



Development Control Committee	Thursday, 28 November 2024	Matter for Information and Decision
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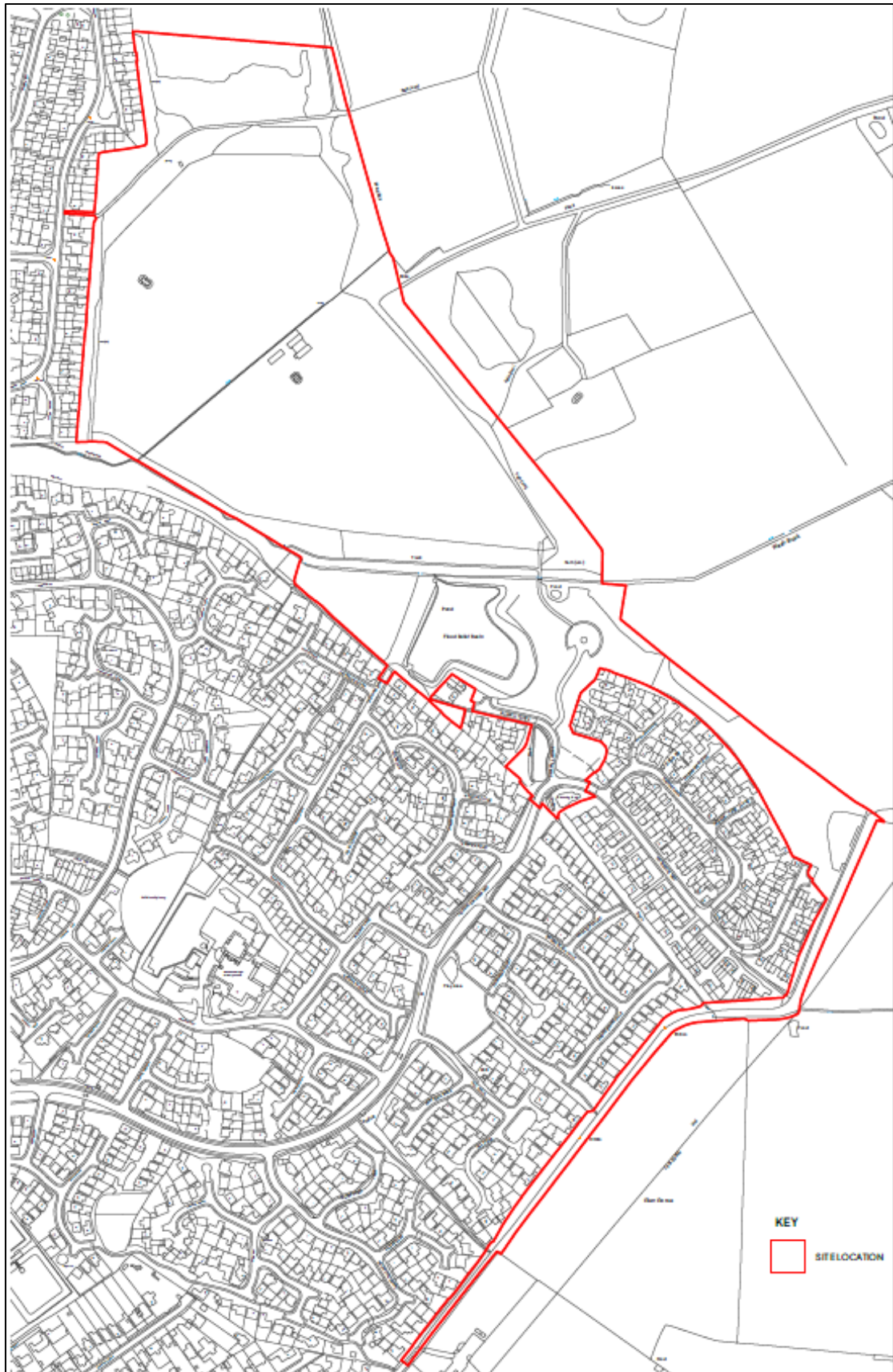
Report Title: **Land at Oadby Grange Near Devonian Road, Oadby Leicester, LE2 4UJ (Ref. No. 22/00448/OUT)**

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

Site Address:	Land at Oadby Grange Near Devonian Road, Oadby, Leicester, LE2 4UJ
Application Description:	Outline application (all matters reserved) for delivery and expansion of Community Country Park (including footpaths, car parking, habitat creation, landscaping, play space), retention of agricultural land (including provision of access), Medical Centre (use class E), Care Home Facility (use class C2) providing up to 65 bed spaces, Community Hub Building (use class E/F), and up to 147no. residential dwellings (use class C3) with associated access, drainage, car parking, internal roads, landscaping, infrastructure and associated works.
Purpose of Report:	To consider and determine the application accordingly.
Recommendation(s):	That the application be PERMITTED planning permission in accordance with the submitted documents and plans subject to the prescribed conditions and informatives.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>Teresa Neal (Strategic Director) (0116) 288 8961 teresa.neal@oadby-wigston.gov.uk</p> <p>Adrian Thorpe (Head of the Built Environment) (0116) 0116 257 2645 adrian.thorpe@oadby-wigston.gov.uk</p> <p>Jamie Carr (Planning Policy & Development Manager) (0116) 257 2652 jamie.carr@oadby-wigston.gov.uk</p> <p>Max Heagin (Senior Development Control Officer) (0116) 257 2716 max.heagin@oadby-wigston.gov.uk</p>
Consultees:	The consultee comments are as set out within section 4 of this report.
Background Papers:	Search application reference no. 22/00448/OUT via Public Access to access all available documents (e.g. assessments, plans, forms etc.)
Appendices:	1. Case Officer's Presentation (Ref. No. 22/00448/OUT)

(Continued overleaf)

1. Site and Location



- 1.1 The site is located on the eastern edge of Oadby incorporating a large agricultural field, large sections of woodland and open space and smaller areas of land known locally as the Oadby Grange Country Park, including the associated car park. Notable features within this area include a large pond located off the end of Devonian Road, the Wash Brook

watercourse which transects the site and some small derelict structures within the agricultural field erected during the Second World War believed to have been in connection with nearby Leicester Airfield.

