

Application Number

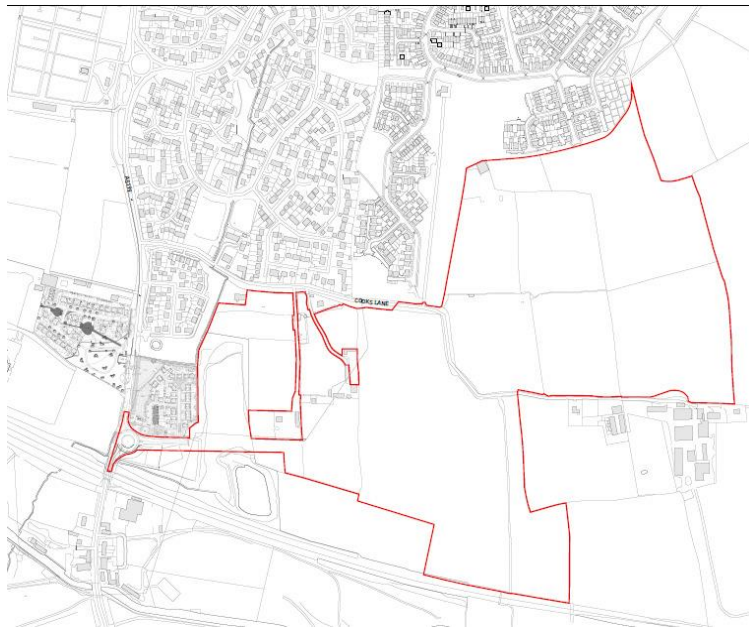
Address

Report Items

a. 21/00028/OUT

Land East Of
Welford Road
Wigston
Leicestershire

a.	21/00028/OUT	Land East Of Welford Road Wigston Leicestershire
	19 January 2021	Outline planning application for the demolition of existing agricultural buildings and the residential development of up to 650 dwellings, a new local centre and community facilities, land for employment uses, a primary school site, areas of public open space including children's play, landscaping and drainage infrastructure, together with a link road through the site connecting the existing Welford Road roundabout with the Phase 1 development.
	Case Officer	Marc Watterson



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Site Location

The application site is located to the south east of Wigston, approximately 2km from the town centre. It is bounded by the Midland Mainline railway running parallel to the Grand Union Canal to the south, as well as Elm Tree Farm and Tythorn Farm to the south east, Phase 1 of the Wigston Direction for Growth development to the north (currently under construction by David Wilson Homes and Barratt Developments), further agricultural fields and hedgerow boundaries to the east, and mostly new development along the western boundary consisting of Phase 1 of the Wigston Direction for Growth, the Meadow Hill development, and the current scheme under development at the new Welford Road Roundabout (also referred to as Phase 2A as this forms part of the overall Wigston Direction for Growth).

The site extends to approximately 40.89 hectares and consists of several agricultural fields with hedgerows along field boundaries.

Description of proposal

The application is in outline (excluding access), for:

The demolition of existing agricultural buildings and the residential development of up to 650 dwellings, a new local centre and community facilities, land for employment uses, a primary school site, areas of public open space including children's play, landscaping and drainage infrastructure, together with a link road through the site connecting the existing Welford Road roundabout with the Phase 1 development.

The application is underpinned by a full suite of supporting information, as follows:

- * Energy Statement
- * Arboricultural Report
- * Bat Survey
- * Ecology Reports (as updated)
- * Landscape and Visual Impact Assessment
- * Noise Survey
- * Design and Access Statement
- * Health Impact Assessment Screening
- * Masterplan
- * Planning Statement
- * Statement of Community Involvement
- * Phase 1 Site Investigation
- * Flood Risk Assessment
- * Archaeology Design Based, Geophysical and Trial Trenching Reports
- * Transport Assessment (as updated)
- * Travel Plan

Site Description

The site is accessed from the north from Phase 1 and the new roundabout on Newton Lane, and from the south west from the new roundabout on Welford Road. Both accesses were approved as part of the Phase 1 permission hence being excluded from this application. Cooks Lane runs through the site but is not proposed to form part of the vehicular access strategy.

The current site is nearly all farmland with a small number of agricultural buildings to be demolished. The farmland is mostly rolling pasture, generally sloping down gently from north east to the railway line in the south west from 101mAOD to 79mAOD. It is divided by hedgerows including a small number of trees, varying in size and quality, into six fields to the north of Cooks Lane and mostly a single large field to its south, leading to the railway line. There are some denser areas of trees along Cooks Lane, towards Welford Road and in the north west corner of the site.

Cooks Lane bisects the site east / west. This lane provides access from Welford Road to a small number of private dwellings accessed off the Lane, towards Elm Tree Farm and Tythorn Farm where it becomes a private road. The central part of Cooks Lane also joins and forms part of the public footpath network in the area that links from the south over the railway line and to the Grand Union Canal, and north through existing and proposed development towards Foston Gate.

Barn Pool Meadow sits at the southern boundary of the site, and is designated as a Local Wildlife Site. The Pool itself is not included within the application boundary. Cooks Lane Pasture Candidate Local Wildlife Site sits partially within the site boundary. Further to the south of the site sits the Kilby-Foxton Canal and Limedelves Site of Special Scientific Interest (SSSI).

There are no trees protected under a Tree Protection Order and the site does not adjoin any conservation areas or listed buildings.

Relevant Planning History

04/00333/FUL – Erection of one dwelling with detached garage, Norwood House, Cooks Lane Wigston. Approved 26 August 2004.

06/00626/DEM – Demolition of bungalow, The Conifers, Cooks Lane, Wigston. Prior approval given 5 January 2007.

09/00020/FUL – Erection of 1No. two storey dwelling and detached garage, Norwood House, Cooks Lane, Wigston. Approved 3 March 2009.

10/00344/DEM – Prior notification of proposed demolition of prefabricated building, The Conifers, Cooks Lane, Wigston. Prior approval given 30 September 2010.

11/00402/REN – Extension of time for the implementation of planning permission 09/00020/FUL, Norwood House, Cooks Lane, Wigston. Approved 14 December 2011.

12/00222/RAL – Application for prior approval of proposed footbridge | Level Crossing Cooks Lane Wigston. Prior approval given 13 November 2012.

14/00349/FUL – Erection of two storey detached dwelling with detached garage, Norwood House, Cooks Lane, Wigston. Approved 21 October 2014.

13/00403/OUT – Mixed use development for up to 450 dwellings & 2.5 hectares of employment land (B1/B2) along with new formal recreation space with changing facilities, allotments,

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landscaping & storm water balancing & associated infrastructure, Land South Of Newton Lane & East Of Welford Road Newton Lane, Wigston. Approved 25 February 2016.

16/00316/REM – Reserved matters application for the residential development of 450 dwellings, open space, allotments, landscaping and storm water balancing and associated infrastructure on Land South of Newton Lane - pursuant to outline planning permission 13/00403/OUT. Approved 29 June 2017.

17/00421/FUL – Erection of two storey detached dwelling with detached garage, Norwood House, Cooks Lane, Wigston. Approved 10 October 2017.

18/00260/FUL - Amendments to original planning permission 18/00087/REM with amended house types, changes to layout and the provision of an additional 32 dwellings overall. Approved 27 March 2020

20/00262/FUL - Amendments to original planning permissions 18/00087/REM and 18/00260/FUL. Re-plan of matters including amended house types and changes to layout. Approved 16 October 2020

20/00512/FUL - Amendments to original planning permission 18/00260/FUL. Re-plan of matters including amended house types and changes to layout. Approved 18 May 2021

21/00485/FUL - Amendments to original planning permissions 18/00087/REM, 18/00260/FUL and 20/00262/FUL with amended house-types, repositioning of private drives and parking spaces to plots 227-231, 365 and 451, relocation of pumping station and the provision of an additional 38 dwellings. Decision pending.

Relevant Planning History outside application site

16/00295/FUL – Demolition of existing dwelling and erection of 53 dwellings with associated vehicular access, parking and landscaping. Meadow Hill, Cooks Lane, Wigston. Approved 11 May 2017.

18/00533/FUL – Demolition of garage buildings and development of 36 dwellings and all ancillary works, along with construction of new roundabout road junction to Welford Road. Land North of The Cedars, Welford Road, Wigston. Approved 8 November 2019.

Consultations

Environment Agency: No formal comment to make on this application.

Leicester, Leicestershire and Rutland CCGs: Supportive of the vision and want to work collaboratively to understand how the local NHS can contribute to its delivery. It is noted that the development is in an area where much of the provision of primary care services is already at a maximum and therefore any new demand from housing developments will require developer contribution to mitigate this.

Subsequent correspondence has requested a S106 contribution of £329,103.06 to contribute to additional clinical accommodation at Bushloe Surgery and Wigston Central Surgery.

Sport England: Originally unable to support the development and requested clarification on the design and location of the primary school and community facilities, the on-site sporting provision and the site's connectivity with regard to healthy place making.

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Sport England noted a particular potential demand for a new Cricket Pitch based on latent demand and imported demand from Leicester City. Also some specific off-site contributions including improved changing facilities and lighting facilities at local rugby clubs

Subsequent communication confirmed that comments made in relation to Active Design such as primary school and community facility location, the creation of walkable communities and connections appear to correlate with local policy assessment requirements.

It also sought confirmation that it remained the case that the expected levels of need created by the projected growth correlate with the current level of built sports facilities over the plan period. It is confirmed that this is the case.

Sport England also note the potential shared use of school sports facilities.

