



<b>Development Control Committee</b>	<b>Thursday, 30 January 2025</b>	<b>Matter for Information and Decision</b>
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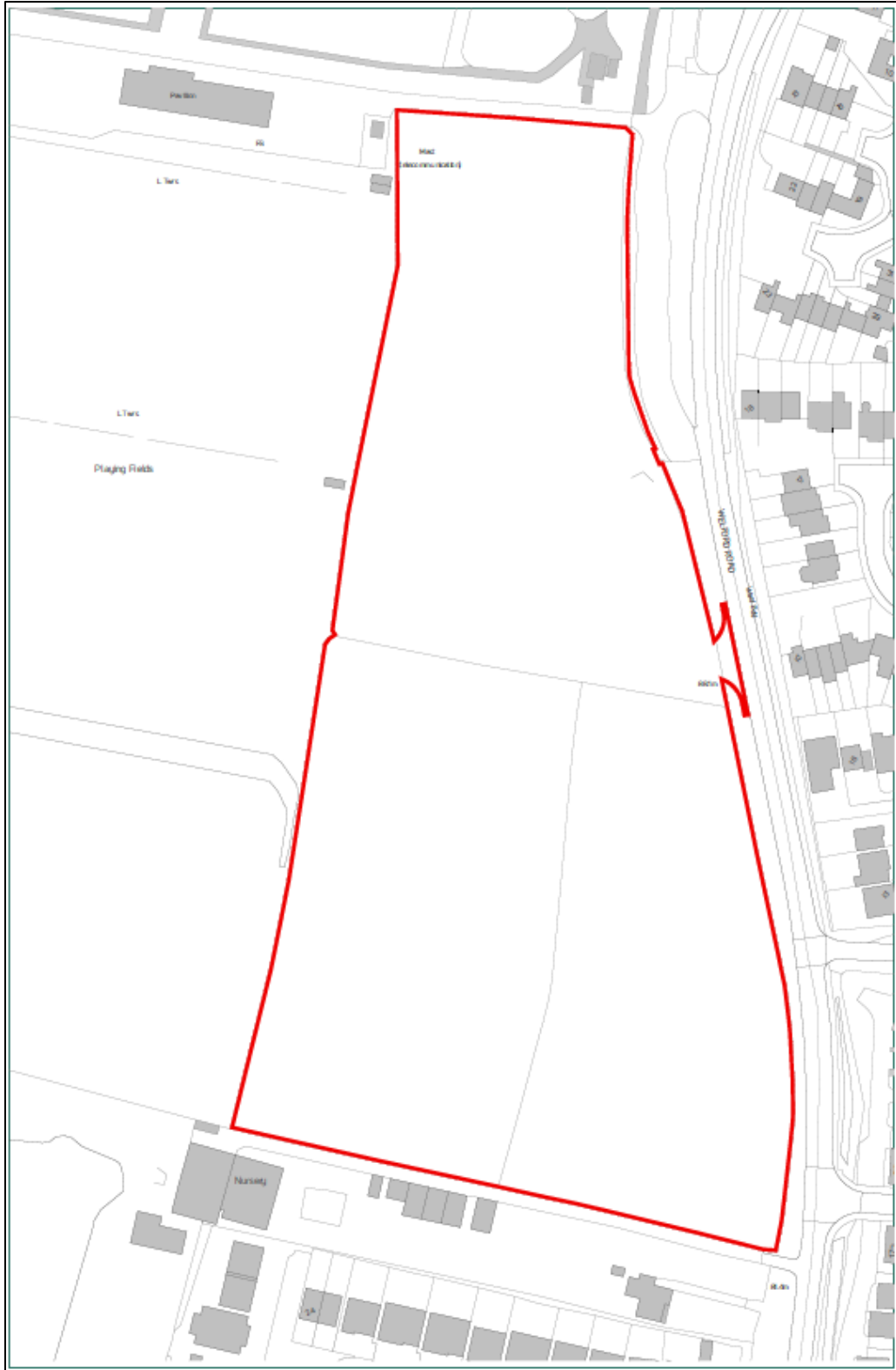
**Report Title:** **Land East of South Leicester Rugby Club, Welford Road, Wigston, Leicestershire (Ref. No. 22/00266/OUT)**

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

<b>Site Address:</b>	Land East of South Leicester Rugby Club, Welford Road, Wigston, Leicestershire.
<b>Application Description:</b>	Outline planning application for residential development of up to 87 dwellings, with public open space, drainage, and landscape infrastructure with all matters other than access reserved.
<b>Purpose of Report:</b>	Highlight to Members the key aspects of the planning application and the Officer recommendation.
<b>Recommendation(s):</b>	<b>That the application be PERMITTED planning permission in accordance with the submitted documents and plans subject to the prescribed conditions and informatives.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>Teresa Neal (Strategic Director) (0116) 288 8961 <a href="mailto:teresa.neal@oadby-wigston.gov.uk">teresa.neal@oadby-wigston.gov.uk</a></p> <p>Adrian Thorpe (Head of Built Environment) (0116) 0116 257 2645 <a href="mailto:adrian.thorpe@oadby-wigston.gov.uk">adrian.thorpe@oadby-wigston.gov.uk</a></p> <p>Jamie Carr (Planning Policy &amp; Development Manager) (0116) 257 2652 <a href="mailto:jamie.carr@oadby-wigston.gov.uk">jamie.carr@oadby-wigston.gov.uk</a></p> <p>Max Heagin (Senior Development Control Officer) (0116) 257 2716 <a href="mailto:max.heagin@oadby-wigston.gov.uk">max.heagin@oadby-wigston.gov.uk</a></p>
<b>Consultees:</b>	The consultees are as set out at paragraph 4 of this report.
<b>Background Papers:</b>	Search application reference no. 22/00266/OUT via <a href="#">Public Access</a> to access all available documents (e.g. assessments, plans, forms etc.)
<b>Appendices:</b>	<b>1.</b> Case Officer's Presentation (Ref. No. 22/00266/OUT)

(Continued overleaf)

## 1. Site and Location



- 1.1 The application site is located to the southeast of Wigston on Welford Road, the primary throughfare into Wigston from the south and is approximately 1.5km from the town centre. It comprises approximately 3.28ha of agricultural fields bounded primarily by high hedges with a green metal fence on the north boundary along the access to South Leicestershire R.F.C. with existing access via a gate set in the hedge at the bottom of the vehicular layby located to the northeast of the site.

- 1.2 The site is bounded to the west by the playing fields of South Leicestershire Rugby Football Club with the associated access running along the north boundary of the site. Further to the north of the site sits Wigston Cemetery with the associated roundabout on the access incorporating tactile paved pedestrian crossings across Welford Road which bounds the eastern side of the development site. The east side of Welford Road adjacent to the development is marked by existing housing between Guthlaxton Way and Cooks Lane as well as ongoing housing developments as part of the Wigston Direction for Growth. The south of the site is marked by a further residential development on Rawson Drive (approved under application 17/00539/OUT) and Meadow Hill on the east side of Welford Road.
- 1.3 Condition 23 imposed on permission 13/00403/OUT which included land for a commercial development off of the roundabout to the north of the railway bridge at Kilby Bridge requires provision of a footway along the eastern boundary of the development site to connect with the access to South Leicestershire Rugby Club.
- 1.4 Under condition 14 imposed on permission 17/00539/OUT for the residential development to the south of the site, provision of a similar footway was also required however this was later found to be unenforceable by the County Council, where the improvement is already committed by another development (i.e 13/00403/OUT).
- 1.5 Provision of a footway as well as other highways improvements outlined under the South East Leicestershire Transport Study are being provided through the 'Wigston Direction For Growth' located to the south east of the site off of Welford Road.