- 1.2 The site is transect by a number of public rights of way namely; footpath Z5 from Windrush Drive through the north of the site; footpath C42 along the Wash Brook through the centre of the site; and footpath Z10 running along the west boundary between Tynedale Close & Bluebell Close. Additionally bridleway Z11 from Gorse Lane runs along the southern boundary. The site also features a number of unadopted and informal footpaths / desire lines notably along the west and east side of the agricultural fields, though the east side path is largely overgrown and impassable.
- 1.3 The northern boundary adjoins the playing fields associated with Manor High School with the boundary characterised by maturing native woodland which screens the school facilities.
- 1.4 The western and southern boundaries adjoin the settlement edge of Oadby. Fencing associated with rear gardens and hedgerow vegetation define, in parts, the interface between the two. The wooded corridor of the Wash Brook watercourse dissects the site with the associated vegetation interrupting inter-visibility and largely blocking views in and out.
- 1.5 East of the site lies open countryside with arable fields and a patchwork of native hedgerows and trees. The eastern edge of the site coincides with an existing belt of trees and under native planting that forms part of the land area known locally as Oadby Country Park.
- 1.6 There are local facilities near to the site including primary and secondary schools comprising of Manor High School north of the site, Woodland Grange Primary school which can be accessed off the main road Florence Wragg Way to the south. The Beauchamp College, Gartree High School and Brocks Hill Primary School all lie slightly further away, West of the A6.
- 1.7 The topography of the site varies with the north and south extents being higher than the centre where the land slopes in towards the Wash Brook watercourse.

2. Description of Proposal

- 2.1 The proposed development is for outline planning permission for the provision of up to 147 new dwellings with 30% affordable house provision, a (up to) 65 bed space nursing home (Use Class C2), medical facility including pharmacy (Use Class E) to be located alongside the nursing home, a mixed use community hub building (Use Class E/F) and associated infrastructure and car parking.
- 2.2 The proposals will also provide the establishment of a large area of Country Park covering approximately 12.97ha, which will see significant improvements to the existing open space, footpaths & public rights of way within the site and improved habitats for local biodiversity including wildlife corridors, allotment land, green linkages, and new and improved pond spaces.
- 2.3 Primary access to the site would be via Bluebell Close as is the existing access to the site car park. A smaller vehicular access would be provided at the end of Pipistrelle Way to serve a small car park by the proposed allotment land. A pedestrian/cycle path would be formed from the end of Devonian Road to the residential element of the proposal.
- 2.4 During the course of the application amended proposals were received from the applicant following concerns that the Council had with the initial proposal. This amended the residential provision from (up to) 120 new homes, with (up to) 92 care facility units within

use Class C2. Amendments were also made to the red line site boundary and open space provision within the site. The changes to the application were consulted upon in the public domain.

3. Relevant Planning History

00/00051/8M – Erection of 139 dwellings together with road, public open space and associated works. Approved 21 November 2001.

4. Key Consultations and Responses

- 4.1 Active Travel England: Were consulted on the proposals with no comments received at the time of writing.
- 4.2 Environment Agency: Advised no comment as the development falls within flood zone 1 with no fluvial flood risk concerns associated with the site or other environmental constraints associated with the application site which fall within the remit of the Environment Agency.
- 4.3 Leicestershire County Council Archaeology: Advised are three issues in relation to the Archaeological aspects of the site; the presence of extant ridge & furrow earthworks, the demolition of extant World War Two military buildings and the potential for as yet unknown buried archaeological remains to be present.

Recommended further investigation including trial trenching and recording of the ridge and furrow earthworks and World War Two military buildings should be ensured by condition.

- 4.4 Leicestershire County Council Adults and Communities Department: Leicestershire County Council's commissioning intentions and the position of the market for adult social care services can be viewed at <https://resources.leicestershire.gov.uk/adult-social-care-and-health/market-position-statement>

The County Council's Adults and Communities Department is not able to comment in detail on this request, but we are responding with general information about our aspirations to inform your thinking. In summary with relevance to planning applications, and at the present time, the County Council seeks to develop services as follows:

- Supported living accommodation: <https://resources.leicestershire.gov.uk/adult-social-care-and-health/working-with-the-council/providing-supported-living-accommodation>
- Nursing care: please see the Market Position Statement <https://resources.leicestershire.gov.uk/adult-social-care-and-health/market-position-statement/residential-and-nursing-care> and the Market Sustainability Plan <https://politics.leics.gov.uk/documents/s171197/adult%20social%20care%20reform%20appendix.pdf>
- Extra care accommodation: <https://resources.leicestershire.gov.uk/adult-social-care-and-health/market-position-statement/extra-care>

However, mindful that developments and associated accommodation often take many years to become available, the County Council's position may change during that time, and this email should not be taken as clear intention to purchase specific services, either on this site or elsewhere. Variables include Government policy, County Council strategy, availability of similar services nearby, funding, and the fees to be charged by the operating provider.

- 4.5 Leicestershire County Council Ecology: Confirmed no objection to the proposals subject to conditions for a Biodiversity Enhancement and Management Plan demonstrating how biodiversity net gain is to be accommodated on site, along with a Construction Environment

Management Plan for biodiversity and details of a scheme for the location of bat roosting & bird nesting features to be integrated into buildings with suitable hedgehog gaps in boundary features.

The ecological aspects of the proposal are discussed later in the report.

- 4.6 Leicestershire Highways Authority: The highway authority is satisfied that the proposals will not have an unacceptable impact on the public highway and does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023) subject to conditions and contributions.

The highway impacts of the proposal are discussed later in the report.

- 4.7 Leicestershire County Council Landscape: Were consulted on the proposals with no comments received at the time of writing.
- 4.8 Leicestershire Local Lead Flood Authority: No objection to the proposal subject to conditions advising the following:

- The Lead Local Flood Authority (LLFA) notes that the 23.5ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to high risk of surface water flooding which follow known watercourses on the site.
- The proposals seek to discharge at 7.4 l/s via pervious paving and a dry detention basin to the on-site watercourse. Source control SuDS are proposed as part of SuDS for the site with permeable paving and interception/conveyance swales. The swales are shown to connect to the attenuation pond.
- A commercial development is regarded as part of proposals at the far south of the site linked via a spur of land. A new drainage strategy now proposes this part discharges at 2 l/s/ha via pervious paving and cellular storage to an existing surface water sewer stub neighbouring the development. The applicant should seek approval in principle from the statutory sewer provider to discharge here and consider risk of blockage in detailed design.

- 4.9 Leicestershire County Council Minerals & Waste: Were consulted on the proposals with no comments received at the time of writing.
- 4.10 Leicestershire County Council Public Rights of Way: Were consulted on the proposals with no comments received at the time of writing.
- 4.11 Leicestershire County Council Planning Obligations: Requested contributions in respect of libraries, primary education, secondary education and SEND education.

No contributions are sought in respect of waste or post 16 education as existing capacity is considered sufficient to accommodate the proposals.

- 4.12 Leicestershire County Council Travel Planning: Were consulted on the proposals with no comments received at the time of writing.
- 4.13 Leicestershire County Council Trees: As the proposed development does not impact any Leicestershire County Council Tree Preservation Order I have no comments to make, and neither support or oppose the development.
- 4.14 Leicestershire Fire & Rescue: Provided a response of no comment to the proposals.
- 4.15 Leicester, Leicestershire & Rutland Integrated Care Board: Are supportive of the provision of a new medical facility, however should this not be deemed a financially viable option or

otherwise not implemented the ICB would look to secure Section 106 developer contribution towards the residential dwellings, and care home provision.