Leicestershire Police: No formal objection but suggests the following measures are implemented:

- * Gable end windows are recommended to allow additional natural observation of the parking areas.
- * Lighting throughout the site including the key vehicle entry point should be to BS5489. A Section 38 Agreement is requested to install an electrical spur to the nearest lampposts would allow immediate installation. All pedestrian or cycle walkways should be illuminated likewise.
- * Consideration of the use of CCTV coverage of the key vehicle entry point is recommended to include Automatic Number Plate Recognition capability.
- * Wheelie bin storage and cycles should be stored in secure areas where possible to avoid the potential for criminal use, as a ladder, mode of removal or arson risk for Bins or mode of escape in respect to Cycles.
- * Foliage is recommended to be to a height of 1m and trees are recommended to be trimmed to have no foliage lower than 2m from the ground.

Western Power Distribution: Notes the presence of extensive HV, LV and service cables on the land to the existing buildings and overhead lines that supply pillar units to the railway line to the South end of the site.

Network Rail: Does not object in principle to the proposed development but outlines a number of requirements that must be met due to the close proximity to the Midland Mainline Railway, including:

- * Contribution sought towards South Wigston Railway Station facility improvements. This could include provision of new cycle shelters.
- * All surface water directed away from Network rail's land and structures.
- * Provide suitable trespass proof fence adjacent to Network Rail's boundary.
- * The drainage, boundary fencing, Armco barriers, method statements, soundproofing, lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway.

British Transport Police: Does not object in principle to the proposed development but requested that developers work with Network Rail to identify the best fencing to give robust protection from trespass onto the tracks.

Leicestershire Fire and Rescue: Noted that they do not consult on plans or provide direct comment on access facilities for new domestic building developments.

Local Highways Authority: The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations as detailed.

Comments were made on the Framework Travel Plan (FTP) and Public Rights of way and several measures have been suggested to help promote walking and cycling, as well as recommendations for Monitoring the FTP.

Leicestershire County Council Director of Environment and Transport: Noted that the Household Waste Recycling Centres will be able to meet the demands of the proposed development within the current site thresholds and therefore no contribution is required on this occasion.

Leicestershire County Council Library Services: Seeks developer contributions of £19,620.00 to provide additional materials in order to meet the needs of the increased population, through a Section 106 agreement. The library facilities contribution is outlined in the Leicestershire Planning Obligation Policy (2019).

Leicestershire County Council Director of Children and Family Services: Seek developer contributions for the following areas to be secured through a Section 106 agreement.

- * A contribution of £492,111.75 as well as 300m² land at the new school site will be required to ensure there is childcare available to meet this demand.
- * The cost of a new 210 place primary school is estimated as £4,165,000 plus 1 ha of land.
- * Special Schools Sector requirement £366,914.90.

This equates to a total contribution of £5,024,026.65 plus 1.3ha of land.

Subsequent correspondence has sought an increased sum of £5,509,873 to reflect increasing construction costs apparent since the original response.

Local Lead Flood Authority (LLFA): Noted that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, evidence of approval in principle from Severn Trent Water regarding the proposed surface water outfall of Catchment 1 into their sewer is required.

On going negotiation has identified that part of the outflow will be reliant on Network Rail drainage assets, to which they agree, and the LLFA have confirmed acceptance in their revised comments and recommended conditions accordingly.

Severn Trent Water / Network Rail – confirmed that the main drainage asset (as per the LLFA discussions) are indeed outwith their ownership and they therefore defer to the owner, Network

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Rail, who have confirmed that they have no objection to discharge into their asset as long as proposed flows never exceed greenfield (current) run off rates.

Ecology: No objection to the principle of development but maintained a holding objection due to concerns about the proposals, and require the additional information listed below before a decision can be given:

- * Water Vole Impact Assessment is required.
- * Biodiversity net gain assessment calculation spreadsheets required to review detail and justifications for condition assessments.
- * Cooks Lane Pasture Local Wildlife Site (LWS) and Barn Pool Meadow LWS are to be lost in the development, this is not acceptable.

This holding objection led to more detailed consideration of the position, a site visit from the County Ecologist and revised information being submitted and consulted upon.

The site visit concluded that although the Local Wildlife Sites appear to have lost some value due to lack of management, there was not enough evidence to 'denotify' Cooks Lane Pasture and Barn Pool Meadow LWS. The Ecologist concluded that the sites would improve though enhanced management and the acceptance of the part-loss of these LWS as proposed, on the basis that the remaining areas are managed satisfactorily. This would need to be reflected in the metric, which was subsequently updated in accordance with the Ecologist's comments.

The Ecologist has set out that they would like to know the proposals for offsetting any outstanding biodiversity loss. This should include a proposed management plan, for the onsite habitats and any offsite compensatory habitat creation.

This information has been requested upfront however due to the fact that this is an outline application and detailed layout and therefore total impact on biodiversity is yet unknown, a condition for such information to be provided with the first reserved matters application has been recommended.

Ongoing negotiations have confirmed appropriate conditions and measures to address off-site mitigation as well as ensuring that survey work is up to date.

Planning Archaeology: Noted that the lack of information originally submitted meant it was difficult to assess the archaeological impact of the proposals and raised the below concerns:

- * Desk-based assessment confirms good potential for the presence of below-ground archaeological remains which would be preferable to retain.
- * The geophysical survey has been largely inconclusive. This requires a further testing through trial trenching which is due to be carried out in the next few weeks. This should be provided to the planning authority before a decision is made.
- * Should you refuse on other grounds, lack of archaeological information should be an additional reason for refusal, to ensure the archaeological potential is given future consideration.

A subsequent trial trenching exercise has been undertaken and the County Archaeologist has confirmed in their updated response that the trial trenching indicates that there are significant archaeology remains affecting the eastern half of the application site, with potential for further remains elsewhere. A set of conditions have been recommended to ensure further investigation and recording in advance of any development being undertaken.

Public Rights of Way: No objection.

Wigston Civic Society: Raised the following concerns:

- * Development has increased by 22% from originally approved figure for 900 homes. This will have a significant impact on traffic, air pollution and local infrastructure. There should also be a proportion of smaller 2/3 beds and there is a need for bungalows.
- * High housing density
- * More clarity needed on affordable housing, what employment land will be used for, and the type of shop in the local centre. Local shop should be built early in the construction process.
- * Maintenance of open spaces
- * Clarity over which buildings are to be demolished
- * Existing footpath from Cooks Lane to the railway should be maintained throughout as a pleasant walk. Details of crossing points and traffic use on Cook Lane need confirmation.
- * Timing over provision of bus services
- * Changing demand for health services
- * Clarity over future management of the proposed SUDS facilities
- * A series of proposed traffic calming measures
- * A series of specific concerns regarding highways impact

Also note the following areas of support

- * Bus stops, shelters, and display boards, and cycleways and footpaths on and off site
- * The location of the school site central to all phases

Environmental Health: Outlined the following requirements:

- * The developer will be required to submit for approval a construction plan prior to any development.
- * A contaminated land assessment and associated remedial strategy, together with a timetable of works, shall be submitted to and approved in writing by the LPA.
- * A full asbestos survey of the existing premises must be carried out prior to the land being developed.
- * An air quality assessment must be completed for 3 months prior to submission of a detailed planning permission.
- * Further information in relation to employment land usage will be required.

Planning Policy: Does not object in principle to the proposal as the proposal site is allocated within the Local Plan, but notes that the case officer must be satisfied that this proposal accords with all of the policy objectives set out in the response and that the developer is liaising with all key stakeholders.

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Tree Officer: No objection but requested further detail on how the biodiversity net gain is to be achieved.

Economic Regeneration: Noted that all the phases of the Wigston Direction for Growth area will need connecting by green corridors, foot, cycle and vehicular. In addition, the facilities at the local centre need to suit the needs of this new community, as well as being of sufficient quality to attract users from around the Borough to ensure suitable and sufficient provision.

Representations

The applicants undertook their own public consultation to support their application. Due to the Covid-19 pandemic, a public-exhibition was unable to take place, therefore the consultation involved distribution of 1,150 leaflets within the local area and the display of posters and a project website that enabled local residents and interest groups to view emerging proposals and leave feedback/comments.

A total of 62 responses were received through all methods to 5 November 2020, representing a 5% response rate of the total 1,150 leaflets distributed. From the comments received, the following concerns were raised:

- * Traffic on Welford Road is already heavily congested and dangerous, where speeding is common.
- * Noise and air pollution will increase with increased traffic flow.
- * Open green space that people have enjoyed throughout the Covid-19 pandemic will be lost.
- * Concerns about a loss of a Public Right of Way through the site to the canal
- * The site is in close proximity to the railway which will be noisy.
- * Reduction in local wildlife, including birds, insects and animals; a biodiversity action plan was suggested to give residents peace of mind.
- * Lack of affordable housing provision in the proposal.
- * Schools, doctors and dentists are all currently operating at full capacity. Therefore, there is a need for new facilities to accommodate new housing.
- * The community centre is too far removed from the heart of the development so it may not be used.

Additionally, 7 neighbourhood responses were received by the council. The reasons for objection are summarised below:

- * Flood Risk.
- * Over-supply of development.
- * Transport.
- * Traffic on Cooks Lane.
- * Disturbance from employment uses

No letters of support have been received by local residents.

Local Petition

More recently, a formal objection and petition of over 1,100 signatories has been made against the application.

