



The Planning
Inspectorate

Report to Oadby and Wigston Borough Council

by Mike Fox

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 11th October 2012

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE OADBY AND WIGSTON TOWN CENTRES AREA ACTION PLAN

DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 5 March 2012.

Examination hearings held between 11 and 14 June 2012

File Ref: PINS/L2440/429/5

Abbreviations Used in this Report

A1	Retail use in the Use Classes Order
AA	Appropriate Assessment
AAP	Area Action Plan
AMR	Annual Monitoring Report
DPD	Development Plan Document
ERDF	European Regional Development Fund
LCC	Leicestershire County Council
LDS	Local Development Scheme
LIP	Local Infrastructure Plan
LPA	Local Planning Authority
MM	Main Modification
MSCP	Multi-storey car park
PUA	Principal Urban Area
RP	Regional Plan
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SPD	Supplementary Planning Document
SuDS	Sustainable Urban Drainage Scheme

Non-Technical Summary

This report concludes that the *Oadby and Wigston Town Centres Area Action Plan* Development Plan Document provides an appropriate basis for the planning of the plan area over the next 15 years, providing a number of modifications are made to the plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan. All of the modifications to address this were proposed by the LPA, and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The modifications can be summarised under five broad headings as follows:

- **Sustainable development** – including a new policy of a presumption in favour of sustainable development.
- **Wigston town centre** – reducing the amount of new office floorspace provision to better reflect the current and anticipated economic climate over the plan period; clarifying the provision of a continuous pedestrian spine, the full pedestrianisation of Bell Street, the inclusion of new specialist housing, the Gateway improvements and the relationship to the Public Realm SPD.
- **Oadby town centre** - reducing the amount of office floorspace provision to better reflect the current and anticipated economic climate over the plan period; introducing the concept of 'shared use' to the proposed public square at Brooksby Place; and clarifying the provision of a new/enhanced circular pedestrian way and the relationship to the Public Realm SPD.
- **Development management** – inclusion of references to take into account potential impacts of development on green spaces and biodiversity, and the need to incorporate Sustainable Drainage Systems (SuDS).
- **Implementation and monitoring** – ensuring the plan is linked to the Annual Monitoring Report (AMR) and relevant partnerships; and clarifying the phasing of major schemes to ensure that the impact caused by the loss of existing public car parking is minimised.

Introduction

1. This report contains my assessment of the Oadby and Wigston Town Centres Area Action Plan (AAP) Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the DPD has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the DPD is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (*the Framework*) (paragraph 182) makes it clear that to be sound, a DPD (Local Plan) should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the Examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my Examination is the Draft Area Action Plan which was submitted on 5 March 2012, which is the same as the document published for consultation in October – December 2011.
3. My report deals with the main modifications that are needed to make the DPD sound and legally compliant and they are identified in bold in the report **[MM]**. In accordance with section 20 (7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications that go to soundness have been subject to public consultation although an additional Sustainability Appraisal (SA) has not been necessary, and I have taken the consultation responses into account in writing this report.

Assessment of Duty to Co-operate

5. Section 20 (5) (c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
6. Both town centres have close relationships with the city of Leicester and the neighbouring districts of Blaby and Harborough in terms of retail catchments, bus routes, education (especially South Leicestershire College at South Wigston) and travel to work areas. The plan recognises these relationships and has not been prepared in isolation. This is evidenced by the lack of objections from neighbouring authorities, and the close involvement with Leicestershire County Council (LCC), neighbouring districts and where appropriate, other organisations and groups, in progressing a range of important policy objectives. These include economic regeneration, sustainable transport, public realm improvements and specialist housing provision.
7. I am therefore satisfied, from the evidence presented during the Examination, including at the Hearings, that the Council has amply demonstrated that the AAP has been prepared in full compliance with the Duty to Co-operate.

Assessment of Soundness

Overview

8. The town centres of Oadby and Wigston are located to the south-east and south of Leicester city centre. The entire built-up area of Oadby and Wigston (combined population 55,597 in 2001) lies within the Leicester Principal Urban Area (PUA). The PUA definition stems from the *East Midlands Regional Plan* (2009) (RP), which also forms the basis for the Council's *Core Strategy*¹, to which this plan closely relates.
9. Wigston town centre is one of only two designated town centres in the Leicester PUA; the other, at Beaumont Leys, is located on the opposite side of the city. Wigston is the main retail centre in the borough with the greatest variety of shops and other facilities. Oadby town centre is a district centre, one rung lower on the retail hierarchy, with less national retail multiples than Wigston, but with several small independent and specialist shops. Both town centres draw some trade from surrounding areas, but they also fall within the retail catchment areas of Leicester city centre and the out-of-town Fosse Park shopping centre, to the south-west of the city centre.
10. *Core Strategy* policy 2 provides the strategic framework for the regeneration of Wigston and Oadby town centres, to sustain and enhance their roles. The AAP seeks to put flesh on the bones of the *Core Strategy* and provide for the community, retail, commercial and infrastructure needs of the two towns. The Leader of the Council, in his foreword, states that both centres have their individual challenges, and draws attention to the significant community involvement in the preparation of the plan, which was also evident during the Hearings.
11. Providing for significant regeneration schemes in both centres to enhance the viability and vitality of the local economy is a significant challenge. The need to safeguard residents' living conditions from the impact of new retail and commercial development and supporting infrastructure presents a further challenge. The plan rises to both challenges in a positive way.
12. The national planning framework has changed significantly since the plan was submitted in October 2011. *The Framework*², introduced in March 2012, replaces the previous set of national policy documents. Representors have therefore been given an opportunity as part of this Examination to submit additional comments in relation to *the Framework*. I have also had full regard to the Government's *Planning for Growth* agenda, and the Localism Act 2011. The Government has announced its intention to revoke the East Midlands RP but it remains in force at the time of writing and I have therefore had regard to it.