4.16 Leicestershire Police: No objection to the proposals though suggest the following measures are implemented:

- Parking is generally in curtilage to the dwellings, and I recommend consideration of gable end windows to allow additional natural observation by residents to their vehicles if not garaged.
- There is also open space on all sides with the main areas with several walkways. I recommend lighting to BS5489 to cover these areas as well as any other key areas associated with the dwellings of vehicle or pedestrian entry points to the site. There are no permeability issues throughout this site due to the single-entry point and minimal circulatory routes.
- Perimeter enclosure is recommended to be to 1.8m in a fencing in keeping with the site usage in respect to the Residential Care Facility. Metal railings would allow a clear field of vision but would not be oppressive whilst still providing effective enclosure. Also gating to this area is recommended with access control capability to verify potential visitors.
- For dwellings the front enclosure is recommended to be to 1.2m while side and rear are recommended to be to 1.8m in materials in keeping with the site.
- Consideration of the use of CCTV coverage of the key vehicle entry point to the residential area is recommended to include Automatic Number Plate Recognition capability. This would add an element of general security to the development providing improved security. General Data protection Act signage would need to be displayed.
- I recommend a Section 38 Agreement to allow for an electric spur at the nearest lamppost to the main vehicle entrance which will allow a CCTV camera to be mounted to view this key entry point.
- Likewise, main entry points to the residential care home should have access control in place with facial verification capability prior to access being permitted. An alarm system is recommended to provide monitored coverage of the site with a personal attack capability to allow staff to alert monitoring in the event of an emergency. Recommended standards are listed below. Also the Residential Care Facility is recommended to have an alarm system which has a personal attack activation capability in line with recommendations below.
- Emergency Services access at this development is appropriate without obstruction. Lighting throughout the site including the key vehicle entry point and other key areas such as open space should be to BS5489.
- Wheelie bins 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. This will provide a 1m clear field of vision.

4.17 Natural England: Were consulted on the proposals with no comments received at the time of writing.

4.18 Oadby Civic Society: Objected to the initial proposals on the following grounds:

- The site is outside the current Council's Adopted Local Plan for any development; the area being designated as Countryside. The Local Plan also states that the Housing Requirement for 2011 to 2031 has already been met as set out in Table 1 of the Housing delivery for the Plan period.

- Any addition of designated Housing Sites in the future review of the Local Plan must assess the physical ability of the Primary Health Care and the Schools in Oadby to meet the needs of any increase in population while taking into account the existing approvals of over 700 dwellings under construction at Cottage Farm and Stoughton Grange. Oadby pupils are already having to find schools out of the Borough and the pressure on Doctor's surgeries is intense.
- On this particular application, there is a large area unidentified which is presumed to be a second phase of residential development served from extending the proposed road network in this application.
- The Society is concerned that any development on this land is accessed by extending Florence Wragg Way, which is already of a considerable length from the A6 and serves a large number of properties. This would be further exacerbated if a second phase were contemplated, to say nothing of the disruption of construction traffic for any development on the site.
- The proposal includes Residential Care accommodation, but this type of facility should be easily accessed by public transport to enable elderly relatives to visit without difficulty.

No further comments have been received at the time of writing this report in respect of the amended scheme which addresses a number of the issues raised.

4.19 Oadby & Wigston Environmental Health: No objection to the proposal providing comments as follows:

- It is encouraging to see the proposals which include much needed local health and social care facilities, extra care and supported living accommodation and country park enhancement.
- An assessment will be required of any potential new external noise sources serving proposed buildings and facilities (for example the community building) such as air conditioning, ground source heat pumps etc. and how this could impact on any new or existing residential property.
- This can be satisfied by way of condition. The applicant will need to ensure the refuse and recycling arrangements fulfil the councils guidance for access and design.
- A construction management plan will be required before any development commences to ensure any construction work does not cause any dust, vibration, noise, or highway issues.
- Detail of all external play and recreation facilities will be required, along with specific locations to ensure no noise or disturbance from its use will impact on residential amenity.

4.20 Oadby & Wigston Operations & Streetscene: Were consulted on the proposals with no comments received at the time of writing.

4.21 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 currently be contrary to the objectives of Local Plan Policy 2 – Spatial Strategy for Development in the Borough.

As such the proposal should demonstrate that there are material considerations that on balance outweigh the current policy position.

4.22 Oadby & Wigston Tree Officer: In addition to a formal consultation, the officer attended a site visit with the applicant and case officer to advise on landscaping and maintenance of the proposed Country Park.

No objection to the proposals and accepted the contents of the associated technical documents subject to submission of landscaping and maintenance details for the park and site.

4.23 Severn Trent Water: Were consulted on the proposals with no comments received at the time of writing.

4.24 Western Power Distribution: Were consulted on the proposals with no comments received at the time of writing.

5. Neighbour and Resident Responses

5.1 Neighbours were informed by letter across two separate consultations and a press/site notice placed. At the time of writing 205 letters of representation (200 objecting and 5 supporting) had been received. Also a petition signed by 49 residents opposing the proposal was received prior to receipt of the formal application following the applicants preliminary public consultation. The date for the receipt of comments expired on the 9 August 2024.

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

- Does not comply with the adopted Local Plan.
- Significant existing residential development within the Borough.
- Additional congestion/traffic.
- Inadequate on site parking.
- Impact on public transport.
- Affecting character of the area.
- Pollution.
- Impact on local services (particularly schools & medical services).
- Impact on local residents (particularly loss of privacy & on street parking).
- Environmental impact (loss of hedges, woodland & biodiversity).
- Impact on local pond.
- Loss of amenity to existing footpath/open space users.
- Disturbance of historic landfill.
- Retained agricultural land may form phase 2 development.
- Inadequate details of the development.
- Contest that periphery of a residential property development can be used for a Country Park designation.
- Quantum of development is considered excessive.
- Risk of further infill development on site boundaries.
- Note 'variable ratings' of developer online.
- Site may contain archaeological remains.
- Further paths through site not required, alternatives are available at Knighton Park and Brocks Hill Country Park.
- Costs of maintenance.
- Existing site not properly maintained, who would be responsible for maintenance of proposal.
- Housing on Florence Wragg Way known locally as 'Grange Farm' seen as distinct from development on Hunters Way and should be considered in naming any future local developments.
- Flood risk, notably along the 'Wash Brook', at the existing pond and through the existing agricultural land.
- Possible vehicular access from the end of Devonian Road.
- Existing access using Bluebell Close insufficient.
- Noise (from traffic & construction).
- Provision of EV charging facilities would encourage private vehicle use.
- Distance to public transport.