This raises the following key points, which are addressed in full in this report:

1. It is a Local Wildlife site forming part of the wider Kilby-Foxton Canal and Limes Delves Site of Special Scientific Interest.
2. Steep sides of the pit contain an exposure of Blue Lias limestone which is of regional value because of its accessibility. This feature and underlying aquifers make the wider area a site of significant regional geological importance.
3. Barn Pool Meadow is currently assessed by Natural England as being in 'unfavorable condition' owing to an absence of management and sadly much of the site has now reverted to rank vegetation and has undergone a prolonged period of biodiversity loss.
The site is however, still notable for the Nationally scarce Tree Sparrow Passer montanus and thanks to the petition originator's discovery last year, the only known colony of the rare Nationally Notable 'B' listed species of ant Myrmica schencki in Leicestershire (and most of the Midlands).
4. Thus far, the meadow remains abandoned and no such restoration work has taken place.
5. There has been no management of this site since it was designated a Local Wildlife Site back in 2006. Neither the Council or the Developer are currently fulfilling their promises or undertaking any of the agreed recommendations.
6. A proposed management scheme solved the problem of how to best manage the meadow and fulfill commitments whilst also taking the onus (or burden) away from both the Council and the Developer – they would, in effect, not have to contribute anything (including extra finance). The Developers however, failed to acknowledge correspondence, let alone respond to any of it.
7. The importance of calcareous grassland cannot be overstated. A BAP listed habitat in almost terminal decline and extremely rare in Leicestershire and Rutland.
8. Lack of engagement.

Relevant Planning Policies

National Planning Policy Framework 2021 and the National Planning Practice Guidance

Oadby and Wigston Local Plan (2019)

- Policy 2 : Spatial Strategy for Development within the Borough
- Policy 3 : Regeneration Schemes and Large Scale Change
- Policy 6 : High Quality Design and Materials
- Policy 7 : Community Facilities
- Policy 8 : Green Infrastructure
- Policy 9 : Open Space, Sport and Recreation Facilities
- Policy 10 : Public Realm
- Policy 11 : Housing Choices
- Policy 12 : Housing Density
- Policy 13 : Affordable Housing
- Policy 20 : Wigston Direction for Growth Area

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- 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 44 : Landscape and Character
- Policy 46 : Infrastructure and Developer Contributions

Supplementary Planning Document/Other Guidance

Residential Development Supplementary Planning Document (2019)
Developer Contributions SPD (2019)
Public Realm Strategy SPD (2021)
Green Infrastructure Plan (2018)

Planning Considerations

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

- * The principle of development
- * The quality and character of the development proposed
- * Sustainability and Climate Change
- * Provision of affordable housing and overall housing mix
- * Highways impact
- * Ecological impact
- * Provision of open space
- * Mitigation of noise impacts from railway line
- * Whether there are any material considerations that indicate that the development should not be permitted

Matters to be addressed through a potential Section 106 agreement.

The Principle of Development

The site forms part of the Wigston Direction for Growth area as identified under Policy 20 of the adopted Local Plan. This policy allocates land for at least 600 new homes, and in the region of 2.5 ha of employment land. It also sets out the requirement for a new primary school, a link road between the two roundabouts on Newton Lane and Welford Road, a new local centre, a new community facility building, as well as the requisite level of open space and necessary infrastructure to bring the site forward sustainably.

The proposal is in outline for 650 new homes, 2.5ha of employment land, and for a new primary school, a link road, new local centre with a new community facility and the requisite level of open space.

The application is made broadly in accordance with the immediate policy requirements and therefore is acceptable in principle.

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Development Quality

Policies 1 and 6 of the adopted Local Plan and paragraphs 8 and 11 in particular of the new NPPF set out the importance of sustainable development including the importance of creating beautiful and safe places to contribute towards the social objectives of achieving sustainable development. Paragraph 126 goes on to state "The creation of high quality, beautiful and sustainable buildings and places is foundation to what the planning and development process should achieve."

The National Design Guide and the National Model Design Code form part of the Government's planning practice guidance. Together, they illustrate how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

The application is in outline so whilst the detail of how these policy requirements will be implemented on the ground will be a requirement of the reserved matters application(s), the Officers have worked with the applicants to ensure that the outline plan achieves the ambition to create a development of high quality. This has been achieved at pre-application stage through the consideration of the masterplan to ensure that the layout reflects the best adjacencies not just for this phase but past and potential future phases of development, placing the school, community facilities and formal open space at the heart of the development.

The movement network with this phase will provide a network of on and off-road pedestrian routes through the development linking to main access points and the public footpath that runs through part of the site.

Linkages between phase 1 and 2 through the playing field area are not as well defined and are considered to need strengthening to best create a comprehensive movement network however this area sits outside the red line for this application. As such, the applicant has agreed to a condition that requires a scheme to be developed and implemented which will require a further planning application.

Achieving the right balance of housing density and making the best use of land is a key consideration in all planning applications. This also has to be balanced with other demands on the land including open space provision, sustainable drainage, ecological protection and mitigation, the retention of other relevant natural assets such as trees and hedgerows and road and movement networks. The average density of this scheme will be 32 dwellings per hectare which is consistent with phase 1 and meets requirements as set out in Local Plan Policy 12 Housing Density which requires an average density of at least 30 dwellings per hectare, as a location outside the current Leicester Principal Urban Area. This will be achieved through the provision of a range of housing types and heights, with density and height broadly increasing towards the core of the site and decreasing towards the edges.

This is considered to represent the right balance and the right approach to density.

As the proposed development is in outline, to help to ensure that the high quality expected is achieved and maintained through the scheme, it is proposed that a condition is imposed that requires a Design Guide to be submitted with the first reserved matters application that all future reserved matters and other subsequent relevant applications will have to be submitted in compliance with.

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Sustainability and Climate Change

Policy 1 of the Local Plan sets out that all proposals must take account of the broad aim of sustainable development, and Policy 38 requires that proposals take into account the potential impacts of climate change. The NPPF is also clear in its position on supporting the transition to a low carbon future (including paragraph 152).

The application is supported by an Energy and Sustainability Strategy Statement that sets out that the development will make use of improved fabric U-values (i.e. the quality of the insulation of the building) and good air tightness. It will also use careful detailing to avoid thermal bridging (loss from hot to cold areas), efficient heating systems to ensure that carbon reduction is achieved in line with current building regulations. The final layout will also maximise the benefits of solar gain through building orientation.

The Statement also sets out the consideration of alternative energy systems including District Heating, Fuel Cells, Hydro, Combined Heat and Power, Biomass and Biogas District Heating. It has also considered Solar Thermal, Photovoltaics (PVs), wind energy, air and ground source heat pumps, and a range of other potential technologies.

The Statements set out that these technologies are not appropriate for inclusion within the proposed development for the following reasons:

- * District heating would be over too wide a network with high distribution losses, reduction of choice to households, cannot link to an existing network, and can be more expensive to run with higher emissions than more traditional approaches.
- * Solar hot water relies on the sun and can be less efficient than a standard boiler due to heat losses. It also requires regular maintenance.
- * PVs are only favourable for buildings with suitable orientation, high demand often does not match times of high supply and the end of the Feed in Tariff has reduced the potential benefits of the system.

The Statement presents a justified position for not including any of these technologies but relies on the fabric first approach to achieve a 6% energy demand reduction, and 5% CO2 demand reduction against the current Building Regulations requirements.

The Officer has carefully considered this report and would conclude the applicant's position as being disappointing. However, their position is fully justified and is acceptable in principle.

The Officer would also conclude that other aspects of sustainable development, balanced with the buildings' credentials themselves, will on balance deliver a sustainable scheme for future residents. This will include the provision of housing, shops, services, education, open space, biodiversity gain, movement networks and a carefully designed drainage scheme to fully cater for climate change. It will also generate local employment opportunities through the employment element of the scheme as well as through the development phases themselves.

Conditions are recommended that will seek to address elements of sustainability including through a Design Guide that will need to build and improve upon Phase 1 of the Direction for Growth that will

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need to be submitted (and agreed by the Council) with or before the first Reserved Matters application.

Provision of affordable housing and overall housing mix

Local Plan policies 11, 12 and 13 in particular address housing matters. They require an appropriate mix of dwellings, an appropriate density and also affordable housing at a level of at least 20%.

Housing Mix

At outline stage it is not possible to fully determine the housing mix and this will be fully considered at Reserved Matters stage. The Design and Access Statement shows a mix of homes from smaller units to larger units.

Whether bungalows are included in the mix will be subject to detailed design and negotiations regarding the provision of affordable housing. This application is at outline stage so house types are yet to be decided but the Applicant has set out that there is potential for further discussion on this point at Reserved Matters stage and this will be addressed accordingly.

Housing Density

The site is currently located outwith the Principal Urban Area and as such the proposal should achieve development densities of at least 30 dwellings per hectare to accord with Spatial Objective 7 and Policy 12 of the Local Plan.

Density will vary across the site, from 26 – 35 dwellings per hectare and averages 32 dwellings per hectare. This broadly matches Phase 1 and has taken into consideration the significant land take for the provision of open space, retention of existing landscape features and drainage / SUDs infrastructure and overall movement networks.

Density will reflect building types to achieve high quality design around key design features such as areas of open space, the school, community facilities and other adjacencies.

Affordable Housing

The provision of 20% affordable housing (Local Plan Policy 12 Housing Density and Local Plan Policy 20 Wigston Direction for Growth Allocation) needs to be considered across the whole of the Direction for Growth allocation. This has been fully considered and the requisite level of provision has been established as follows:

- * Phase 1 provided its full requirement of 90 units, as amended with a further 6 units with alterations to the permitted scheme.
- * Phase 1B (as currently submitted) has a requirement of 8 dwellings but no provision.
- * Phase 2A (36 units, all affordable, as currently under construction on Welford Road, permission reference 18/00533/FUL) over-provides by 29 units, offsetting the under provision from Phase 1B
- * Phase 2B (this application) has a requirement of 130, which the remaining overprovision from phase 2A can be considered, leaving a requirement of 109 dwellings.