Main Issues

13. Taking account of all the representations, including written evidence and the

¹ Borough of Oadby and Wigston: *Oadby and Wigston Core Strategy*; Adopted 28 September 2010 [Examination Document I1a].

² Department for Communities and Local Government: National Planning Policy Framework (*the Framework*); March 2012.

discussions that took place at the Examination Hearings, and the representations (including five petitions) submitted during the consultation period into the Council's proposed modifications following the Hearings, I have identified five main issues upon which the soundness of the plan depends.

Issue 1 – Is the strategy of the plan soundly based to meet the needs of Oadby and Wigston in relation to national policy, the East Midlands Regional Plan, the Oadby and Wigston Core Strategy, the Sustainability Appraisal and the Oadby and Wigston Sustainable Community Strategy?

14. The plan aims to deliver the basis for a transformational change to both Oadby and Wigston town centres over the period to 2026. Its strategy accords with the economic, social and environmental aims of national policy, including *the Framework*, the *Growth Agenda* and the Localism Act, subject to the inclusion of a new policy in presumption of sustainable development and associated explanatory text which the Council has suggested [MM1-2].
15. The *Core Strategy* is in conformity with the East Midlands RP and provides the statutory planning context for the AAP, and there are no significant conflicts between the two parts of the development plan. I am also satisfied that the AAP, and its preferred options, have been informed by and are not contrary to, the main findings of the Sustainability Appraisal (SA).
16. The plan aims to meet the three key spatial development outcomes of the *Sustainable Community Strategy*, ie to achieve sustainable use of land, a balanced housing market and a healthy economy, in addition to the other main outcomes of that document.
17. I therefore conclude that the plan's strategy, subject to the above modifications, accords with national policy, the East Midlands RP, the *Core Strategy*, SA and *Sustainable Community Strategy*, and is therefore justified.

Issue 2 – Does the plan provide a sound framework for the sustainable development of Wigston Town Centre?

Expansion of retail and office floorspace

18. The *Core Strategy* provides for approximately 13,000 m² (gross) retail and 5,000 m² (gross) office floorspace in Wigston town centre. The plan slightly reduces the *Core Strategy*'s retail provision to 11,800 m², although the office floorspace allocation in the submitted plan is significantly greater, at 11,000 m². The reduction in retail floorspace is not significant, and it is realistic and justified in the light of the economic situation and the findings of the Council's *Retail Capacity Study*³. Although the proposed South East Extension⁴ for about 450 new homes is not scheduled to start until 2017, this is within the plan period, and the development would be within easy walking distance of Wigston town centre. I consider that this is a material consideration in support of the amount of retail floorspace proposed.

³ *Oadby and Wigston Retail Capacity Study*, on behalf of Oadby and Wigston Borough Council: Savills; October 2008 [Examination Document K1].

⁴ See *Core Strategy* Spatial Objective 6: Growth of the Principal Urban Area, page 110f.

19. Several representations stated that the plan should concentrate on bringing into use existing vacant properties before embarking on ambitious plans for new retail floorspace. The Council, however, pointed to the low vacancy rate in Wigston town centre (about 5% in 2007, and currently below the national average) and stated that most of the vacant units are peripheral to the retail core. Secondly, the national multiple retailers, which Wigston needs in greater numbers if town centre regeneration is to be realistic, require larger retail 'footplates' of around a minimum of 140 m² (1,500 sq ft), whilst many of the existing town centre shops are below 90 m² (1,000 sq ft). I therefore consider that the plan's redevelopment strategy is justified.
20. The significant increase in office floorspace above the *Core Strategy* provision is mainly accounted for by the need to include a new health centre. The Council's suggestion, however, to reduce this figure from 11,000 m² to 9,000 m² in policy 13 [MM 3] in the light of the economic situation, is endorsed as justified.
21. In view of the above considerations and taking all the background evidence into account, the proposed amount of retail and office floorspace in Wigston town centre in policy 13, subject to the above modification, is justified; I will consider its effectiveness under issue 5 below.

Urban design

22. The urban design principles of the AAP originate from a masterplan⁵ which has been prepared for the Council by consultants. This was based on detailed consideration of scheme options and the public consultation response. The plan identifies three key areas of change for new development - at Burgess Junction to the north-west of the town centre, at Chapel Mill in the centre/east, and at Long Lanes to the south-east. The new retail, office, housing and infrastructure developments in these areas would be linked by an improved and extended pedestrian network, including a new town square, and Gateway improvements, together with enhanced public transport and public car parking.
23. There is also a commitment to secure a high quality public realm in both the existing main shopping streets and in new public areas. This goes hand in hand with recognition of the importance of the quality of design in both new development and in enhancing existing frontages. The Council has suggested a change to paragraph 4.54 and additional bullet points in paragraphs 4.61, 4.73 and 4.89, to refer to the *Public Realm SPD*⁶ [MM 4-7]. These are endorsed as justified, together with the Council's suggested change to paragraph 4.39, to clarify the requirement for features such as high quality spaces and large footprint retail units [MM 8].
24. The main concentration of new retail development would be just to the south of the proposed multi-storey car park (MSCP) at Burgess Junction. The pattern of new development would follow the route of a new/improved

⁵ The Wigston Masterplan is shown in figure 4.2 in the submitted AAP.