- Cost of operating community centre.
- Community centre better located centrally in Oadby or further within the development.
- Require provision of sustainable travel initiatives.
- Loss of value to local properties.
- Should not be accepting housing need from Leicester City.
- Development of brownfield sites should be prioritised over green spaces.
- Would council tax be lowered to compensate inconvenience.
- Loss of views.
- Medical facility unlikely to meet needs of care home before considering local residents.
- Insufficient staff to run medical facility.
- Opening of new access points (end of Pipistrelle Way and Devonian Road).
- Country Park not delivered previously.
- Anti-Social behaviour.

5.3 The reasons in support can be summarised as follows: -

- Care home would meet growing demand in the Borough.
- Job creation and boost to the economy.
- Providing positive setting care home.
- Provide improved GP facilities.
- Meet increasing demand for GPs.
- Provision of specialist dementia care.

6. Planning Policy Relevant to the Proposal

National Planning Policy Framework

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

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)

- 7.5 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.'*
- 7.6 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.'*
- 7.7 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.'*
- 7.8 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.'*
- 7.9 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’.*

7.10 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)

- 7.11 Although the focus of this SPD 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.
- 7.12 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 Neighbouring Properties
- Impact of the Proposal on the Local Highway
- Impact of the Proposal on Ecology and Biodiversity
- Provision of Country Park
- Developer contributions and Section 106 Agreements

Principle of Development

7.2 The submitted application is for the purposes of achieving outline planning permission for the proposed development with all matters reserved. 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. Should the application be approved the specifics of the proposal in respect of access, 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.

- 7.3 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.
- 7.4 It should be noted that the Council is not currently in a position whereby it needs to deviate from the adopted spatial strategy and that it has a healthy supply of suitable housing land.
- 7.5 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'.
- 7.6 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.
- 7.7 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.
- 7.8 It should be noted that the site has been put forward for allocation in the New Local Plan (2020 – 2041) Regulation 18B Preferred Options Consultation Draft published in Spring 2024. This is not binding however, as the site has not been adopted for allocation, being one of a number of sites currently under review.
- 7.9 The site is subject to the requirements of 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.'*
- 7.10 The application, as discussed through the report, through the provision of elderly care provision, medical facilities, community facility building, enhanced Country Park provision and an appropriate housing mix including affordable housing is considered to outweigh the adverse impacts of development in the countryside.
- 7.11 Additionally in line with the requirements of this policy the application has been accompanied by a Landscape Appraisal which concluded that the proposal respected the character of the local landscape and would conserve the appreciation of the open countryside that surrounds Oadby. It did concede that there would be adverse visual effects from the immediate environs of the site but that this was localised within the site and views from the open countryside were restricted and screened.
- 7.12 The conclusions of the Landscape Appraisal are considered reasonable with adverse effects confined to the immediate site which can be partially mitigated through introduction of additional landscaping features, additional tree & structural planting and site maintenance.

- 7.13 It is therefore considered that there is adverse impact from the proposal contrary to Policy 43, however these can be offset and are outweighed by aspects of the proposal which meet justified need.
- 7.14 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).
- 7.15 This aspect is covered in greater detail later in the report in respect of the Country Park however the proposals are considered to exceed the requirements of the Policy and Public Realm Strategy, providing significant public benefit in favour of the development.
- 7.16 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'*.
- 7.17 Policy 13 in respect of Affordable Housing requires provision of 30% affordable housing on site in Oadby.
- 7.18 Supporting information for the application sets out a Needs and Supply Assessment for housing elderly people, specialist supported living homes and affordable housing. The report outlined a deficiency in elderly care and affordable housing provision in the Borough with the justification and evidence provided being considered to be sufficiently robust to support this position.
- 7.19 As such it is considered that the provision of the care home would contribute to local need and the affordable housing provision at 30%, though only policy compliant, would contribute significantly to affordable housing stock in the borough. The proposals would therefore be supported by Policy 11 & 13 and weigh in favour of the principle of development.
- 7.20 Provision of a dedicated medical facility including a pharmacy was supported in the consultation response from the Leicester, Leicestershire & Rutland Integrated Care Board. Discussions regarding need and occupation of the site have been advanced with the applicant, ICB and 'The Severn Surgery', an established practitioner based in Oadby seeking to lease the unit upon completion.
- 7.21 The Health Hub Development Case supporting document outlines The Severn Surgery, the only GP surgery in the eastern quarter of Oadby, has exceeded 10,000 patients and is projected to reach 15,000 patients by 2028. The existing site on Uplands Road is assessed as being at capacity. The strain on health care providers such as GPs is a well-documented national issue with the Borough not being exempt from such issues.
- 7.22 Normally a proposed residential development would be expected to provide a health care contribution to cover the costs of additional patients minus any existing capacity. A new application cannot be expected to negate existing issues. As such contributions would as a best-case cover costs immediately arising from a development but does not create additional capacity which must still be delivered by the GP or NHS.
- 7.23 The proposed medical centre is projected to provide a 12 fold increase in GP floor space and 3 fold increase in GP consultation space on existing facilities. The additional capacity of the proposal would provide far in excess of the requirements of the development and what

regular contributions would provide and would serve a significant benefit to the residents of Oadby. As such it weighs heavily in favour of the principle of development.

- 7.24 In a somewhat similar vein the provision of a flexible use Community Building which is a facility not generally provided on a scheme of this size or covered by standard developer contributions would provide a positive benefit for residents of the wider area not just the proposed residential development. The nearest such facility is the Walter Charles Centre on the West Side of the A6, provision of such a facility on the east side is considered to be a significant benefit weighing in favour of the development.
- 7.25 It is noted that a number of representations on the application raised concerns that the existing portion of agricultural land might form a phase 2 development and should form part of the consideration for this application. Determination however can only be made on the application as proposed and cannot be prejudiced against on this basis. The existing agricultural fields are currently used for the keeping of grazing livestock so it is not considered to be unreasonable that the landowner would want to retain part of the land for the herd.
- 7.26 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 and there is considered to be some adverse impact contrary to Policy 43, the impact on the countryside is somewhat mitigated through the developments integration into the Country Park and is outweighed by the substantial public benefit associated with the proposal.

Impact of the Proposal on the Street Scene and Local Surroundings

- 7.27 Policy 6 (and its supporting text) of the Local Plan states regarding all new development: *'The Council will require the highest standards of inclusive design and use of the highest quality materials for all new development in the Borough. Proposals for new development must create a distinctive environment by respecting the existing local and historic character.'*
- 5.3.1 – 'High quality design, and the use of high quality materials is paramount in ensuring that new development creates attractive, buildings and spaces that are sustainable, well connected, and are in character within the locale they are set. It is imperative that new development provides buildings and spaces that people enjoy now and in the future'.*
- 5.3.4 – 'Any development proposal should deliver the highest possible quality of design and use of materials'.*
- 5.3.14 – 'Development should have regards to and enhance local character and history by ensuring that it responds to its landscape setting and history of the area, topography and wider context, within which it is located, as well as the local streetscape and local building materials'.*
- 7.28 Furthermore, Policy 44 of the Local Plan indicates that *'Development proposals will only be permitted where it is in keeping with the area in which it is situated.'*
- 7.29 The main body of the residential development is screened from respective street scenes to the west and south of the site. The separation this part of the development enjoys is considered to allow for greater independence of character as it is not tied to the existing local character of neighbouring residential developments. Greater emphasis therefore on achieving high quality design rather than copying the existing. Whilst design features would need to be finalised at the reserved matters stage the residential scheme does feature a number of positive design features in the information provided including a wildlife pond.

