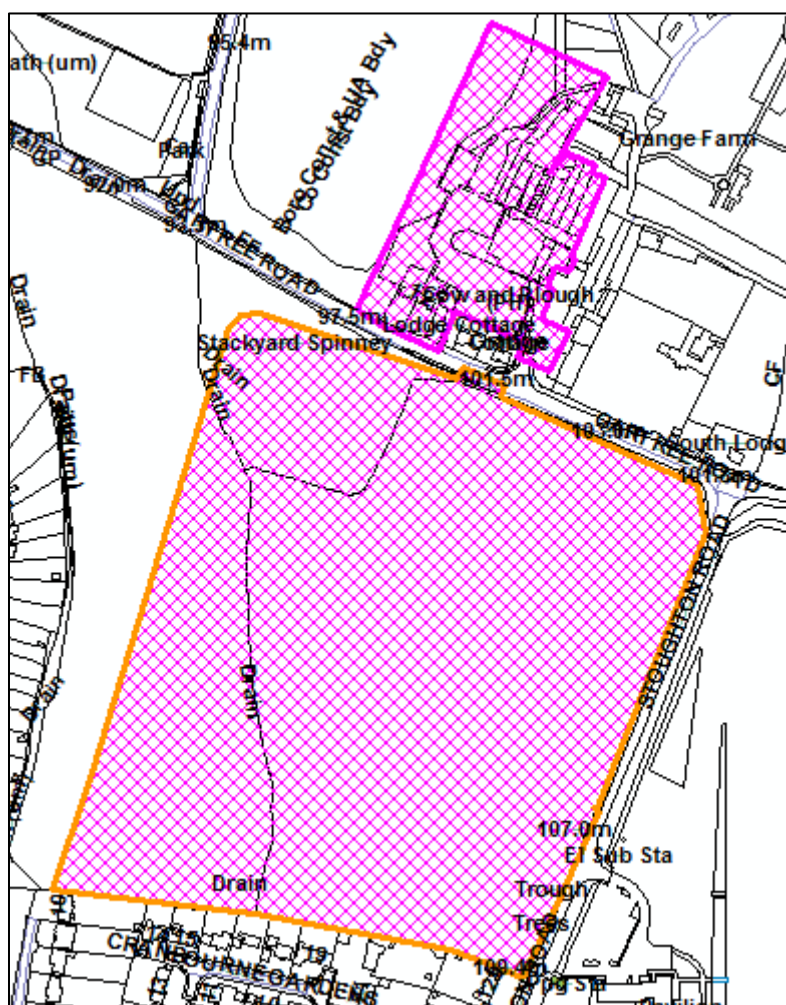


**Application Number****Address****Report Items**

- a.** 18/00178/OUT  
Land Opposite  
Stoughton Farm Park  
Gartree Road  
Oadby  
Leicestershire  
LE2 2FB
- b.** 18/00477/FUL  
282 Leicester Road  
Wigston  
Leicestershire  
LE18 1HQ
- c.** 19/00022/COU  
Land Off Goddards Slang  
Oadby  
Leicestershire  
LE2 5HL

<b>a.</b>	<b>18/00178/OUT</b>	Land Opposite Stoughton Farm Park Gartree Road Oadby Leicestershire LE2 2FB
	<b>24 April 2018</b>	Outline planning application, with access, for the demolition of the existing buildings located at Stoughton Grange, including 2x dwellings, and the subsequent construction of up to 310x dwellings across two land parcels (Stoughton Grange and land to the south of Gartree Road), with associated landscaping, public open space, on-site infrastructure and car parking provision including a new reconfigured car park for Stoughton Grange, and private amenity space.
	<b>Case Officer</b>	Richard Redford



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Published 2014

## **Site and Location**

The application site comprises 2 parcels of land – one to the north of Gartree Road (parcel 1) and the second to the south of Gartree Road and the west of Stoughton Road (parcel 2) with a combined total area of 13.5 hectares.

Parcel 1 – part of the former Stoughton Grange Estate - has an existing vehicular access off Gartree Road with it serving a number of commercial units (outside of the application site), parking area serving the commercial units, a pair of semi-detached residential dwellings and a number of modern agricultural units. This parcel of land is bordered from adjacent land by a mixture of hedgerows, post and rail fencing, buildings and trees. To the west and north of this parcel is agricultural land with Shady Lane bordering the fields to the west beyond which is The Arboretum, an area of open space within the administrative boundary of and owned by Leicester City Council. To the east of this parcel are a number of commercial units and a residential dwelling with number of other buildings to the north-east. Near to the northern and eastern boundaries of this parcel is the administrative boundary that separates Oadby and Wigston Borough Council from Harborough District Council. The area of land within the Harborough District Council administrative area is a Conservation Area.

Parcel 2 comprises two fields – currently being used for arable purposes – separated from each other by a small watercourse, with 2 wooded areas. Its boundaries comprise of a mixture of trees, hedging, post and rail fencing, and mesh fencing (albeit along its western edge where it has fallen down in parts). To the immediate south of this parcel are residential dwellings while to its west is a public footpath and other agricultural land (in the applicant's ownership but not forming part of this application due to its historic and current allocation for a road) beyond which are further residential dwellings. Further along Gartree Road to the west to the north of the dwellings is the Spires Hospital. To the east of this parcel, on the other side of Stoughton Road, are the sports fields owned and used by students at the University of Leicester.

## **Description of proposal**

As submitted, the application seeks outline planning permission with access for the demolition of the existing buildings located at Stoughton Grange (including 2x dwellings and agricultural buildings) and the subsequent construction of up to 310x dwellings across two land parcels (parcels 1 and 2 as set out in the preceding section of this report), with associated landscaping, public open space, on-site infrastructure and car parking provision including a new reconfigured car park for Stoughton Grange, and private amenity space. Matters relating to appearance, landscaping, layout and scale would be dealt with at the reserved matters stage should outline permission be granted.

The application has been submitted with a number of drawings including a parameters plan, indicative framework plan, illustrative masterplan. An Environmental Statement (ES) has been submitted with the application alongside other documents including a Planning Statement, Arboricultural Statement (including relevant drawing), Flood Risk Assessment, Archaeological and Heritage assessments, as well as a Transport Statement, ecological surveys and environmental assessments. Within the application form it is detailed that the proposal, based on 310 dwellings, will provide open market dwellings as well as affordable housing provision. Submitted drawings indicate phases of construction as well as detail buildings in the smaller parcel to the north of Gartree Road to be demolished.

The Transport Statement contains drawings showing the necessary details in respect of the proposed access arrangements to the 2 parcels of land which form the site. Parcel 1 will see access via Gartree Road in approximately the location of the existing access point. Parcel 2 will have 2 access points with 1 off Gartree Road diagonally opposite the access to Parcel 1 in the direction of

The Spires Hospital and the second off Stoughton Road to the north of where the existing access to the University of Leicester playing fields is currently located.

During the consideration of the application, and in relation to the objection made by Leicestershire County Council Highway Authority as well as highway related comments made by Leicester City Council, a Transport Assessment Addendum report has been provided along with an up-dated Arboricultural report.

### **Relevant Planning History**

As a whole (both parcels together) the site has no relevant planning history.

The northern parcel (parcel 1) has a varied history relating to the various units on land owned by the applicant but outside and adjacent to the application site.

There is no planning history for the southern parcel (parcel 2).

### **Consultations**

#### Original Consultation:

##### **CADENT Gas – No Objection**

Originally objected to the proposal as there is a 610mm High Pressure Gas Line running through to the top corner of the development site in Parcel 1 over which they hold a legal deed of easement and they would need to be certain that the easement would be respected with any protective measures they deem necessary being implemented. However, through discussion they have indicated that subject to informatives relating to their statutory requirements and existing easements being complied with they have no objections.

Environment Agency – No objection  
No objections.

##### **Harborough District Council – No objection**

Request that their comments from the EIA Scoping response they provided be taken into account and comment that the proposal will not impact on the Stoughton Conservation Area within their boundary due to the distance between it and the development.

##### **Historic England – No comment**

Don't wish to offer any comments and suggest the views of your specialist Conservation and Archaeological advisors are sought.

##### **Leicester City Council – Comment**

Have no comments regarding the principle of the development due to the site's residential allocation in the emerging local plan while also going toward meeting the housing needs for the Borough as well as the Housing Market Area. In highway terms they support the approach, indicating they will seek improvements to address / mitigate highway impacts in the City from accessing schools and employment. They continue to identify further highway investigations required prior to determination of the application with appropriate re-consultation. Ecologically, they have no objections providing adequate consideration is given to the protection, conservation and enhancement of habitats. With regards to sports and open space, Section 106 contributions have been requested in respect of sport services at Evington Leisure Centre and for the improvements to The Arboretum park and garden – both within their administrative area – which they consider will be impacted upon through the development.

Leicestershire County Council Archaeology – Object

Through assessment of the submitted details as well as dialogue with the applicant's archaeologists, the County Archaeologists have advised that trial trenching should take place prior to the determination of the application.

Leicestershire County Council Ecology – Holding objection

Have issued a holding objection pending submission of plans confirming a 10m buffer between the spinney / woodland and garden boundaries.

Leicestershire County Council Flood Risk – No objections

An assessment of the proposal in flood risk terms by the Flood Risk team – as Lead Local Flood Risk Authority – has indicated that subject to conditions and informatives the proposal would not result in any adverse or detrimental impacts upon flooding or flood risk.

Leicestershire County Council Heritage – Concerns

Is concerned that the proposal will impact upon the setting of 3 listed lodges at Stoughton Grange with there being a requirement in the National Planning Policy Framework (NPPF) that consideration be given to the listed building or its setting having regard to the desirability of preserving the listed building or its setting doing no harm. They acknowledge the original setting of the original historic lodges has been eroded over the years but considers the agricultural land to the south (parcel 2) not only contributes to the quality of the outlook from these buildings with it being a tangible and significant remainder of the former, large estate located in and functionally linked to the countryside, with the encroachment of suburban type development from the south eroding the long established rural setting of the lodges so reducing their visual prominence in the locality.

Leicestershire County Council Highways – Object

The Highway Authority does not consider that the application, as submitted, adequately assess the highway impact of the development to enable it to provide an appropriate response on the impact on the highways. On this basis they have requested further information.

Leicestershire County Council Lead Local Flood Authority – No objections

Have no objections to the proposal subject to a number of conditions and informatives being attached to any approval.

Leicestershire County Council Planning Contributions – No objections

No contributions have been sought for Civic Waste.

A contribution of £9,300 has been sought for libraries in the Borough based on a cost per dwelling / apartment depending on whether the unit proposed has one bedroom or more than one for use at Oadby library.

A contribution for education is also sought to a value of £2,526,077.16 toward primary school, secondary school, post-16 provision and special schools.

Leicestershire County Council Rights of Way – No objections

The Rights of Way officer has no objections to the proposal and highlights that the adjacent public footpath (Z2) currently is of a standard for light, informal recreational purposes only. It is noted that due to the site of the proposed development, he considers works to up-grade this public footpath along with a new linking footpath from the development proposed to this existing footpath would be of benefit. To this end he requests this be provided by way of either a Grampian condition, through a Section 106 agreement, or through inclusion in a Section 278 Highways Act agreement.

NHS England – Comment

Request a financial contribution toward healthcare within the area

Natural England – No objection to the proposal

Oadby and Wigston Planning Policy – Comment

A full explanation of the Planning Policy response is contained within the report below.

Oadby and Wigston Tree Officer – No objection

Comments that the Arboricultural Report submitted is thorough and has no objection subject to conditions being attached to any approval that may be granted.

Reading Agricultural Consultants – Comment

The assessment undertaken has classed and classified the grade of soil on the site correctly apart from an apparent error limiting the profile at one point to Grade 2b on wetness which should be grade 2, but as this observation was stand-alone and unlikely to have any significant impact on the farming of the site, it should be mapped as subgrade 3b and, therefore, the results of the agricultural land classification (ALC) mapped are correct.

Tree Warden – Comment

The documents provided are thorough and detail that as much green as possible should be retained, replanting where suitable and the number felled kept to a minimum.

#### Re-Consultation:

Leicester City Council

On the Transport Assessment Addendum (TAA) they commented that they have no comments in respect of the tree survey but that issues still existed in relation to highway matters that further work is required to address issued raised in the submitted Transport Assessment Addendum. They have also commented that their previous comments relating to contributions remain.

Further to these comments on the TAA, the agent providing a technical note which has been provided to Leicester City Council and Leicestershire County Council. Leicester City Council have commented that they have an outstanding concern but that it can be addressed by way of condition, informatives and a request for a financial contribution toward a congestion / speeding reduction scheme.

Leicestershire County Council Archaeology

Based upon the archaeological report undertaken by Cotswold Archaeology, comment that in-line with the provisions of the NPPF the Local Planning Authority needs to consider the impacts upon heritage assets and that they consider that a condition relating to further investigation being undertaken in accordance with a written scheme of investigation would be acceptable were planning permission to be granted.

Leicestershire County Council Highways

Does not consider that the application as submitted fully assesses the highway impact of the proposed development with further information required to enable the detailed assessment to be undertaken.

Further to these comments on the TAA, the agent prepared a technical note which has been provided to Leicestershire County Council and Leicester City Council highways departments. In response to this Leicestershire County Council Highways Authority have advised that, in its view, the residual cumulative impacts of the development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework 2019 (NPPF), subject to the imposition of a

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number of conditions and inclusion of a number of contributions through a Section 106 legal agreement.

OWBC Tree Officer – No objections

Based on the submitted details is satisfied that, subject to conditions, the proposal would not unduly impact on trees.

## **Representations**

### *Original Neighbour Notification:*

Neighbours have been informed with publicity also undertaken through both press and site notices. The date for the receipt of comments expired on the 7 June 2018.