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All provision of affordable housing will be fully addressed through the S106 agreement.

In summary, taking into account the future under provision of phase 1B and over provision at Phase 2A, there is an outstanding requirement for 109 affordable dwellings as part of the proposed development which will be secured through the S106 agreement.

Highways Impact

Whilst the site is allocated and therefore acceptable in principle, its development impacts need to be mitigated to ensure that the impacts are not unacceptable.

There have been significant negotiations with the Local Highways Authority (Leicestershire County Council) to agree both the impacts and the mitigation necessary.

The mitigation measures have been designed taking into consideration those interventions that were required as part of Phase 1, an update on which is as follows:

- * A revised Road Safety Audit on the Guthlaxton Way / Welford Road roundabout and the Welford Road footway / cycleway has been submitted to the Local Highways Authority;
- * New traffic lights and white lining works have been installed at the Newton Lane / Moat Street junction;
- * White lining works were undertaken at the Wakes Road roundabout;
- * The shared pedestrian / cycleway on Newton Lane was completed in summer 2021. Traffic calming measures were removed following consultation with residents;
- * Improvements at Moat Street / Bushloe End / Long Street;
- * Improvements at Station Street / Pullman Road;
- * The internal road has been designed to accommodate a bus route. The S106 arrangement ensures that the LHA is responsible for the implementation of a bus service for 5 years following the occupation of the 339th dwelling;
- * A link from Foston Way to Phase 1 will be implemented as part of the overall scheme; and
- * The LHA are responsible for spending the seventeen thousand, two hundred and forty pounds S106 contribution to improve bus stops on Foston Gate.

There are footways on the eastern side of Welford Road and on both sides of Newton Lane. Furthermore, there is a shared footway/cycleway which has been introduced on the southern side of Newton Lane to the west of the phase 1 site access roundabout. Another shared footway/cycleway is to be introduced on the western side of Welford Road between a point to the south of Cooks Lane and the Welford Road/Bull Head Street/Moat Street/Newton Lane junction. This scheme is currently subject to public consultation.

A scheme has also recently been submitted and approved by the Local Highways Authority that will re-align the new Welford Road roundabout under a S278 agreement. This will mitigate the safety concerns that have been raised locally.

The scheme is designed based on a spine road that runs between the new roundabout on Welford Road, through the site to join Phase 1, and the new roundabout on Newton Lane. This spine road is designed to accommodate walking and cycling and a bus service but also to discourage any 'rat

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running' by being unattractive for through traffic for example by being a circuitous alignment through the site. Leading from the spine road is a hierarchy of streets, and both linked and separate networks of walking and cycling routes, continuing the character of phase 1 as currently under development. The detail will form part of the reserved matters application(s).

The Transport Assessment supporting the application, as amended, fully takes into account the impact of the 650 dwellings, school, local centre and employment development and considers this impact of the increased traffic upon the local highways network, cumulatively with other development and general traffic change over time. It concludes that the following junctions would be operating over capacity as a result of the proposed development. This takes into consideration the interventions as detailed above.

- * Wakes Road Roundabout
- * Newton Lane / Moat Street junction
- * Moat Street / Bushloe End / Long Street Mini roundabout

It also concluded that the new roundabouts on Newton Lane and Welford Road operated within capacity.

The SELTS Scheme (South East Leicestershire Transport Study) is a cross-boundary highways study that takes into consideration committed development (i.e. identified in the Local Plans) across Oadby and Wigston and Harborough Local Authorities, in partnership with Leicester City and Leicestershire County as Highway Authorities. Wakes Road, Newton Lane and Moat Street were identified within the report as 'Priority One' junctions due to their potential complexity. As such, schemes were previously designed for the Wakes Road and Newton Lane junctions. These designed schemes have been tested against the proposed impacts of the development and are considered to accommodate increased demand and mitigate the impact and are therefore their implementation is a requirement of this planning permission.

The Moat Street mini roundabout, whilst considered, did not benefit from further design work. The Applicant has therefore undertaken this work in the Transport Assessment which concludes that it would be possible to implement a traffic light controlled junction in this location that would mitigate the impact. A condition is therefore recommended that requires this scheme to be fully designed and implemented.

Welford Road speed limits have been fully taken into consideration and a requirement as part of the S106 agreement will see a payment to the Local Highways authority to further review a Traffic Regulation order with a view to amending the speed limit to a consistent 30mph from / to south of Kilby Bridge.

Public Transport

Key to the sustainability credentials of this site is to enable a choice of travel mode as early as possible to enable sustainable patterns and habits to form. As part of phase 1, a bus route will be operational for 5 years from the 339th occupation. For this phase 2 scheme, public transport provision will be delivered slightly differently in that it will be the responsibility of the applicant to arrange for public transport provision and a S106 arrangement will be required accordingly. It is anticipated that this will extend the timeframe and the routing of the phase 1 provision through

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phase 2 through the provision of a 7am – 7am service Monday – Saturday. The spine road has been designed accordingly and the scheme also requires for the provision of new bus stop infrastructure, including bus stop flags, shelters, raised kerbs, lighting, timetable and real time information.

Travel Plan

In a similar fashion to Phase 1, a Framework Travel Plan will be required prior to the commencement of development and Travel Packs will be required for all new residents and employees. Six month bus passes are also to be made available, two per dwelling and one per employee.

Walking and Cycling

The proposed layout includes a network of walking and cycling routes, including linking to Phase 1, the playing pitch, employment, local centre and the school.

Specifically, a condition is recommended that seeks improved pedestrian links between the two main phases of development to enable better access between them incorporating the playing pitch. This is likely to require an amendment to a previous application as it sits outwith the application boundary, to which the applicant has agreed in principle.

A condition is also recommended that seeks the detail of the full incorporation of Public Right of Way Z12 into the overall scheme ensuring its improvement. This is to help maximise the attractiveness of walking as an overall travel mode.

This also specifically addresses the relationship between the development and Cooks Lane.

Cooks Lane

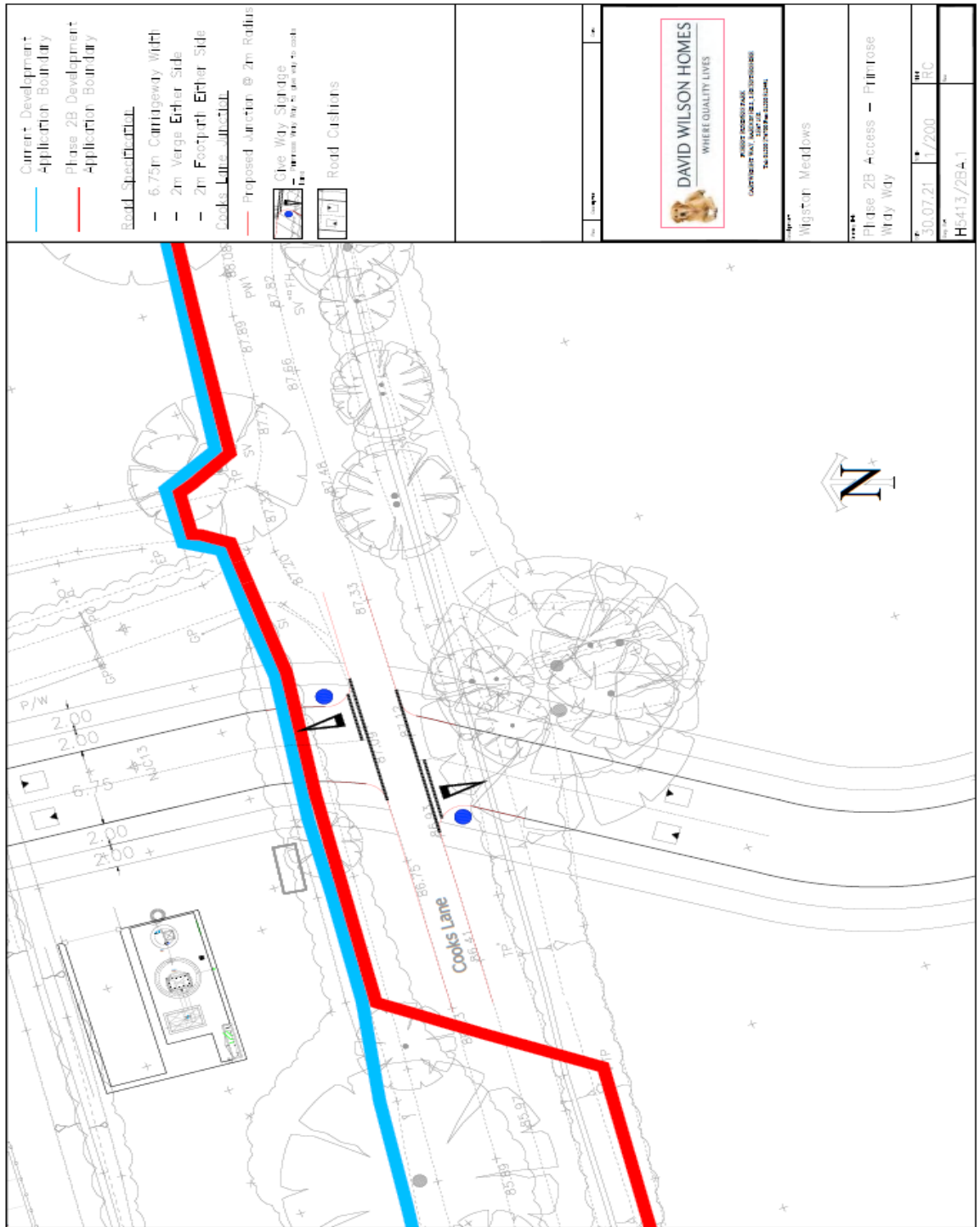
Two access routes within the proposed layout cross Cooks Lane. One of these crossings is unavoidable to achieve a through route in the scheme as a whole as per the requirement as set out in Local Plan Policy 20 Wigston Direction for Growth Allocation. The other will enable access within and around the site which is considered important in delivering overall design quality and safe and convenient movement networks for all users.