- 7.30 As addressed in the Landscape Appraisal the character and enjoyment of the open countryside to the east of the site would not be unduly impacted given the retention of the defined soft edge of the site which forms a natural boundary to Oadby. Rather impact on the character of the area would be within the site from the loss of the existing open agricultural land. Despite this the development is considered to form a unique transition between the settlement of Oadby and open countryside. The integration of a development within the verdant surroundings of the Country Park, regardless of adverse impact, is considered to constitute high quality design in line with the requirements of Policy 6.
- 7.31 The central hub has a more direct impact on the street scene character of the area with the community hub occupying a prominent corner on Florence Wragg Way and Bluebell Close and the medical centre being prominent on Bluebell Close. The prevailing character of the street scene is of 2 & 2.5 storey residential dwellings for which the projected scale by virtue of footprint and associated large parking areas would be out of character. Despite this given the heights of these buildings they would be comparable or less in the case of the community hub. As such on current information it is considered these buildings would not compete visually with the existing pattern of development or fundamentally change the character of the area to the extent that it would justify refusal of the application. Despite this the final proposals at the reserved matters stage would be expected to achieve a high quality design in order to accord with Policy 6. The care home though taller is set further into the site with the massing largely screened by the buildings to its south so is not considered to unbalance the existing street scene.
- 7.32 Whilst this matter would need to be considered at reserved matters stage it is considered that subject to suitable materials and appearance being proposed the application should be able to comply with Policies 6 and 44.

Impact of the Proposal on Neighbouring Properties

- 7.33 The Council's Residential Development Supplementary Planning Document seeks to ensure that new development is designed so that it does not unacceptably affect the amenities enjoyed by the occupiers of neighbouring dwellings, particularly through loss of daylight or privacy.
- 7.34 The bulk of the residential development is set centrally within the lower field of the existing agricultural land. This area is set back from the sites boundaries and is largely screened from neighbouring properties by retained woodland and hedgerows on said boundaries. As such the proposed dwellings are not considered to impact the amenity of neighbouring properties.
- 7.35 The opening of a vehicular access at the end of Pipistrelle Way would contribute to limited disruption with regards to comings and goings to the car park, allotment land and southern part of the Country Park. It is not considered to directly impact the amenity of the properties directly as there is no substantial structure proposed in the vicinity.
- 7.36 Similarly the works to the pedestrian access to the site from Devonian Road for the provision of a pedestrian & cycle path to the proposed residential development are not considered to directly impact the amenity of the nearby properties. The impact would be limited to increased comings and goings via an existing access into the site which is to remain pedestrianised.
- 7.37 The primary concern in respect of impact on neighbouring properties is considered to be from the works at the main site access as well as siting of the care home, medical facility and community hub and the resulting impact to dwellings on Bluebell Close, Woodlands Court and The Pastures (as per the below).



- 7.38 The above excerpt from the illustrative masterplan is indicative with full details needing to be submitted at the reserved matters stage to address any concerns or make better use of space within the rest of the site. Regardless it is considered that the indicated scale and siting is likely reflective of the final proposals and a reasonable indication upon which to assess the impact on residents in the vicinity.
- 7.39 This is not least because the provision of the medical & community facilities are intended to serve and benefit the wider community not just the proposed development. Therefore provision should be encouraged at an accessible point of the site in preference to centrally or to the far side of the site.
- 7.40 In assessing the impact on neighbouring properties it is noted that existing dwellings on the boundaries of the site, the layout of dwellings is tightly packed and are a mix of 2 and 2.5 storey with many properties featuring dormers and rooflights indicating accommodation in the loft spaces. The impact on the residential amenity of these properties needs to be considered whether an impact is demonstrably worse than the existing situation.
- 7.41 The proposed community building is situated closest to the junction of Florence Wragg Way and Bluebell Close with an indicative single storey height. Based on the illustrative masterplan it is set approximately 15.5m from the side garage of No.2 Pipistrelle Way and approximately 16m at its closest point to the boundary at the rear with Woodland Court. As indicated on the plan it is expected that this boundary would continue to benefit from trees, hedgerows or other landscaping. Given the proposed single storey nature of the community centre in conjunction with the distance to neighbouring properties and boundary treatments it is considered there is little impact on residential amenity on the current basis.

- 7.42 The medical facility is set closest to neighbouring properties being approximately 20m from the rear amenity space of No.16 Woodlands Court and 13.5m from the principal elevation at an oblique angle. Based on this siting and comparable heights the impact on this property is considered to be no greater than that from existing dwellings in terms of loss of light, overbearing or loss of privacy. This relationship would need to be monitored at the reserved matters stage as an increase in height or closer siting may have a detrimental impact on the already limited rear amenity space of No.16 Woodlands Court.
- 7.43 Set furthest away from the access to the site the proposed care home is indicated to be 3 storeys which would be in excess of other parts of the development and existing dwellings. Despite this it is set at a significant distance from the dwellings at Woodlands Court, approximately 37.5m from the detached garage of No.12 Woodlands Court. Additionally, this boundary is marked by a high hedgerow which limits immediate impacts to the loft dormers of No. 12 & 13 Woodlands Court. As such although the care home would be higher than the surrounding development it is difficult to substantiate that impacts from this development would unduly harm neighbouring properties.
- 7.44 A further issue raised through the public consultation was that the proposal would exacerbate an existing anti-social behaviour issue from the park. This is not considered to be the case as the provision of natural surveillance within the site from occupants would be as likely to reduce anti-social behaviour. It is not considered that demonstrable harm could be proven or that it would make the principle of development unacceptable.
- 7.45 Based on the information provided it is considered that the proposed level of development could be accommodated within the site without causing an unacceptable degree of harm to neighbouring properties. As discussed in this section the impacts of the proposal may change and would need to be reassessed at the reserved matters stage.

Impact of the Proposal on the Local Highway

- 7.46 Though access to the site is a reserved matter, to establish the principle of development consideration must be given to impact on the 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.'*
- 7.47 In support of the proposals the application includes submission of the following documents relating to highways issues:
- DTA Transport Planning Consultants (DTA), Transport Assessment Addendum (TAA) 'Land at Oadby Grange, Oadby', Report Ref: SJT/SC/23460-04d, dated 11 April 2024
 - DTA Transport Planning Consultants (DTA), Residential Travel Plan (RTP) 'Land at Oadby Grange, Oadby', Report Ref: SJT/SC/23460-03b, dated 11 April 2024
- 7.48 The Transport Assessment documentation assessed the site to be ideally located for residential development and sustainable for the following reasons:
- The surrounding area exhibits good levels of pedestrian and cycling infrastructure, with public transport opportunities within acceptable walking distance of the site;
 - Key local amenities within Oadby, including primary schools and shops are accessible within the recommended walking distances; and
 - A review of the latest five-year personal injury collision data for the surrounding area does not indicate any existing highway safety issues that would warrant mitigation as part of the development proposals.