From this publicity a total of 230 letters of objection from 183 addresses (including multiple letters from different occupants or the same occupant have been received from a number of addresses) to the proposal have been received and the reasons for objection can be summarised as follows: -

- \* The need for additional housing is appreciated, however, no consideration to the community, education and well-being of people;
- \* public services are already stretched;
- \* further provision of healthcare facilities are required before housing;
- \* additional traffic problems onto Gartree Road, Stoughton Road, Manor Road and Shady Lane;
- \* increased traffic and environmental problems;
- \* health effects from the additional traffic;
- \* proposal goes against the character of the area;
- \* will mis-match and add no value and / or benefit to the area;
- \* perceived negative impact on house prices;
- \* properties backing onto the site will have difficulty selling;
- \* the site is designated as green wedge that provides a vital function of preventing settlements merging as well as provides access to the countryside;
- \* the 2017 Oadby and Wigston Green Belt Review report concluded the site as green wedge fulfils these requirements and the report suggested extending this green wedge;
- \* unlikely to need this housing in Oadby;
- \* the Leicester and Leicestershire Strategic Growth Plan Housing and Economic Needs document concluded Oadby has less demand for housing;
- \* the Brexit decision limits the validity of detailed projections of migration, population and economic growth patterns;
- \* the Co-op exhibition being misleading as it doesn't reference the A46 expressway instead highlighting the Eastern Distributor road route proposed 90 years ago but is unlikely to be built;
- \* intended development of Leicester to this road and beyond highlights the need to preserve the green wedge near the Cow and Plough to prevent future merging of future settlements;
- \* unknown response to the disposal of foul sewage;
- \* the report on community and stakeholder engagement meeting shows overwhelming objection to the proposal;
- \* the 'do nothing' alternative for the site is the preferred option for the land;
- \* phase 2 of the proposal for 72 homes is close to the proposed bypass and is unnecessary;
- \* access points proposed are inadequate and will create unreasonable traffic around school and social times;
- \* surveys and audits don't cover residential concerns;
- \* loss of countryside;
- \* inability of roads to cope with the additional traffic;
- \* roads locally too narrow to take additional cars;

- \* adverse impact on the character of the area;
- \* severe impact on traffic; the site not being within the settlement boundary;
- \* soil condition not correct for the area;
- \* proposals lack consideration for ecological sustainability;
- \* no need for more housing on the edge of Oadby beyond the envisaged in the Borough's current development plan to 2026;
- \* additional strain on the rural environments infrastructure;
- \* lack of public transport provision;
- \* local traffic accident issues on Gartree Road / Shady Lane junction;
- \* lack of local facilities in the area;
- \* adverse impact on the character of the area;
- \* failure to deliver contributions toward sustainable development, ecology, community facilities and open space;
- \* while the need for additional housing is accepted the density is five times that locally resulting in a complete change to the look and feel of the area which is unnecessary and unacceptable;
- \* failure to give due weight to Spatial Objective 10 re respecting character and vernacular;
- \* following refusal for 2 building plots sets the precedent;
- \* at odds with the Oadby and Wigston Landscape Character Assessment; the LAP provisions;
- \* off-site provision for affordable housing to reduce the density as well as improve highways impact;
- \* should be located in the south and west of the Borough closest to Blaby, North West Leicestershire, Market Harborough, and Hinckley and Bosworth; highway safety;
- \* statistical calculation of available parking places flawed when compared with the practical situation on the ground; school provision problems;
- \* failure to deliver a mix of new homes that seamlessly integrate to the existing community;
- \* detrimental impact on views;
- \* need to reduce housing density;
- \* trees and bushes on the site are covered by Tree Protection Orders (TPOs) so cannot be removed;
- \* lots of brownfield land exists locally;
- \* surrounding roads are narrow single lanes so not able to cope with the additional traffic the proposal would result in;
- \* impact on and loss of wildlife;
- \* noise generation;
- \* insufficient / inadequate publicity;
- \* the proposal is not needed;
- \* detrimental impact on water, sewage, gas and electricity provision;
- \* the idea of the proposal is ridiculous;
- \* the amount of traffic will cause problems as well as giving 100 houses to the council; the area is going downhill;
- \* is no consideration given to people who buy houses for a view to look over and not for houses to be built on;
- \* invasion of privacy with the proposed housing facing the objectors garden and property;
- \* reduction / loss of light to the dwellings proximity to their house and additional fencing;
- \* loss of habitat;
- \* increase noise and light pollution;
- \* increased crime levels and thus insurance premiums;
- \* house price implications with local prices being reduced greatly;
- \* water table and flooding;
- \* loss of a valuable green area;
- \* the area is not equipped to build the proposal in terms of traffic, congestion and infrastructure;
- \* flood risk and public transport concern;



- \* need to ensure the developer provides at least shops and a GP surgery if the Council is not in a position to reject the proposal outright;
- \* significant increase in car numbers thus traffic and congestion levels;
- \* environmental impact;
- \* loss of privacy;
- \* need for speed limit to be reduced;
- \* objections are common sense and not 'NIMBY' ones;
- \* parking concerns;
- \* all trees on the site are covered by Tree Preservation Orders (TPOs)
- \* methodology of transport statement questionable;
- \* failure to take account of extended school traffic;
- \* errors in the applicants submitted public consultation documents with some properties not having received notification despite statements they were notified while responses are not noted fully;
- \* perceived reduction in house prices;
- \* air pollution;
- \* the only benefits will be to the land owner(s), the developers and the Councillors who agree to the proposal;
- \* previous intentions by the Co-op to develop the site;
- \* hardly any greens left in Oadby with the cost of facilities being another issue;
- \* there should, if approved, be a surcharge attached to all dwellings to incentivize bus use or shuttle bus to existing bus route, and alternatively an underground tube line between Oadby and Leicester or a contribution to a ring road;
- \* spoiling and loss of views;
- \* the size of the development is too large;
- \* proximity of houses proposed to existing dwellings;
- \* contribution requirements on brown field land should be reduced to encourage their development sooner and over green field sites;
- \* lack of consultations / communication;
- \* threat to nature and wildlife;
- \* loss of arable agricultural land;
- \* potential impact on adjacent Grade II listed buildings;
- \* impact on highway junctions leading to their exceeding their capacity;
- \* increased ambient noise levels detrimental to surrounding residents and wildlife;
- \* there is a need to preserve and or enhance the green wedge in accordance with Core Strategy policy 16;
- \* housing allocation for the next 25 years is already, they believe, met;
- \* shows the greed of developers and their disrespect to owners of existing properties;
- \* crime has been increasing recently and this development will compound the matter;
- \* adverse impact upon protected trees;
- \* the size of the development is too large;
- \* lack of neighbour notification on the application;
- \* concerns over the speed of traffic;
- \* security concerns as lighting is poor at present;
- \* public transport currently stretched too far;
- \* the ability of the Council to service the wards requirements;
- \* the affordable housing and smaller plots go against the provisions of the Oadby Arboretum Landscape and Character;
- \* would represent urban sprawl if approved;
- \* access concerns;
- \* road improvements needed;
- \* the density will be too high;
- \* proximity and impact on the conservation;
- \* impact on wildlife;

- \* failure to preserve or enhance the natural environment, and
- \* productive farm land will be lost.

A letter of from Oadby Civic Society has been received commenting that although it does not want to object to the proposal it wishes to raise its concerned view that the Stoughton Grange element should be dedicated to Custom Build as they consider it an ideal plot for custom building to be viable that would enable the Council to meets its obligation to have self-build plots.

A letter of from Stoughton Parish Council, situated within the Harborough District Council administrative area, objects on the following grounds:

- \* Adverse impact upon roads and traffic;
- \* congestion and traffic concerns;
- \* existing roads being heavily used;
- \* the proposed additional housing with associated vehicular movements cannot be accommodated;
- \* no plans for schools and or surgeries which are believed to be over-subscribed;
- \* no details relating to sewage which it believed to be an issue locally, and
- \* Their not having been notified as they were assured to be at the Co-ops Public Presentation earlier in the year.

A letter of representation has also been received from Neil O'Brien MP objecting to the proposal as follows:

- \* His views are based on the views of 700 local residents in the Grange and Uplands wards who completed a survey;
- \* 71% were not aware of the Oadby and Wigston Borough Local Plan prior to his letter;
- \* 72% were not aware of the housing proposal prior to his letter;
- \* 83% felt the development contained too many housing units;
- \* 63% would prefer the development to be away from existing settlements rather than this approach;
- \* 70% do not feel the development should go ahead with 15% unsure and 15% in support;
- \* he was concerned to hear only residents living in the immediate vicinity were notified of the drop-in event and fewer received a letter from the Council notifying on the application;
- \* while the letter from the Council included a signpost to the relevant section of the website there were 81 documents attached with many being unclearly labelled so that residents found it difficult to find the information they wanted;
- \* the survey highlighted concerns over traffic, congestion and inadequate infrastructure; pressure on schools; general practice capacity; process failures and a lack of consultation; and concerns relating to flood risks and public transport;
- \* he is surprised to see no new public amenities are proposed with relatively few opportunities to provide major opportunities like schools and medical centres;
- \* is there a risk opportunities for such facilities could be missed; and
- \* the plans show housing pushed tight to the existing houses.

From this publicity, 1 letter of support for the proposal has been received and the reasons for support can be summarised as follows: -

- \* There is a shortage of properties in the area with this development helping to overcome it;
- \* is a concentrated area so is not urban sprawl;
- \* will result in an increase Council Tax for the Borough to help provide local services;
- \* will bring more people to the locality to support local businesses, and
- \* to reject it would be selfish nimby-ism

1 letter has been received on behalf of Croft Medical Centre refuting the statement in the submission that the medical centre has eight doctors with a capacity for an additional 1,900 patients. They comment that at present patients have difficulty obtaining appointments despite considerable efforts being made to improve the situation with the Centre expecting more patients when housing on the A6 at Oadby has been completed which would put the practice under further strain.

2 letters of representation neither supporting nor objecting has been received with their comments as follows: -

- \* Accesses (existing and proposed) will need to be looked at due to the existing access Stoughton Grange access onto Gartree Road being a challenge at busy times where if the access proposed was opposite this it would cause concern;
- \* a roundabout may be of more benefit;
- \* while they're unsure of proposed parking spaces to remain in the existing car park at Stoughton Grange a reduction could lead to parking either on-road or elsewhere significantly reducing trade the public house on-site currently receives;
- \* the number of houses proposed is too great and needs to be reduced;
- \* the proposal needs to be more sympathetic to its location in terms of density;
- \* there is a need to retain the existing mature trees and hedgerow that are the current site boundaries for visual and ecological reasons.

Neighbour Re-Consult:

At the time of writing a total of 64 letters from 53 addresses (this includes different people from the same address as well as multiple letters from the same person) objecting on the following grounds;

- \* re-stating original objections;
- \* inadequate road and social infrastructure for the development;
- \* additional traffic;
- \* out of character in the area;
- \* the protection of trees;
- \* the size of the development;
- \* visual amenity;
- \* the size and scale of the proposal is out of balance with the area;
- \* it would lead to existing roads becoming "rat runs";
- \* impact on wildlife and ecosystems;
- \* lack of local public transport links;
- \* lack of public service capacity to access medical care, schools and policing;
- \* would prefer the use of brownfield sites in the first instance;
- \* increased traffic levels, travel times, potential accidents, inconvenience, pollution, noise and disruption;
- \* loss of rural area;
- \* have paid a premium for their property in rural surroundings so will impact on their property and lifestyle;
- \* lack of amenities such as shops;
- \* flooding and highlight that Gartree Road floods at Stoughton Drive South roundabout when it rains;
- \* prestige mark of the area will no longer apply if affordable housing is built on the site;
- \* increase in crime rate;
- \* impact on natural landscape and overcrowding;
- \* the revised assessment is fundamentally flawed as peak times are defined as 07.45 to 8.45 and 4.45 to 5.45 thus discluding the afternoon school pick-up time when there is continuous traffic

along Stoughton Road to Manor Road Extension meaning the modelling has failed to take account of this;

- \* the road is busy from 7am to 10am and from 3pm to 6pm as opposed to those stated in the submitted documents;
- \* yearly increases in Council Tax with what feels like less services / quality of service;
- \* the development is not necessary;
- \* Lack of infrastructure;
- \* the roundabout will be at or beyond capacity by 2021 with unacceptable impacts;
- \* based on out-dated statistics with the 2018 Office for National Statistics (ONS) population and householder figures giving a population forecast of only ¼ of 2017 estimates so there is no need for these dwellings;
- \* loss of view;
- \* no assumptions given for what the numbers relate to;
- \* the dwellings should be on brown field sites in the first instance;
- \* the inability of Stoughton Road and Gartree Road of dealing with the traffic levels involved;
- \* local pavements are unable to cope with pedestrians side by side
- \* vehicles encountering cyclists are often unable to pass due to the road widths;
- \* congestion;
- \* lack of local school places at present which will be made worse by the proposal;
- \* bringing the City to the County;
- \* adverse impact though pollution on childrens health and the environment;
- \* unable to do their weekly Sunday walks;
- \* spoiling tranquil surroundings;
- \* based on the Transport Assessment Addendum it is clear Stoughton Grange pedestrian and vehicular traffic cannot seamlessly integrate into the existing road network without compromising health and road safety;
- \* arguing that when things are bad it doesn't matter if you make them only slightly worse in unacceptable;
- \* Applicants being disingenuous to claim development traffic will only have minimal impact on local highway network when it is close to full capacity / saturation;
- \* Generating additional traffic until the Eastern Distributor Road is complete must be prevented with a number of tables in the Transport Assessment Addendum illustrating why;
- \* Geometric design of Gartree Road north and south junctions are unsafe;
- \* Use of Manuals for Street (MfS) is incorrect;
- \* The Gartree Road junctions prevent the provision of a deceleration lane, turning reservoir and turning lane for access to Gartree Road South;
- \* The proposal is contrary to policy as it's in a green wedge;
- \* Neither parcel can be considered brown field land;
- \* No consideration to increased PM2.5 particles has been made nor the impact of pollution on Launde School;
- \* It hasn't been demonstrated that the development provides safe and suitable access to the site can be achieved for all people, nor that it would not result in an impact on highway safety or residual cumulative impacts on the road network that would not be severe;
- \* the need for Leicestershire County Council Highways and Leicester City Council to assess the proposal thoroughly, and
- \* public transport provision concerns.

1 letter has been received continuing to support the development on the grounds detailed originally made.

## **Relevant Planning Policies**

National Planning Policy Framework (NPPF)

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## Oadby & Wigston Core Strategy

Core Strategy Policy 14 : Design and Sustainable Construction

## Oadby and Wigston Local Plan

Landscape Proposal 1 : Design of new development subject to criteria.  
Housing Proposal 17 : Criteria for assessing the suitability of domestic extensions.

## New Oadby and Wigston Local Plan

Policy 2	Spatial Strategy for development within the Borough
Policy 3	Regeneration Schemes and Large Scale Change
Policy 4	Creating a Skilled Workforce
Policy 5	Improving Health and Wellbeing
Policy 6	High Quality Design and Materials
Policy 8	Green Infrastructure
Policy 9	Open Space, Sport and Recreation Facilities
Policy 10	Public Realm
Policy 11	Housing Choices
Policy 12	Housing Density
Policy 13	Affordable Housing
Policy 14	Self Build and Custom Build
Policy 26	Sustainable Transport and Initiatives
Policy 37	Biodiversity and Geodiversity
Policy 38	Climate Change, Flood Risk and Renewable Low Carbon Energy
Policy 39	Sustainable Drainage and Surface Water
Policy 40	Culture and Historic Environment Assets
Policy 44	Landscape and Character
Policy 46	Infrastructure and Developer Contributions

## Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document  
Conservation Areas Supplementary Planning Document  
South Wigston Conservation Area Appraisal

## **Planning Considerations**

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

- \* The principle of the development;
- \* the proposed site access arrangements (being considered as part of this application) and highway implications;
- \* the ability of the site to accommodate the development proposed;
- \* relationship with neighbouring sites and the surrounding area;
- \* tree and ecological matters;
- \* archaeology and heritage implications, and
- \* contributions.

To facilitate the consideration of these matters in a structured manner they will be addressed in turn under appropriate headings.

### The principle of the development:

This proposal is seeking Outline Planning Permission to erect 310 dwellings (Use Class C3) on the land at Stoughton Grange, Gartree Road, Oadby.

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.

### *Five Years Housing 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 the 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 2018). 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 2018 the Borough has a five year supply figure of 1,214 net additional homes (12.8 years), which is 741 dwelling units above the requirement of 473. This equates to 12.8 years supply.