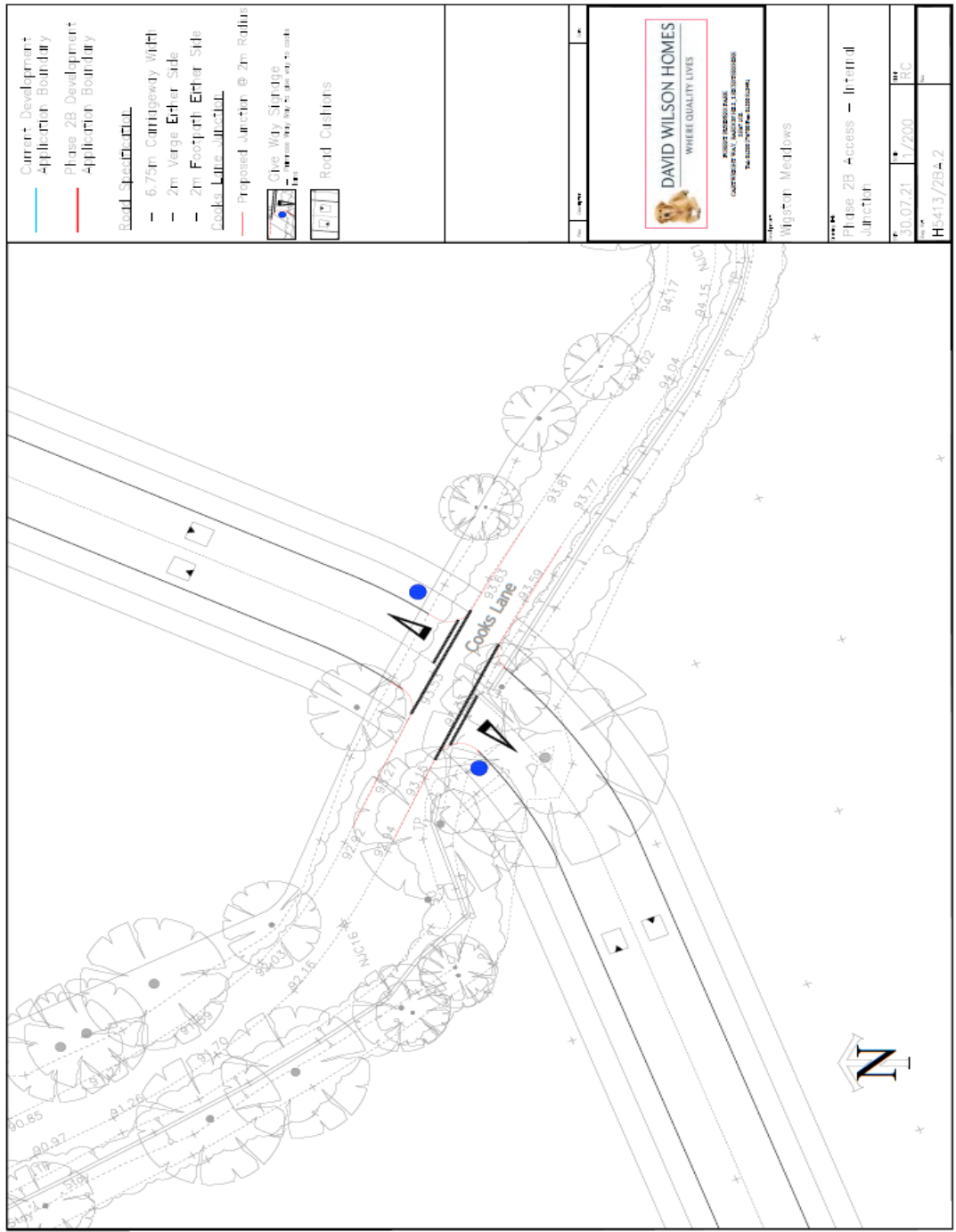
The applicants have been asked to demonstrate how they propose to discourage traffic from the development using Cooks Lane as an option to access the site. The plans as shown below identify an option for discouraging the use of Cooks Lane as a means of access. This includes ensuring that turning radii are designed to discourage use. Right of way is also given to Cooks Lane supported by speed cushions on the approach to the new junction to slow traffic.

This approach will help to ensure that Cooks Lane retains its character as a low trafficked, calm walking environment. The full detail will be a requirement of the Reserved Matters application, but a condition is recommended that specifically addresses this point and will be subject to agreement with the Local Highways Authority. This will be supplemented by a further condition which requires for a fully detailed scheme for the incorporation of the footpath network as it falls within the application site to be fully integrated into the overall scheme.

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Ecological Impact

Policy 37 of the Local Plan addresses biodiversity and seeks to ensure that impacts upon valued assets are mitigated accordingly. Opportunities are also sought to enhance existing assets as part of proposed development achieving a net gain.

The proposed development includes the Barn Pool Meadow and Cooks Lane Pasture Local Wildlife sites. Whilst most of these areas are excluded from development and are identified as areas of open space, the layout and in particular the highways access necessitates impact upon these assets and this has been the subject of further survey work to fully understand the value of the LWSs.

The following points are noted:

- * Local Plan Policy 20 Wigston Direction for Growth Allocation requires a link road running through the whole site to link accesses on Welford Road and Newton Lane. Furthermore the new roundabout access on Welford Road was granted permission as part of the Phase 1 scheme as part of the overall access strategy which also identified the access arrangement bisecting the Local Wildlife Site. Linking the two roundabouts and successfully accessing the whole site, in accordance with the adopted policy is therefore largely unachievable without some impact on the Local Wildlife Sites.
- * Barn Pool Meadow Local Wildlife site will be bisected by the new road, however this position has been accepted by the County Ecologist on the basis that suitable mitigation and management plans are put in place. The Pool itself formed part of the Phase 1 planning application, as approved, and is specifically excluded from this Phase 2 application.

This additional work concluded that both LWSs should retain their designation and therefore be afforded protection, but that also a small element of loss could be accommodated on the basis of a suitable management plan and mitigation against this loss.

The proposed development will result in a loss of 127.28 habitat units. The current scheme proposes on site intervention including habitat retention, creation, enhancement and succession to the value of 103.99 habitat units, leaving a difference of 23.29 habitat units in terms of habitat loss. These figures would be subject to re-calculation at Reserved Matters stage. The applicant has set out that this is the most that can be achieved on-site and the County Ecologist seeks that this loss is off set via an off-site contribution.

Whilst the Environment Bill will in the future require a 10% increase in Biodiversity Net Gain for schemes such as this, legislation is not currently in force and a two year transition is anticipated to enable local strategies and policy to be adopted.

Leicestershire County Council's guidance is to seek an overall net gain but this is not adopted policy. Local Plan Policy 37 Biodiversity and Geodiversity sets out that "*Where development will have known detrimental impacts or cause lasting harm to the natural habitats in that location, the Council will compensate for that loss through effective conditions in the planning decision or by seeking developer contributions to contribute towards off-site mitigation measures*". The NPPF at paragraph 174 states that "Planning policies and decisions *should* contribute to and enhance the natural and local environment by...d) minimising impacts on and providing net gains for biodiversity...". This

represents a positive policy position to support a case to seek appropriate mitigation to compensate for the biodiversity loss.

This will be achieved in two ways. Firstly, seeking to maximise the potential for on site mitigation as set out above, through habitat retention, creation and enhancement supported by a Biodiversity Management Plan as required by condition.

Secondly, the applicant has agreed to mitigate the loss via a contribution to the Council to secure off-site mitigation (i.e. the balance currently estimated at 23.29 units subject to the Reserved Matters details) via a financial S106 agreement. This value will be calculated using a DEFRA metric which was designed as a pilot scheme in Warwickshire, subsequently used in Charnwood and Leicester City which proposed a cost of £11,000 per biodiversity unit to allow for off site habitat creation. The Council will then be obliged to develop a scheme to deliver the required mitigation. This will be a requirement upon the Council in any event as a result of the Environment Bill and is currently being fully considered. There will be a clawback clause, as standard, of 5-10 years (subject to details and final agreement) if the Council do not implement the scheme.

Provision of open space

Local Plan Policy 9 sets out clear formula to calculate the necessary requirements for the provision of open space typologies in proposed development.

Officers have worked with the applicant to ensure that the requisite amount and type of open space is provided as part of the proposed development and that it is located appropriately in relation to Phase 1 and other existing and potential future phases. An amended layout was submitted and reconsulted upon during the determination of the application (as conditioned) that confirmed the provision of the following:

- * Formal Outdoor space – 1.3 ha
- * Local and Neighbourhood Equipped Areas for Play (LEAPs and NEAPs) – 0.47ha
- * Parks and other open space 6.59ha
- * Allotments 0.16ha (as an extension to phase 1 provision)
- * Wildlife area (retained Local Wildlife Site) 4.35ha

Overall there is a provision of 15.37ha of open space against a much lower formal requirement of 3.5ha. Drainage infrastructure is not included in these calculations. Allotment provision is slightly under policy requirement but with a large provision at Phase 1, this is considered acceptable.