## **2. Description of Proposal**

- 2.1 The planning application seeks outline planning permission, all matters reserved except for access, for the development of up to 87 dwellings, including public open space, landscaping, drainage infrastructure and creation of a new vehicular access onto Welford Road.
- 2.2 Vehicular access to the site would be achieved by creation of a new T-junction access onto Welford Road set approximately 45m south of the existing vehicular layby to the northeast of the site. The site access road will be constructed to provide a 5.5m wide carriageway, with 2m footways on both sides and a tactile paving dropped kerb to allow pedestrian crossing of the access.
- 2.3 Within the development site it is proposed to provide areas of open space including an equipped play area to the north of the site, a central green and balancing pond to the south of the site.
- 2.4 The proposed housing mix intends to deliver a range of housing from 1-bedroom apartments/maisonettes through to 5-bedroom family housing, in accordance with housing needs identified in the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA). This would include the provision of 4 x 2-bedroom market bungalows set to the south of the site on the Illustrative Masterplan.
- 2.5 In line with the requirements of Policy 13 of the Oadby & Wigston Local Plan the proposal would incorporate 20% affordable housing to contribute towards the need for affordable housing in the Borough. This would be split between 80% affordable rent and 20% shared ownership properties.
- 2.6 In addition to the plans provided as part of the application, there are a number of accompanying documents:
  - Consultation Statement by Pegasus Group

- Design and Access Statement by Nineteen47
- Transport Assessment by ADC Infrastructure
- Transport Assessment Supplemental Note by ADC Infrastructure
- Travel Plan by ADC Infrastructure
- Flood Risk Assessment and Drainage Strategy by Ardent
- Air Quality Assessment by Ardent
- Noise Assessment by Ardent
- Utilities and Services Report by Ardent (to follow)
- Phase 1 Ground Conditions by GRM
- Phase 2 Ground Conditions by GRM
- Landscape and Visual Appraisal by Golby + Luck
- Preliminary Ecological Appraisal by Brindle and Green
- Arboricultural Survey by Brindle and Green
- Archaeology and Built Heritage Assessment (including Geophysical Survey) by Pegasus Group
- Health Impact Assessment Screening Statement by Pegasus Group

### **3. Relevant Planning History**

3.1 The site is a previously undeveloped agricultural field with no material planning history.

### **4. Key Consultations and Responses**

4.1 Leicestershire County Council Archaeology: Advised the supporting information provided a satisfactory assessment of the archaeological interest which indicated the site lies in an area of significant archaeological potential. There is therefore a need for targeted archaeological mitigation of an area within the proposed development site.

It is recommended that prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. This would include provision of a suitable written scheme of investigation (WSI) for the necessary archaeological programme. The WSI must be obtained from an archaeological organisation acceptable to the planning authority.

It was therefore recommended that planning permission be granted subject to a pre commencement condition for submission of a WSI outlining the programme and methodology of site investigation and then a subsequent post-investigation assessment for subsequent analysis, publication & dissemination and deposition of resulting material.

4.2 Leicestershire County Council Ecology: No objection to the principle of development as no significant ecological constraints were identified. This is subject to submission of the following information prior to commencement of development or at the reserved matters stage:

Details of how Biodiversity Net Gain will be achieved once the final layout and landscaping proposals have been formalised at the reserved matters stage.

Construction Environment Management Plan including details for identification of potentially damaging construction activities, identification of biodiversity protection zones, practical measures and sensitive working practices to avoid or reduce impacts during construction, including reptiles, timing of works to avoid harm to nesting birds, responsible persons for overseeing sensitive works and use of protective fencing where required.

A Bat activity survey report. This is to detail the findings of transect surveys/static automated surveys as per the Bat Conservation Trust Good Practice Guidelines (4th Ed).

A Badger survey report. This is to detail the current status of any badgers on site and any mitigation measures that may need to be undertaken.

- 4.3 Leicestershire County Council Planning Obligations: Have requested a contribution of £2,634.01 towards library provision. No contribution is sought in respect of education or waste as existing capacity is deemed sufficient to accommodate the proposals.
- 4.4 Leicestershire County Council Minerals & Waste: Were consulted on the proposals with no comments received at the time of writing. It is assumed no objection is raised on this basis.
- 4.5 Leicestershire 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 (2024), subject to the conditions and/or planning obligations.

Specific comments from the highway authority are addressed later in the report.

- 4.6 Leicestershire Local Lead Flood Authority: Advised the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA in terms of surface water flood risk subject to conditions.
- 4.7 Severn Trent Water: Severn Trent has noted concerns raised regarding the impact the additional flow that this proposed development will generate though do not object to approval being granted.

Under current legislation a developer has the right to connect to the public foul network to drain foul water, and to do so at the nearest or most convenient point on the existing network. In addition to this right, Severn Trent has a statutory duty to provide any network reinforcement that may be required to accommodate the flow generated by such a new development.

With a view to better understanding how the network is operating Severn Trent is undertaking a number of investigations which once completed, if improvements are deemed necessary, these will be undertaken in accordance with their infrastructure investment plans.

At this time, it is unclear what the precise issue is relating to Meadow Hill but it does not appear to be related to the Cooks Lane pumping station rather with the connection point made to the existing network.

On this basis Severn Trent do not consider connection to the sewer network from the development site will contribute to an unacceptable impact on the sewer network and do not object to the proposal.

This would be subject to any grant approval being conditional on all onsite sewers being adopted pursuant to a s104 Agreement, adopted sewers being in accordance the Design and Construction Guidance, implementation of the scheme in accordance with the approved details before first occupation and the disposal of surface water managed sustainably and not connected to the Severn Trent wastewater network.

This issue is discussed further within the report.

4.8 Sport England: Initial concerns were raised over the impact on the neighbouring South Leicester Rugby Club and required submission of a ball strike assessment and details of mitigation measures.

Following submission of further supporting information Sport England advised they had no objection to the application. The proposal was considered to accord with relevant sections of the NPPF in that the application satisfactorily demonstrates that through the delivery of mitigation measures on site there would be no prejudicial impact on the use of the adjoining playing field land from the proposed residential development subject to a condition for the installation and long-term maintenance of the mitigation measures.

This issue is discussed further within the report.

4.9 Leicestershire Police: No objection to the proposals though they suggest 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.

4.10 Leicester, Leicestershire & Rutland Integrated Care Board: Requested a contribution of £70,992.00 to cover the projected increase in patient registrations for local GP services.

4.11 Public Rights Of Way: Were consulted on the proposals with no comments received at the time of writing. It is assumed no objection is raised on this basis.

4.12 Western Power Distribution: Were consulted on the proposals with no comments received at the time of writing. It is assumed no objection is raised on this basis.

4.13 Wigston Civic Society: Advised they support the application though raised the following points for consideration:

Transport assessment

- The section of the A5199 has a 40 mph speed limit and is hazardous for cyclists.
- The 40 mph limit should be changed to 30 mph, so that there is a uniform speed limit from Wigston to south of Kilby Bridge.
- The new junction will make six junctions in a short stretch of an A road making it dangerous for users. Disagrees with the assessment of local highway authority that there are no existing safety concerns.
- Would like to see highway improvements such as clearly marked kerbs to the layby, traffic calming measures such as mini- roundabouts at junctions (at Cooks Lane as an example) and pedestrian refuges for crossing.
- The proposed paved footway on the west side of the A5199 from the Clarence Field exit road (to be provided by that developer) northwards to the roundabout with

Guthlaxton Way should be extended southwards to the railway bridge and a crossing with pedestrian refuge provided at the new roundabout.

### Sustainable Transport

- It is pleasing to see that pedestrian and cycle access is to be provided out of the site in the NE, NW and SE corners.
- There is increasing need for pedestrian and cycle routes from the Davidsons' site, and other recent developments along this stretch of the A5199, to allow easy and traffic-free access to the Little Hill Estate (LHE) and its amenities.
- The north of the site is being used to widen access to the rugby club, it is concerning this might be used to facilitate future development. It is suggested that this might be alternatively used as a footpath, cycle path to the playing field beyond the rugby club or other sites such as the Primary School.

### Cycle Travel

- The A5199 is hazardous for cyclists.
- Homestead Drive is "recommended" for cyclists however there are many parked cars, and it is used as a rat-run by cars and vans to avoid the traffic lights at NLJ.
- The B582 (Moat St etc.) from NLJ to South Wigston is single lane in both directions and busy at all times with HGVs and vans for an industrial site and supermarkets, as well as with cars. The Leicester South Cycle Route along it is far from ideal, shared with pedestrians and not continuous.
- Cycle access from the developments on the A5199 to and through the LHE and to the 2 primary schools and the 3 secondary schools is much needed.

### Public Transport: Bus Travel

- The information given about bus routes on the A5199 and through the Wigston Harcourt Estate is misleading.
- Some of the bus stops shown are no longer in use; others are only operational at restricted times (evenings and Sundays).
- On or two bus stops for each direction are needed on the A5199 between Kilby Bridge and the Guthlaxton Way roundabout to serve the increasing number of residents in the new developments.