In the context of the New Local Plan, found by the Planning Inspectorate to be sound in their report of 25<sup>th</sup> March 2019, 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, plus the backlog of 135 (351/13x5) totalling 912. As of the 1 April 2018 the Borough has a five year supply figure of 1,408 net additional homes, which is above the requirement of 912.

### *Local Policy relating to principle of development*

#### Adopted Core Strategy

The proposed development does not accord with the Council's currently adopted Development Plan up to 2026 (Core Strategy), because the site is not included within the Council's Spatial Strategy for development in the Borough and it is in a location that is identified as Green Wedge on the adopted Policies Map. However, this is due to be superseded later in April 2019 by a new Local Plan. The two most relevant Policies in the adopted Core Strategy are:

Core Strategy Policy 1: Spatial Strategy for Development in the Borough of Oadby and Wigston; and  
Core Strategy Policy 6: Green Wedges

The Core Strategy's Spatial Strategy for Development makes provision for a minimum of 1,800 new dwellings over the Plan period up to 2026. The strategy identified one direction for growth area to

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the south east of Wigston. The application proposal site therefore did not form an identified Direction for Growth Area in the Core Strategy.

In addition, the Council's latest Housing Implementation Strategy (April 2018) illustrates that for the Core Strategy's Plan period up to 2026, the Council has (delivered and) identified in excess of the minimum 1,800 homes required. The new additional homes supply figure is 2,337 new dwellings, some 537 in excess of the 1,800 requirement.

Core Strategy Policy 6, Green Wedges, seeks to retain the open and undeveloped character of land designated as green wedge; retain and create green networks between the countryside and open spaces within the urban area; and, retain and enhance public access to the Green Wedges, especially for recreation. With regards to acceptable land uses that would be acceptable in Green Wedges, provided they accord with these objectives, include:

- \* Agriculture, horticulture and allotments not accompanied by retail development;
- \* outdoor leisure, recreation, and sporting facilities;
- \* forestry;
- \* footpaths, bridleways and cycle ways; and,
- \* burial grounds.

New Local Plan (Due to be adopted April 2019)

The new Local Plan, after hearings and subsequent consideration by the Planning Inspectorate, has been found to be sound subject to a number of modifications. This was confirmed in the Inspectors Report which was received by the Council on 25 March 2019. On this basis a report will be considered by Full Council on 16 April 2019 regarding adoption of the Plan.

The Council's Submission Local Plan Policy 2 Spatial Strategy for Development in the Borough sets out the approach to delivering the Borough's growth over the Plan period to 2031. Policy 2 states that:

'The Council will always seek the reuse of previously developed land and will concentrate development within the Borough's key centres and the Leicester Principal Urban Area. In addition, the Council has allocated land outside of these areas to ensure that the development needs of the Borough are met.

In order to deliver the required levels of growth to meet the Borough's needs up to 2031, this Plan;

- \* allocates sufficient land to provide at least 2,960 new additional homes;
- \* allocates sufficient land to provide at least 8 hectares of employment use development; and,
- \* identifies sufficient land to provide up to 2,974 sqm of new additional retail floor space.

The new Local Plan identifies three Direction for Growth Areas (in comparison to one in the Adopted Core Strategy). This reflects NPPF requirements that Local Plans must be *flexible to changing circumstances* and the allocation of three Direction for Growth Areas provides this flexibility, for example by providing choice and competition within the Borough and reflecting any changing circumstances that may occur in relation to particular sites. One Direction for Growth Area would not provide sufficient flexibility as required by the NPPF. The allocation of three Direction for Growth Areas also reflects the required uplift in planned growth in the Borough, compared to the levels of growth set out in the Core Strategy.

To achieve the above levels of development, the Council has identified and allocated land within Wigston town centre, Oadby district centre, South Wigston district centre, the Borough's designated local centres, areas within the Leicester PUA and the three Direction for Growth areas'.

In allocating the Stoughton Grange Direction for Growth Area the new Local Plan removes this land from the Oadby, Thurnby and Stoughton Green Wedge. This reflects the outcome of the Council's Green Wedge Review undertaken in 2017 which supported the release of the land from the Green Wedge. The Green Wedge Review found that the removal of this land would not have a significant detrimental impact on the attributes of the overall Green Wedge designation. Due to the current, overall large size of the Oadby, Thurnby, and Stoughton Green Wedge and the current distance between the urban areas of Leicester City, Harborough District and the settlement of Oadby the removal of this land would not lead to settlement coalescence. Therefore, this area of land is not deemed as critical to the function of the Green Wedge and should not present a barrier to the allocation of the land as a Direction for Growth Area in the Plan.

The application site comprises one of the Council's proposed Direction for Growth Areas. The Direction for Growth Area, has a site specific policy – Submission Local Plan Policy 18 Stoughton Grange Direction for Growth area and Oadby Cemetery Allocation.

Local Plan Policy 18 sets out the following:

Stoughton Grange Direction for Growth area

The Council will allocate land to the north of the Borough in Oadby, for the Stoughton Grange Direction for Growth area.

The Council will in principle support new development proposals that create a sustainable, well designed and high quality development that is sensitive to its surroundings and will not have a detrimental impact on the surrounding Green Wedge and Countryside and will conserve and better reveal the historic significance of the site including its listed buildings, and archaeological remains, in particular those relating to the former Stoughton Grange Hall and surviving elements of its designed landscape and planting.

Any development proposed within this growth area would require the production of a detailed masterplan. The following elements will be required on-site or via an off-site contribution where stated:

- \* safeguarding of the potential transport route (former Eastern District Distributor Road);
- \* at least 300 new homes, of which at least 30 per cent should be affordable;
- \* any area to the north of Gartree Road will be mixed use and will consist of new small scale residential, and a mix of small scale A1, A2, A3, A4 and any other appropriate small scale uses;
- \* at least two vehicular access points, one off Gartree Road and one off Stoughton Road, for the land area to the south of Gartree Road;
- \* at least one access point off Gartree Road for the land area to the north of Gartree Road;
- \* off-site contribution towards an existing and / or new community facility building in Oadby;
- \* off-site contribution towards new education facilities;
- \* onsite open space (unless alternative off-site provision is justified in whole or in part), consisting of allotments, sports pitches, play areas and structural landscaping in accordance with the Open Space, Sport and Recreation Facilities policy of this Plan;
- \* provision of an appropriate number of bus stops and associated infrastructure, including bus shelters and information display boards onsite as well as off site, to allow for this sustainable method of public transport;



- \* provision of any other associated infrastructure required to bring the site forward sustainably, including cycle ways and footpaths onsite as well as off site, and
- \* off-site transport infrastructure or financial contributions towards off site transport infrastructure will be required to make the development sustainable.

Any proposal for development of this growth area will be required to conform to all other relevant policies set out within the Plan. Any proposal would also be required to submit a detailed Transport Assessment as part of any planning application to ensure that Leicestershire County Council Highways Department can fully assess any traffic / transport implications stemming from the development.

The Stoughton Grange Direction for Growth Area will be identified on the Council's Adopted Policies Map.

#### Oadby Cemetery Allocation

The Plan allocates land to the north of the Borough in Oadby for cemetery and burial uses. Any cemetery or burial proposal for the allocation site would need to be sufficiently evidenced and justified in terms of ground conditions and its size, scale, need, impact and use. The impact on the direct highway network would also need to be assessed against any proposal put forward. The Oadby Cemetery Allocation will be identified on the Council's Adopted Policies Map.

In addition to the site specific allocation policy, as mentioned above, other Policies set out within the Council's Submission Draft Local Plan apply. Relevant policies to consider include (but are not limited to):

Local Plan Policy 2 Spatial Strategy for Development within the Borough: The Stoughton Grange Direction for Growth Area is included as a proposed allocation for at least 300 dwellings and the principle for development in this location is established through the Borough's Spatial Strategy for Development.

Local Plan Policy 3 Regeneration Schemes and Large Scale Change: This planning application represents large scale change in the Borough of Oadby and Wigston. Officers are satisfied that the applicant's submission documentation satisfies the requirements criteria set out within this Policy through the provision of the illustrative masterplans and submitted documents relating to various matters such as heritage, transport and ecology.

Local Plan Policy 4 Creating a Skilled Workforce: The Council will encourage the employment and training of local people when developing major schemes, such as this, within the Borough.

Local Plan Policy 5 Improving Health and Wellbeing: The Case Officer must be satisfied that the application satisfies the requirements of this Policy and namely, the applicant has submitted a suitably detailed Health Impact Assessment (should the Screening Assessment necessitate a need to do so) to assess the impact of the proposal upon existing services and facilities relating to health, social wellbeing, culture and recreation.

Local Plan Policy 6 High Quality Design and Materials: Due to its location, the Stoughton Grange Direction for Growth Area will be required to achieve high quality design that respects the local heritage and character. Although this planning application is not seeking detailed planning permission, at this stage, the Case Officer is satisfied that the design principles and objectives as well as materials can be addressed by way of pre-commencement conditions to ensure that the resulting development in this location will be respectful of the surrounding landscape and character of the neighbouring residential areas to the south and west.

Local Plan Policy 8 Green Infrastructure: The Case Officer is satisfied that the application satisfies the requirements of this Policy and in particular, based on the illustrative plans provided it is apparent that this development will seek to manage, maintain and enhance new opportunities to link green infrastructure assets within and surrounding the build form that will be created.

Local Plan Policy 9 Open Space, Sport and Recreation Facilities: The Case Officer is satisfied that the application conforms to this Policy and as per the bullet point criteria set out in Local Plan Policy 18. In order to meet the requirements of this policy the Council will ensure that if the proposal is approved the legal agreement will secure all necessary open space, sport and recreation facility infrastructure requirements to mitigate the impact of this development either on or off-site.

Local Plan Policy 10 Public Realm: Although this planning application is not seeking detailed planning permission, at this stage, Officers are satisfied that the application conforms to the objectives of this Policy and that should a subsequent detailed planning application be submitted, the design and materials of the public realm will be of high quality. The Council's Public Realm Strategy Supplementary Planning Document (2012) should be taken account of.

Local Plan Policy 11 Housing Choices: Although this planning application is not seeking detailed planning permission, at this stage, the Case Officer is satisfied that the application conforms to the objectives of this Policy and seeks to deliver a wide variety of homes that are appropriate for modern day living.

Local Plan Policy 12 Housing Density: Although this planning application is not seeking detailed planning permission, at this stage, the Case Officer is satisfied that the application conforms to the objectives of this Policy. The site proposes development of 310 residential dwellings on a site area of 10.37 ha equates to 29.89 dwellings per hectare, or when rounded, 30 dwellings per hectare. For a development in this location and scale, the proposed density accords with this Policy.

Local Plan Policy 13 Affordable Housing: For qualifying developments in Oadby, 30 per cent of the total number of units must be affordable. The applicant has proposed 93 units to be affordable which accords with the percentages set out in Policy 13. Should outline planning permission be granted the Case Officer and developer should liaise with the Council's Housing Department to establish the appropriate size and tenure split for the affordable dwellings.

Local Plan Policy 14 Self Build and Custom Build: The Council would support the provision of Self Build and Custom Build homes and will liaise with the applicant accordingly.

Local Plan Policy 26 Sustainable Transport and Initiatives: The Case Officer is satisfied that the application conforms to this Policy and that a suitably detailed Transport Assessment and Transport Assessment Addendum have been carried out in accordance with the Policy requirements. The proposed site boundary for this application is seeking to safeguards the Potential Transport Route in order that the road improvement scheme as allocated / proposed by the relevant Highway Authority(ies) can be developed in the future. The site has been subject to cumulative highway and transport testing. This testing comprises of the work undertaken as part of the South East Leicestershire Transport Study (2017). Further details and consideration of highway matters are addressed further on in this report.

Local Plan Policy 37 Biodiversity and Geodiversity: Although this planning application is not seeking detailed planning permission, at this stage, based on the relevant technical consultee responses summarised above and address in detail later in the report, the Case Officer is satisfied that this application will seek to meet the objectives of the Policy through seeking to mitigate the impact of the development through the protection and enhancement of known valuable assets within and

around the site. As it will be particularly important to ensure that the protected mature trees and hedgerows within and surrounding the site are protected wherever possible and particularly where adjacent to the roadside along Gartree Road and Stoughton Road, Council's Tree Officer has been consulted on this matter with details as per the above summary and set out later in the report.

Local Plan Policy 38 Climate Change, Flood Risk and Renewable Low Carbon Energy: Based on the technical consultee responses on these matters relating the Case Officer is satisfied that the application conforms to this Policy and that based on the suitably detailed information with regards to a Sustainability / Energy Statement and Flood Risk Assessment submitted development takes account of the potential risks and impacts of climate change and flooding.

Local Plan Policy 39 Sustainable Drainage and Surface Water: The Case Officer is satisfied that the application satisfies this Policy and that appropriate strategies are in place to mitigate any potential flood risk, as well as to incorporate Sustainable Drainage System solutions into the scheme and capable of being covered by conditions based on the technical consultee response(s).

Local Plan Policy 40 Culture and Historic Environment Assets: Based on the technical comments summarised above and considered in detail later in the report, the Case Officer is satisfied that this application will meet the objectives of this Policy and there is no significant detrimental harm to the heritage assets within the direct locale of the site.

Local Plan Policy 44 Landscape and Character: While the application seeks outline permission with access, the Case Officer is satisfied that this application will meet the objectives of this Policy. In the indicative plans provided it is considered that the design and layout of the scheme are capable of being done in a manner that respects and where possible, enhances the landscape and character of this area.

Local Plan Policy 46 Infrastructure and Developer Contributions The Case Officer is satisfied that this application will seek to meet the objectives of this Policy. All contributions sought through a Section 106 Agreement will be in accordance with the Community Infrastructure Levy Regulations and, therefore, will satisfy the three statutory tests.

Where it is agreed between the Council and the applicant that an off-site developer contribution for open space, sport and recreation provision is justified, then by applying the formula as set out in the Council's most recently adopted Developer Contributions Supplementary Planning Document, a contribution towards open space, sports and recreational facilities and/or accommodation for use by the local community at sites within Oadby will be included within the agreement. Any project(s) will satisfy the CIL Regulations and will deliver publicly accessible sporting or community based infrastructure identified within the Council's latest Infrastructure Delivery Plan and/or Playing Pitch Strategy.

In addition, the proposed levels of growth allocated through the Council's New Local Plan have been subject to extensive evidence and testing. The South East Leicestershire Transport Study (2017) took account of the full extent of development proposed within the Council's Submission Local Plan up to 2031. Whilst the study confirmed that the majority of the Borough's junctions and highway routes would be severely stressed due to the levels of development proposed it did, however, suggest that through specific required mitigation, the levels of development could be accommodated up to 2031. It must be noted that the application site forms part of the proposed growth set out within the Council's Submission Local Plan and, therefore, was taken account of in reaching the conclusions set out in the South East Leicestershire Transport Study.

In their response, Leicester City Council stated that they have no comments regarding the principle of the development except that as the site is a residential allocation in the Local Plan and it will go towards meeting housing needs of the Borough and the Housing Market Area.