This over provision is in part achieved through the high levels of retention of existing landscape features including trees, hedgerows, and the Local Wildlife Sites (in part) in the south west of the site (see Ecology section). This will contribute to the overall quality of the proposed development continuing the network of green infrastructure as created as part of phase 1. This also complies with the principles of Local Plan Policy 8 Green Infrastructure in particular the creation of new multi-functional areas of green space and the creation of new green corridors.

On this basis, the provision of open space as proposed is considered positively.

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Comments made by Sport England in relation to a cricket pitch as the key outstanding demand have been considered with the applicant and on this occasion the significant land take required and the inherent public safety issues have resulted in this not being progressed.

The applicant has also agreed to the provision of on-site changing facilities as part of the Local Centre. Funding will be off set from Phase 1 contributions and will link to the provision of a sports pitch as permitted through the Phase 1 development.

Mitigation of noise and other impacts from railway line

Network Rail has raised a number of concerns regarding the proximity of the development to the railway line. These include the following points and responses.

Detailed comments regarding drainage to avoid any risks from flooding impact to the rail line will be addressed through the finalised drainage scheme to be conditioned.

All comments related to health and safety considerations of working near a rail line will be addressed through the Construction Management Plan, as will all construction methodologies in the vicinity of the rail line and security of the mutual boundary along the rail line.

Future boundary treatments to the rail line to ensure both security and noise mitigation will form part of the detailed Reserved Matters application.

Detailed comments are made regarding landscaping and lighting details close to the rail line and again these will be addressed at Reserved Matters stage and through detailed planting and lighting plans.

With regard to noise, it is noted that the employment land bounds much of the adjoining land to the rail line where noise impact can be less relevant than for residential property. Furthermore, the location of the employment uses will contribute to sound attenuation from the railway line to residential properties in the vicinity. All noise impacts should be carefully considered in the design guide to as to minimise impact upon future occupiers.

Detailed fencing requirements are set out for all Children's play areas including a requirement for a 1.8m fence on all facilities. Notwithstanding the important safety aspects of developing close to a rail line, the physical and psychological impact of such fencing would be a significant detriment to the achievement of high design quality and as such, it is proposed that this is addressed through more detail negotiation at Reserved Matters stage, as appropriate for this specific level of detail.

Whether there are any material considerations that indicate that the development should not be permitted

There are not considered to be any material considerations that indicate the planning permission should not be granted.

Addressing Neighbour Objections and comments raised during public consultation

- * Flood Risk.
- * Over-supply of development.
- * Transport.
- * Traffic on Cooks Lane.
- * Disturbance from employment uses

From engagement process:

- * Traffic on Welford Road is already heavily congested and dangerous, where speeding is common.
- * Noise and air pollution will increase with increased traffic flow.
- * Open green space that people have enjoyed throughout the Covid-19 pandemic will be lost.
- * Concerns about a loss of a Public Right of Way through the site to the canal
- * The site is in close proximity to the railway which will be noisy.
- * Reduction in local wildlife, including birds, insects and animals; a biodiversity action plan was suggested to give residents peace of mind.
- * Lack of affordable housing provision in the proposal.
- * Schools, doctors and dentists are all currently operating at full capacity. Therefore, there is a need for new facilities to accommodate new housing.
- * The community centre is too far removed from the heart of the development so it may not be used.

Considering these points in turn:

- * Flood risk has been fully considered and the LLFA is satisfied with the proposed drainage scheme with its associated allowances for climate change.
- * The housing requirement is set by government and the Council has an obligation to identify land that will assist in meeting that requirement. This site has previously been identified and allocated for development, as such the principle of development of the site has previously been established.
- * All transport issues have been thoroughly explored working with the Local Highways Authority with associated conditions and a S106 Agreement proposed to mitigate the identified impacts and maximise highway safety
- * Cooks Lane – this has carefully been considered and a scheme is required by condition that requires the full detail to be submitted that shows how traffic will be discouraged from using Cooks Lane and to ensure that its current character is maintained.
- * Re the loss of open space – this site has previously been identified and allocated for development, as such the principle of development of the site has previously been established. It is also private land over which the public generally do not have a right of access other than via adopted footpaths and bridleways
- * The right of way will not be lost and indeed conditions are recommended that require it to remain open at all times and fully incorporated into the overall development to maximise walking routes
- * Employment uses are an important aspect of the overall site allocation in creating a mixed use development and improved local employment and business opportunities. A reserved matters application will address the detail of a future scheme including any mitigation needed.

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- * Conditions are also proposed to address the site's proximity to the rail line. The employment use will mitigate this impact in part, and mitigation will also be achieved through layout, orientation and physical interventions such as appropriate fence design which would be subject to the Reserved Matters detail.
- * Re Biodiversity loss – this matter is fully addressed in the main body of this report
- * Re affordable housing – this matter is fully addressed in the main body of this report
- * Schools, doctors and dentists – there is a substantial S106 financial sum and a parcel of land required to accommodate the increased demand on local primary schools and Special Schools however the Education Authority confirms that there is capacity for all other year groups so no further financial contributions are needed.
- * CCG correspondence has requested a S106 contribution of three hundred and twenty nine thousand, one hundred and three pounds, and six pence to contribute to additional clinical accommodation at Bushloe Surgery and Wigston Central Surgery. It is considered that with cited capacity constraints at existing facilities, this request is CIL compliant and is therefore included under the S106 Heads of Terms.
- * The location of the community centre puts it at the heart of the overall development adjacent to the school and the recreational facilities, well accessed by walking and cycling routes and is considered to be located in the most appropriate location.

Response to the petition

It is considered that this Report addresses all the points made in the petition and that they have all been addressed through the usual planning application determination processes engaging with appropriate stakeholders and consultees.

In summary, turning to each point in turn as summarised and numbered earlier in the report:

1. The site includes the Barn Pool Meadow LSW and Cooks Lane Pasture Candidate LWS. It does not form part of the Kilby-Foxton Canal and Limes Delves Site of Special Scientific Interest which sits to the south of the Grand Union Canal. Local Wildlife Sites are designated locally by the Leicester, Leicestershire and Rutland Local Wildlife Site Panel of local nature conservation experts. The procedure for their designation follows national guidance published by DEFRA in 2006 (local sites, guidance on their identification, selection and management). Candidate Local Wildlife Sites are those that meet the necessary criteria for designation but at this stage do not have the formal support for designation from the landowner (due to the landowner not wishing it, is unknown, has not been approached or is pending).
2. Features within the pond itself do not fall within the application boundary and permission has previously been granted for development in this area.
3. The Officer is unaware of Natural England's assessment of the site, and as a locally designated site, Natural England are not consulted in the determination of the planning application. The site is noted by the County Ecologist to have lost some value due to the lack of management. The species noted have not been identified by the County Ecologist nor the applicant's ecologists. In any event, the biodiversity management plan would require for consideration of any specific species found on the site.

The management of land within the Phase 1 application (Barn Pool Meadow itself) falls under the approved Biodiversity Management Plan. As such, the scrub has been programmed to be cut

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back around the edge of the LWS, with the hedge cutting to follow on. Scrub cutting is due to be undertaken early in 2022. A grass cutting plan has also been produced and this will be implemented in June- August 2022 as set out in the approved management plan.

4. Management and maintenance of the sites are beyond the control of the Council as they are private landholdings.
5. Management and maintenance of the sites are beyond the control of the Council as they are private landholdings.
6. The management scheme as proposed has been shared with the Council. However, as a private landholding, any agreement has to be between the landowner and the proposer. The Officer has requested that the applicant works with the proposer to engage in the preparation of the Biodiversity Management Plan and whilst this cannot be insisted upon through a planning condition, the Officer is assured that this will be undertaken and an informative has been included accordingly.
7. The value of the LWSs are not underestimated but a limited loss has already been approved and impact mitigation is proposed to be secured through conditions and a S106 agreement.
8. During October 2020, the applicant undertook a public consultation exercise including leafleting some 1,150 local homes and businesses and a further 100 homes within the recently constructed Phase 1, promoting the Phase 2 development and provided a website for further information. Upon submission of the application, the Council notified circa 675 residents within the closest proximity to the site, advertised in the local press and erected seven site notices the key locations and highway junctions surrounding the site. The Officer is confident that an appropriate level of public engagement has been undertaken.

Matters to be addressed through a potential Section 106 agreement

- * Highways/Public Transport
- * Health
- * Libraries
- * Education
- * BNG / Ecology
- * Affordable housing – 20% over all schemes. Currently 109 dwellings.
- * Open space provision and management
- * Contributions to an air quality monitoring station
- * Landscape Management
- * Travel Plan, TPC and monitoring
- * Highways improvements including cycling and walking.
- * Provisions for public transport accessibility and bus routing

Sport England requested contributions to a potential range of sports facilities within the area. It is considered that on the basis that the proposal provides a significant amount of accessible open space, walking and cycling routes, footpath enhancements and a community facility that will facilitate the enhancement of sports pitch provision as provided in Phase 1, no further provision would be reasonable or necessary.

Network Rail requested improvements at South Wigston Station. It is considered that, given existing requirements for public transport provision, further contributions towards the station are not necessary.

Conclusion

The proposed development is well established in policy through the Local Plan and the NPPF. It is fundamental to the success of the planning strategy for the Borough and the delivery of housing to meet residents' needs. There are no material considerations which indicate that the application should be refused, and it is considered that the conditions and proposed S106 Agreement will ensure that the impacts of the development are mitigated against, and will guide future reserved matters applications accordingly. It is therefore recommended that, subject to the signing of a S106 Agreement as detailed in this report, planning permission should be granted.

Implications Statement

Health	No Significant implications
Environment	No Significant implications
Community Safety	No Significant implications
Human Rights	The rights of the applicant to develop their 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

Grant planning permission subject to the signing of a S106 to address the following matters as detailed above, to be finalised by the Head of the Built Environment in agreement with the Chair of the Planning Committee.