### Public Transport: Rail Travel

- Wigston Station, accessible by #48/48a bus, for the Birmingham-Leicester-Stansted Airport rail service, is unstaffed with some trains stopping at peak times, and very few trains otherwise.
- There is no mention of Leicester Railway Station, which is accessible by #47/47a bus route, with trains to London and Sheffield.

### Impact on Traffic Congestion and Newton Lane Junction (NLJ)

- The Trips rates for peak times are considered to be an underestimate with traffic from the site being primarily northbound to Wigston & Leicester.
- Despite the alleged robustness of the traffic engineers' calculations, the NLJ has been shown to be above capacity already and will become worse in the future. In 2026, NLJ will operate at 26 – 30% above capacity and in 2031, NLJ will operate at 31 – 32% above capacity.
- Air pollution at NLJ exceeds maximum permitted levels at times now. Disagrees with Traffic Assessments assertion that as this is a small development, its impact on traffic levels and air pollution will be "negligible".

## Design and Access Statement: Housing

- The development includes mixed housing of various sizes and types, and it is pleasing to note that a few bungalows are planned and must be maintained in the FUL application.
- The bungalows appear to be located in the SW corner of the site, furthest from the NE pedestrian access, from the bus stops and all local amenities. Their occupants are likely to be older and/or disabled people, possibly with reduced mobility, so this is the worst location for them.
- Older and/or disabled people do not want to be tucked away in a far corner: they want to be where they can see people and passers-by and where it is easy for them to have informal social contact. I would suggest that a much better location would be either the village green or probably better, near the NE pedestrian access. Access to public transport and easy social contact with others would be beneficial for their physical health and social and mental wellbeing.

## General comments:

- It is good to see that hedgerows are being retained.
- It is noted that the site is not designated for housing in the current local plan but is in the direction of growth and is designated as countryside. Despite comments by developers in the application this DOES give it value. This may of course change in the emerging local plan.
- The increase in the number of units from 85 to 87 units is noted. This gives an overall density of 36 dwellings per hectare which is higher than the number stated in the current local plan of 30 per hectare.
- There is mention of further trial trenches on parts of the site where previous excavations have proved revealing. This must be insisted on.
- The affordable housing content is clearly identified in accordance with Council policy.
- The statement also refers to incorrect or previous names of local schools, questions arise as to the accuracy of other statements in the document. Also, the statement names Tythorn as the nearby primary school, this may be correct, but it is NOT directly accessed from the site. Access is only by existing roads and the route is too long to walk.
- Leicestershire College and Wigston College area also incorrectly referred to.
- Documentation submitted with the application states that the applicant has engaged with the local community. Wigston Civic Society was not directly contacted by the developer at the time of its public consultation and the Society only found out by accident and just before the closing date.
- The layout of the site is acceptable, with houses near to the A5199 reasonably shielded from traffic noise by hedges, trees and the layby at the north end of the site.
- The houses adjacent to the rugby ground are side on to the ground and therefore are protected to some extent from rugby balls. However, there could be light pollution from floodlights on the pitches.

4.14 Oadby & Wigston Tree Officer: No objection to the proposals. Will need to review final landscaping scheme at the reserved matters stage.

4.15 Oadby & Wigston Environmental Health: Did not object to the principal of development though provided the following comments:

Air quality – the report provided concludes there will be negligible impact from operational traffic once the development is built and occupied. Given the potential impact during the construction phases I would recommend a condition requiring the applicant to submit a



Construction Management Plan (CMP) for approval. This should include detail such as working hours, controls for mud, dust, site management, managing materials, storage, complaints procedure, deliveries, transport of material, and non-road machinery controls for air quality.

Noise – construction controls will be required as part of the CMP and the detail required is set out in the attached document. In terms of noise from existing sources and potential impact on any new dwellings there are two areas where I would request additional information, particularly clarity on mitigation measures – homes that adjoin the rugby club boundary and those near Welford Road.

Vibration – the CMP will require detail to be provided of any construction activity likely to lead to vibration.

Lighting from rugby club – an appraisal will be required of the impact from existing rugby club floodlights on the proposed development. This shall include proposals for mitigation where relevant to prevent any obtrusion.

Waste storage and collection – refer to the Council’s guidance on layout design for the site to ensure it can be serviced adequately by our refuse and recycling services.

- 4.16 Oadby & Wigston Planning Policy: Advised the site is not currently allocated for development in the Council’s adopted Local Plan (2019) and therefore, in principle, residential development in this location would be currently contrary to the objectives of Local Plan Policy 2 – Spatial Strategy for Development in the Borough.

Despite this it is acknowledged that the location of this particular site is unique in the context of its surroundings and to an extent, it is bounded by existing or new built development within the Wigston urban area. Further, the site in question forms a proposed allocation site in the Council’s new Local Plan which has reached Regulation 19 stage.

As such provided that there are material considerations that outweigh the current policy position, on planning balance, the scheme is acceptable.

## **5. Neighbour and Resident Responses**

- 5.1 Neighbours have been informed by letter across two separate consultations and a press/site notice placed with eight letters of representation (seven objecting from six individuals and one neither objecting nor supporting) being received at the time of writing this report. The date for the receipt of comments expired on the 1 January 2024.

The reasons for objection can be summarised as follows: -

- Ball strike fencing and report insufficient.
- Lack of maintenance to existing hedgerows and trees.
- Surface water drainage.
- Visual amenity.
- Highways safety.
- Need for traffic calming features.
- Noise and disruption during construction.
- Loss of habitat.
- Provision of cycle and footpath.
- Additional demand on local infrastructure and services.
- Trespassing on neighbouring land.
- Anti-social behaviour from play area.
- Loss of land value.

- Too much development in area.

## **6. Planning Policy Relevant to the Proposal**

### **6.1 National Planning Policy Framework**

- 6.2 The National Planning Policy Framework (NPPF) establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 6.3 Paragraph 2 of the NPPF states that *'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'*.
- 6.4 Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are:
- An economic objective
  - A social objective
  - An environmental objective
- 6.5 Paragraph 11 states that *'Plans and decisions should apply a presumption in favour of sustainable development...For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay'*. For the avoidance of doubt, this site does not form part of the site allocations set out in the Council's adopted Local Plan, however is a proposed site allocation in the Council's new Local Plan that has reached Regulation 19 stage.

### **Oadby & Wigston Local Plan**

- Local Plan Policy 1 – Presumption in Favour of Sustainable Development
- Local Plan Policy 2 – Spatial Strategy for Development in the Borough
- Local Plan Policy 3 – Regeneration Schemes and Large-Scale Change
- Local Plan Policy 4 – Creating a Skilled Workforce
- Local Plan Policy 5 – Improving Health and Wellbeing
- Local Plan Policy 6 – High Quality Design and Materials
- Local Plan Policy 7 – Community Facilities
- Local Plan Policy 8 – Green Infrastructure
- Local Plan Policy 9 – Open Space, Sport and Recreation Facilities
- Local Plan Policy 10 – Public Realm
- Local Plan Policy 11 – Housing Choices
- Local Plan Policy 12 – Housing Density
- Local Plan Policy 13 – Affordable Housing
- Local Plan Policy 26 – Sustainable Transport and Initiatives
- Local Plan Policy 34 – Car Parking
- Local Plan Policy 37 – Biodiversity and Geodiversity
- Local Plan Policy 38 – Climate Change, Flood Risk and Renewable Low Carbon Energy
- Local Plan Policy 39 – Sustainable Drainage and Surface Water
- Local Plan Policy 43 – Countryside
- Local Plan Policy 44 – Landscape and Character

- Local Plan Policy 46 – Infrastructure and Developer Contributions

Residential Development Supplementary Planning Document (2019)