- 7.49 It is also asserted that the proposal has been shown to conform to local and national policy requirements. With regard to paragraph 114 of the National Planning Policy Framework:
- The opportunities for sustainable transport modes have been taken up: the site is well located in terms of accessibility on foot to local facilities and nearby. This will be supported by a Travel Plan;
 - Safe and suitable access can be achieved for all people: the vehicular access design conforms with design standards, whilst foot and cycle connections provide routes through to surrounding areas;
 - The design of streets, parking areas, will reflect current national guidance; and
 - Impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be effectively mitigated to an acceptable degree via the applicant agreeing to secure mitigation works (by condition) towards two LCC schemes of mitigation at the A6/Florence Wragg Way roundabout and A6/Ash Tree Road junction.
- 7.50 As part of the assessment of the proposals highways impact various discussions have been undertaken with Leicestershire County Council Highway Authority.
- 7.51 The site is currently accessed via the existing priority T-junction of Florence Wragg Way and Bluebell Close. In line with advice from the highways department this will be redesigned so the main direction of travel is north into the development, with the existing cul-de-sac as a new junction off the main street. This will result in the existing dwellings being located on a side street and not on the main Bluebell Close with the existing residents being required to turn right off the cul-de-sac onto the new Bluebell Close. It is noted on the illustrative masterplan that the east facing dwellings served off the shared drive from Bluebell Close are not connected to the proposed road which would need to be corrected at the reserved matters stage.
- 7.52 The Transport Assessment included testing data for the site access design with the predicted flows in the 2029 and 2031 Design Years. This predicts that the site access would still operate within capacity in both the AM and PM peak hours. Highways confirmed they consider the principle of the access to be acceptable.
- 7.53 To demonstrate the highway safety of the site the Transport Assessment included Personal Injury Collision (PIC) data for surrounding roads. The highway authority did a more comprehensive assessment encompassing a wider area as the provided scope was not deemed sufficient. Having undertaken this assessment the highway authority considered that the proposal would not exacerbate any existing highway safety situation.
- 7.54 To assess the projected trip generation for the proposed development the Transport Assessment included the below table for AM and PM peak times. As part of assessing this impact on the highway network it was also outlined that trips for the medical centre would replace the existing surgery which would partially offset trips in the regard.

Land Use	AM Peak (0800-0900)			PM Peak (1700-1800)		
	Arr	Dep	Two Way	Arr	Dep	Two Way
Residential (C3)	37	77	113	51	38	90
Residential (C2)	6	4	10	3	7	10
Community Building	3	0	3	3	2	5
Medical Centre	80	32	113	35	70	105
Total	126	113	239	92	117	210

- 7.55 The highway authority advised that they accepted the trips associated with the new medical centre would transfer from the existing location via the internal estate roads and would not have a severe impact on the wider network. Additionally whilst staff numbers for the care home have not been finalised it was assessed as a typical 12 hour shift starting either early morning / evening and therefore peak trips would not coincide with the generally associated highway peaks. The highway authority confirmed that they consider that the projected trip generation to be acceptable and able to be accommodated on the existing highway network.
- 7.56 The highway authority was satisfied that junction assessments were sufficient, and the mitigation package appropriate. The highway authority also advised that following amendments they were satisfied with the submitted Travel Plan subject to its implementation from first occupation being ensured by condition.
- 7.57 It was further advised that Arriva have indicated that they would be willing to serve an additional set of bus stops adjacent to Rockbridge Road to connect on to the pedestrian access into Devonia Road. The highway authority have recently put a new stop in on Hunters Way, near Rockbridge Road as Arriva are now serving the estate in both directions. Whilst the stops closest to Rockbridge Road currently have basic infrastructure, comprising of only a pole and flag, or a flag on a lamp column, the highway authority believes there is little scope for enhancing these stops due to the narrow width of the footways. Therefore the highway authority does not consider there is justification to ask the applicant to fund bus stop improvements. Nevertheless, the highway authority have included a request for a Section 106 contribution to cover the costs of travel packs and two six-month bus passes per dwelling.
- 7.58 The highway authority summarised that the applicant has tested the impact of the proposed development compared to the extant development on the local highway network and the highway authority considers that the residual 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.

Impact of the Proposal on Ecology and Biodiversity

- 7.60 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. The proposal intends to exceed the no net loss requirement by providing an increase of 5.13% for habitat units and 3.61% for Hedgerow units as outlined on the Biodiversity Metric accompanying the application. The majority of habitat unit loss would be from the loss of the grass meadow to accommodate the residential development so provision of an increase in excess of 5% above the requirement represents a benefit from the proposal. It was also agreed with the applicant that the biodiversity net gain would be assessed using a baseline across the site excluding the retained agricultural field as this land is not required for development and has only been included within the redline area on the request of the council to allow proper planning control is exercised over this part of the site.
- 7.61 The Ecological and Biodiversity Impact Assessment which built upon the findings of the Preliminary Ecological Appraisal and Phase 2 surveys confirmed that habitats, designated sites, foraging and commuting bats, badgers, breeding birds, amphibians and reptiles had the potential to be negatively affected by the proposed development. As such, mitigation

measures have been outlined to safeguard the status of these protected and notable species, reducing the effect to neutral or a positive effect.

- 7.62 The suggested mitigation measures included provision of roosting opportunities for bats and nesting opportunities for birds which could be integrated into buildings. Additional measures included provision of two suitable hibernacula for reptiles, connective habitat along field boundaries with crossing points underneath highways and additional planting and habitat creation around the pond for amphibians and provision of 'hedgehog highways' including holes in fence lines. The protected species enhancements will be secured by a Biodiversity Enhancement and Management Plan condition.
- 7.63 County Ecology have accepted the above, although did have issues with the evaluation of the baseline grass habitat units and impact from the proposal on the long term viability of said units. Despite this they did advise that in the absence of mandatory biodiversity net gain legislation or strong policy wording supporting the protection of candidate local wildlife sites, the main goal should be to ensure the created and enhanced habitats proposed on site are managed and maintained appropriately.

Provision of Country Park

- 7.64 As was raised in the representations received on the application the existing site is locally referred to as a Country Park with some believing the site is owned, and should be maintained, by Oadby & Wigston Borough Council. This is a misconception however, whilst the site by virtue of its various Public Rights of Way, Bridleways and informal footpaths is used as a recreational space by residents it is not a formal park and is private land. Some years ago it was intended that the land indicated on the plan below be established as a Country Park however this did not occur.