Subject to the following condition(s)

- 1 The first application of approval of reserved matters shall be submitted within two years of the date of this permission. All subsequent reserved matters applications shall be submitted within five years of the date of this permission.
Reason: To conform with Sections 92 (2) and (4) of the Town and Country Planning Act 1990 and in the interests of expedient housing supply.
- 2 The development shall be begun within three years of the date of approval of the first reserved matters to be approved.
Reason: To conform with Sections 92(2) and (4) of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004 and in the interests of expedient housing supply.
- 3 Development shall be carried out in accordance with the following plans, unless otherwise agreed in writing with the Local Planning Authority.

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- a) Illustrative Masterplan Drawing P20_023.9001 Sheet No 1 Rev E
- b) Public Open Space Provision Drawing P20_0239 019 Sheet No 01 Rev B
- c) The principles of the Design and Access Statement P20-0239_200A Dated January 2021 to reflect the updated Masterplan Rev E and Public Open Space Provision Rev B.

Reason: To ensure the satisfactory development of the site and to accord with Policy 6 of the adopted Borough of Oadby and Wigston Local Plan (2019).

- 4 Prior to, or concurrent with the submission of the first application for reserved matters, a phasing plan for the implementation of the development hereby approved, to include the following:

- a) timing of the implementation of the specified link from the North West corner of the site to Phase 1 under condition 27,
- b) the implementation of the scheme for bridleway / footpath Z12 as required under condition 31,

shall be submitted to and approved in writing by the Local Planning Authority, and the development implemented in accordance with the plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the satisfactory development of the site and provide clarity for other conditions and to accord with Policy 6 of the adopted Borough of Oadby and Wigston Local Plan (2019).

- 5 All reserved matters shall be submitted to the Local Planning Authority for approval within five years from the date of this permission to include:

- a) scale;
- b) layout
- c) appearance, and
- d) landscaping.

Reason: To secure the satisfactory development of the site and in the interests of expedient housing supply.

- 6 Prior to, or concurrent with the submission of the first application for reserved matters, a Design Guide shall be submitted to and approved in writing by the Local Planning Authority. The Design Guide shall reflect the National Design Guide and the Pegasus Group Design Access Statement (P20-0239_200A Dated January 2021 to reflect the updated Masterplan Rev E and Public Open Space Provision Rev B.) and cover the whole site. The content and scope of the Design Guide shall address the following:

- a) Architectural and sustainable design principles including materials palette
- b) Street types including cross sections, parking arrangements, street trees, hard and soft landscaping and street furniture
- c) Bus routing through and around the site
- d) Footpath and Cycleway design
- e) Detailed routing and design of the public footpath within the application boundary
- f) Boundary treatments including adjoining Network Rail assets, to be discussed in advance with Network Rail
- g) Open space areas
- h) Cycle Storage
- i) Electric Vehicle Charging
- j) Lighting of outdoor spaces

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- k) Wildlife habitats and ecological areas
- l) SUDS features to include wetland habitats of biodiversity value
- m) Tree and hedgerow retention and new tree planting
- n) Storage and access routes for bins
- o) All soundproofing measures to be implemented in areas close to Network Rail assets, to be discussed in advance with Network Rail
- p) Opportunities to maximise resource efficiency and climate change adaptation in the design of the development through external means such as landscaping, orientation, massing and external building features.
- q) All security measures including a security plan which will address the potential for CCTV, appropriate signage and how the scheme will be designed to maximise natural surveillance, particularly at key entrance access points.

Reason: To ensure the satisfactory development of the site and to accord with Policies 3, 6 and 20 of the adopted Borough of Oadby and Wigston Local Plan (2019).

7 Prior to the commencement of development, including any works of demolition, a Construction Method Statement including a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall remain in force throughout construction and provide for the following matters:

- a) Site access arrangements and details of any future reinstatement
- b) The parking of vehicles of site operatives and visitors
- c) The loading and unloading of plant and materials
- d) The siting of site compound
- e) The storage of plant and materials used in constructing the development
- f) The erection and maintenance of security hoarding and floodlighting
- g) Wheel washing and street cleansing facilities
- h) Measures to control the emission of dust and dirt during construction
- i) A scheme for recycling/disposing of waste resulting from demolition and construction works
- j) Routing of delivery vehicles to/from site
- k) All operational and security measures to be implemented working in the vicinity of Network Rail assets, to be discussed in advance with Network Rail
- l) All works to be carried out in such a manner so as to comply with the general recommendation of British Standard BS5228 'Code of Practice for Noise Control on Construction and Demolition Site' in particular Section 5 of Part 1 of the code entitled 'Control of Noise'
- m) All equipment is to be operated, sited and maintained so that the disturbance to people living or working in the vicinity 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.
- n) Any piling operations must be carried out using the quietest practicable method available.
- o) A method to inform neighbours of progress across the site in particular in periods of the noisiest activity
- p) No bonfires to be lit on the site
- q) Treatment of Public Rights of Way

Reason: In the interest of local amenity and traffic and highway safety in accordance with the Policy 6 of the adopted Borough of Oadby and Wigston Local Plan (2019) and to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

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- 8 Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement
Reason: In the interests of railway safety

Environmental Health

- 9 The first reserved matters application must be accompanied by an air quality assessment completed for 3 months prior to its submission.
Reason: In accordance with Policy 6 of the adopted Borough of Oadby and Wigston Local Plan (2019) to ensure that air quality from adjacent roads does not cause significant harm to occupiers of existing and future buildings.
- 10 Prior to any demolition works being undertaken, a full asbestos survey of the existing premises must be carried out and submitted and approved in writing by the Local Planning Authority. Any asbestos found on site or any asbestos likely to be present on site must be properly identified and completely removed by an approved and registered asbestos removal contractor. All such remedial works must be notified to Oadby and Wigston Borough Council's Environmental Health team 7 days before the works commence.
Reason: in the interests of public safety.
- 11 Prior to commencement of the development hereby permitted a contaminated land assessment and associated remedial strategy 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 completed scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:
- a) a desk study. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to any site investigations commencing on site.
 - b) the site investigation, including relevant soil, soil gas, surface and groundwater sampling, which shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - c) 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 as required prior to any remediation commencing on site. The remediation 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.
- 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.
- 12 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

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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.

- 13 Upon completion of the remediation works a verification report shall be submitted to and approved by the Local Planning Authority. 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 as recommended by the Environmental Health Manager and in accordance with the aims and objectives of the National Planning Policy Framework.

Open Space and Landscape

- 14 Prior to the commencement of development details of the open space provision and its long term management and maintenance plan via a management company (in perpetuity) shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure the provision of open space in line with Policy 9 of the adopted Borough of Oadby and Wigston Local Plan (2019) and the long term management / maintenance of such provision within the site to enable a quality development, in accordance with Policy 6 of the adopted Oadby and Wigston Local Plan (2019).

- 15 Prior to the commencement of development and notwithstanding requirements under condition 3, a programmed landscaping scheme, which shall include hard and soft surfacing, means of enclosure, planting of the development, shall be submitted to and approved in writing by the Local Planning Authority. The content of the planting scheme shall include the number of plants, species, planting size, planting methodology, British Standards and location of the planting. The work described in the scheme shall be carried out strictly in accordance with the approved details and shall be retained in this manner thereafter. The approved scheme shall be implemented in accordance with the programmed scheme and any tree or shrub planted which dies or is felled, uprooted, wilfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

Reason: In the interest of conserving and enhancing biodiversity on the site in accordance with the provisions of Policy 37 of the adopted Borough of Oadby and Wigston Local Plan (2019).

Arboriculture

- 16 No development shall commence, including groundworks, site clearance, tree felling or otherwise similar, until an Arboricultural Method Statement and Dimensioned Tree Protection Plan to BS5837:2012 'Trees In Relation To Construction' has been submitted and approved in writing by the Local Planning Authority. All trees to be retained (both on site and adjacent

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land where present) shall be protected by a Construction Exclusion Zone with fencing in accordance with BS5837:2012 'Trees In Relation To Construction'. Within the protected area(s) there shall not be carried out or permitted, during the construction period, any building or other operations, parking or passage of vehicles, or storage of building or other materials or any other object. The protection measures shall be retained for the duration of the works, and only removed once the development is complete and all machinery and work material removed from the site. The report shall also include:

- a) A finalised tree retention/removal plan
- b) Retained trees and RPAs shown on proposed layout
- c) Arboricultural site monitoring schedule

Reason: To minimise risk and harm to existing trees and woodland as a result of the development of land in close proximity in accordance Policy 8 of the adopted Borough of Oadby and Wigston Local Plan (2019).