⁶ Oadby and Wigston Borough Council: *Oadby and Wigston Draft Public Realm Strategy Supplementary Planning Document (SPD)*; February 2012 [Examination Document I11]. NB This document was adopted on 2 September 2012.

pedestrian/pedestrian priority link (The Lanes). It would integrate with the existing shopping areas and transform tracts of underused land, mostly unprepossessing surface level car parks. It has the potential to bring about significant economic, access and environmental benefits to the town centre.

25. The proposed retail and office development at Chapel Mill, in the heart of the town, would focus on a new town square next to the Library, with new public transport and taxi facilities, whilst Long Lanes would be developed for new housing and amenity areas in addition to retail/leisure uses and some car parking to partially replace the spaces lost in the Paddock Street car park.
26. The quality of urban design is a significant factor in securing successful transformation, not only economically, but as an attractive place to visit, work and live. I therefore endorse the plan's urban design principles, subject to the proposed modifications, as positively prepared and justified.

The evening economy

27. The plan recognises that the town centre lacks a vibrant evening economy and with it an emptiness after the end of the normal working day and increased likelihood of anti-social behaviour. I agree with the Council that the proposed commercial development, including cafés and restaurants, and additional housing, should increase both the vitality of the town centre and natural surveillance, whilst a new town square would be suitable for holding evening events. The plan's response to the challenge of the evening economy is therefore endorsed as justified.

Housing

28. The amount of housing proposed in Wigston town centre is broadly in line with the *Core Strategy*, as set out in its supporting information to policy 1, whilst the mix reflects the housing need taken from the Council's Choice Based Lettings System⁷. In addition to meeting need, the new housing provision would also bring about important environmental and community benefits for the town centre and contribute to its viability and vitality.
29. The plan proposes one major new housing development in the Long Lanes area in the south-east quadrant, for 150 dwellings, in a mix of town houses and apartments, together with an element of retail/leisure development. Its location, facing Bull Head Street to the east and Paddock Street to the south, would be suitable in terms of quality of outlook for future residents, and it would secure much needed environmental regeneration. Much of the site is currently occupied by the well used Paddock Street car park, which will need to be safeguarded until adequate replacement parking can be provided.
30. The supporting text to policy 15 indicates that the tenure mix will be determined by policy 11 of the *Core Strategy*, which requires 20% of all new dwellings on sites of 10 dwellings and over to be for affordable housing. The Council has suggested making reference to Extra Care Housing⁸ in paragraph

⁷ Oadby and Wigston Borough Council: *Matter Three – Wigston Town Centre* – see paragraph 3.12.1 [Examination Document Q5c].

⁸ 'Extra Care Housing' is specialised housing that provides independence and choice to adults with varying care needs, and is described in more detail in the *Core Strategy*, paragraph 7.36.

4.79 in the explanatory text [**MM 9**], in accordance with policy 12 of the *Core Strategy*, and the proposed housing mix in Long Lanes is therefore justified.

31. Whilst the potential for new homes to be provided through the change of use of upper floor units within the plan area is supported in policy 8, I note the comments made by the County Council's Communities and Places Manager that many of these dwellings have limited potential for upper floor conversions to residential use. This potential source of new housing in Wigston town centre is therefore likely to be limited.

Access and movement

32. The existing pedestrian links through the town centre are largely unattractive and in parts disjointed, discouraging pedestrian movement. In order to overcome these problems, the plan provides for a convenient and environmentally attractive continuous pedestrian spine, known as The Lanes. It would broadly follow a north-south alignment, from Wakes Road and Burgess Junction in the north-west to Paddock Street in the south-east, running roughly parallel to the two main roads that define the town centre – Long Street/ Leicester Road to the west, and Bull Head Street, a busy dual carriageway along the eastern periphery.
33. The Lanes would be a largely dedicated pedestrian link between the principal new developments and the existing retail and commercial areas. The public realm improvements along The Lanes would contribute significantly towards town centre regeneration. In view of its importance, the Council has proposed changes to policy 13 and paragraph 4.53 to refer to an indicative route for The Lanes on the Proposals Map, to be safeguarded from any development which might block or undermine the continuity or pedestrian-friendly character of this route [**MM 10-11**].
34. The Council has also suggested that policy 13 is modified to propose the full pedestrianisation of Bell Street [**MM 12**], which is the principal shopping street in the heart of the town where the main anchor store is located. Its enhancement and the removal of vehicular traffic from this street are considered to be critical to the regeneration of Wigston town centre. The changes to the proposals for The Lanes and Bell Street are endorsed as justified.
35. In relation to sustainable transport, policy 12 proposes improved cycle parking and public transport facilities and access to them. The masterplan, which is referred to in the AAP, also provides for a taxi rank to the south of the Library on Bull Head Street. The Council's suggested change to policy 13, to include reference to public transport facilities along Bull Head Street and Leicester Road [**MM 13**], is endorsed as justified.
36. In view of the importance of accessible car parking to the local economy, the plan increases the existing amount by 194 spaces to a new total of about 500 spaces, to accommodate the needs of the town resulting from the impact of the new development. The net increase of parking proposed in the plan is not disproportionate to the needs of the town centre, and is therefore justified.
37. The increased parking provision would be delivered primarily through the new

400 spaces MSCP at Burgess Junction, but the development proposals would also result in the loss of some accessible parking areas. The phasing of new development to ensure an acceptable level of continuity of parking provision is addressed in Issue 5 below.