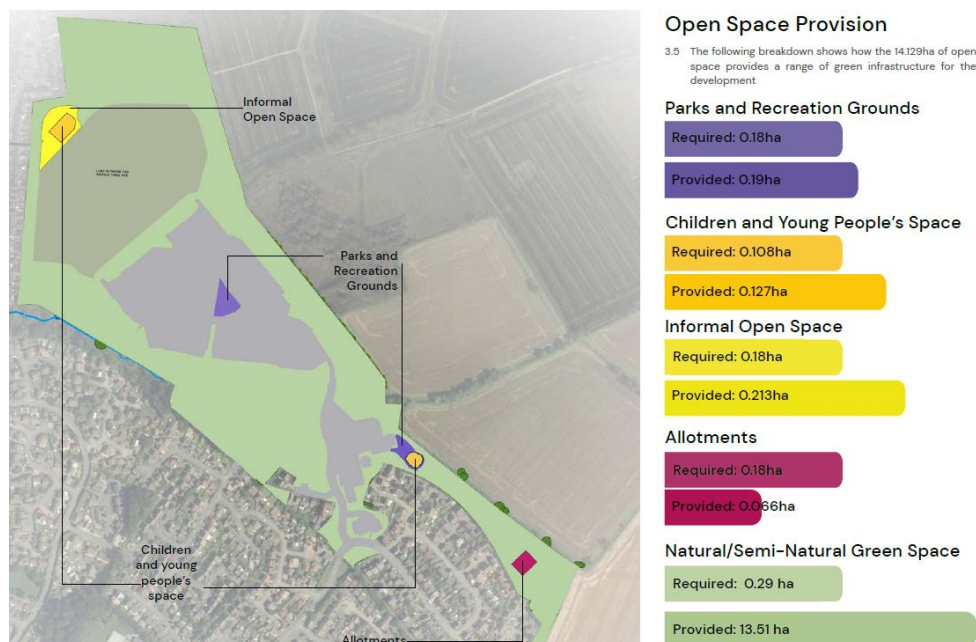
- 7.65 As a result the site has not been maintained to a high standard with many paths being overgrown to the extent the site is largely disconnected. For example there is no formal path on the eastern side of the existing agricultural land, rather there is an informal path which becomes inaccessible when overgrown.
- 7.66 Formal paths namely footpath Z5 from Windrush Drive, footpath C42 along the Wash Brook watercourse and bridleway Z11 from Gorse Lane cut west to east across the site. This

leaves the site somewhat fragmented and dysfunctional for recreational use and would benefit from greater internal connectivity.

- 7.67 As such the establishment of a functional and maintained Country Park integrating the various disconnected paths and areas of open space is therefore to be of significant benefit to local residents.
- 7.68 The proposed Country Park would encompass an area of 12.97ha (as per the below plan), sufficient to be designated a Country Park, and would connect the existing disjointed paths transecting the site.



- 7.69 The site of the Country Park would occupy a peculiar shape to incorporate as much of the existing woodland, boundary hedges and public footpaths/bridleways as possible. The guiding principle of the Country Park is that it would create several areas of open space which are interconnected through the site through maintenance of existing paths or creation of new ones. For example the northern section which features a play area would become more accessible by the maintenance of the paths running either side of the existing agricultural land whilst the south of the site which would feature allotment land would become accessible in a way it hasn't been before by creation of a new path running to the centre of the site. The intention is that visitors would utilise all areas of the Country Park, in this vein a small car park is proposed at the end of Pipistrelle Way to encourage starting a visit at the bottom of the site and walking up rather than going only to the closest section.
- 7.70 Some features of interest within the proposed site are the provision of additional SuDS and ecological ponds, different areas of Local Equipment Area for Play (LEAP) throughout the site, tidying of the existing site pond and various vegetative enhancements to provide Biodiversity Net Gain on the site.
- 7.71 As demonstrated on the plan below the site would accommodate almost all of its outdoor space requirements on site with the only exception being in respect of outdoor sports space for which an off-site contribution has been requested.



- 7.72 A criteria for designation of the Country Park is that the public should have some influence over the management and development of the site. The future management of the site has been discussed with the agent with the Council advising on cost of operation based upon Brocks Hill Country Park. There are two scenarios for long term management either it is operated through a management company on behalf of residents of the development or is adopted by the Council though this would require a financial contribution for upkeep.
- 7.73 The cost formula for upkeep should the Country Park be adopted by the Council is based on the Developer Contributions SPD for off-site contributions. This is split between capital and maintenance per hectare and for Parks and Recreation Grounds which for a 20-year maintenance contribution, the per hectare cost for Parks and Recreation Grounds is £101,518.80 per hectare, x 12.97 hectares = £1,316,698.84* (*rounded to 2 decimals). This would work out at a cost of £65,834.94* (*rounded to 2 decimals) per annum.
- 7.74 Overall provision of the Country Park represents a unique opportunity to deliver an enhanced open space community asset that would rectify the issues experienced with visiting the current site. It would preserve the defined verdant edge to the settlement of Oadby and provide a significant benefit to residents.

Developer contributions and Section 106 Agreements

- 7.75 Policy 46 of the 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).
- 7.76 The consultation response from Leicestershire County Council Developer Contributions has outlined the below table of contribution requests to meet the projected needs of residents from the development. This does not include highways contributions which are addressed separately.

Libraries	Oadby Library	£4,439.06
Waste	Oadby HWRC	£0.00
Primary Education	Brookside Primary School	£809,499.60
Secondary Education	Beauchamp College	£358,235.04
Post 16 Education	Beauchamp College	£0.00
SEND Education	Wigston Birkett House Community Special School	£82,979.20

- 7.77 No contributions are sought in respect of waste or post 16 education as there was assessed to be sufficient existing capacity for these criteria so a contributions request could not be justified.
- 7.78 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. This can be ensured through the Section 106 agreement.
- 7.79 As part of their response on the proposal Leicestershire County Council Highway Authority requested the following contributions:
- Travel Packs; to inform new residents and employees from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500.00.
 - Six-month bus pass, one per employee (application forms to be included in Travel Packs and funded by the developer); to encourage new employees to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. This can be supplied through LCC at (average) £490.00 per pass.
 - Two six-month bus passes 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. These can be supplied through LCC at (average) cost of £490.00 per pass.
 - A Framework Travel Plan monitoring fee of £11,337.50 for Leicestershire County Council's Travel Plan Monitoring System.
 - Appointment of a Travel Plan Co-ordinator from commencement of development until five years after the occupation of the last unit. The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.
 - A contribution of £14,035 towards capacity improvements to the A6 / Ash Tree Road junction to include new nearside push buttons, on-crossing detectors, and kerbside detection.
- 7.80 The Leicester, Leicestershire & Rutland Integrated Care Board were supportive of the provision of a medical facility which in addition to meeting the needs of the development would provide a surplus of capacity to the benefit of local residents. On the basis of provision of the medical centre no contribution would be needed however discussions are on-going between the applicant and ICB with regards to a fallback position should the medical facility not be delivered...i.e. an off-site financial contribution.
- 7.81 For the provision of outdoor sports space the Council is seeking circa £66,000.