In conclusion, the proposal conforms with the New Local Plan where the principle of residential development at the proposal site is acceptable and set out with the site being one of three Direction for Growth Ares allocation. Further, the Council has a healthy five year supply of housing land.

#### Site Access, Highways and Rights of Way:

While the application as submitted is seeking outline planning permission for up to 310 dwellings, access is included for consideration as part of this application. The drawings and documents submitted as part of the application detail vehicular access to the northern parcel of land (parcel 1 as detailed earlier) would be via both the existing access point albeit in an enhanced form to serve a larger parking area as well as a new access point to serve the dwellings to be located on this parcel, while the larger parcel of land to the south of Gartree Road (parcel 2 as set out above) will have 2 access points – 1 off Gartree Road and 1 off Stoughton Road.

Based on the submitted documents and plans Leicestershire County Council Highway Authority commented that it did not consider that the application as submitted adequately assesses the highway impact of development and further information was required. Without this information the Local Highway Authority was unable to provide final highway advice and thus unable to advise whether this application is acceptable and any conditions and/or contributions which would be required to make it acceptable in highways terms.

The application site is also close the administrative boundary of Leicester City Council who, as part of their response to the formal consultation on the application, indicated that from a transport strategy perspective the principle of concentrated urban expansion is supported as this allows, along with the County Highway Authority, a comprehensive approach to addressing issues on the local highway networks in accordance with the respective transport strategies. Where County roads connect to City roads, they comment that they expect that there will be a traffic impact from accessing schools and employment in the city and will seek improvements/developer contributions to mitigate any such impacts. They continued by highlighting that based on the information contained within the submitted Transport Assessment (April 2018), they expect that traffic surveys should have been carried out to validate the LLITM flows with it being critically important that LLITM needs to be validated to get a true situation of the highway network, particularly as some junctions identified in the Transport Assessment are operating close to / at capacity. Resultantly, further investigation is required to look at the assessed junctions, identifying a number to be looked at in detail as well as a number of localities including Evington village and bus provision.

On the basis of the comments from both Leicestershire County Council Highways and Leicester City Council, a Transport Assessment Addendum has been undertaken with the resultant report submitted to the Council for consideration.

The Transport Assessment has been assessed by both Leicestershire County Council and Leicester City Council as Highway Authorities. Both indicated that further work / clarification was required in respect of certain matters. Following further dialogue between the agent, the applicants highway consultants and both Highway Authorities, a Technical Note has been submitted for consideration as part of and ancillary to the submitted details.

Based upon their assessment of all the documents Leicestershire County Council has provided a detailed response.

Leicestershire County Council, Oadby and Wigston Borough Council (OWBC) and Harborough District Council (HDC) jointly commissioned the South East Leicestershire Transport Study (SELTS), referenced hereon as 'The Study'. The purpose of 'The Study' was to understand the cumulative cross-boundary transport impacts of the emerging Local Plans of HDC and OWBC. At the time of 'The Study' the Leicester City's Local Plan was not sufficiently developed to take their sites into account, however, Leicester City Council in its role as the Local Highway Authority were a partner in 'The Study'.

The initial phase of 'The Study' identified potential combinations of Local Plan sites and the resulting cumulative impacts. The outcomes of the study would consequently be considered along with specific individual assessments in the normal way.

Phase 2 of the project was used to identify mitigation required as a result of the cumulative impacts. The main outputs of Phase 2 were estimating the total traffic flows to and from developments in and around Fleckney, Kibworth and Great Glen, Wigston, Oadby South and Oadby North and Scraptoft and estimating the patterns of movement obtained from the Leicester and Leicestershire Integrated Transport Model (LLITM). The impact was assessed and the need for mitigation and the approach to managing the network was split into 3 broad categories:

- \*Key Strategic Corridors and Connections – corridors such as the A6 and A5199

- \*Local Connections – those links, such as Leicester Road

- \*Rural/unclassified roads - unsuitable for additional traffic with focus on diverting traffic to key strategic and local connections.

The independent findings of 'The Study' were that the proposed growth could be accommodated subject to suitable and appropriate a package of mitigation works at some key links/junctions and promotion of sustainable modes of travel.

Therefore, it is expected that now the full impact of the proposed development has been established and mitigation is required this development will contribute towards improvements to the wider highway network as considered appropriate by the Local Planning Authority in consultation with Leicestershire County Council and Leicester City Council.

The LHA is satisfied that safe and suitable site accesses can be achieved for all users in accordance with paragraph 108 of the NPPF. This is based upon the up-dated access plans contained within the Transport Assessment Addendum with the drawings numbered 1675-F01 Rev F and 1675-F01 Rev C. If the LPA are minded to grant approval the Applicant will need to apply for the appropriate Section 278 agreement before working on the public highway.

In respect of highway safety the applicant has analysed the Personal Injury Collision (PIC) for January 2013 to September 2018 on four stretches of roads/junctions where appropriate. To ensure the most up-to-date baseline has been analysed, the LHA has checked its own database for the most recent data available which covers 5 years from January 2013 to 31 December 2018. The key statistics of this analysis are that there were 14 Personal Injury Collisions from January 2013 to 31 December 2018 with all 14 classified as slight in severity; 2 collisions involved a pedal cycle; and 1 collision involved a motorcyclist.

A further review of the recent PIC data shows that there was another PIC at the Shady Lane / Gartree Road. This junction has a historic problem with collisions and the LHA completed a road safety scheme at the junction in 2015/16, because of the 11 PICs in the preceding 5 years. Ongoing monitoring of the PIC data after completion of the scheme shows collisions involving vehicles exiting Shady Lane. The LHA will continue to monitor the PIC data at the junction as part of their regular

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cluster analysis in the near future and will consider if any additional measures are required at the appropriate time.

The LHA does not believe the proposed development will exacerbate the existing road safety situation in the area and does not consider that any road safety related interventions are required.

With regards to off-site implications and in response to the previous highway observations the Applicant has investigated the potential for mitigation measures at the junctions highlighted above. As a result of the LHA request the Applicant has tested the impact of their development using various junction modelling programmes for both the AM and PM peak periods in the following scenarios:

- \* 2018 Base Year (year of planning application)
- \* 2026 Forecast Year without the proposed development
- \* 2026 Forecast Year with the proposed development
- \* 2026 Forecast Year with the proposed development + mitigation

The LHA has carried out a review of the applicant's Technical Note and outputs from the additional junction modelling and considers the deterioration in the performance of the B582 Stoughton Road / Manor Road / Manor Road Extension and Stoughton Drive South / Manor Road / Knighton Grange Farm junctions is not severe in accordance with paragraph 109 of the NPPF. As a result the LHA would not seek to secure mitigation at either of these junctions but has taken a more critical review of the major classified roads ie B582 Gartree Road and A6030 Stoughton Road affected by the proposed development to identify potential improvements that would divert traffic back onto more appropriate routes in line with the conclusions of the SELTS work.

The delays and queues at the Gartree Road (B582) / Stoughton Road mini-roundabout on the LHA network are caused by the nearby presence of the much larger B582 Gartree Road / A6030 Stoughton Road roundabout. There is some deterioration in performance at this junction in the 2026 Base and 2026 with development scenarios which Leicester City Council in their role as the neighbouring LHA may require some mitigation at the larger roundabout.

However, the LHA would not seek a separate mitigation scheme for the mini-roundabout as it would be difficult to deliver any meaningful improvements based on the constraint nature of the junction and the highway land available. Another reason why the LHA would not seek mitigation at the mini-roundabout is that it may induce traffic from other routes which would cause additional problems not associated with this development.

In relation to the Shady Lane / Gartree Road junction, the improvement scheme put forward by the Applicant as shown on Croft Transport Drawing number: 1675\_F04 Revision D will provide some benefit compared to the 'with development without mitigation' scenario, however, the LHA is willing to forego the proposed mitigation scheme for a contribution to the SELTS work. This reasonable and proportional contribution will allow all stakeholders involved to make progress on the key outcomes highlighted in the Local Plan and accommodate some of the growth proposed for the District.

The LHA acknowledge that this is an Outline application and, therefore, the internal layout is not being determined as part of this Application. However, the initial highway observations of June 2018 advised the LPA of some concerns over the potential introduction of a route between Gartree Road and Stoughton Road, as such a route could be used as a 'rat run' by drivers seeking to avoid the mini-roundabout junction between Gartree Road and Stoughton Road.

The LHA would refer the Applicant to the Leicestershire Highway Design Guide for advice on the internal road layout which can be used for a future Reserved Matters application. Nevertheless, the starting point for the design should be that the proposed development does not become an attractive alternative to the main public highway.

In terms of Transport Sustainability and public transport, at present the No 40 service 'Leicester Outer Circle' operates along Manor Road at a half hour frequency. The nearest stops on Manor Road are approximately 650m to the centre of the site via Stoughton Road so some residents are further than this based on the indicative layout of the plots. The No 40 service is a subsidised route which is currently subject to public consultation on its future, meaning the Applicant is relying on a service that could be changed or removed to provide public transport service for the residents of their development. The location of the proposed development and development of this scale will provide a new market and has the potential to generate significant patronage to reduce the reliance on subsidies and ensure the long term commercial viability of the route.

Whilst the LHA would always prefer an existing bus service to enter the site or condition the applicant to provide an agreed level of service for a period of five years to achieve higher levels of patronage, unfortunately, due to the scale of development this would not be viable for a bus company and, therefore, the LHA cannot condition this level of service provision as part of any planning permission. However, the LHA would advise the LPA that a contribution for sustainable bus / transport measures for a similar period of time i.e. five years, alongside some bus infrastructure improvements should be included if the LPA is minded to approve the application.

Due to the scale of the proposed development the Applicant has submitted a Travel Plan (TP) to reduce the number of single occupancy car journeys. In summary walking and cycling facilities around the site are good and the LHA welcomes any proposals to promote the use of sustainable modes of transport. The LHA would look for the Travel Plan Co-ordinator to actively encourage sustainable modes of travel and to ensure reasonable and achievable targets to reduce single occupancy car journeys are met.

The LHA is content for the submission of a Residential Travel Plan can be conditioned and discharged at a later date, as part of any planning permission should the LPA approve the application. Notwithstanding, the LHA would ask the LPA to include a £6,000 monitoring fee as part of a Section 106 agreement.

In conclusion from Leicestershire County Council Highway Authority, the site was included in Policy 18 of Emerging Oadby & Wigston Borough Council Local Plan as the 'Stoughton Grange Direction for Growth Area and Oadby Cemetery Allocation' that has recently been found sound by the Planning Inspectorate so subject to adoption by the Council comprises the Local Plan. The Local Plan references the South East Leicestershire Transport Study as its starting point, and advises that this should be taken into account the necessary mitigation measures identified by the study. The LHA has worked with the Applicant to address and overcome the highway issues associated with the proposed development by way of contribution to the wider aspirations in the South East Leicestershire Transport Study (SELTS) to ensure any development traffic is diverted onto more appropriate routes. The LHA also considers that there is an opportunity to provide funding for sustainable modes of travel to reduce the reliance on the private car. In summary, a review of the all the information submitted demonstrates a development which the LHA would consider acceptable for the purposes of the planning application. Therefore, the LHA would not seek to resist application 18/00178/OUT on highway grounds subject to the inclusion of the conditions and contributions.

In their response, Leicester City Council has commented that having considered the details provided they still have an outstanding concern relating to impact on the highway network within their

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control. They continue by providing an assessment of the information in which they request a condition, informatives and make a request for a financial contribution all of which will contribute to the mitigation of the impact to which their concern relates.

Situated to the western side of the application site there is a public right of way and Leicestershire Rights of Way were consulted on the application. In their response they detailed that Public Footpath Z2 runs along the western edge of the site and is currently used for recreational purposes only. It does not have a surface suitable for all-weather use and is bordered on its eastern side by trees, scrub vegetation and a dry ditch, with it being maintained to a standard which is currently adequate for light informal recreational use but nothing more.

Should such a large development proceed on this site, they would seek for the Footpath Z2 to be provided with a 2 metre wide tarmacaded surface and for vegetation clearance to be carried out together with partial infilling of the dry ditch to facilitate surface construction as well as also expecting to see a new linking footway from the new housing development to Footpath Z2 so that new residents could access the public footpath.

By this means the strong potential that Footpath Z2 has to provide a strategic non-motorized user link to all sorts of facilities and services in the area could be unlocked. It would provide an excellent link to Oadby village centre, the Allendale Road/Francis Street shops, Evington village and Leicester City Council's arboretum, providing a sustainable alternative means of travel for existing and new residents for a wide range of retail, services, entertainment and recreational purposes, in all-weather conditions and without these improvements and a link to the new housing the proposed development would be far less sustainable but the increased number of local residents walking the footpath for recreational purposes would lead to pressure being put on Leicestershire County Council by the local community to make improvements for which it does not have the funds.

On this basis Leicestershire County Council Rights of Way have requested a number of conditions and informatives as well as contributions through either a Section 106 agreement (under the Town and Country Planning Act 1990 (as amended)), a Grampian condition or under Section 278 of the Highways Act 1980.

In response to these points the agent commented that during pre-application discussions OWBC planning officers and LCC highways officers requested that our Client retains the land to the west of the Application Site (which is also within our Client's ownership) as a "safeguarded area" due to aspirations for a new transport route (for the Eastern District Distributor Road) and that this is also a requirement of the emerging Local Plan (Policy 18). Consequently, because of the current lack of certainty surrounding the design of the new transport route and its timescale for delivery, it is not possible for our Client to commit to the provision of a footpath linking the application Site directly with Footpath Z2. The same applies to the requested upgrade to the existing Footpath Z2 route, because its relationship to the proposed transport route is unclear. There is a risk, therefore, that the requested upgrade is at odds with Policy 18 of the emerging Local Plan. We would also highlight that an upgrade to Footpath Z2 should form part of a detailed proposal for the transport route, and, therefore, should fall under the scope and funding of those works. Further, the PROW Officer's comments do not confirm the ownership position of the footpath route; which would need to be clarified in order to confirm if the proposed works are deliverable, having regard to the fact that only a small section of Footpath Z2 is on land within our Client's control. They have also commented that in circumstances where it was not necessary to safeguard the potential transport route, full use would be made of the opportunity to link into Footpath Z2 and provide upgrades where necessary, however, the planning policy requirement to safeguard this route appears to be a barrier to achieving what is being requested by the PROW Officer. Without a link to Footpath Z2, the Application Site is still in a wholly sustainable location and is accessible by a range of transport modes.



### The ability of the site to accommodate the development:

A number of drawings have been provided as part of the application. Some provide specific details in respect of the proposed access points from both Gartree Road and Stoughton Road in to both parcels of land that form the site which form part of the application being considered. These access points are also shown on indicative drawings that provide an indication as to how the site could be developed in a manner that would accommodate the 310 dwellings proposed along with the other elements associated with the development including garden / amenity space, roads, parking provision, landscaping and open space, with the drawing titled 'Illustrative Masterplan' showing how the 2 parcels could be developed to facilitate all these elements.