38. I therefore endorse the access and movement proposals in the plan, subject to the Council's suggested changes, as justified and in accordance with national policy.

Conservation and archaeology

39. *Core Strategy* policy 15 provides a strategic context for enhancing local character and distinctiveness. The Council, in response to representations from English Heritage, has suggested that paragraphs 4.43 and 4.73 should be amended to refer to the need for new development to either enhance or not to have a detrimental effect on the historical character of the Wigston Lanes Conservation Area [MM 14-15]. These modifications are endorsed as justified.

Issue 3 – Does the plan provide a sound framework for the sustainable development of Oadby Town Centre?

Expansion of retail and office floorspace

40. The Council sees Oadby's role as a small town centre, providing a range of smaller, independent and specialist shops, cafés and restaurants, with a catchment that is relatively affluent and which includes the nearby University of Leicester's Oadby Campus. The ethnic and religious mix in Oadby is considered to be more diverse than in Wigston, and the plan seeks to address these needs in addition to its economic and environmental agenda.
41. The *Core Strategy* provides for approximately 5,000 m² (gross) retail and 1,000 m² (gross) office floorspace in Oadby town centre. AAP policy 17 slightly increases the town centre's retail provision to 5,070 m², although the office floorspace allocation is significantly greater than in the *Core Strategy*, at 2,300 m². The increase in retail floorspace is not significant and is justified in the light of the possible increased use of the centre by nearby students, the findings of the Council's independent retail capacity study and the likely improvement in the economic situation over the plan period.
42. As with Wigston, several representations stated that the plan should concentrate on bringing into use existing vacant properties before embarking on ambitious plans for new retail floorspace. The Council, however, indicated that the vacancy rate in Oadby town centre is low (about 3% in 2007 and even in the recession, its rate of around 6% is below the national average of 14.3%). The need for larger retail floor plates, which have already been commented on in relation to Wigston, is perhaps even greater for Oadby because there is no anchor store, and the proposals at Baxter's Place would deliver new retail development at a floorspace size which is not currently available in the vacant property portfolio of Oadby.
43. The Council's view is that Oadby is the defined office centre in the Borough, although it has suggested that commercial floorspace provision should be

reduced to 800 m² in policy 17, which is significantly less than for Wigston town centre [MM 16]. This is realistic in the present economic climate.

44. In view of the above considerations, the proposed amount of retail and office floorspace in Oadby town centre in policy 17, as modified, is justified; I will consider its effectiveness under issue 5 below.

Urban design

45. The urban design principles of the plan are based on a masterplan⁹, following detailed consideration of scheme options and public consultation. The plan identifies two key areas of change for new development. They are located on either side of The Parade, which is the main shopping street through Oadby town centre, at East Street/Brooksby Square to the east and Sandhurst Street/Baxter's Place to the west. The new retail, office, housing and community use developments in these areas would be linked by improved pedestrian routes, which are currently unattractive and in some cases uninviting.
46. There is a commitment to secure a high quality public realm in both The Parade and in new public areas, and the Council has suggested changes to paragraphs 5.55, 5.59, 5.70 and 5.81, to refer to the *Public Realm* SPD [MM 17-20]. This goes hand in hand with recognition of the importance of the quality of design in both new development and in enhancing existing frontages. The reasons for not pedestrianising The Parade are clearly explained in the Council's evidence¹⁰ and this is generally supported in the representations; the wide pavements, the existing convenient bus penetration and the lack of alternative routes for vehicles all point to the public realm improvements proposed in the plan as being justified and effective.
47. The plan addresses the poor environmental quality of the two existing car parks and aims to transform them into attractive public spaces, whilst retaining existing levels of car parking in the town centre. This would occur through redistribution, involving a net loss in the east and an equivalent gain in the west. The East Street car park would be developed in part as a new public place, Brooksby Square, with residential development to the north, close to Leicester Road (the A6), and an improved public realm on South Street which links to The Parade. About 150 of the existing parking spaces at the southern half of the car park would remain.
48. Following negotiations with representors, the Council has suggested that policy 18 should be amended to make provision for a shared use public square, enabling car parking when the square is not required for community activities [MM 21], which is endorsed as justified.
49. Policy 19 proposes the redevelopment of the surface level car park at Sandhurst Street, to the west of The Parade, for a new public square at Baxter's Place, with new retail and commercial floorspace, community use and

⁹ The Oadby Masterplan is shown in figure 5.2 in the submitted AAP.