- 6.6 Paragraph 3.2 states that: *'All new residential related development should have a relationship with its surroundings in terms of massing, height, balance, use of materials, roof shape and architectural detailing. The character and appearance of residential related development and how this fits with the local street scene are important considerations when deciding if proposed development is acceptable. All new residential related development should fit with the existing street scene and retain and / or enhance locally distinctive character.'*
- 6.7 Paragraph 3.34 states that: *'All new residential development, including extensions and alterations, should be designed so that adequate levels of amenity for future and existing residents of the property and neighbouring properties are provided and maintained.'*
- 6.8 Paragraph 3.84 states that: *'Individual plots should fit in with the existing street scene and should have an area, frontage and depth which are comparable with adjoining properties. New residential homes should not be out of character or do harm to the locally distinctive character of the locality in which it is situated.'*
- 6.9 Paragraph 3.87 states that: *'The design of the new dwelling(s) should not have a detrimental impact on the amenities of existing properties through the loss of light or privacy and should normally provide sufficient off street car parking and garden space to meet the needs of the new development.'*
- 6.10 Paragraph 3.41 advises on the amount of rear garden space required on all residential related development, dependent on the size of the property and so the practical needs of any household who might live within it. It states that: *'All dwelling house rear gardens should have the following minimum sizes, unless exceptional circumstances dictate otherwise:*
- *1 bedroom properties shall have a minimum private rear garden space of 50 square metres.*
  - *2 – 3 bedroom properties shall have a minimum private rear garden space of 75 square metres.*
  - *4 – 5 bedroom properties shall have a minimum private rear garden space of 100 square metres.'*
- 6.11 Paragraph 3.44 outlines the amount of open space that would be required as part of flatted developments. It states that: *'Flats and residential care units / homes should have a minimum of 75 square metres for up to 5 units with an additional 15 square metres per unit. That might include a combination of communal open space and 'private' spaces, such as balconies.'*

Public Realm Strategy Supplementary Planning Document (2021)

- 6.12 Although the focus of this document is primarily directed towards the town and district centres of the Borough, it also seeks to improve public realm across the whole Borough of Oadby and Wigston.
- 6.13 Well-designed public realm will make best use of the opportunities available for improving the character and quality of an area, the way that it functions, and, seeks to meet the demands of the wider community.

Supplementary Planning Document/Other Guidance

- Call for Sites: Site Collation and Initial Assessment (2021)
- Developer Contributions Supplementary Planning Document (2019)
- Landscape Character Assessment (2018)
- Leicestershire Highways Design Guide (latest version)

## **7. Planning Considerations**

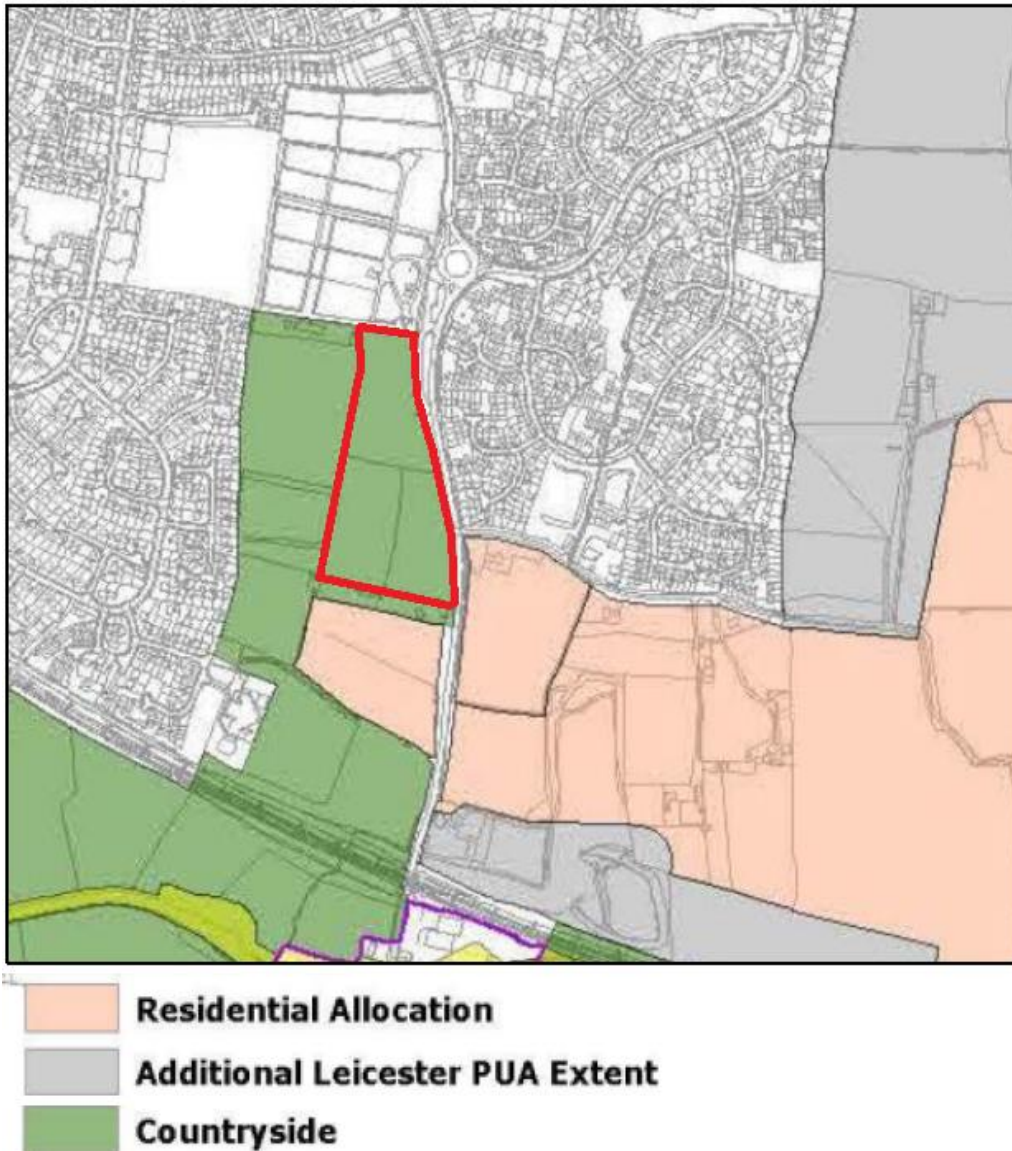
7.1 Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise and whether those material considerations are of such weight that the adopted policies of the Development Plan should not prevail in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

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

- Principle of Development
- Impact of the Proposal on the Street Scene and Local Surroundings
- Impact of the Proposal on the Local Highway
- South Leicestershire Rugby Football Club
- Flood Risk and Drainage
- Developer contributions and Section 106 Agreements

### Principle of Development

- 7.2 The submitted application is for the purposes of achieving outline planning permission with access for the proposed development with all other matters reserved.
- 7.3 As such consideration is on whether the proposal can 'in principle' be supported within the confines of the site in line with relevant policy considerations with no constraint or material impact that would preclude the development.
- 7.4 Consideration of the impact of the proposed access is considered later in the report. Furthermore, should the application be approved the specifics of the proposal in respect of appearance, landscaping, layout and scale would be addressed at the reserved matters stage. The masterplan accompanying the submitted application, is therefore one way that the agreed development aspects / quantum of development can be achieved on the site, and could be subject to change through subsequent reserved matter applications.
- 7.5 The development site is located between the edge of the southern extents of Wigston and residential allocation for the Wigston Direction for Growth. The site is considered to be highly sustainable for development being located on Welford Road a main throughfare to the south of Wigston leading to Leicester. The sites location on Welford Road benefits from existing pedestrian footpaths from the north of the site including a crossing point at the roundabout with Guthlaxton Way and existing bus stops at the cemetery.
- 7.6 A number of highways improvements are committed on Welford Road close to the development site as part of the Wigston Direction for Growth as recommended through the South East Leicestershire Transport Study (SELTS). This includes provision of a pedestrian footpath along the west side of Welford Road up to the cemetery committed under application 13/00403/OUT.
- 7.7 The land is classified as Countryside as per the image below though is within the Leicester Principle Urban Area.



- 7.8 The proposal does not comprise land allocated for development through Local Plan Policy 2, and therefore does not accord with the Council’s current spatial strategy for development up to 2031.
- 7.9 Though consideration of the application must be made on the currently adopted Local Plan it should be noted however that the site has been brought forward for allocation through the New Local Plan (2020 – 2041) Regulation 19 Pre-Submission Consultation Draft published in January 2025 which whilst not binding indicates a likelihood of the site being allocated within the Boroughs future spatial strategy.
- 7.10 If approved this site would be classified as a ‘windfall site’ which whilst not precluding development means the principle of development is not already established through the Local Plan and the application must demonstrate that the proposal is supported by other relevant policies of the development plan as well as that there is no unacceptable material consideration. This is outlined in paragraph 70 of the NPPF, under criteria d) which states the local planning authority should ‘support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites’.
- 7.11 Delivery of ‘windfall sites’ fills an important role in meeting different accommodation needs within the borough and achieving the authorities overall housing targets. Such developments could help cover shortfall in the delivery of allocated sites and contribute to future delivery. Consideration of the proposal must therefore be given to the benefits

(including public benefits) of the proposal and whether they demonstrably outweigh adverse impacts.