This illustrative masterplans shows the dwellings element of the proposal located across existing open spaces on the larger parcel of the site while in the smaller parcel it will be distributed across the area made vacant by the demolition of a number of existing buildings. These areas of built form are shown located around existing tree groups and hedgerows, with the hedgerows added to as well as areas of green infrastructure, play areas and attenuation basins. The illustrative layout for the dwellings is such that each dwelling will be afforded front and rear amenity areas that could incorporate parking areas. The element of the drawing relating to the smaller parcel of land on the north side of Gartree Road provides for the proposed dwellings with associated roads, amenity and parking spaces while also providing a larger parking area most likely for use in association with the existing businesses located adjacent to this parcel of land that is outside of the application site but within the applicants control.

The illustrative drawings provided show how the site could be developed in a manner that, subject to height restrictions would not result in any adverse or detrimental impacts upon surrounding sites by way of over-looking or loss of privacy. It also details how existing wooded areas could be retained in order to provide natural play areas while continuing to contribute to ecological areas at the same time as providing areas for water attenuation basins and a play area as well as informal play and additional planting. In relation to heights of buildings both the indicative drawings provided and the Planning Statement detail that the maximum height of the buildings will be 3-storey with paragraph 7.37 of the planning statement detailing that the buildings of this height would be focused in the central area of the site which would contribute to ensuring minimising impacts on existing neighbouring dwellings.

It is also detailed that the land allocated for highway purposes to the west of the site – but also in the applicants ownership – is excluded from the application site and highlighted to be retained for the highway purposes currently and historically allocated.

Overall, therefore, officers are of the opinion that it has been demonstrated on the illustrative plans provided that the site is capable of providing the 310 dwellings proposed with access as well as all the other associated on-site infrastructure in addition to parking and amenity area in a manner that would, subject to appropriate conditions and contributions, prevent impacts on neighbouring and surrounding sites that would justify a refusal.

### Environment and flooding:

As detailed earlier in this report, the application site comprise of 2 parcels of land with the larger parcel currently being used for agricultural (crop production) purposes while the smaller parcel contains a number of agricultural buildings and associated items as well as wooded area. Ground levels fall from the smaller northern parcel to the larger, southern parcel of land crossing Gartree Road although within the larger part of the site ground levels also flow from the south to the north.

The Environment Agency were consulted and commented, stating that since the site lies entirely within Flood Zone 1 and there are no other environmental constraints at the site which fall under their remit, they have no comments to make on the proposals as submitted.

The submitted documents have been assessed by Leicestershire County Council as the Lead Local Flood Authority (LLFA). In their response they comment that the site lies within flood zone 1 and generally has a low surface water flood risk although the southern parcel is intersected by a culverted watercourse flowing in a northerly direction. They conclude by stating that the development would be acceptable subject to a number of conditions and informatives being attached to any approval.

As part of the application, a Soils and Agricultural report was provided due to the larger parcel of the site being used for agricultural purposes which detailed that, based on the investigatory findings, 75% of the site was grade 3b land while the remaining 25% was non-agricultural land in the form of wooded and developed areas. This report has been assessed by Readings Agricultural Consultants who have commented that the agricultural land classification of the site is correct as mapped.

There is a gas pipeline crossing a small section of the application site and as a result of this CADENT have been consulted as the company responsible for looking after this pipe. They have commented no objection subject to an informative that the easement associated with the pipeline must be respected and any plant protection measures deemed appropriate being applied.

Oadby and Wigston Borough Council Environmental Health team has also assessed the proposal. They have commented that they have no objections subject to the imposition of various conditions relating to and including contaminated land (prior to commencement and during works), asbestos surveys being undertaken prior to any development including demolition taking place, hours of work, lighting and air quality.

The Agricultural Land Classification process identifies the quality of agricultural land, breaking it down into categories from 1 (highest quality) to 5 (lowest quality) with category 3 being sub-divided into 3a and 3b with 3a being of better quality than 3b with the best and most versatile agricultural land falling within classes 1, 2 and 3a with these being protected the most. The application site has been established to fall within the classification 3b that while being productive to a certain extent, has restraints that would enable in certain instances in its use for alternative purposes. Resultantly, due to its classification as grade 3b and allocation in the New Local Plan for residential development, the loss of the agricultural use of the site is considered to be acceptable.

#### Tree and Ecological matters:

Tree related matters have been assessed by the Council's Arboricultural officer who has commented that based on the submitted arboricultural documents, the proposal would be acceptable subject to conditions being attached. This has been echoed through the comments also made by the arboricultural officer in relation to the additional tree report associated with the transport assessment addendum.

Natural England has commented that they have no objections to the proposal as based on the plans and documents submitted it considers the proposal will not have significant adverse impacts upon statutorily protected site or landscapes.

Leicestershire County Council Ecology commented with a holding objection pending the submission of plans to confirm a 10m buffer zone between the spinney / woodland and garden boundaries while also requesting a re-survey in relation to badgers. The agent subsequently provided a

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response setting out that the surveys undertaken in respect to badgers was prior to the submission so are up-to-date while also questioning the validity of the buffer zone around the woodland / spinney in terms of need and the implications on the development. Dialogue with the County Council Ecology on these points has acknowledged the points in respect of the badgers survey not being required so have removed this request. Furthermore, in relation to the buffer zone they have around the woodland / spinney, they have indicated that this could be dealt with by way of condition that would require a buffer be provided but allow for flexibility of distance based upon the proposed layout of the development through the reserved matters stage.

In respect of the ecological details submitted as part of the application, Leicester City Council commented that having checked the details submitted for the Phase 1 surveys and the daytime bat survey assessment which were repeat surveys from 2016 and took place in March 2018, the findings are generally accepted, but the surveys were carried out at a suboptimum time of year and no protected species were found or habitats identified of being of ecological importance or significance. Previous comments submitted at pre app stage on this site, therefore, are still applicable which relate to its importance as a green space and corridor for the wider dispersal for wildlife. It lies close to a significant area of green space which is a Local Wildlife Site comprising of Leicestershire GC, St Denys churchyard, Piggies Hollow and Shady Lane arboretum. There are protected species present within these areas and there is concern at the loss of green space/habitat and impact this will have on the remaining publically accessible areas, especially with over 300 houses and a new community likely to use the areas close by. In principle, there are no ecology objections to the development of this site providing adequate consideration is given to the protection, conservation and enhancement of habitats of principal importance such as broadleaved woodland, mature trees, hedgerows and species-rich grassland and that the development will result in a net gain in biodiversity. Where possible, this should be fully quantified.

#### Archaeological and heritage implications:

Historic England commented that they didn't wish to offer any comments and suggest the views of our specialist Conservation and Archaeological advisors are sought.

In respect of the sites archaeology, as a result of an initial objection from Leicestershire County Council Archaeology an archaeological investigation was undertaken by Cotswold Archaeology on the applicant's behalf with a resultant report provided based on investigation having taken place which included trenching at various points on the site.

Based upon this report and subsequent assessment by Leicestershire County Council Archaeology, they have commented that in line with the National Planning Policy Framework (NPPF), Section 16, paragraph 190 and Annex 2), the Planning Authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. This understanding should be used to avoid or minimise conflict between conservation of the historic environment and the archaeological impact of the proposals.

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

As a consequence, it is recommended that prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation that will involve a programme of targeted archaeological

excavation to be commissioned by the applicant and undertaken in accordance with a Written Scheme of Investigation to be submitted to and approved by the planning authority. This work will involve the archaeological excavation of two areas of archaeological interest within the development area (as shown in yellow on the plan provided to the LPA by LCC Archaeology based on a drawing contained within the Evaluation Report by Cotswold Archaeology) with the Historic & Natural Environment Team (HNET) providing a formal Brief for the work at the applicant's request.

If planning permission is granted, the applicant should obtain a suitable written scheme of investigation (WSI) for the necessary archaeological programme. The WSI must be obtained from an archaeological organisation acceptable to the planning authority, and be submitted for approval to both the LPA and HNET as archaeological advisers to your authority, before the implementation of the archaeological programme and in advance of the start of development.

As set out earlier in this report, the site is identified in the New Local Plan as a direction for growth area for the provision of housing with associated infrastructure. Through the progression of the New Local Plan including all consultation on it, no issue in respect of archaeological matters on this site (both parcels together and individually) have been raised. Further, the evaluation report undertaken here in relation to the original objection from LCC Archaeology that required trenching prior to the determination of this outline application, nothing of significance has been raised resulting in concerns being raised by Leicestershire County Council Archaeology that would suggest the development proposed would cause unacceptable impact upon heritage assets.

On the basis of this it can be seen that the archaeological interests of the site are noted and can be mitigated against through the use of an appropriately worded condition.

Turning to the comments of Leicestershire County Council Heritage as set out in the 'Consultation Responses' section above, they objected to the proposal with the principal concern of the proposed development being the impact on the setting of the three listed lodges at Stoughton Grange where the Heritage Statement submitted as part of the submission suggests that it is these designated heritage assets that are most vulnerable to change in this case. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority, in considering whether to grant planning permission for development that affects a listed building or its setting, shall have special regard to the desirability of preserving a listed building or its setting and LCC Heritage comment that in this context preservation means doing no harm; even less than substantial harm to the significance of a listed building must be given great weight.

The setting of heritage assets is defined in the NPPF as the surroundings in which they are experienced. It is relevant to note in this case that Paragraph 132 of the NPPF states that the significance of designated heritage assets can be harmed or lost through development within their setting and as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The LCC Heritage Officer noted that the submitted heritage statement concludes that 'it is anticipated that the proposed development will result in no harm to – and has potential to enhance – the significance of Lodge Cottage and Grange Cottage'. While acknowledging that much of the original setting of the historic lodges has been eroded over the years the Heritage Officer considers that the agricultural land to the south not only contributes to the quality of the outlook from these buildings, but that it is a tangible and significant reminder of the former, large estate, located in and functionally linked to the countryside. They continue to comment that the encroachment of a suburban type development from the south will effectively erode the long established rural setting of the lodges and reduce their visual prominence in the locality. Further, they note that a new site access is proposed opposite Lodge and Grange Cottage that will no doubt be constructed to modern

highway engineering standards and include traffic signs and lighting that will compound the damaging urbanising visual intrusion into the setting of the listed buildings.

As a result of these comments, the agent provided a response to the points made highlighting, amongst other things in their response that ‘..As explained in detail in our settings assessment, it seems that only Lodge Cottage was originally designed as a lodge to mark/guard the access drive to the now-demolished Stoughton Grange; whereas Grange Cottage only came to be associated with an access point in the 1950s, when the dairy farm was established. It is the prominent roadside positioning of the building(s) that is key to their significance: standing at the clearly-defined edge of the designed landscape that surrounded Stoughton Grange, serving to mark and control access into the Estate. The lodges were intended to see along, and be seen from, Gartree Road. Views from these buildings across the outlying farmland to the south was neither an important part of their function nor their aesthetic; indeed, the First Edition Ordnance Survey Map depicts a continuous tree belt along the northern boundary of the site demonstrating that the farmland would have been screened (see Fig 11 in our report). The land south of Gartree Road comprises surviving farmland of the historic Stoughton Grange Estate, but makes no specific contribution to the significance of the lodges as their function was never agricultural in nature (Section 5.22 of the submitted heritage report).’ and ‘Thus, the change to the outlook of the lodges is a matter of amenity value not heritage value – a distinction noted in the recently published Second Edition of Historic England’s guidance “The Setting of Heritage Assets (2017)”.

The response from the agent also highlights ‘..this is an outline planning application where matters of detail of the development in the vicinity of the proposed access will emerge and can be assessed at the reserved matters stage. The location of the proposed access is considered to be the most appropriate for the development; having regard not only to the comments above, but also to matters of highway safety and associated visibility and to the need to protect the higher quality landscape that bounds the Site.’

Responding to these points the LCC Heritage Officer comments that they stand by their original comments and highlights the functional link between the lodges and agricultural land is integral to the historical estate.

As highlighted by both the submitted documents and the LCC Heritage Officer, there are heritage assets upon which the proposal has the potential to cause an impact. It is considered important to accept any development in this locality has the potential to cause impact on these, however, it should also be noted that the application site has been advanced for the purposes proposed through the New Local Plan process since before the Preferred Options stage with no comments made in respect to heritage impact by Leicestershire County Council at any point. While comments were made by Historic England in respect of the proposed designation for the site for residential purposes, this was in relation to the wording of the policy and supporting text which, following dialogue between Historic England and the Council, was amended through a Statement of Common Ground resulting in their concerns being addressed satisfactorily. Due to the nature of the proposal being considered here – seeking outline permission with access only - the exact nature and extent of the impact is difficult to quantify exactly, however, based on the proposed access arrangements as well as the indicative site layout provided, officers consider that while there may be an impact on heritage assets, any impact can be minimised through constructive dialogue prior to the submission of any reserved matters application should outline permission be granted. Such dialogue would be able to seek to ensure the siting and appearance of the dwellings are such that they will be respectful of the heritage assets while affording sufficient space around them to maintain a good setting.

Overall, therefore, while the comments of the Leicestershire County Council Heritage Officer are noted, it is considered that due to the nature of the scheme being considered here while also taking

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account of the emerging Local Plan, any impacts could be addressed through the reserved matters stage to ensure any impact is not unacceptable on the heritage assets.

#### Contributions:

Paragraph 54 of the NPPF details that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

It continues in paragraph 55 that planning obligations must only be sought where they meet all of the following tests:

- \* necessary to make the development acceptable in planning terms;
- \* directly related to the development, and
- \* fairly and reasonably related in scale and kind to the development.

These are the tests as set out in the Community Infrastructure Levy Regulations.

The provisions of the adopted Core Strategy as well as the New Local Plan are of relevance from the Local Planning Authority perspective with those contained within the New Local Plan considered to have greater weight given that the site is allocated in that plan and sets out details of contribution requirements. Taking account of the proposed main modifications, there is a requirement of at least 30% of the dwellings to be affordable housing, an off-site contribution toward an existing and / or new community facility building and on-site open space (unless alternative off-site provision is justified).

In respect of these the agent has commented that the applicant agrees in principle to the provision of the required contributions and while having agreed to provide the 30 per cent affordable housing, requires more justification in respect of the other elements.

Leicestershire County Council were consulted on the proposal in relation to contributions associated with the scheme who have assessed the proposal against their planning obligations policy and, where relevant, other policies.

In respect of civic amenities, no contributions are sought.

A request for a contribution has been made in relation to library provision based upon the number of bedrooms associated with the dwellings proposed. Due to the nature of the application seeking outline permission with access for 310 dwellings (of which 308 are new given that 2 existing dwellings will be demolished then replaced), bedroom numbers for the dwellings are unknown. An assessment of this against the CIL regulations has been undertaken and found to comply with them so should be included in the Section 106 agreement if planning permission is granted. This will be in a manner that allows the exact contribution to be calculated once numbers are known for subsequent payment.

Contributions toward educational provision (at all levels) have also been requested using the current formula which, as assessed against CIL complies with the regulations.

In relation to these requests, the agent has commented that in relation to the library provisions they find the request acceptable subject to the LPA being satisfied it complies with CIL requirements while in relation to the education contribution sought their holding position is that the scale of the

amount requested is not fully justified but are discussing this matter with the Leicestershire County Council Education Department.