¹⁰ Oadby and Wigston Borough Council: *Matter Four – Oadby Town Centre* – see paragraphs 4.8.1-4.8.4 [Examination Document Q5d].

a decked car park. The Council has suggested a change to paragraph 5.72 to refer to the need for all tree planting to be in conformity with the *Public Realm SPD [MM 22]*, which is justified as the proposals involve the loss of some well established trees in the south-east corner of the existing car park.

50. As with Wigston, the quality of urban design in Oadby is seen as a significant factor in securing the successful transformation of the town centre, not only economically, but as an attractive place to visit, work and live. I therefore endorse the plan's urban design principles, as modified, as positively prepared and justified.

The evening economy

51. There is recognition that the town centre is largely deserted at night, with an increased likelihood of anti-social behaviour. I note from the debate at the Hearings that the Council considers that Oadby probably has a greater potential than Wigston for developing the evening economy. This view is based on its consultation feedback from local schools and the town centre's proximity to a large student population, as well as the existing range of cafés and restaurants.
52. I agree with the Council that the proposed increase in commercial, residential and community development should increase both the vitality of the town centre and natural surveillance, whilst the new town squares would be suitable for holding evening events. The plan's response to the challenge of the evening economy is therefore endorsed as justified.

Housing and community facilities

53. The increased housing provision within Oadby town centre is important for the same sustainable reasons as for Wigston. The proposed 75 residential units, in addition to meeting need, in accordance with *Core Strategy* policy 1, would also secure important environmental and community benefits. The principal scheme for 35 apartments would be located to the north of the East Street car park, whilst the remaining units are expected to be completed on the upper floors of mixed use schemes, where the potential for this form of development (in accordance with policy 8) is considered to be greater than for Wigston.
54. Concerns were raised that the East Street housing development would take away valuable car parking spaces and 'close off' the views of the Methodist Church from Harborough Road (the A6) to the north. The principal elevation of the church faces onto Harborough Road and would not be unduly affected by the new housing development, whilst on balance the housing, economic and environmental benefits would outweigh the loss of some of the parking spaces at East Street, which would in any event be reinstated at Baxter's Place. The East Street scheme would also play a part in meeting Oadby's affordable housing needs in accordance with *Core Strategy* policy 11.
55. The comprehensive study commissioned by the Council into the faith needs of the community¹¹ identified a concentration of local need, especially in Oadby in

¹¹ *Faith Community Profile and Places of Worship Needs Assessment*: CAG Consultants; December 2008 [Examination Document N2].

relation to the Black and Minority Ethnic population. The plan provides for the reinstatement of the former Library in Sandhurst Street as an Islamic Cultural Centre as part of the Baxter's Place redevelopment proposals. This accords with paragraph 70 of *the Framework*, which states the need to plan positively for places of worship. Concerns that the Centre would take up valuable car parking provision are outweighed by the proposed replacement car park, yielding a net increase in spaces and by the value of the Centre to all sections of the community who would be free to use it.

56. In conclusion, the plan's housing and community facilities provision is positively prepared, justified and in line with national policy.

Access and movement

57. The existing pedestrian links in the town centre are generally environmentally poor and in part unwelcoming, especially between The Parade and Sandhurst Street car park to the west. In order to encourage pedestrian movement, the plan makes provision for an improved and environmentally attractive circular pedestrian way, between The Parade and the proposed redevelopment at Baxter's Place, in addition to an enhanced link between The Parade and the proposed Brooksby Square to the east.
58. The Council has therefore suggested a change to policy 17 and paragraph 5.55 to refer to an indicative pedestrian way on the Proposals Map, to be safeguarded from any development which might block or undermine the continuity or pedestrian-friendly character of this route **[MM 23-24]**. The Council has also suggested amending paragraph 5.79 to include reference to the junction of The Parade and Sandhurst Street where the pedestrian should be prioritised over the car **[MM 25]**. These changes are endorsed as justified.
59. In view of the importance of accessible car parking to the local economy, the plan broadly retains the existing amount of car parking provision of about 370 spaces in the town centre. The Council's suggested amendment to policy 17, bullet point 4, clarifies that the 370 spaces are existing, as opposed to new, spaces **[MM 26]**. The Council's proposed modification to paragraph 5.49 clarifies that this means that the loss of approximately 20 spaces in the East Street car park would be compensated by a corresponding increase of approximately 20 at the new Baxter's Place decked car park **[MM 27]**. These modifications are endorsed as justified.
60. The Council's car parking survey figures were challenged by several representors. The key differences between the figures appear to be explained by the Council's discounting the reserved spaces in the East Street car park. Further submissions on car parking provision by both the Oadby Civic Society and the Council¹² bear this out.
61. Concern was expressed that the plan does not make provision for an increase in the number of public parking spaces in Oadby town centre. The Council considers, and I agree, that many of the additional visits made as a result of the development proposals would be 'linked trips' to existing destinations in

¹² Parking Statistics prepared by Oadby Civic Society and the Council's Response [Examination Document U7].

the town centre, which would justify retaining rather than significantly increasing town centre parking spaces.