- 7.12 This section of the report is therefore primarily concerned with identifying those policy areas or factors that provide demonstrable benefit weighing in favour of the development or where there is adverse impact.
- 7.13 Though not allocated within the Council's current adopted spatial strategy it is considered that the site constitutes a sustainable site for development and is largely developed on all sides of the site already.
- 7.14 The site is subject to the requirements of Policy 43 'Countryside' of the Oadby and Wigston Local Plan which outlines the *'openness and intrinsic qualities of the Countryside will be protected'*. It further states that a 'development proposal causing adverse impacts in the Countryside will only be permitted where there is a justifiable need which outweighs these impacts.'
- 7.15 In line with the requirements of this policy the application has been accompanied by a Landscape Appraisal. This is discussed in further detail later in the report however the conclusions of the Landscape Appraisal are considered reasonable and would not result in an unacceptable impact.
- 7.16 Impact of the development would be largely confined to the immediate site which is disconnected from the wider countryside and would not erode its wider open and intrinsic qualities.
- 7.17 Furthermore, in the absence of objections from County Ecology and Archaeology it is considered that the proposal would not constitute a significant adverse impact the countryside contrary to Policy 43.
- 7.18 The limited adverse impact from the development of the site is considered to be sufficient to be justifiable under Policy 43 by a suitable residential development with an appropriate housing mix and affordable housing provision.
- 7.19 Policy 11 in respect of Housing Choices states 'the Council will support the development of bungalows, student halls of residence, specialist care accommodation, elderly care accommodation and retirement accommodation that meets an identified need and is proposed in appropriate sustainable locations'. Furthermore Policy 13 in respect of Affordable Housing requires provision of 20% affordable housing on site in Wigston.
- 7.20 The proposals include provision of 20% affordable housing on a tenure split of 80% affordable rent and 20% shared ownership in accordance with the requirements of Policy 13 as well as provision of 4 bungalows which are considered to meet an identified need within the Borough and would be supported by Policy 11.
- 7.21 An issue raised in the comments from Wigton Civic Society was the proposed housing density would be contrary to Local Plan Policy 12 'Housing Density'. The policy sets out that residential development should seek to deliver an average density of at least 30 dwellings per hectare with some flexibility where a specific local housing need such as low-cost homes or provision of bungalow house types.
- 7.22 The site is in excess of 3ha so provision of just less than 90 dwellings is considered sufficient to comply with the requirements of the policy. Further to this the provision of a range of accommodation including bungalows is considered to allow some flexibility regardless.

- 7.23 Policy 10 in respect of 'Public Realm' seeks to ensure that all major development incorporates high quality public realm on-site and / or contribute towards public realm improvements off-site. All public realm improvements must take account of the guidance and principles as incorporated with the Council's Public Realm Strategy Supplementary Planning Document (2021).
- 7.24 The proposal includes the incorporation of a children's play area, a publicly accessible attenuation pond and verdant soft edges within the development site including a village green. This is considered to be reasonable provision for a residential development of this size and is supported by the stated aims and objectives of the Public Realm Strategy Supplementary Planning Document (2021) and Policy 10.
- 7.25 On balance the principle of development is considered to be acceptable for the proposed development. Although the site is not currently allocated as outlined under Policy 2 there is not considered to be an overriding material consideration against the principle of development which as a windfall site will contribute positively to meeting future housing need in the Borough and support delivery of the new Local Plan.

#### Impact of the Proposal on the Street Scene and Local Surroundings

- 7.26 The application seeks outline planning permission for up to 87 dwellings with associated infrastructure and access within a suburban area to the south of Wigston largely characterised by large housing developments with soft edging to Welford Road.
- 7.27 Matters relating to the appearance, landscaping, layout and scale are to be determined at the reserved matters stage and will need to satisfy the requirements of Policies 6 and 44 of the Oadby & Wigston Local Plan.
- 7.28 Policy 6 requires that high quality design, and the use of high-quality materials is paramount in ensuring that new development creates attractive buildings and spaces that are sustainable, well connected, and are in character within the locale they are set. It is imperative that new development provides buildings and spaces that people enjoy now and in the future. Further, the Governments National Model Design Code is taken into account when proposals are being produced and assessed.
- 7.29 Policy 43 'Countryside' of the of the current Local Plan which outlines that '*openness and intrinsic qualities of the Countryside will be protected*'. It further states that a '*development proposal causing adverse impacts in the Countryside will only be permitted where there is a justifiable need which outweighs these impacts*' and where a Landscape Character Assessment has been provided that demonstrates any impacts have been assessed and can be mitigated.
- 7.30 Policy 44 'Landscape and Character' states that 'all development proposals within the Borough will be considered against the need to conserve and enhance the distinctive landscapes in the Borough. The Council will seek to ensure that all development proposals reflect the prevailing quality, character and features such as settlement patterns, important views, open spaces and significant natural habitats.' The policy goes onto state that 'development proposals will only be permitted where it is in keeping with the area in which it is situated. Development proposals that are contrary to the policy guidance as set out within the Council's Landscape Character Assessment ... will not be approved.'
- 7.31 In line with the requirements of Policy 43 'Countryside' and Policy 44 'Landscape and Character' the application has been accompanied by a Landscape Appraisal. This found that the site is largely contained by existing boundary features and given the extent of the development surrounding the site it is largely disconnected from what could be considered contiguous countryside.

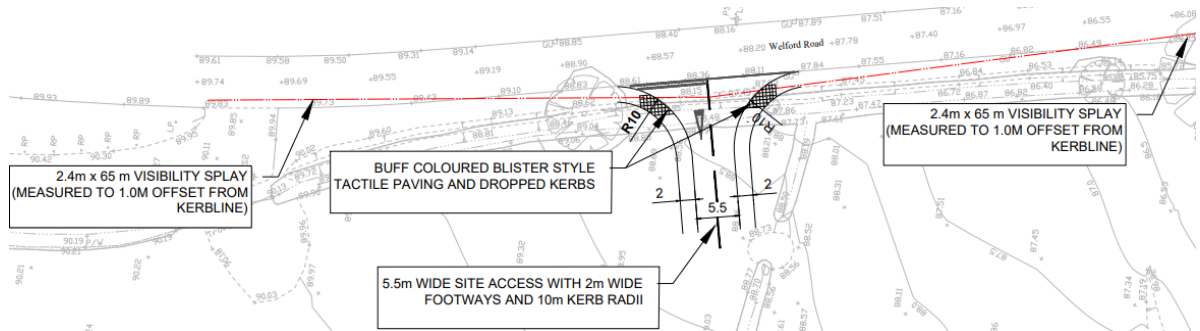
- 7.32 Whilst there would be an immediate impact to the character of the site itself, it was concluded given the suburban setting and supplemented boundary treatments to the site the long-term impact on the setting of the site would be limited and mitigated through management of the boundary vegetation.
- 7.33 It was assessed onsite that the pre-existing residential development to the east and south of the site along this section of Welford Road contributes suburban setting of the site. In this sense the proposal is not considered to represent a significant break in the existing pattern of development on the street scene subject to incorporation of a soft edge to the site boundaries.
- 7.34 The Illustrative Masterplan shows retention of much of the existing hedgerows and trees and supplemented by additional planting which is considered to achieve a verdant soft edge to the site in line with other developments.
- 7.35 Whilst the current layout is illustrative and to be finalised at the reserved matters stage the proposals include notable internal landscaping features including an attenuation pond, open space including a central village green and verdant soft edges within the site. Such provision is considered to be comparable or a betterment on the provisions of neighbouring residential sites and would comply with the requirements of the Public Realm Strategy Supplementary Planning Document (2021).
- 7.36 As such it is considered that the impacts of the proposal on the character and appearance of the area are limited with sufficient mitigation and landscaping incorporated into the scheme to comply with the requirements of Policies 43 & 44. Provided the final design and materials are suitable in compliance with the requirements of Policy 6 it is considered the proposal would not represent an unacceptable impact on the character and appearance of the area.
- 7.37 An issue raised during consultation on the proposal is that of a loss of habitat within the site. Further to this Policy 37 'Biodiversity and Geodiversity' outlines the requirement for proposals to '*conserve, protect and enhance biodiversity and geodiversity through minimising loss of valued features in the landscape*'.
- 7.38 In terms of Biodiversity Net Gain the application is subject to previous legislation requiring a target of no net loss to biodiversity on site, as the legislation for a 10% gain changed after the submission of the application.
- 7.39 The site is predominantly grassland bounded by hedgerows, the proposals would primarily see loss of existing grassland though some hedgerow would also be removed at the access. The site would see various ecological enhancements with County Ecology advising that they consider no net loss can be achieved on site and can be incorporated into the landscaping scheme at the reserved matters stage.
- 7.40 The application is supported by a Preliminary Ecological Appraisal which concluded that there was no ecological constraint which would prevent development of the site and recommended further surveys should be undertaken prior to development and to inform final design and layout of the site.
- 7.41 These findings were accepted by County Ecology who recommended approval of the application subject to conditions for a Construction Environment Management Plan for biodiversity and surveys for bats & badgers. On this basis it is considered there is no ecological constraint which prevent development of the site, and the proposals would not be contrary to the requirements of Policy 37.
- 7.42 It is considered the proposal would be largely in keeping with the street scene and character of the area and is in principle considered acceptable subject to the remaining