East Leicestershire and Rutland CCG, on behalf of NHS England, were consulted on the scheme and commented, requesting a contribution for use at Rosemead Drive Surgery as the practice most affected by the development. Following an assessment of the request by the agent and subsequent response highlighting that they considered that there is sufficient capacity in the locality such that the contribution sought was neither justified nor CIL compliant, the CCG have re-assessed the scheme. This re-assessment has resulted in a slightly reduced figure being sought for use at both Rosemead Drive and or Severn Surgery GP practices as being those whose boundary covers the application site, are operating above capacity need to make physical improvements to enable them to increase their ability to treat patients. While the agent has commented that they still consider the request fails to comply with CIL regulations, officers have looked at the request, assessed it against the CIL requirements and are of the opinion it is compliant with the regulations.

Leicester City Council were consulted as the site lies in close proximity to the administrative boundary between the two Councils. Within their response they sought contributions towards the enhancement of Evington Leisure Centre as well as The Arboretum – a public park and garden – both of which are in close proximity to the site. While these requests were noted, there was no explanation of how the figures requested had been obtained. The agent provided a response to this request, setting out that insufficient justification had been provided to show that the amounts requested were justified so were not, therefore, in accordance with the relevant regulations for contributions. In response to the agent's comments on this matter, Leicester City Council have provided further comments that while noted, are still not considered to be compliant.

## Conclusion

From the above, it has been set out that the proposal, as submitted, complies with the provisions of the New Local Plan. However, and notwithstanding this conflict, the advanced nature and provisions of the emerging Local Plan are a material consideration to be used in the assessment, consideration and determination of the application. Based upon the contents of the emerging Local Plan, it can be seen that the proposal complies with emerging policy so would be acceptable. During the consideration of the emerging Local Plan by the Inspector no concerns or issues were raised in respect of its identification for use for residential purposes. On balance, the weight associated with the emerging local plan is significant to the point where the proposal is considered to be acceptable.

While access is being considered as part of the outline application, as set out above comments from Leicestershire County Council Highway Authority are awaited while Leicester City Council have requested a condition, informatives and a financial contribution. It is anticipated that concerns raised by the County Council Highway Authority will be addressed to their satisfaction so meaning that there will not be any severe highway implications and matters in this respect can be progressed appropriately to this end.

Based upon the submitted illustrative plans for the site, it has been established to officers satisfaction that the site can be developed in a manner that allows the site to accommodate the dwellings proposed alongside the associated infrastructure and elements required to facilitate the scheme. Furthermore, issues and concerns relating to matters such as education, sport and recreation and affordable housing can be addressed through the applicant entering into a Section 106 legal agreement.

On balance, therefore, the outline application with access is recommended for approval subject to conditions, informatives and a Section 106 legal agreement with powers delegated to officers in respect of the negotiation of the legal agreement.

## 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 subject to the completion of a suitable Section 106 Agreement by the [insert date that agreement needs to be completed by] and for the reasons set out in the above report, **Permit** outline planning permission with access subject to the following conditions:

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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**Reason:** To conform with Section 92 (2) of the Town and Country Planning Act 1990.

- 2 Prior to the commencement of work on site plans and particulars of the layout, scale, appearance of the dwellings to be erected and the landscaping of the site which shall include details of protection of the existing tree and hedges to be retained, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details that have been approved in writing by the Local Planning Authority.

**Reason:** The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

- 3 The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last reserved matter(s) to be approved.

**Reason:** To conform with Section 92(2) of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 No building on any part of the development hereby permitted shall exceed 3 storeys in height.

**Reason:** To prevent over development of the site and to safeguard the amenities of the area and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 5 Prior to the commencement of development a detailed plan (or plans) indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed prior to the first occupation of the dwelling to which it relates.

**Reason:** To ensure that an adequate boundary treatment is provided to safeguard the visual amenities of the area, the amenities of the future occupiers of the dwelling and the occupiers of adjoining properties and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14 and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 6 All hard and soft landscaping approved through the reserved matters application(s) including planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season prior to the first occupation of the dwellings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**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, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 7 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 following plans and particulars:  
(To be confirmed)  
**Reason:** For the avoidance of doubt as to what is permitted by this permission and in the interests of proper planning.
- 8 Prior to, or concurrent with the submission of the first application for reserved matters, a phasing plan shall be submitted to Local Planning Authority for approval in writing, and the subsequent development implemented in accordance with the approved plan unless otherwise agreed in writing with the local planning authority.  
**Reason:** In the interests of environmental, highway and neighbouring amenity and for the avoidance of doubt.
- 9 Prior to commencement of the development hereby permitted a Construction Environmental Management Plan (including the location of the construction access and associated visibility splays, wheel and road cleaning, deliveries including routing, vehicle parking, dust management plan, air quality, ecology, trees and hedgerows, heritage, site compound inc associated structures / cabins lighting and store, construction lighting, noise and vibration) shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be fully implemented until the completion of development in accordance with the agreed detail.  
**Reason:** In the interests of protecting neighbour amenity, human health, and environmental protection in accordance with the NPPF.
- 10 Prior to the commencement of development details of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.  
**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, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 11 Unless otherwise first agreed in writing by the Local Planning Authority no building works or associated works or operations shall take place on the site except between the hours of 8.00am and 6.00pm Monday to Friday, 9.00am to 2.00pm on Saturday and there shall be no works at any time on Sundays or Bank Holidays.  
**Reason:** In the interests of the amenities of local residents and in compliance with Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 12 Prior to the development commencing a full asbestos survey of the site and buildings must be carried out with resultant report, to include mitigation measures where required to include the safe removal and disposal of any asbestos found, submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the agreed details with all such remedial works must be notified to the Environmental Health Department at least 7 days before the work is carried out.  
**Reason:** In the interests of environmental protection.
- 13 Prior to commencement of the development hereby permitted a contaminated land assessment and associated remedial strategy, together with a timetable of works, shall be submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all

of the following measures unless the LPA dispenses with any such requirement specifically in writing:

- a) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- c) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- d) Upon completion of the works a verification report shall be submitted to and approved by the LPA. The verification report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

**Reason :** In order to safeguard human health and the environment and identify potential contamination on-site and the potential for off-site migration and in accordance with the aims and objectives of the National Planning Policy Framework.

- 14 If during the course of development, contamination not previously anticipated or previously identified is found to be present on the site, then no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

**Reason:** In order to safeguard human health and the environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environmental Health Manager and in accordance with the aims and objectives of the National Planning Policy Framework.

- 15 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

**Reason:** To prevent pollution of the water environment and in accordance with the aims and objectives of the National Planning Policy Framework.

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

**Reason:** In the interests of the amenities of local residents and the locality in general in compliance with Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 17 Details of any temporary and permanent external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development as outlined in the outline planning submission. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire

type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details .

**Reason:** To protect the appearance of the area, the environment and local residents from light pollution.

- 18 A scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Details of any construction within the RPA or that may impact on the retained trees.
- c) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing
- d) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- e) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- f) Boundary treatments within the RPA of retained trees.

The development thereafter shall be implemented in strict accordance with the approved details.

**Reason:** Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy 37 - Biodiversity and Geodiversity and Policy 44 - Landscape and Character of the emerging local plan and pursuant to section 197 of the Town and Country Planning Act 1990.

- 19 Prior to the development hereby approved commencing a woodland management plan, prepared by a qualified and experienced forestry or arboricultural consultant, shall be submitted to and approved in writing by, the Local Planning Authority. It should include the following elements:

- a) A statement of the overall design vision for the woodland and for individual trees retained as part of the development - including amenity classification, nature conservation value and accessibility.
- b) Type and frequency of management operations to achieve and sustain canopy, understorey and ground cover, and to provide reinstatement including planting where tree loss or vandalism occurs.
- c) Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas
- d) Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010).
- e) Special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season or flowering period.
- f) Recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat.
- g) Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.

The development shall be carried out and woodland managed in accordance with the agreed details.

**Reason:** Required to ensure that woodland areas are satisfactorily safeguarded, managed and maintained in the long term /in perpetuity in the interest of nature conservation and the

visual amenity of the area and to accord with policies (Policy 37 - Biodiversity and Geodiversity and Policy 44 - Landscape and Character - new local plan) and the NPPF.

- 20 Prior to the occupation of the first house, maintenance details for the trees and hedgerows in public areas shall be submitted to and approved in writing by the Local Planning Authority. The trees and hedgerows shall then be maintained in accordance with the approved details.  
**Reason:** In the interests of the maintenance of trees and hedgerows across the site as well as in the interests of visual amenity and ecology.
- 21 No development shall commence until a written scheme of investigation (WSI) has been submitted to and approved in writing by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI
- Reason:** To ensure satisfactory archaeological investigation and recording.
- 22 A buffer zone of at least 10m, or as agreed in writing with the Local Planning Authority through the reserved matters submission, shall be maintained as natural vegetation between built development (including private open space) and the retained woodland in the north-west corner and in the southern part of the site along the watercourse, and a buffer zone of at least 5m or as agreed in writing with LPA to be maintained as natural vegetation between built development (including private open space) and all retained hedgerows and watercourse.  
**Reason:** In the interests of protecting ecology and ecological habitat in accordance with the NPPF.
- 23 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 shall then be implemented in accordance with the agreed details.  
**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
- 24 No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be implemented in accordance with the agreed details.  
**Reason:** To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.
- 25 No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the

Local Planning Authority. The development shall then be implemented , managed and maintained in accordance with the agreed details.

**Reason:** To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development.

- 26 No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.

**Reason:** To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

- 27 Prior to the commencement of development a scheme for the disposal of foul sewage and surface water drainage for the site (based on sustainable drainage principles) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the first dwelling and, unless otherwise first agreed in writing by the Local Planning Authority, shall be maintained as such for the life of the development.

**Reason:** To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment as recommended by Severn Trent Water Limited and in accordance with the aims and objectives of the National Planning Policy Framework.

- 28 Unless otherwise first agreed in writing by the Local Planning Authority during the period of construction works vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

**Reason:** To ensure that adequate off-street parking provision is made within the site and to reduce the possibilities on-street parking problems in the area during construction works and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 29 Unless otherwise first agreed in writing by the Local Planning Authority for the period of the construction of the development wheel cleansing facilities shall be provided within the site and all vehicles shall have their tyres and wheels cleaned (as may be necessary) before leaving onto the public highway.

**Reason:** To reduce the possibility of deleterious material (mud/stones etc) being deposited on the public highway during construction works in the interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

Note(s) to Applicant :

- 1 This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.
- 2 The applicant / developer is advised of the following Environmental Health comments;
  - All deliveries to site shall only occur during the above working hours.
  - All equipment is to be operated, sited and maintained so that disturbance to people living or working in the immediate areas is minimised. In particular, all items of machinery

powered by internal combustion engines must be properly silenced and/or fitted with effective and well maintained mufflers in accordance with manufacturer's instructions.

- Piling operations must be carried out using the quietest practicable method available. Any deviation from this requirement should be subject to an application for 'prior approval' to the Environmental Health Department under the provisions of Section 61 of the Control of Pollution Act 1974. Your attention is drawn to advice given in British Standards BS6472: (1992) Evaluation of Human Exposures to Vibration in Buildings.
- Contractors shall notify the occupiers of nearby buildings likely to be affected by these works, explaining the type of work and measures taken to minimise noise disturbance
- All reasonable means shall be employed in order to control and minimise dust emissions from site.
- The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
- A Statutory Nuisance under section 79 of the Environmental Protection Act 1990 must not be caused at any time

3 The applicant / developer is advised that there is a gas pipeline crossing the application site and that the easement associated with it should be respected with any plant protection measures deemed necessary being applied as required by CADENT Gas. Direct dialogue with Cadent Gas should be undertaken by the developer prior to the submission of any reserved matters application in order to establish and ascertain their requirements which could influence reserved matters details.

4 The applicant / developer is advised that the surface water drainage scheme shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

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

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

6 The applicant / developer is advised that details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site

7 The applicant / developer is advised that the infiltration testing results should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach

- 8 If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted.
- Guidance on this process and a sample application form can be found at the following:  
<http://www.leicestershire.gov.uk/Flood-risk-management>
- 9 Please note, it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.
- 10 The applicant / developer is advised that there is a Public Right of Way to the west, and outside, of the application site and the following are highlighted for the applicant / developers benefit:
- If there are any Public Rights of Way within the application site which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It could be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative. Works to any Public Rights of Way outside of the application should be directed to Leicestershire County Council Rights of Way and / or Leicestershire County Council Highway Authority.
  - Public Rights of Way must not be further enclosed in any way without undertaking discussions with the County Council's Safe and Sustainable Travel Team (0116) 305 0001.
  - If the developer requires a Right of Way to be temporarily diverted or closed, for a period of up to six months, to enable construction works to take place, an application should be made to [roadclosures@leics.gov.uk](mailto:roadclosures@leics.gov.uk) at least 8 weeks before the temporary diversion / closure is required.
  - Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- 11 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.
- 12 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.
- 13 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).
- 14 Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.



- 15 All felling works should be undertaken in accordance with BS3998:2010 'Tree Works Recommendations' which revises and supersedes all previous issues and includes updated information based on the very latest Arboricultural research.
- 16 The Application as submitted was, on balance, considered to be acceptable and whilst discussions with the applicant were held to seek a higher quality of development the originally submitted development is not considered to be bad enough to warrant refusal of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority 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](http://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.

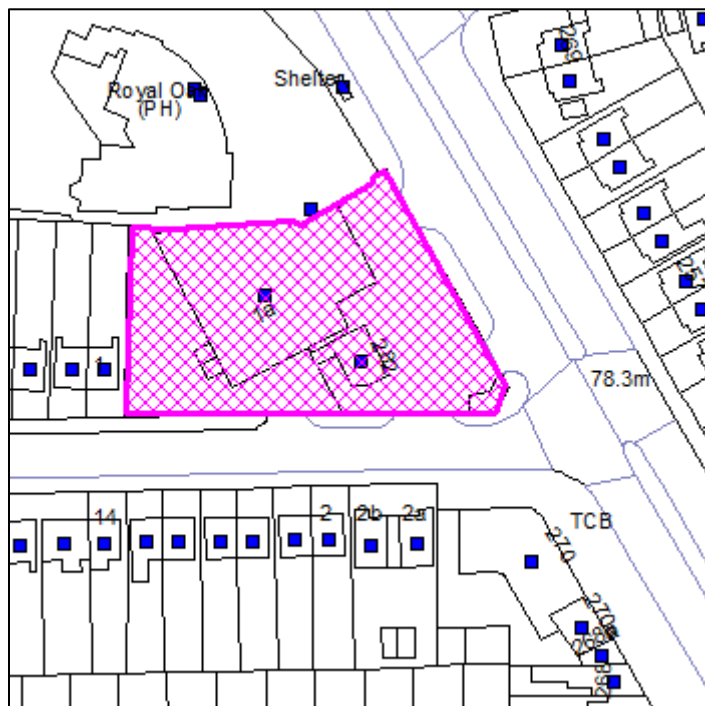
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, 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>b.</b>	<b>18/00477/FUL</b>	282 Leicester Road Wigston Leicestershire LE18 1HQ
	<b>5 November 2018</b>	Demolition of existing car sales unit (Use Class Sui Generis) and erection of both a stand alone unit (Use Class A1 or A3) and a petrol filling station (Use Class Sui Generis) comprising station services unit, extend canopy, shop unit, pump bays and jet wash area.
	<b>Case Officer</b>	Tony Boswell



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## **Site and Location**

The site is the former "Scraptoft Garage" which lies at the junction of Kingston Avenue and the Leicester Road dual carriageway. The site has an overall area of just below 0.2 ha. At present it is occupied by a number of under-used buildings employed in a car wash and car sales business. Historically it was, however, used as a petrol filling station.