62. The level of proposed retail and office growth in Oadby is significantly less than for Wigston, where the plan proposes some increase in public parking provision. Some of the demand for shops and other town centre facilities is likely to come from residents and students from the Leicester University campus, within a short walking distance of the town centre. The level of parking provision proposed in the plan would not be disproportionate to the needs of the town centre, and is therefore justified.
63. Like Wigston, a key concern in several representations was the impact of the proposed development on the continuity of parking provision in Oadby town centre. The provisions of the plan to address this are addressed in Issue 5 below.
64. Concern was expressed over the impact of the proposed decked car park at Baxter's Place (policy 19), for several reasons: firstly, that its location would be less convenient for town centre users than the East Street car park, which would lose spaces both temporarily and permanently to make way for new development; secondly, that the structure would be overbearing on the outlook from the residential properties on Primrose Hill and Chestnut Avenue which back onto the proposed car park; and thirdly, on the grounds of noise and disturbance to the surrounding residential area, both from anti-social activities at Baxter's Place and from increased traffic to and from the proposed car park using Sandhurst Road, which is a residential cul-de-sac.
65. Regarding the relative convenience of the two car parks, the Council maintained that the walking distances between The Parade and the East Street and Sandhurst Street car parks are similar, and this was confirmed at the accompanied site visit. Nevertheless, a recent Council car parking survey¹³ showed a significantly greater level of vacant car parking spaces at Sandhurst Street (42%) than at East Street (14%), indicating public preference for East Street. This could be partly explained by the unwelcoming quality of the pedestrian links to The Parade, which the plan addresses.
66. Turning to the impact on the outlook for neighbouring residential properties, the proposed decked car park is still subject to detailed design work. Paragraph 5.68 indicates that the two-storey structure would be partly sunk, in order to minimise its impact on the living conditions of neighbouring residents in Primrose Hill and Chestnut Avenue to an acceptable level. An initial cross section produced in response to my request at the Hearings¹⁴ shows that this can be achieved. In terms of disturbance to the surrounding area, the transformation of a tired looking surface car park into a pleasant focal point for retail, business and community use, together with a sound management policy for the new car park and public space, should reduce rather than increase current levels of anti-social behaviour, noise and disturbance.

¹³ Oadby and Wigston Borough Council: *Car Parking Survey*; January 2012 [Examination Document M2].

¹⁴ Taylor Young: *Sandhurst Car Park Site Sections*; 19 June 2012 [Examination Document U6].

67. Regarding the impact on the Sandhurst Street residents, the additional traffic using this street for access and egress to and from the new car park would be based on around 20 additional car parking spaces, or about a 10% increase on existing provision, together with some service traffic. This impact could be further reduced if a proportion of the trips to the new facilities at Baxter's Place are shared trips with visits to existing destinations within Oadby, a point the Council made at the Hearings. I therefore conclude that the economic, social and environmental benefits of the Baxter's Place proposals, including the new decked parking provision, would outweigh the disbenefits.
68. In relation to other forms of transport, I endorse the Council's suggested change to paragraph 3.40, to make reference to the provision of a waiting area for taxis **[MM 28]**. The access and movement policies for Oadby, subject to the Council's suggested changes, are therefore endorsed as justified, effective and in accordance with national policy.

Issue 4 – Are the development management policies sound?

Town centre boundaries

69. The development management policies cover the delineation of the town centre boundaries, Primary and Secondary Frontages, hot food takeaways, taxis, the public realm, shop fronts, security shutters, upper floor uses, and the area which falls outside the designated town centres. The final policy in this group deals with transport matters.
70. Concern was expressed that the redrawing of the town centre boundaries to encompass smaller areas than in the existing *Local Plan*¹⁵ would exclude a number of businesses, forcing the closure of many of them. The Council considered that the tightening of the town centre boundaries would focus growth, especially retail and residential, in the core areas, and encourage bringing into positive use previously developed (brownfield) land, thus supporting their viability and vitality. I endorse policy 1, which articulates this approach, as being compliant with the principles of the *Core Strategy*, and therefore justified, effective and in accordance with national policy.

Primary and Secondary Frontages

71. Policy 2 requires more than 70% of units along the primary frontages in Wigston (90% in Bell Street) and 65% in Oadby to remain in A1 retail use, and no more than three consecutive units in non-A1 use on the identified frontages. The Council stated that the lower percentage in Oadby allows for its more pronounced restaurant and café culture, whilst the most recent survey work indicates that the plan requirements are realistic. I therefore consider policy 2 and the criteria based approach in policy 3 (Secondary Frontages) to be justified and effective.

Other town centre areas

72. The Council has suggested changes to the explanatory text to policy 4 (other areas within the town centre boundary) and policy 5 (other areas within the

¹⁵ Oadby and Wigston *Local Plan*; Adopted 1999.

Area Action Plan boundary) to cover the need for an ecological survey and to increase the amount of natural green space where appropriate, [MM 29-32]. I endorse these changes and the Council's suggested changes to policy 5, to refer to office as well as retail thresholds, [MM 33-34] as justified.

Shopfronts, security shutters, use of upper floors, hot food takeaways and taxis

73. Policies 6, 7 and 8 (shopfronts, security shutters and use of upper floors) are endorsed as being appropriately criteria based and therefore justified.

