coincides with that of the ridge and furrow, and it is difficult to determine the archaeological significance of it or the rest of the anomalies detected. It now recommended that the applicant undertakes a phase of trial trenching to establish the specific archaeological significance of the remains present and to thus determine the likely impact development.

The preservation of archaeological remains is, of course, a "material consideration" in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the planning authority defer determination of the application and request that the applicant complete the assessment of the archaeological interest.

This assessment will require provision by the applicant for a field evaluation by trial trenching, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. It is also noted that further design, civil engineering or archaeological work may then be necessary to achieve this.

It is highlighted that this information should be submitted to the planning authority before any decision on the planning application is taken, so that an informed decision can be made, and the application refused or modified in the light of the results as appropriate. Without the information that such an Assessment would provide, it would be difficult in our view for the planning authority to assess the archaeological impact of the proposals. Attention is also drawn to the Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, or to refuse the application

pursuant to the information being provided with these recommendations conform to the advice provided in DCLG National Planning Policy Framework (NPPF) Section 12, paras. 128, 129 & 135).

As part of the need for this additional work to be done LCC Archaeology have indicated that the Historic & Natural Environment Team (HNET), Leicestershire County Council, as advisors to the planning authority, will provide a formal Brief for the work and approve a Specification for the Assessment at the request of the applicant. This will ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority, in a cost-effective manner and with minimum disturbance to the archaeological resource. The Specification should comply with relevant Chartered Institute for Archaeologists "Standards" and "Code of Practice", and should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable.

It was also highlighted that the lack of archaeological information should be an additional reason for refusal, to ensure the archaeological potential is given future consideration, should it not be provided prior to determination. In relation to this point archaeological officers at LCC have indicated that should it be a reason for refusal, if the information not be provided prior to determination, they would be willing to have a proactive dialogue with the applicant and their agents post determination and prior to any re-submission or appeal with a view to ensuring that it be addressed appropriately at the appropriate point so enabling a full, detailed and thorough assessment of the proposal.

At present the application site has agricultural crops growing on it. On this basis, as well as verbal discussions with the agent, it is not feasible to undertake the required archaeological trench work without significant expenditure and loss of crops. The agent has suggested that the use of a condition to be acted upon prior to the submission of any reserved matters application should a permission be granted.

It could be argued that the trenching could be dealt with by way of a pre-commencement condition to be implemented prior to the submission of any of the reserved matters in order to allow the archaeological details to be established following the grant of an outline permission but then for them to influence the items to be considered as part of the reserved matters. Discussions between the case officer and LCC archaeologist over this matter have taken place and highlighted that in the opinion of the archaeological unit, the site has potential to have significant impacts which need to be assessed prior to any approval. Furthermore, should outline permission be granted with such a condition attached and the further archaeological works highlight barriers to the development of the site in a manner that prohibits or prevents areas being built upon then it would have potential to impact on other planning matters and lead to a development that could not readily be built. The imposition of a condition to this effect would therefore be unreasonable.

Conclusion

From the above it can be seen that while the site is located immediately adjacent to the edge of Wigston Magna, it is outside of the Principle Urban Area and located within a designated Green Wedge where policy provisions in the saved Local Plan, Core Strategy and emerging Local Plan clearly indicate that within the green wedge designation it is allocated for recreational purposes and that new development should not be located here. This inappropriate location for the development proposed is further emphasised due to the Council having an 11.4 year housing land supply based upon the Council's latest Housing Implementation Strategy (April 2017). Even in the context of the emerging Local Plan taking account of the Objectively Assessed Housing Need (OAHN) and the HEDNA regarding shortfall in completions, the Council still has a housing land supply period of 6.1 years. From these it can be seen that the principle of the development is unacceptable based on the Council having an identified housing land supply in excess of the necessary 5 year period and

the sites location in a designated Green Wedge. Thus the proposal conflicts with the requirements of Core Strategy policies 1, 5, 6 and 17, as well as with the emerging Local Plan policies 1, 2, 8 and 42.

Notwithstanding the preceding paragraph setting out the principle of the development is unacceptable, based upon the consultation response from the Highway Authority the proposed access point into the site from Denbydale is considered to be acceptable subject to a Section 106 legal agreement as well as appropriate conditions and informatives.

The site is of sufficient size to physically accommodate the development proposed notwithstanding the changes that would be needed to the indicative plan to address concerns. Further, the proposal would not impact upon trees or hedgerows currently present on site with there also being no impact upon ecology.

The site proposal would, based upon the response from LCC Archaeology, have potential to impact in a detrimental manner on archaeology on the site with further work required prior to the Council being able to establish the proposal could be accommodated in the form proposed without impact on historical remains. At present in respect of archaeology the proposal is therefore unacceptable.

As a whole the proposal is unacceptable for the reasons set out.

Implications Statement

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

Recommendation

For the reasons set out in the above report then **REFUSE** for the following reasons:

- 1 The application site is located outside of the defined Principal Urban Area and is situated in a designated Green Wedge. An assessment of the proposal against the provisions of the Housing Implementation Strategy (April 2017) and the Objectively Assessed Housing Need (OAHN) within the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) 2017, shows that the Council has a housing land supply in excess of the required 5 year period plus 5%. Based on this assessment along with the provisions of both the adopted Core Strategy and the Emerging Local Plan, the proposal represents an unplanned development on a greenfield site. The proposal therefore conflicts with the provisions of policies 1, 5, 6 and 17 of the Core Strategy, policies 1, 2, 8 and 42 of the Emerging Local Plan and the NPPF due to it representing inappropriate development in a non-designated, inappropriate location that would result in the loss of an area of designated green wedge.

- 2** The site is located within an area of uncertain archaeological potential. Based upon an assessment of both the ULAS Archaeological Report (ULAS Report No 2017-126 dated 22 August 2017) and the Sumo Survey Geophysical Survey Report (numbered 11943 and dated November 2017) submitted as part of the application, it has been established that there is a high probability of significant archaeological remains lying across much of the application site resulting in the need for further investigation in order that the archaeological implications be adequately assessed prior to any application being considered and determined favourably. In the absence of this information, the proposal would have the potential to result in an unacceptably detrimental impact upon historic archaeological heritage assets contrary to the provisions of Section 12 of the National Planning Policy Framework (NPPF).

Note(s) to Applicant:

1 Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority 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 must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Telephone 0303 444 5000) or online at www.gov.uk/appeal-planning-inspectorate

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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.

Purchase Notices

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

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

BACKGROUND PAPERS

1. 17/00368/FUL
2. 17/00507/OUT

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