matters to be considered complying with the requirements of Policies 6, 37, 43 and 44 of the Oadby & Wigston Local Plan.

### Impact of the Proposal on the Local Highway

7.43 One of the matters for consideration under this application is that of the proposed access onto the A5199 Welford Road. The proposal is for the creation of a T-Junction from the centre of the east boundary of the site, to the south of the existing layby. Drawing ADC2565-DR-001-P2 demonstrates the proposed access including visibility splays as per the below:



7.44 The site access road will be constructed to adoptable standards and therefore has a 5.5 metre wide carriageway flanked by 2.0 metre wide footways on both sides. Junction radii of 10 metre will be provided for entry and exit to the site from Welford Road. Visibility splays of 2.4 metres x 65 metres measured 1.0 metre offset from the kerblines are proposed, which is compliant with the Highway Design Guide Table DG4 for the recorded 85th percentile speeds within the 36 to 40mph category.

7.45 The proposed site access layout has been tracked for a large refuse vehicle with the associated footways being finished in tactile paving at the pedestrian crossing points which can be integrated into the footway provided on the west side of Welford Road.

7.46 Further pedestrian access to the north of the site would be provided to connect to the existing rugby club access, layby and the associated pedestrian footpaths and crossings.

7.47 Leicestershire County Council Highway Authority (LHA) were consulted on the suitability of the proposed access. The LHA has confirmed that the details of the swept path analysis and junction capacity assessment for the site access / A5199 Welford Road are acceptable. Furthermore, they are satisfied that unobstructed visibility splays could be achieved in both directions at the site access. Overall, the LHA is satisfied that a safe and suitable access can be delivered to serve the proposed development.

7.48 In assessing the impact on the wider highway network from the proposed level of development, paragraph 115 of the NPPF states *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

7.49 In support of the proposal the application is supported by a Transport Assessment prepared by ADC Infrastructure. This concluded the site is in a sustainable location with good access to transport provision and facilities as well as a safe and suitable access could be achieved. Further the traffic associated with the proposed development would not create any severe impacts on the road network and no highway improvements, except for the construction of the site access junction, are necessary.

7.50 Traffic generation from the site has been based upon the 85th percentile traffic generation rates derived from TRICS which is the same methodology used for the neighbouring site to

the south approved under application 17/00539/OUT. This assessed there to be the creation of 53 AM trips and 55 PM trips as outlined on the below table:

traffic generation	AM peak hour (8-9am)			PM peak hour (5-6pm)		
	arrive	depart.	2-way	arrive	depart.	2-way
trip rates per dwelling	0.069	0.552	0.621	0.414	0.241	0.655
traffic generation	6	47	53	35	20	55

- 7.51 It should be noted that data provided in the assessment for trip generation are based on the provision of 85 dwellings rather than up to 87 however this discrepancy was deemed to not constitute a significant difference and was deemed acceptable by the LHA for the purposes of assessing the proposal.
- 7.52 In assessing the impact of the trips generated from the site it was established the majority of trips would be to the north of the site with the greatest impact being at:
- Site Access / A5199 Welford Road
  - A5199 Welford Road / Guthlaxton Way roundabout; and
  - A5199 Welford Road / Newton Lane / Moat Street / Bull Head Street traffic signal controlled crossroads
- 7.53 Junction capacity assessments were undertaken for each of the above which found the impact at the site access and Welford Road / Guthlaxton Way roundabout to be not 'severe' which was accepted by the LHA.
- 7.54 At the Welford Road / Newton Lane / Moat Street / Bull Head Street traffic junction it was assessed that the proposals would generate approximately 20 and 22 two-way movements during the AM and PM peak hours representing an increase of between 1.4%-1.5% on existing flows.
- 7.55 This was assessed as 'not severe' in the Transport Statement though it acknowledged improvements were required in conjunction with other developments though these are already committed as part of the Wigston Direction for Growth.
- 7.56 This assessment was disputed in part by the LHA in that it was found that the impact would not be 'severe' and that improvements would be required as previously outlined in the South East Leicestershire Transport Study (SELTS). It was assessed however that the associated improvements would be sufficient to mitigate the impact of increased traffic flows to the junction.
- 7.57 Contributions regarding improvements to the highway network is discussed later in the report however it is noted that the junction improvements associated with SELTS and the Wigston DFG are sufficient, and the LHA have not objected to the impact of the proposal on the wider network.
- 7.58 In summary the application has demonstrated that a suitable & safe site access can be provided and has tested the impact of the proposed development in conjunction with other developments on the local highway network. The LHA considers that the cumulative impacts of development can be mitigated subject to the inclusion of conditions and contributions.
- 7.59 In the absence of an objection from the relevant statutory consultee it is considered there is not a reason for refusal of the application which could be substantiated on impact to the highway network.

## South Leicestershire Rugby Football Club

- 7.60 Paragraph 193 of the NPPF requires that new development should be integrated effectively with existing businesses and community facilities such as sports clubs. It further goes on to state that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.
- 7.61 Conversely impacts from South Leicestershire RFC must be considered and mitigated within the proposals to ensure the amenity of future occupants of the site is protected.
- 7.62 The scheme therefore must incorporate measures which seek to protect the operation of South Leicester RFC by not constraining the existing operation and protect the amenities of residents close to the boundary.
- 7.63 There are considered to be four impacts to be considered in this regard namely lighting, ball strike fencing, widening of the access to South Leicester RFC and anti-social behaviour.
- 7.64 The existing playing fields are illuminated by floodlighting the most recent of which were approved under application 18/00187/FUL to serve pitch 3 and parts of pitch 2. Though set to face away from the development site, due to the proximity of the lighting to the development site there is likely to be light spill into the site and it falls outside of the scope of the application to alter this existing situation. Rather any mitigation must be incorporated into the site's layout.
- 7.65 To assess this impact discussions were undertaken with the Council's Environmental Health team who advised that they did not consider the impacts would be unacceptable though would require an appraisal of light spill into the site and any required mitigation to be incorporated into the final layout which is to be secured by condition.
- 7.66 During the course of application concerns were raised through public consultation and from Sport England with regards to ball strike from South Leicester RFC. To address these concerns Rugby Ball Trajectory Analysis (prepared by Labosport) and details for incorporation of ball strike fencing were submitted in support of the application. The layout of the proposed ball strike fencing is shown below:



- 7.67 The proposed fencing would be maintained by Meadfleet who have the expertise to inspect, maintain and repair/replace if necessary whilst the fencing itself would carry a 25-year guarantee. Further to this an area of separation between the west boundary and residential

development, in which the fencing is to be erected, is to be maintained for the purposes of allowing collection of balls and maintenance of the fencing.