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. Additionally there is considered to be some adverse effect from the proposal contrary to Policy 43. Despite this the proposal offers a significant level of public benefit through provision of the Country Park, care home, community facility, affordable housing and medical facility providing benefits to local residents which is considered to outweigh these policy considerations.
- 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 district and helping to ensure that the Council can maintain a five-year supply of housing land in accordance with the NPPF.
- 8.4 It is therefore considered that the principle of development is acceptable. 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 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 Agreement to address the following matters as detailed above, to be finalised by the Head of the Built Environment.

- 9.2 The following conditions are applicable to the permission.

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 (Redline Plan) - P17-2244_DE_005_G_1 (received 11 July 2024)

Illustrative Masterplan – P17-2244_DE_007_R_01 (received 11 July 2024)

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) access
 - D) appearance; and

E) 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. 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
 - Hours of work on the development site
 - The parking of vehicles of site operatives and visitors
 - The loading and unloading of plant and materials
 - The siting of the site compound
 - The storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding and floodlighting
 - Wheel washing and street cleansing facilities
 - Measures to control the emission of dust and dirt during construction
 - A scheme for recycling / disposing of waste resulting from demolition and construction works
 - Routing of delivery vehicles to / from site
 - 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.
 - A method to inform neighbours of progress across the site in particular in periods of the noisiest activity
 - No bonfires to be lit on the site
 - Treatment of Public Rights of Way during the construction phase of the development

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.

7. No development approved by this planning permission shall take place until such time as a foul water drainage scheme has been submitted to, and approved in

writing by the Local Planning Authority, in accordance with the Flood Risk Assessment and Drainage Strategy, Woods Hardwick, Rev C. The development must then be carried out in accordance with these approved details and completed prior to first occupation.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with the aims and objectives of the National Planning Policy Framework.

8. 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.

9. Each of the play areas / play trails shall not be installed unless and until details to include the scale, layout, design and materials of that play area / play trail have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To safeguard the amenity of neighbouring properties and ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with 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.

10. 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.

11. 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 BG21.341.5 Rev 3 (received 11.07.2024) 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.

12. No development shall take place until a scheme for the delivery of the Country Park, open space and retention of the agricultural land has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing and width of paths, signing and landscaping of the whole site, together with a timetable for its implementation and on-going management. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable as guided by the plans contained within the Green Infrastructure and Design Statement – Ref P17-2244, Revision F. Thereafter the approved scheme shall be retained and maintained in accordance with the approved details.

Reason: To ensure delivery of facilities for the benefit of residents and ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6, 37 and 44 of the Oadby and Wigston Local Plan.

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

14. No external plant or machinery either attached to buildings or free standing (including roof and wall mounted flues, vents, air conditioning or ground source heat pumps) shall be installed without the details first being submitted to and agreed in writing by the Local Planning Authority on a planning application submitted in that regard.

Reason: To prevent any possible adverse impacts to neighbouring properties from any external plant and machinery in respect of noise and odour.

15. Prior to the commencement of the development, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the local planning authority. The BEMP shall demonstrate measurable biodiversity net gain as set out in the Ecological and Biodiversity Impact Assessment Biodiversity Net Gain metric, provided by Brindle and Green, July 2024. The plan shall include:
- A) description, evaluation and location of the ecological features and biodiversity enhancement measures to be created and managed
 - B) ecological trends and constraints on site that might influence management
 - C) aims and objectives of biodiversity enhancements and their management including for protected species
 - D) appropriate management options for achieving the aims and objectives of the project

- E) prescriptions for management actions
 - F) preparation of a work schedule
 - G) details of the body or organisation responsible for implementation of the plan
 - H) on-going monitoring and remedial measures
- The development shall be implemented in accordance with the approved BEMP.

Reason: To ensure Biodiversity Net Gain and on site biodiversity and ecological enhancements are achieved in accordance with the aims and objectives of the National Planning Policy Framework, Policy 37 of the Oadby and Wigston Local Plan.

16. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP) 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
 - D) Timing of works to avoid harm to nesting birds
 - E) Responsible persons for overseeing sensitive works
 - 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 LPA.

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. Prior to commencement of development, full details of a scheme for the location of bat roosting and bird nesting features to be integrated into buildings and suitable hedgehog gaps in boundary features, in accordance with the recommendations set out in the Ecological and Biodiversity Impact Assessment – Ref BG21.341.1 Rev 3, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any dwelling hereby permitted features shall be installed on the site in accordance with the approved details. Photographs of the integrated bird and bat boxes and hedgehog haps within the new dwellings should be provided in order to discharge this condition.

Reason: To ensure the suitability of the ecological enhancements to be provided within the scheme in accordance with the aims and objectives of the National Planning Policy Framework, Policy 37 of the Oadby and Wigston Local Plan.

18. No part of the residential development hereby permitted shall be occupied until such time as the access arrangements shown on DTA Transport Planning Consultants drawing number: 23460-06 have been implemented in full, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of

general highway safety and in accordance with the National Planning Policy Framework.

19. Prior to any commencement on site, a walking / cycling improvement scheme along with Stage 1 Road Safety Audit, Designers Response and amended drawing if required for the A6 / Florence Wragg Way roundabout shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be in line with the principles of the adopted South of Leicester Area Local Cycling and Walking Infrastructure Plan (LCWIP) Conceptual Design, 4G, Appendix E (drawing ref – PC3350-RHD-CE-SL-DR-R4-0007 revision P01) and be available for use prior to first occupation of any dwelling of the development hereby permitted.

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

20. No part of the development hereby permitted shall be first occupied until a Framework 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 Framework 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.

21. 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, in accordance with the Flood Risk Assessment and Drainage Strategy, Woods Hardwick, Rev C. 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.

22. 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, in accordance with the Flood Risk Assessment and Drainage Strategy, Woods Hardwick, Rev C. 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.

23. 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, in accordance with the Flood Risk Assessment and Drainage Strategy, Woods Hardwick, Rev C. 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.

24. 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, in accordance with the Flood Risk Assessment and Drainage Strategy, Woods Hardwick, Rev C.

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

25. No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which 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 mitigation 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.

26. No demolition/development shall take place/commence until a written scheme of investigation (WSI) for Historic Building Survey and Topographic Survey has been [submitted to and] approved by the local planning authority in writing. For the land and structures that are 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 a satisfactory historic building survey and topographic survey and to record and advance understanding of the significance of the affected resource prior to their loss.

7.2 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. 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.
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
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.