Public realm

74. The Council has suggested three changes in relation to the public realm: firstly to policy 11, to refer to the *Public Realm* SPD; secondly, to paragraph 3.43 to make reference to the importance of capitalising on opportunities provided by public realm improvements to replace existing hard surfaces with permeable materials and secure sustainable drainage systems (SuDS) and appropriate mitigation measures in line with SA recommendations; and thirdly, to policy 11, to refer to Gateway improvements, as illustrated on the Proposals Map. The Gateways are important areas for regeneration that seek to improve access and movement for the pedestrian and motor vehicle (where relevant) and create a sense of arrival into the town centres. These changes [MM 35-37] are endorsed in the interests of plan justification.

Transport and movement

75. Policy 12 sets out the plan's sustainable transport requirements, including improved cycling and bus provision, in relation to development proposals. The Council's suggested change to refer to Travel Plans in paragraph 3.50 [MM 38] is endorsed as justified and in line with national policy, as is the Council's suggested change, to include in paragraph 3.56 its objective of improving bus services between Oadby and Wigston town centres [MM 39]. The addition of references, in policy 12 and paragraph 3.60, to Section 106 and/or Section 278 agreements to fund off-site works where new or improved infrastructure is required to address development impacts [MM 40-41] is endorsed as justified, effective and consistent with national policy.

Issue 5 – Are the implementation and monitoring aspects of the plan sound?

Phasing

76. The phasing of key development proposals in both Wigston and Oadby town centres is important for two reasons; firstly to ensure continuity of public car parking provision during the plan period and secondly to limit the risk of prematurely unviable schemes.
77. In Wigston, there is more of a natural 'coming together' of these two considerations than in Oadby; the Council's Sensitivity Analysis (see paragraph 93f below) shows that the implementation of the Burgess Junction proposals (policy 14), including the 400 space MSCP in the early part of phase 1, has the healthiest viability prospect of all the town centre development schemes, and would also deliver the additional car parking spaces before other car parks

were required for development.

78. The phasing of new development in relation to the continuity of parking provision in both town centres has been expressed as a key concern in several representations. These concerns were especially linked to the Paddock Street car park in Wigston and the East Street car park in Oadby.
79. It is vital to the local economy and general functioning of Wigston that the town centre does not lose the majority of its existing car parking spaces pending the completion of the Burgess Junction MSCP. The Council has therefore suggested an amendment to paragraph 4.50, to ensure that the new car parking, either at Burgess Junction or elsewhere in the town centre is operational before work commences on the implementation of other development proposals which would involve the loss of existing car parks **[MM 42]**. This is endorsed as justified and effective.
80. The loss of most of the existing car parking spaces at Paddock Street for the Long Lanes housing scheme and other development proposals in policy 15 would impact on many of the users of Age Concern, which runs a wide range of services across the Borough and beyond, mostly but not exclusively for the elderly. It was clear from both evidence submitted and at the accompanied site visit that Age Concern has an impressive and highly valued community involvement.
81. Many people using the facility are not able to walk long distances to and from car parks, and the nearby Paddock Street car park is convenient for these users. The longer term impact would be mitigated, however, partly by the provision of disabled parking spaces within the Chapel Mill area, about 150-170m to the north of Age Concern, via part of The Lanes pedestrian route, ie within convenient walking distance of many of the users of Age Concern.
82. The proposed Long Lanes housing development also includes public and private car parking in an undercroft, which would be located at a similar distance from Age Concern as the existing Paddock Street car park. The Council has also suggested a change to policy 15 to require a minimum of 30 public car parking spaces at this location, with the retention of at least the existing number of disabled spaces **[MM 43]**, and a change to paragraph 4.80 to refer to the requirement for a formalised drop-off facility on the south side of Paddock Street at its eastern end **[MM 44]**.
83. Whilst these provisions only go part way to restoring the convenience of the existing parking situation for users of Age Concern and other facilities and services in the south-east sector, this has to be viewed against the overall regeneration benefits to the town centre of significant new housing development and associated environmental and access improvements, all of which should reap economic and community benefits. The improved facilities for buses and taxis on Bull Head Street would also be within convenient walking distance of Age Concern.
84. Turning to Oadby town centre, there were concerns over the 'unacceptable' loss of existing public car parking spaces at East Street; this loss would be both in the short to medium term as a result of construction works for the shared use public space at Brooksby Square, but also permanently when the

housing scheme at the northern end of the car park was implemented.