- 7.68 Sport England confirmed they are satisfied with the proposed ball strike fencing subject to a condition for details of the management and maintenance programme as well as installation and retention in accordance with the submitted details.
- 7.69 Part of the proposal includes provision to the north of the site to allow widening of the access to South Leicester RFC. Currently the site access is from a single track from the layby which allows only a single direction of travel at any one time and is bounded by the wall of the cemetery to the north and a metal fence to the south.
- 7.70 Widening of the access is considered to be a betterment of the scheme, allowing passing traffic on the access to the rugby club. The Councils 'Playing Pitch and Outdoor Sport Strategy' (May 2024) outlines a need to create additional capacity and improve the quality of ancillary facilities whilst Policy 7 in respect of Community Facilities outlines a need to "improve existing local community facilities" which the provision of a widened access is considered to contribute to.
- 7.71 An issue raised through the public consultation was that of anti-social behaviour to the north of the site exacerbated by the proposed play area.
- 7.72 For context the existing rural field is bounded to the north by a cemetery and west by the rugby club which would generally be unoccupied in evenings provide a distinct lack of surveillance to the existing site access to the rugby club and associated layby.
- 7.73 The associated residential scheme is considered to introduce a level of natural surveillance currently absent from the site.
- 7.74 As such it is not considered unreasonable to expect some betterment to anti-social behaviour around the north of the site and any adverse impact is not considered to exceed the benefits of the play areas provision within the site.
- 7.75 Additionally, the layout of the site is a reserved matter which can be reviewed at the reserved matters stage to relocate the play area if required though it is not considered unreasonable for its provision to be to the north of the site closest to the pedestrian crossing of Welford Road at the roundabout with Guthlaxton Way.

#### Flood Risk and Drainage

- 7.76 The site is located within a Flood Zone 1 and carries a low probability of flooding.
- 7.77 In support of the surface water and foul drainage for the site the application is supported by a Drainage Strategy Plan. In respect of surface water drainage, it proposed an invert level of the outfall/ditch of 79.10 to allow for gravity connection for surface water to the site with a discharge rate of 12.4l/s which was deemed acceptable by the LLFA.
- 7.78 The LLFA did raise concerns regarding an existing flood concern related to foul drainage at a nearby site though it should be noted that they are not the responsible authority for foul drainage which falls within the remit of Severn Trent Water.
- 7.79 The issue is thought to be an interaction between the foul and surface water systems at Cooks Lane Pumping Station resulting in foul flooding on the Meadow Hill development.
- 7.80 Discussions have taken place between the Local Planning Authority and Severn Trent Water (STW) where it has been confirmed that connections from the proposed development are

not going to make the situation worse as the issue is with the Meadow Hill development connections to the pumping station and not the pumping station itself.

- 7.81 The advice of Severn Trent Water with regards to the issues on the Meadow Hill development site is that the issue relates to the connection made to the Severn Trent Network rather than the pumping station itself. Because the connection was made without the input of STW (as legislation allows) and seemingly without regard to sewer connection design guidance it cannot be adopted and STW are unable to address the underlying issue at this time though it is site specific and would not impact other sites.
- 7.82 STW are working with the developer of the Meadow Hill development to seek a resolution however it will take time to be resolved. It falls outside of the purview of this application or the responsibilities of this development to rectify this existing issue with another site.
- 7.83 Following this clarification from STW the LLFA withdrew their objection to the proposals and recommended approval subject to conditions.
- 7.84 It should be noted that the LLFA are not the relevant Statutory consultee in regards of foul drainage so have not proposed a condition to this effect. Members may recall approving a further phase for the Wigston Direction for Growth which is similarly located close to Meadow Hill and the Cooks Lane Pumping Station which included a condition (22) which tied connecting foul connections to the phasing planning.
- 7.85 Such a condition was supported by STW in respect of the Wigston DFG as a precautionary measure however they have not requested anything similar in respect of this application given the number of dwellings proposed is comparable to that which would be connected at any one time from the Wigston DFG.
- 7.86 As the issues raised result from a connection to the Cooks Lane Pumping Station and following the withdrawal of the objection of the LLFA the proposal is considered to be acceptable in respect of its flood risk.

#### Developer contributions and Section 106 Agreements

- 7.87 Policy 46 of the Oadby & Wigston Local Plan suggests that any on or off-site contributions, including both capital and revenue elements would need to be in conformity with the Council's latest Developer Contributions Supplementary Planning Document (SPD).
- 7.88 A request for £2,634.01 funding towards libraries has been received from Leicestershire County Council. No contribution has been sought in respect of education and waste as existing capacity is deemed sufficient in these regards.
- 7.89 Oadby & Wigston Borough Council is requesting contributions in respect of Open Space, Sport and Recreation facilities. To establish the off-site open space contributions sought from this development in the Wigston All Saints Ward, the applicant would be required to pay contributions for each unit equating to:
- One bed units = £448.81 (each)
  - Two bed units = £2,143.37 (each)
  - Three+ bed units = £3,837.92 (each)
- 7.90 This contribution would be spent on a Community Infrastructure Levy (CIL) compliant open space, sport and recreation scheme in the Borough of Oadby and Wigston, or, on a scheme to revitalise the public realm in Wigston, in accordance with specifications, as set out in the Council's Public Realm Strategy Supplementary Planning Document (2021).

- 7.91 As part of their response on the proposal Leicestershire County Council Highway Authority requested the following contributions:
- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. These can be provided through Leicestershire County Council at a cost of £52.85 per pack. If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.
  - Six month bus passes, two per dwelling (application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at a cost of £360.00 per pass). NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is a high take-up rate.
  - Appointment of a Travel Plan Co-ordinator from commencement of development until five years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.
  - A Residential Travel Plan monitoring fee of £6,000 for Leicestershire County Council's Travel Plan Monitoring System.
- 7.92 Further to this Leicestershire County Council Highway Authority initially sought £100,000.00 towards recommendations set out in the South East Leicestershire Transport Study (SELTS). For context the SELTS document outlined recommended highways improvements relating to allocated development sites under the current Local Plan period for 12,800 dwellings in Harborough District and 2960 dwellings in Oadby & Wigston (15,760 total dwellings).
- 7.93 This contribution was challenged by the agent as not being CIL compliant and therefore cannot be requested and following discussions officers agree with the agent's position. The reason this is not CIL compliant is that the highways improvements recommended by SELTS relates to allocated sites within the Local Plan and the associated improvements that would relate to this site have already been committed by other schemes notably the Wigston DFG and are being provided regardless of this proposal.
- 7.94 To be CIL compliant and eligible to be included on the Section 106 agreement a contribution request must provide specific infrastructure or facilities required to make the scheme acceptable such as providing capacity at local schools or GPs to accommodate increased population.
- 7.95 The difficulty with this request is the associated improvements are being provided by other developments where they are deemed essential to make the schemes acceptable and thus are being provided regardless of this scheme. Whilst the site would benefit from said improvements it is not the developer's prerogative to pay part of the share of another development where they are already committed to do so. In essence what is required to make the addition of up to 87 dwellings acceptable beyond existing improvements committed for the 15,760 total dwellings considered under SELTS.
- 7.96 Leicestershire County Council Highway Authority have referred to wanting to make improvements to the A5199 Welford Road / Newton Lane / Moat Street / Bull Head Street traffic signal controlled crossroads and improvements to the walking and cycling infrastructure in the area however this does not include specific proposals for improvement essential to make the development acceptable. Such improvements have already been committed by other developments such as a footpath on the west side of Welford Road and it cannot be clearly defined what such a contribution would specifically provide.

- 7.97 To be CIL compliant any contribution to highway infrastructure would need to be in excess or in addition to what is already being provided. In this neither Leicestershire County Council Highway Authority nor the applications Transport Survey have identified a requirement for any further improvements which would be funded by the requested contribution. As such the requested contribution is not considered to be appropriate by officers and has not been included within the draft heads of terms.
- 7.98 The NHS Clinical Commissioning Group has made a request for contributions towards local GP services. £70,992.00
- 7.99 It is also considered that in order to recommend this application favourably there needs to be a mechanism put in place to ensure that the affordable housing provision is genuinely "affordable units" and should remain so thereafter. That mechanism is proposed to be a Section 106 Agreement with the applicants/developer to ensure that the dwellings are constructed as affordable units. The Section 106 agreement will also be used to secure the contributions to meet increased demand for education, library and health care services, and the contribution to fund off-site open space improvements.