Ecology

- 17 Prior to, or concurrent with the submission of the first application for reserved matters, an updated Ecological Appraisal report shall be submitted and approved in writing by the Local Planning Authority. Subsequent reserved matters applications shall be accompanied by an Ecological Appraisal that is based on survey work undertaken no less than 12 months previously.
Reason: In accordance with Policy 37 of the adopted Borough of Oadby and Wigston Local Plan (2019) to ensure decisions are based on up to date information.
- 18 Prior to, or concurrent with the submission of the first application for reserved matters, a Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan will detail measures that will seek to minimise on-site biodiversity net loss. The Plan shall address the ongoing management and maintenance of, and improvements to, all existing and created, retained and improved wildlife habitats, hedgerows and landscape buffer zones, wetlands, wildflower grasslands and specifically improvements to Local Wildlife Sites, and shall be implemented in accordance with the approved details.
Reason: In accordance with Policy 37 of the adopted Borough of Oadby and Wigston Local Plan (2019) and the NPPF.
- 19 No demolition and removal of hedgerows, trees, shrubs or undergrowth shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and buildings for active bird nests immediately before the vegetation is cleared and building demolition, and provided written confirmation that no birds will be harmed and/or appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of conserving and enhancing biodiversity on the site in accordance with the provisions of Policy 37 of the adopted Borough of Oadby and Wigston Local Plan (2019).
- 20 Prior to the installation into the development hereby approved of any external lighting, a scheme and programme for its design shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- a) Identify the features on site that are likely to be used by light sensitive species; the impact which might cause disturbance to the normal activities of the species.
- b) Show how and where external lighting is to be installed through the provision of appropriate lighting contour plans and technical specifications so that it can be demonstrated that areas to be lit will not have a detrimental impact on the normal activities of the species.
- c) Provide details of when/ durations the external lighting will be operated, including seasonal variations.
- d) The scheme shall comply with appropriate guidance (Bat Conservation Trust & Institution Lighting Engineers 2009) to minimise the impact on protected species. All external lighting shall be installed and used in accordance with the specifications and locations set out within the lighting scheme design, and these shall be maintained thereafter. No other lighting may be installed without prior consent from the Local Planning Authority.

Reason: To avoid an adverse impact on protected species in accordance with Policy 37 of the adopted Borough of Oadby and Wigston Local Plan (2019).

- 21 Prior to the occupation of the first building hereby approved, a scheme for the provision of bird and bat boxes shall be installed within the development in accordance with details first submitted and agreed in writing with the Local Planning Authority. The details shall include the manufacturer's specification and plans marking the location of installation in accordance with the manufacturer's instructions. The work described shall be carried out strictly in accordance with the approved details and shall be retained in this manner thereafter.

Reason: in the interest of conserving and enhancing biodiversity on the site in accordance with the provisions of Policy 37 of the adopted Borough of Oadby and Wigston Local Plan (2019).

Water Management

- 22 Prior to the commencement of development, a surface water drainage scheme shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and in accordance with the provisions of Policies 38 and 39 of the adopted Borough of Oadby and Wigston Local Plan (2019).

- 23 Prior to the commencement of development, details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the approved 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 and in accordance with the provisions of Policies 38 and 39 of the adopted Borough of Oadby and Wigston Local Plan (2019).

- 24 Prior to the commencement of development, infiltration testing shall be carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, and submitted to and approved in writing by the Local Planning Authority.

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

- 25 Prior to the occupation of the first building hereby approved, details in relation to the long-term maintenance of the surface water drainage system within the development shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the approved 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 surface water drainage system (including sustainable drainage systems) within the proposed development and in accordance with the provisions of Policy 38 of the adopted Borough of Oadby and Wigston Local Plan (2019).

Highways

- 26 Prior to the commencement of development, access works at the A5199 Welford Road roundabout as shown on drawing no. CIV SA 04 J1 002 Revision A04 will have been completed in full and available for use by all users.
Reason: In the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).
- 27 Prior to the commencement of development, a scheme to join movement networks from the north west boundary of the site into the Direction for Growth Phase 1 (Original Planning application reference 13/00403/OUT) through the recreational area / sports pitch to Clayhill Field (as indicated on plan reference P20_0239 001 Rev E) shall be submitted to and approved in writing by the Local Planning Authority. It will be fully implemented in accordance with the approved scheme and details in the proposed phasing strategy.
Reason: In accordance with Policy 6 of the adopted Borough of Oadby and Wigston Local Plan (2019) to improve the permeability of the wider site.
- 28 Prior to the commencement of development, a scheme including an implementation and timing plan linked to occupation levels of the development hereby approved, for improvements to the Bull Head Street/Newton Lane/Welford Road/Moat Street signalised junction as generally shown on drawing no. SELTS-000/A1/1/1 to fully mitigate the impact of the development shall be submitted and approved in writing by the Local Planning Authority and subsequently implemented in accordance with the agreed scheme and timetable.
Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).
- 29 Prior to the commencement of development, a scheme including an implementation and timing plan linked to occupation levels of the development hereby approved, for improvements to the Bull Head Street/Oadby Road/Wakes Road roundabout as generally shown on drawing no. SELTS-000/A1/1/5 to fully mitigate the impact of the development shall be submitted and approved in writing by the Local Planning Authority and subsequently implemented in accordance with the agreed scheme and timetable.
Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).
- 30 Prior to the commencement of development, a fully designed scheme including an implementation and timing plan linked to occupation levels of the development hereby approved, for improvements to the Long Street/Moat Street/Bushloe End junction to fully mitigate the impact of the development shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented in accordance with the agreed scheme and timetable.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

- 31 Prior to, or concurrent with the submission of the first application for reserved matters a scheme for the full incorporation of and improvements to bridleway / footpath Z12 as it falls within the application site, to include links to and from the route and the detailed design of junctions on Cooks Lane, shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved phasing plan under condition 4.

Reason: In accordance with Policies 6 and 26 of the adopted Borough of Oadby and Wigston Local Plan (2019) and the NPPF to encourage safe and sustainable travel choices.

- 32 The first Reserved Matters application shall be accompanied by the details of the link road between the A5199 Welford Road and Newton Lane including accesses, connections with Cooks Lane, footway/cycleway provision and supporting Road Safety Audit. All details of the proposed link road shall comply with the design standards of Leicestershire County Council as contained in its current design standards document.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

- 33 Prior to the occupation of any part of the development hereby permitted and notwithstanding the details submitted, details of the two points of vehicular access to the phase 1 development including supporting Road Safety Audits (if agreed as necessary) and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The accesses shall subsequently be delivered in accordance with the approved details and timetable.

Reason: To ensure that vehicles entering and leaving the site do so in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

- 34 Prior to the occupation of any part of the development hereby permitted a Framework Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021) and in accordance with Policies 6 and 26 of the adopted Borough of Oadby and Wigston Local Plan (2019).

- 35 Prior to the occupation of the 326th dwelling the link road between the A5199 Welford Road and Newton Lane as approved by the Local Planning Authority shall be completed in full and available for use by all users.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

- 36 All details of the proposed development shall comply with the design standards of Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining and visibility splays and be submitted to and approved in writing by the Local Planning Authority before each phase of the development commences.

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Reason: To ensure a satisfactory form of development and in the interests of highway safety in accordance with the National Planning Policy Framework (2021).

- 37 All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Reason: in the interests of railway safety.

- 38 The internal road layout to the site shall provide bus access between Newton Lane and Welford Road to allow future provision of bus services to the wider area.

Reason: To ensure buses can access the site safely and the two points of access is adequately designed to have a reasonable likelihood of remaining open to traffic in the event of works on the highway and in accordance with the aims and objectives of the National Planning Policy Framework and adopted Borough of Oadby and Wigston Local Plan (2019) Policies 6 and 26.

Archaeology

- 39 Prior to submission of a reserved matters application, the applicant will undertake a topographic earthwork survey of the development site. The survey will be undertaken in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and record the extent and character of surviving earthwork remains and to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal in accordance with the NPPF and in accordance with the provisions of Policy 40 of the adopted Borough of Oadby and Wigston Local Plan (2019).

- 40 No demolition/development shall take place/commence until a written scheme of investigation (WSI) for a programme of exploratory trial trenching has been submitted to and approved in writing by the Local Planning Authority.

Reason: To target those areas of the development site excluded from the pre-application trial trenching, to identify and record the presence and significant of any archaeological remains and to inform the preparation of an appropriate programme of mitigation and in accordance with the provisions of Policy 40 of the adopted Borough of Oadby and Wigston Local Plan (2019).

- 41 No demolition/development shall take place/commence until a written scheme of investigation (WSI), informed by the trial trenching, has submitted to and approved in writing by the Local Planning Authority. 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
- a) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - b) 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, in accordance with the NPPF and in accordance with the provisions of Policy 40 of the adopted Borough of Oadby and Wigston Local Plan (2019).

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 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).
- 3 This permission requires you to submit further details to the Local Planning Authority on the proposal prior to the commencement of works on site. There is a fee payable to the Local Planning Authority when a request is made for the discharge of one or more conditions on the same permission or for confirmation of compliance with a condition or conditions. At the time of writing, the fee is payable per written request to discharge conditions not per condition and therefore any number of conditions may be included on a single request. The fee for such a request associated with this permission (at the time of this decision notice) is £116. The fee must be paid when the request is made. The Local Planning Authority has a statutory period of 8 weeks for the determination of such requests.
- 4 The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent 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.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
- 5 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 Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
- 7 **Environmental Health**
Any 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. Attention is drawn to advice given in British Standard BS6472: (1992) Evaluation of Human Exposure to Vibrations in Buildings.

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8 **Network Rail**

It should be noted that boundary treatments must include a suitable trespass proof fence adjacent to the railway boundary of at least 1.8m in height and make provision for its future maintenance and renewal as part of the long-term landscape management of the site. Network Rail's existing boundary treatments must not be removed or damaged.

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

At least six weeks prior to works commencing on site, Network Rail's Asset Protection Project Manager (OPE) MUST be contacted. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be

granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Network Rail should be engaged in the preparation of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and should be reflected in the detailed landscape proposals at Reserved Matters stage:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorn (*Cretaeagus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (Shrubby *Salix*), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. This should be reflected in the lighting scheme within the Design Guide and the final detail lighting scheme.

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways. This must be reflected in the Design Guide and subsequently in the final boundary treatment plans.

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Ecology

The applicant should engage with local interest groups in the preparation of the Biodiversity Management Plan.

10 **Highways**

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>

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.

All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk

Appeals to the Secretary of State

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

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

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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

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

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

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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

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