The site in its present condition has a low wall and railings around its two street frontages, which it is intended to largely retain. It also has three historic vehicular entrances the use of which are, therefore, entirely lawful. Two within the Leicester Road frontage, including one only some 10 metres away from the Kingston Avenue junction, and a further entrance some 35 metres along Kingston Avenue.

Immediately to the north is the former Royal Oak PH, which is now used as a Sainsbury Local Supermarket. This has a customer parking area to its side, and across its frontage to Leicester Road where abutting the application site. Also in front of that Sainsbury's is a bus stop and bus shelter on the Leicester Road frontage some 17 metres to the north of the application site. Immediately to the west there are residential homes and gardens, which commence with number 1 Kingston Avenue. A further eight homes in Kingston Avenue have frontage to the site on the opposite side of Kingston Avenue.

## **Description of proposal**

The proposal would commence with demolition of all of the existing buildings and structures, with the exception of the existing wall and railings to the Kingston Avenue frontage, and a lowering of the frontage to Leicester Road by removal of the railings.

In the central part of the site there would then be a new elevated canopy above eight filling station "bays". These eight bays would be serviced by four pump islands, which would include the supports for the canopy above. That canopy would have an overall height of 5.5 metres. There would also be two further parking spaces just inside the Kingston Avenue frontage for the re-charging of electric vehicles (cars or vans). This forecourt area would be serviced by a one way system involving an entrance from the southern of the two existing entrances on the Leicester Road frontage, or the entrance from Kingston Avenue. Having re-fuelled, motorists would then exit onto the north bound carriageway of Leicester Road (where there is no gap in the central reservation) via the northern of the two existing entrances mentioned in the second paragraph of this report.

Along the western boundary of the site where abutting number 1 Kingston Avenue and its garden, there would be two buildings. The first of these would be the petrol filling station point of sale and a related retail shop with a floor area of 135 sq metres. That would be sited just behind the alignment of the adjacent Sainsbury building and just inside the boundary with the rear garden of 1 Kingston Avenue at a distance of some 4 metres behind its rear main wall. This would have a flat roof with an overall height of some 4 metres.

The second building would be a "coffee shop" (annotated Use Classes A1 and A3) with a floor area of 137 sq metres. In visual terms this would be very similar to the point of sale building (see above), but would be recessed from the boundary of number 1 Kingston Avenue by 1.8 metres. Both of these buildings would be served by a total of ten customer parking spaces arranged along the northern boundary of the site where adjacent to the adjoining Sainsbury car park. They would effectively block off any possibility of vehicles passing between the Sainsbury car park and the proposed petrol filling station forecourt.

Finally, and alongside that “coffee shop” and the front garden to number 1 Kingston Avenue would be two “Jet Wash” car cleaning bays (for DIY car cleaning). These would be surrounded on three sides by 2.3 metre high screens and a separate building to contain pumps and similar equipment. Thus, that building and related screens would be around 1 metre in front of number 1 Kingston Avenue, and around 6.0 metres from its residential boundary. Note that the area immediately alongside number 1 Kingston Avenue is currently occupied by an ad hoc vehicle parking area.

The statutory determination period for this application expired on the 4 February 2019 and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

### **Relevant Planning History**

None Relevant.

### **Consultations**

Environment Agency – No objections but recommend conditions 10 and 11 below.

Health and Safety Executive – no objections

Leicester City Council – no response.

Leicester Police – Make a number of suggestions regarding lighting and the use of CCTV.

Leicester Fire and Rescue Service – no response.

CADENT Plant Protection – no response.

National Grid – no response.

Severn Trent Water – no response.

Western Power Distribution – no objections

LCC 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 the National Planning Policy Framework 2019 (NPPF), subject to the Conditions and Contribution as outlined in this report”. (See later under Vehicular and Pedestrian Safety).

Lead Local Flood Authority – no response.

OWBC Environmental Health – no response.

OWBC Building Control – no objection.

OWBC Planning Policy – No objections, points largely reflected in the following report.

OWBC Licencing – no response.

OWBC Town Centre Manager – no response.

OWBC Operations and Street Scene – no response.

## Representations

A total of 45 near neighbours were notified by direct mail and a site notice posted, all to expire by 27 November 2018. The application was also advertised in the Leicester Mercury as a "Major Development" with a period for reply ending on 6 December 2018.

At the time of drafting this report a total of 19 letters or e-mails have been received objecting to the proposals as submitted. In fair summary these make the following points:

- \* No need for a new filling station in view of others in proximity. (Note by officers. The presence of other nearby filling stations in competition can never be grounds for objection or refusal of permission).
- \* Noise and disturbance will add to that already experienced from Sainsbury's adjacent car park.
- \* Increase in traffic will create hazard for pedestrians, not least for the elderly and the young (attending local schools).
- \* Explosive or health hazard due to the presence of petroleum on site.
- \* Adverse effect of forecourt lighting on local residents.
- \* Requests the limiting of opening hours (07:00 to 23:00 suggested).
- \* Negative effect upon local house prices.
- \* Will become a venue for misbehaving young persons.
- \* Visual impact/loss of privacy to homes opposite on Kingston Avenue.
- \* Same point in relation to the proposed Jet Wash facility.
- \* OWBC should reduce Council Tax to mitigate adverse effect upon local residents.
- \* Queuing motorists may attempt to enter the forecourt via the adjacent Sainsbury car park.

At a much later stage on the 16 January a single letter of objection was received from a commercial competitor of the applicants. The points not covered above include:

- \* Means of access onto and off the site are "sub-standard" (Note that LCC Highways do not agree).
- \* No drainage proposals included.
- \* Environmental concerns about underground tank installation and clearance of any historical tanks. (Subject of other legislation).
- \* Needs a retail assessment regarding the proposed retail element. (Contradicted by Policy 24 of the emerging Local Plan – and adjacent to the existing Sainsbury Local store)!
- \* Harm to residential amenity (see report below).

Councillor Loydall has asked that this application be referred to this Committee for decision.

## Relevant Planning Policies

### National Planning Policy Framework

#### Oadby & Wigston Core Strategy

Core Strategy Policy 4:	Sustainable Transport and Accessibility
Core Strategy Policy 14	: Design Sustainable and Construction
Core Strategy Policy 15	: Landscape and Character

#### Oadby and Wigston Local Plan

Landscape Proposal 1 :	Design of new development subject to criteria
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#### Emerging New Oadby and Wigston Local Plan (as a material consideration)

Policy 24	Local Impact Threshold (for retail outside any town centre)
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## **Planning Considerations**

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

- \* The impact of the proposal on the street scene
- \* The impact of the proposal on neighbouring residential properties
- \* Vehicular and Pedestrian Safety

### The impact of the proposal on the street scene

The proposals amount to a gross redevelopment of the site in its former and current guise. Its appearance would, therefore, be altogether changed as the site would “present”, primarily towards passing motorists on the Leicester Road. Its finished appearance would become that of an altogether modern petrol filling station, dominated by a new elevated canopy with four petrol pump islands beneath. (A total of eight fuel pumps). Those features would be most evident from both the Leicester Road and Kingston Avenue frontages. Towards the Kingston Avenue frontage would be two electric vehicle recharging bays and a further two car wash bays.

Along both frontages the existing brick walls are to be retained, but with the metal railings removed and made good. (See the CGI elevations which shall be displayed).

Towards the western end of the site and enclosed by the adjacent Sainsbury Local Store and number 1 Kingston Avenue would be the two flat roofed buildings. One of which would be the “point of sale” building and related shop, while other would be a visually very similar “coffee shop”.

Finally, and along the northern boundary adjacent to the Sainsbury car park there would be a row of ten parking bays to serve both buildings – noting that not all potential customers leave their vehicle at a pump while paying or making other purchases.

Noting that one function of a petrol filling station is to be visually very prominent and, also the variability of the vehicles attending it, the fact that it is very visible is not in itself grounds for objection. The design is in itself visually coherent and legible to both users and the passing public. The one issue that is of concern to officers is management of the external lighting in order to avoid un-wanted light trespass. This can be addressed by way of condition.

### The impact of the proposal on neighbouring residential properties

The impacts upon adjacent and near adjacent residents have potential to be significant.

The neighbourly impacts upon number 1 Kingston Avenue which is immediately adjacent to the application site, with the Sainsbury Local to its rear that at present has a rearward free for all vehicle car park all along its eastern boundary with the site in its existing use. In response to objections and for planning policy reasons the site layout was significantly changed from its original layout so that the proposed “coffee shop” would now be some 1.8 metres away from the garden boundary and the “wash equipment bay” enclosure would be 6 metres away where close to the house. That structure would also screen number 1 from noise and disturbance arising from the car wash bays. When compared with the existing situation, this proposed configuration is very probably more “neighbourly” in its relationship with number 1 Kingston Avenue. It also creates an

opportunity for landscaping where close to number 1. See the recommended condition to that effect.

There is then the impacts upon the 9 homes on the opposite (east) side of the Leicester Road dual carriageway. Their views of the site would be altogether changed but, having regard to the volumes of passing traffic, the only impacts are likely to be visual or to do with lighting of the site.

Finally, there are the impacts upon the 8 homes on the south side of Kingston Avenue, opposite the application site. At present their outlook over the site is unsightly and is subject to any degree of disturbance which might arise from uses either within the existing buildings or on the areas of yard which surround it. At present any such disturbance is likely minor or intermittent, although the appearance of the existing site still leaves much to be desired while the existing use does appear to give rise to a significant amount of on-street parking on Kingston Avenue. As proposed the appearance of the site would be altogether changed and its visual and lighting impacts would be similar to that experienced by homes on Leicester Road (previous paragraph). However, those 9 homes would also suffer a degree of additional vehicular traffic entering the petrol forecourt from its Kingston Avenue frontage – as it would be unreasonable to assume that all customer vehicles would enter from the Leicester Road frontage. Kingston Avenue (along with Burleigh Avenue to the south) is a fairly heavily used local distributor road which connects Leicester Road with a wide area to the west. It is, therefore, unclear whether any adverse impacts of that additional petrol station related road traffic would be very adverse. Any inferred threat to local amenity arising from that increment of additional traffic would certainly be insufficient to warrant a refusal of planning permission.

Members should, however, note the condition recommended to control and prevent the emission of unwanted light from the premises.

#### Vehicular and Pedestrian Safety.

This has been the major concern of local objectors, partly as a reflection of the fact that the footway along Leicester Road and Kingston Avenue are used as a route to and from local schools. The north bound carriageway of Leicester Road also narrows from two lanes to one and then includes a red surfaced bus lane which vehicles exiting northwards will have to cross to join the single remaining traffic lane northwards on Leicester Road. It should be noted, however, that this bus (and taxi) lane route is for use by buses and taxis between 07.30am and 09.30am only.

The applicant's transport consultants and LCC Highways have also been in extensive (and time consuming) discussion in an attempt to identify safety issues and to arrive at solutions. As a result the internal layout and detailed geometry within the site have evolved somewhat within the life of these proposals. Those minor changes have had no effect upon the neighbourly issues, but have significantly improved the internal layout and the implications of the scheme for pedestrian and highway safety.

The pedestrian improvements proposed as part of the application are shown on Highway Access Solutions drawing number: HAS/18-048/03 Rev A. The Applicant has removed the bollards either side of the northern and southern accesses on Leicester Road which the LHA was not in favour of. The tactile paving at the site accesses which the LCC Highways supported has been retained.

The Highways Authority are satisfied that any minor amendments to the vehicular access and pedestrian improvements can be finalised as part of the detailed design process if the LPA is minded to approve the application.

The Applicant has outlined their support for a 'U' turn ban for vehicles travelling south on the A5199 which would prevent HGV's approaching the site from this direction and overhanging adjacent

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lanes. The ban on 'U' turns would not prevent existing or development traffic from turning right into Kingston Avenue and accessing the proposed development from that minor road if required. The Highways Authority have advised the applicant and this Council that a contribution is required from the Applicant to facilitate the implementation of the Traffic Regulation Order (TRO) which will allow the LHA to enforce such a ban.

The previous highway observations reviewed the Personal Injury Collision (PIC) data and confirmed that LCC Highways would not require any safety mitigation measures as part of the development. Pedestrian movements and safety on either adjacent highway would be aided by the use of tactile paving to either side of each entrance and the single exit onto Leicester Road.

## **Conclusion**

Broadly speaking, the design and layout of the proposed redevelopment is acceptable, subject to compliance with the conditions as recommended. (Notably condition 5 which would control the intensity of lighting and conditions 3 and 4 which would secure a measure of landscaping alongside number 1 Kingston Avenue).

In providing these revised observations LCC Highways have taken account of local and national guidance and legislation where appropriate. Whilst it is acknowledged that new development can generate additional traffic, under the National Planning Policy Framework (NPPF) advice of refusal can only be given where the residual highway impact is considered to be severe once any mitigation is taken into account. The key mitigation in this case is that the ability of south bound vehicles on the Leicester Road to turn across north bound traffic would be prevented by a new Road Traffic Order. That ban on 'U' turns would not prevent existing or development traffic from turning right into Kingston Avenue and accessing the proposed development from the minor road if required. Based on the analysis of all the submitted information the LCC Highways are satisfied that the impact on the highway is not severe in accordance with Paragraph 109 of the NPPF and would not seek to resist the application subject to inclusion of conditions and contributions outlined below.

## **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 **Permit** subject to the following 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 Prior to the commencement of development details of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.  
**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, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 3 Prior to the commencement of development a detailed scheme of all hard and soft landscaping, and to include measures for the protection of trees to be retained during the course of development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the agreed details.  
**Reason:** To ensure that a landscaping scheme is provided to enhance the development and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 4 All planting, seeding or turfing comprised in the approved details of landscaping 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 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 the Local Planning Authority gives written consent to any variation.  
**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, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 5 The fascia sign advertisements hereby permitted shall only be statically illuminated and shall not have a degree of brightness exceeding 800 candelas per square metre.  
**Reason:** In the interests of the visual amenities of the locality and so that drivers of vehicles on the highway are not dazzled or distracted in accordance with the aims and objectives of the National Planning Policy Framework and Landscape Proposals 1 and 8 of the Oadby and Wigston Local Plan.
- 6 No part of the development hereby permitted shall be occupied until such time as the access arrangements and pedestrian improvements shown on Highway Access Solutions drawing numbers HAS/18-048/02 Rev A and HAS/18-048/03 Rev A 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 (2019).