## **8. Conclusion**

- 8.1 There are no overriding constraints or 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 the future reserved matters application accordingly. No objections have been received from statutory consultees having particular regard to implications for local ecology, flood risk and highway safety.
- 8.2 It is acknowledged that the site does not comprise land allocated for development through Local Plan Policy 2, and therefore does not accord with the Council's current spatial strategy for development. However, as mentioned earlier in this report, the site does form a site allocation in the Council's Regulation 19 stage new Local Plan. Further, the setting of the site which is largely subsumed by other developments to the extent it is largely detached from the countryside is considered to lend itself to a suitable development.
- 8.3 The proposal should therefore be viewed as proactive in securing a positive development and delivery of housing in advance of a future need in the Borough and helping to ensure that the Council can maintain a five-year supply of housing land in accordance with the NPPF. In conjunction with the proposed housing mix and affordable housing provision supported by Policies 11 & 13 of the Oadby & Wigston Local Plan the principle of development is considered to be acceptable.
- 8.4 In addition to the principle of development the only matter being considered under this application is that of access to the site. In the absence of a technical objection from the Highway Authority it is considered the proposed access to the site is acceptable.
- 8.5 The proposed development is in conformity with the Development Plan. The three dimensions of sustainable development have been considered (economic, social and environmental) as set out in the NPPF, and taking into account the adopted Development Plan considerations and all other material considerations your Officers are of the view that the proposal is acceptable and accordingly it is recommended that planning permission is granted subject to the stated conditions and the applicants entering into the required Section 106 Legal Agreement.

## **9. Recommendation, Proposed Conditions and Informatives**



9.1 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.

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

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

2. The development shall commence within two years following the final approval of the reserved matters.

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

3. Development shall be carried out in accordance with the following plans, unless otherwise agreed in writing with the Local Planning Authority:

Site Location Plan prepared by nineteen47 – n1656 001 (dated 05.05.2022)  
Proposed Access Junction Layout prepared by ADC Infrastructure – ADC2565-DR-001 Rev P2 (dated 16.08.2021)

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

4. 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 conform with Section 92 (2) (c) of the Town and Country Planning Act 1990.

5. No above ground construction shall commence until details of all external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved materials.

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

6. No above ground construction shall take place until such time that the details of the finished floor levels of each dwelling and the land levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The dwellings shall be subsequently constructed in accordance with the approved details.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as to safeguard the appearance of the development and the privacy and living conditions of nearby residents in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6 and 44 of the Oadby and Wigston Local Plan.



7. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

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

**Reason:** To ensure satisfactory archaeological investigation, recording, dissemination and archiving.

8. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

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

9. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these 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.

10. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

**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.

11. No development approved by this planning permission shall take place until such time as infiltration testing has been 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, has been 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.

12. No above ground development shall commence on site until full details of the means of foul drainage for the site have been submitted to and agreed in writing by the District Planning Authority. Once approved the works shall be carried out before any of the development is occupied.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

13. No above ground development shall take place until a lighting appraisal in respect of the existing rugby club floodlighting has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with any identified mitigation measures.

**Reason:** To inform appropriate layout and design of the site in the interests of safeguarding the amenity of occupiers of the residential development in accordance with Policy 6 of the Oadby and Wigston Local Plan.

14. No above ground development shall take place until details of noise mitigation measures in accordance with the recommendations of Noise Assessment prepared by Ardent Consulting Engineers – Ref 2103410-02A (dated June 2022), has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with any identified mitigation measures.

**Reason:** To inform appropriate layout and design of the site in the interests of safeguarding the amenity of occupiers of the residential development in accordance with Policy 6 of the Oadby and Wigston Local Plan.

15. The works permitted shall be carried out in accordance with the recommendations and safety measures outlined within the Arboricultural Impact Assessment Survey and Report prepared by Brindle & Green Arboriculture – Ref BG21.216.1 (dated June 2022) unless otherwise agreed in writing by the Local Planning Authority.

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

16. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- a) Identification of potentially damaging construction activities;
- b) identification of biodiversity protection zones;
- c) practical measures and sensitive working practices to avoid or reduce impacts during construction, including reptiles;
- d) timing of works to avoid harm to nesting birds;
- e) responsible persons for overseeing sensitive works; and
- f) use of protective fencing where required.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that sufficient protection measures are in place to avoid impacts to species, retained habitats and adjacent priority habitats during the site clearance and

construction phases in accordance with the aims and objectives of the National Planning Policy Framework, Policy 37 of the Oadby and Wigston Local Plan.

17. No development shall commence on site (including any site clearance/preparation works), until a bat activity survey report detailing the findings of transect surveys/static automated surveys as per the Bat Conservation Trust Good Practice Guidelines (4th Ed), has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in strict accordance with any identified mitigation measures.

**Reason:** To ensure that suitable precautions are undertaken in the interests of protected species.

18. No development shall commence on site (including any site clearance/preparation works), until a badger survey report detailing the current status of badgers on site and any mitigation measures that may need to be undertaken, has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in strict accordance with any identified mitigation measures. During the construction phase should evidence of badgers or setts be found, work must cease until advice is sought from a suitably qualified ecologist.

**Reason:** To ensure that suitable precautions are undertaken in the interests of protected species.

19. No part of the development shall be occupied until a lighting scheme for the public areas of the development including public car parking facilities has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of lighting to roads and footpaths and shall keep lux levels as low as practicably possible in proximity to hedgerows and other sensitive habitats. The lighting scheme shall be implemented in accordance with the approved details.

**Reason:** To ensure a satisfactory form of development and to prevent any possible adverse impacts to neighbouring properties or biodiversity in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6 and 37 of the Oadby and Wigston Local Plan.

20. Prior to the commencement of development, including any works of demolition, a Construction Management Plan (CMP) including a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall remain in force throughout site construction and provide for the following matters:

- Site access arrangements and details of any future reinstatement;
- The parking of vehicles of site operatives and visitors;
- Loading/unloading and storage of plant, materials, oils, fuels, and chemicals;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- Wheel washing facilities and road cleaning arrangements;
- Measures to control the emission of dust during construction;
- A scheme for recycling/disposing of waste resulting from site preparation and construction works;
- Measures for the protection of the natural environment;
- Hours of construction work, including deliveries and removal of materials;
- Full details of any piling technique to be employed, if relevant;
- Location of temporary buildings and associated generators, compounds, structures and enclosures;
- Routeing of construction traffic;

- Full details of any floodlighting to be installed associated with the construction of the development;
- Practice for Noise Control on Construction and Demolition Site;
- 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;
- Any piling operations must be carried out using the quietest practicable method available; and
- No bonfires to be lit on the site.

**Reason:** In the interest of local amenity and traffic and highway safety in accordance with the Policy 6 of the Borough of Oadby and Wigston Local Plan 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.

21. Access to the site during the construction phase shall be provided at the access shown on ADC Infrastructure drawing no. ADC2565-DR-001 Revision P2 with the access being completed in full and available for use by all users prior to first occupation of the residential development.

**Reason:** In the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

22. Notwithstanding the submitted details, no development shall commence until details of a scheme which show the provision of new footway connecting the development with existing footway provision to the north of the site on Welford Road have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and available for use prior to first occupation of the development hereby permitted.

**Reason:** In the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

23. No part of the development hereby permitted shall be first occupied until an amended full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been 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).

24. The residential dwellings hereby approved shall not be occupied until details of the management and maintenance programme and responsibilities for the ball stop mitigation fencing have been submitted to and approved in writing by the local planning authority, after consultation with Sport England. The fences shall be installed in full accordance with the details shown on Ball Stop Fencing Locations before occupation of the first dwelling on site and shall thereafter be managed and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To provide protection for the occupants of the development from potential ball strike from the adjacent sports facility, to reduce conflict between neighbours and therefore safeguard sporting use of the adjacent sports facilities and to accord with the requirements of the NPPF.

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 £145. 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. 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>
5. 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>
6. 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](mailto:networkmanagement@leics.gov.uk)
7. The surface water drainage 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 event durations up to the 24 hour (or longer where required) for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods with results ideally showing critical details only for each return period.

8. Details in relation to the management of surface water on site during construction 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.
9. 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 property ownership. For commercial properties (where relevant), this should also include procedures that must be implemented in the event of pollution incidents.
10. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach. Where infiltration is deemed viable, proposed infiltration structures must be designed in accordance with CIRIA C753 "The SuDS Manual" or any superseding version of this guidance.