- 7 The development hereby permitted shall not be occupied until such time as the vehicular parking, cycle parking and turning facilities have been implemented in accordance with Highway Access Solutions drawing number HAS/18-048/02 Rev A. Thereafter the onsite parking provision shall be so maintained in perpetuity.  
**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).
- 8 The new and amended vehicular accesses hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on Kingston Avenue that becomes redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.  
**Reason:** In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2019).
- 9 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.  
(To follow when list is complete).  
**Reason:** For the avoidance of doubt as to what is permitted by this permission and in the interests of proper planning.
- 10 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified:  
all previous uses;  
potential contaminants associated with those uses;  
a conceptual model of the site indicating sources, pathways and receptors; and  
potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

- 11 Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**Reason:** To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

Note(s) to Applicant :

- 1 A contribution of £7,500 for a Traffic Regulation Order to enforce a no 'U' turn at the junction with Leicester Road.  
Justification: To ensure that legal orders are in place to support the delivery of the proposed highway works.
- 2 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://resources.leicestershire.gov.uk/lhdg>
- 3 A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) to progress an application.
- 4 In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority 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](http://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.

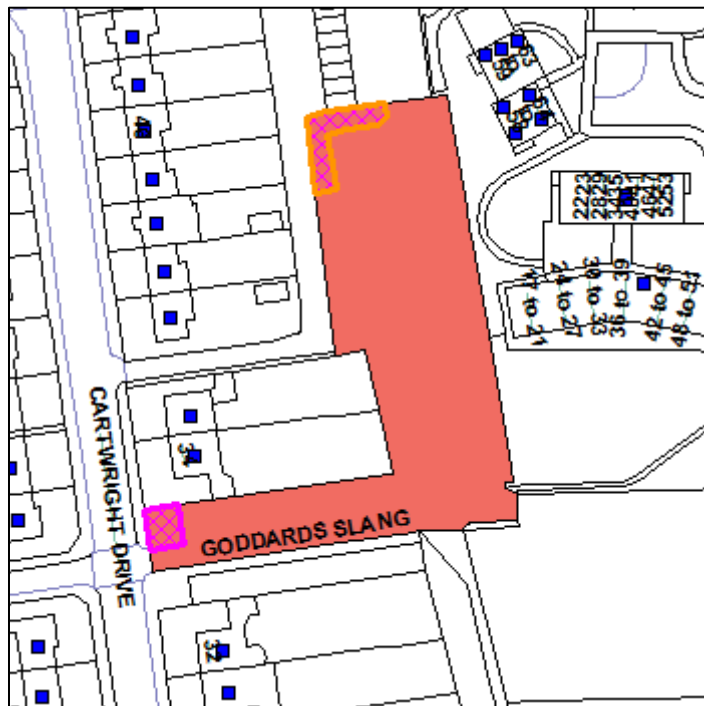
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, 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>c.</b>	<b>19/00022/COU</b>	Land Off Goddards Slang Oadby Leicestershire LE2 5HL
	<b>31 January 2019</b>	Change of use of land to form an extension to Oadby Cemetery and associated parking.
	<b>Case Officer</b>	Tracey Carey



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Published 2014

## **Site and Location**

The site comprises an area of vacant land to the rear of properties on Cartwright Drive, west of Chartwell House, formerly occupied by a scout hut. At the far end of the site is an embankment. At the entrance of the site is an area of tarmacked ground with the remainder covered in grass, weeds and a number of trees. The site is bordered by wooden fencing on the west side, a brick wall associated with some garages on the north side, a metal fence on the east side and a hedge and gate on the south side. Vehicular access to the site is from Goddards Slang with pedestrian access gained via Chapel Street and St Peter's Path.

## **Description of proposal**

The application is for the change of use of (derelict) land to form an extension to Oadby Cemetery and associated car parking. The cemetery extension could accommodate between 60 and 80 burial plots.

The statutory determination period for this application expired on the 28 March 2019 and it is intended to issue a decision as soon as practicably possible after the Committee meeting.

## **Relevant Planning History**

None Relevant

## **Consultations**

Leicestershire County Council (Highways) – The submitted Proposed Site Plan shows that there will be 12 parking spaces (including 2 disabled spaces) off Goddards Slang. The parking spaces are 2.4m x 5m and whilst this is below the guidance contained in the Leicestershire Highway Design Guide (LHDG) the LHA acknowledges that the spaces being provided are sufficient to accommodate a car.

However, the width of the carriageway part of Goddards Slang is only 3.7m so this will need widening as part of the proposals to at least 6m to allow sufficient space for vehicles to reverse out of the spaces without hitting the kerb. This is consistent with the guidance contained in Part 3, Figure DG16 Size and layout of parking spaces of the LHDG.

As a result of the widening the Applicant will need to remove and reinstate the footway on the opposite side of the parking spaces whilst noting the presence of any other existing street furniture. Therefore a revised scheme detailing the works required for the whole section of Goddards Slang is required. This should be shown on a scaled plan and any construction works to the carriageway and footway must be done to LHA standards and will be subject to a separate Section 278 technical approval process if the LPA is minded to approve the application.

OWBC Environmental Health – Having checked the records the only potentially contaminated land site in the area of Goddards Slang are for the existing cemetery. Therefore Environmental Health have no comments.

OWBC Planning Policy – Incorporated into the report.

OWBC Tree Officer – Incorporated into the report.

OWBC Housing – No comments received at the time of writing this report.

Environment Agency – Based on the supporting Tier 2 Groundwater Risk Assessment report submitted we have no objections to the proposed cemetery extension. We recommend the following condition be imposed on the decision notice if planning permission granted:

All burials in the cemetery shall be; a minimum of 50m from a potable groundwater supply source; a minimum of 30m from a water course or spring; a minimum of 10m distance from field drains and no burial into standing water and the base of the grave must be above the local water table.

## **Representations**

Neighbours have been informed and a site notice placed with five letters of representation being received at the time of writing this report. The date for the receipt of comments expired on the 22 February 2019.

The reasons for objection can be summarised as follows: -

- \* I look down on the cemetery and have got used to all the noise and activities, if this land is going to be an extension I will be surrounded by cemeteries. Surely it could be used for flats or housing in the future.
- \* The land is approx. 12 feet from my side window at ground level and there is only an old open iron railing separating the two areas. Please take account of my privacy as well as that of the bereaved.
- \* We have just found the letter at our mother's flat - The way this has been carried out is somewhat callous and disrespectful bearing in mind these are elderly people with no internet access or very limited mobility. Our mother gets upset when she sees people on the land right outside her window because of trouble with youths so to make the access even easier will only add to the problem. There could have been more interaction with the Council like home visits to explain the application, we realise the limitations you face with staffing but I bet the Council tax is rising a lot again this year and that must be getting the priority. Will the cemetery be of multi-faith?
- \* This is the last remaining green land left in Oadby (a part from parkland which is heavily used). There are a number of good age deciduous trees which are vital for clean air. They form part of a green corridor which is crucial to the movement of wildlife from one area to another. It was devastating when you decimated the hedge along St Peter's path which had a direct effect on the wildlife. The land may not seem very pretty or interesting but it hides numerous areas for wildlife. You dug up the hedge along the old cemetery boundary for the purpose of burying people – how long ago was that? And that's now full and you need more land. So once this land is used up what will happen next? Why not find a proper solution to the problem like re-using the old part of the cemetery or encouraging cremation. If we carry on destroying every piece of greenery we will have no insect life and no way of pollinating for food production.
- \* The increase in traffic will cause a lot of hassle;
- \* Increase in anti-social behaviour - when the scout hut was empty there was a lot of anti-social behaviour and people using the area to sell drugs. I have young children and do not want them to see people selling drugs and be subject to anti-social behaviour which we had a few years back;
- \* What safety measures have you looked at ie: cctv etc. during funeral days will someone be patrolling the parking area, will this cause a start to people blocking my driveway etc.

## Relevant Planning Policies

### National Planning Policy Framework

#### Oadby & Wigston Core Strategy

Core Strategy Policy 10 : Community Infrastructure

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

#### Oadby and Wigston Local Plan

Landscape Proposal 1 : Design of new development subject to criteria

#### Draft New Local Plan

Policy 9 : Open Space, Sport and Recreation Facilities

### Supplementary Planning Document/Other Guidance

Annual Open Space Review

## Planning Considerations

### The principle of development

The proposal is to change the use of this site, formerly occupied by a small hall used as a Scout Hut (Use Class D2), and to form an extension to Oadby Cemetery and associated parking.

With regards to the existing use class of the land, the former Scout Hut structure was demolished around 2010 and was not in use for approximately a decade prior to that, due to its derelict state. Therefore, the site has not been occupied by built development for 9 years (approx.) and has not been utilised as a community use (Use Class D2) for approximately twenty years.

According to the National Planning Policy Framework (2018), 'previously developed land' is defined as:

*'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'*

Taking account of the definition in the National Planning Policy Framework, it is apparent that land off Goddard Slang, Oadby, should no longer be regarded as previously developed land because the structure that was previously on the site was demolished nearly ten years ago and the remains of the permanent structure or fixed surface structure have now blended into the landscape.

This application is seeking to re-use the land as an extension to the adjacent Oadby Cemetery, so that the capacity of the burial facilities can be increased for coffins and the interment of ashes (Use Class Sui Generis). This would allow an extension of an existing community asset and extend the lifetime of the cemetery for the benefit of the local community.

Paragraph 92 within the National Planning Policy Framework (NPPF, 2018) seeks:

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'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services'.*

The land is not locally protected or designated for any land-use based policies in either the Council's adopted or emerging Development Plan Document and could be viewed as a natural extension to the existing adjacent facility and will meet a need for the occupants of Oadby.

#### The impact of the proposal on neighbouring residential properties.

The proposed car parking area comprises of 10 car parking spaces plus 2 disabled parking spaces and is sited along the side boundary of No.34 Cartwright Drive on an area of land which previously housed a row of Council owned garages.

The cemetery will be open to the public at any time, however, burials/interments will be between 09.30 and 15:30 Monday to Fridays and by special request only on Saturdays, Sundays and Bank Holidays.

It is envisaged that no more than 10 coffin burials will take place in any twelve month period (over the last 5 years the existing cemetery has averaged around 7 a year).

Whilst it is noted that the land has not been used in recent years, given the nature of the proposed use together with the previous use of the site as a scout facility (Use Class D2) with no working hour restrictions or on-site parking facilities and the use of land for garages, it is not considered that the proposal will significantly impact on the amenities of neighbouring properties.

#### **Highways/Access**

The Highway Authority have been consulted on the application and has raised some concerns with the design of the scheme specifically the space between the parking bays and the kerb opposite which is below the width required to allow vehicles to reverse and leave Goddards Slang in a forward gear.

As a result of the Highway Authority's comments revised plans have been received which moves the pavement to allow a width of 6.1m for vehicles to manoeuvre and leave the site in a forward direction. The footpath would then be reinstated on the south side of the development. Whilst the footpath at 1.5m is below the guidelines in the Leicestershire Highway Design Guide the Highway Authority acknowledge that it will be on land under the Applicant's control. Nevertheless, the proposed works will be dealt with under a Section 278 agreement which is outside the planning arena and subject to details design. The additional carriageway which will be provided as part of

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the works will be subject to a Deed of Dedication to the Highway Authority which will also be dealt with as part of the S278 process.

The Highway Authority have also commented that there may be a requirement to reroute footpath Z8 as part of the scheme as it runs down the centre of Goddards Slang. The Public Rights of Way Officer is satisfied that any adjustment to the footpath can also be dealt with as part of the S278 process once the application has been determined.

In view of the above, it is the Highway Authority's view that the residual cumulative impacts of the development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework 2019 (NPPF), subject to a condition that the parking and turning facilities be provided prior to first use of the development and maintained in perpetuity.

## **Trees**

A tree survey has been submitted with the application. The Council's Tree Officer has been consulted and comments that the two Limes (T1 and T3), the Ash (T6) and the Oak (T8) are the most desirable trees to be retained.

The application proposes the removal of 2 Lawson Cypress trees (T7 and T9), 2 Ash trees, 1 Lawson Cypress, 1 Thuja, 1 Cedar (G3) and all but one of the Sycamore trees (G1). The tree officer has raised no objection to the removal of these trees as they are less suitable for long term retention.

The crown lifting of 2 Ash trees (G2), the removal of deadwood from a Lime (T1) and the removal of an extended limb of 1 Ash tree (T6) is also proposed. The tree officer has raised no objection to these works.

The Tree Officer has also commented that *'it is important that ground levels within the roof protection areas (RPAs) of retained trees are maintained, retention of the path along the eastern edge would permit suitable access for interments while not having to grade the soil levels across the entire site and thereby damaging the tree roots.'*

*Whilst the RPA of retained trees will account for a sizeable portion of the plot, there would still be capacity for burials on the site and those areas unsuitable for excavating could be utilised for no invasive scattering of ashes. Some intrusion into the RPA is permissible and should be taken into account when planning the layout of burial plots.*

*In view of the above it would be reasonable for any permission to require an Arboricultural Method Statement to include details such as prohibited activities, demarcation of areas unsuitable for burial, retaining structures to facilitate changes in ground levels, requirement of any utility installation and any ground protection measures requires where the use of plant or machinery might lead to compaction within the RPA of retained trees'*

## **Conclusion**

In summary, the proposed development is not considered to harm the character and appearance of the surrounding area, the amenity of neighbouring residential properties or the safe and efficient use of the highway and is, therefore, recommended for approval.

## **Implications Statement**

Health	No Significant implications
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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 **Permit** subject to the following conditions:

- 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.
- All burials in the cemetery shall be a minimum of 50m from a potable groundwater supply source; a minimum of 30m from a water course or spring; a minimum of 10m distance from field drains and no burial into standing water and the base of the grave must be above the local water table.  
**Reason:** To protect the quality of controlled waters in the local area as recommended by the Environment Agency and in accordance with the aims and objectives of the National Planning Policy Framework.
- Notwithstanding the submitted plans, prior to first use of the development hereby permitted the parking and turning facilities shall be provided in accordance with ED Designs drawing number 54063-1040 001. Thereafter the onsite parking provision shall be so maintained in perpetuity.  
**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).
- Prior to commencement of development a detailed method statement shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include prohibited activities, demarcation of areas unsuitable for burial, retaining structures to facilitate changes in ground levels, requirement of any utility installation and any ground protection measures requires where the use of plant or machinery might lead to compaction within the RPA of retained trees.  
**Reason:** To ensure that adequate measures are taken to preserve the trees and hedges and their root systems in accordance with Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 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:

Application Form submitted to and received by the Local Planning Authority on 21 January 2019

Location Plan submitted to and received by the Local Planning Authority on 31 January 2019

Tree Work Plan and Schedule submitted to and received by the Local Planning Authority on 20 February 2019

Existing and Proposed Site Plan, Drawing No 54063-1040-001 submitted to and received by the Local Planning Authority on 5 March 2019

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

Note(s) to Applicant :

- 1 You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
- 2 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 The applicant should take note of the guidance that can be found at <https://www.gov.uk/guidance/cemeteries-and-burials-prevent-groundwater-pollution>
- 6 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 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://resources.leicestershire.gov.uk/lhdg>.

A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

A separate application for a diversion of an existing Public Right of Way should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of Public Rights of Way until a Diversion Order has become operative.

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

## **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority 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.

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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**

- a.** 18/00178/OUT
- b.** 18/00477/FUL
- c.** 19/00022/COU

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