85. It was debated at the Hearings whether the development phasing should be changed from the submitted plan, so that the Baxter's Place development – and in particular the decked car park – could be implemented prior to work commencing on East Street/ Brooksby Square, as a way of securing the continuity of the well-used East Street car park. Two reasons have led me to discount this option. Firstly, the Council has now secured other ways of ensuring that the loss of public car parking at East Street can be compensated, pending the completion of the decked car park at Baxter's Place. Secondly, the Council's Sensitivity Analysis (see paragraph 93f below) shows that the Baxter's Place proposals are unlikely to be viable within phase 1, or in the earlier part of phase 2.
86. Regarding the short term loss of public car parking spaces at East Street, I requested the Council to explore options of securing alternative spaces to serve the town centre to make good this loss. The Council has secured written agreement in principle to an equivalent number of public parking spaces being made available for use by town centre visitors at a nearby superstore¹⁶, which is located less than 300m to the north-west of the junction of The Parade with South Street via a signal controlled crossing of Leicester Road (A6). I consider this to be an acceptable and safe walking distance. Another nearby superstore has also indicated it would be willing to consider allowing the public access to its parking in the longer term.
87. With these provisions in mind, plus the potential for increasing the number of spaces at Sandhurst Street through redesigning the layout, the Council has suggested a change to paragraph 5.50 to ensure that none of the existing car parking spaces at East Street will be lost until an equivalent number of spaces is made available, either within the town centre or within a convenient and safe walking distance from the town centre [**MM 45**]. This is endorsed as justified and effective.
88. In the longer term, the loss of parking spaces at the north end of the East Street car park and at the Sandhurst Street car park would be compensated by the implementation of the decked car park for at least 200 spaces at Baxter's Place to the west of the town centre (policy 19). Although some spaces could be retained at Sandhurst Street whilst the decked car park was constructed, it would also be necessary during this period (scheduled for phase 2) to secure the 'temporary' use of parking spaces within convenient and safe walking distance of the town centre pending the opening of the decked car park for public use. Sandhurst Street car park is also less well used than East Street, so the target number of temporary spaces could be lower than for East Street.
89. The other phase 1 component in both town centres is the proposed improvements to the public realm. From evidence presented at the Hearings, there appears to be a reasonable prospect of European Regional Development Fund (ERDF) finance, especially in Oadby, being made available for a joint LCC/Council public realm bid, with a successful outcome expected in October

¹⁶ Letter from General Store Manager of Asda, Leicester Road, Oadby to Oadby and Wigston Borough Council, dated 18 June 2012 [part of Examination Document U7].

2012, following which work could start in the financial year 2013/2014. The inclusion of major public realm works in phase 1 is therefore endorsed as effective.

90. The Council has suggested amendments to the Local Infrastructure Plan (LIP) (Appendix D) to give more certainty to the phasing, both in additional text [MM 46], changes to the first bullet point in Appendix D [MM 47], changes to the table [MM 48] and the deletion of the area to the south of South Street from bullet point 3 in policy 18. The Council has also suggested the insertion of more generalised text because it is a 'stand alone' scheme which could be implemented without reference to the Council's LIP, and is not part of the critical path [MM 49-50]. Subject to these changes, the phasing provisions of the plan are endorsed as effective.

Viability

91. The economic viability of the principal development schemes in both town centres was debated at the Hearings, and commented on in some of the post Hearings representations. The Sensitivity Analyses in the Council's *Delivery Strategies*¹⁷ and its *Delivery Strategies Update*¹⁸ show that (at August 2011) two of the three main schemes for Wigston (Burgess Junction and Long Lanes) would yield a financial surplus, whilst the remaining scheme, at Chapel Mill, could be turned from a loss into a small profit by reducing the public realm expenditure. The profit in most of the schemes was slightly below the 15% viability threshold which the Council's property advisors considered would be appropriate. Although this percentage is considered too low by some representors, no robust evidence has been submitted to persuade me to take a different view to the Council.
92. In contrast, all three main schemes in Oadby (East Street/ Brooksby Square; Baxter's Place; and The Precinct) showed significant funding gaps, indicating lack of viability, as at August 2011.
93. In response to my request, the Sensitivity Analysis for these town centre schemes was updated and then projected forward by five years (ie to the end of phase 1), taking account of a number of reasoned assumptions. These *Revised Valuations*¹⁹ identified a number of changes to the factors that formed the basis of the original Sensitivity Analysis.
94. The changes which formed the basis of the new Sensitivity Analysis in the *Revised Valuations* can be summarised as: (1) the Council's formal decision on 26 June 2012, to allow the release of any of its town centre car park land for development on the basis of an initial nil consideration for any appropriate scheme, and not to seek market value at the outset; (2) a recently completed (March 2011) residential scheme in Oadby town centre for 57 one and two

¹⁷ *Delivery Strategy: Wigston Town Centre Masterplan*; prepared for Oadby and Wigston Borough Council by BE Group, August 2011; and *Delivery Strategy: Oadby Town Centre Masterplan*; prepared for Oadby and Wigston Borough Council by BE Group, August 2011 [Examination Documents H6b and H6a].

¹⁸ Oadby and Wigston Borough Council Town Centres Area Action Plan: *Delivery Strategies Update*; 6 June 2012 [Examination Document Q6].

¹⁹ BE: *Updated and Projected Valuations for Oadby and Wigston Town Centres*, June 2012 [Examination Document U5].

bedroom units, which shows that sales between May 2011 and March 2012 achieved prices in excess of the figures used in the original assumptions; (3) deletion of the retail/office development on the corner of South Street/The Parade from scheme costs (but not from the plan); (4) reducing the public realm costs to those to be undertaken through the ERDF award for Wigston town centre; and (5) increasing rental values in line with those currently achieved in Bell Street, Wigston, with lower figures used for Oadby, in line with updated market research figures.

95. The Council has also stated that it proposes to transfer the refurbishment of the East Street car park, Oadby, from the redevelopment scheme into the Council's general maintenance programme. Although this does not appear within the assumptions cited in the *Revised Valuations*, I have given some weight to this consideration, which could add favourably to the Sensitivity Analysis outcomes if the Council opted to do this.
96. In relation to the five key considerations mentioned above, the Council's decision that it is prepared in principle to allow release of town centre car park land for development on the basis of an initial nil consideration for any appropriate development scheme and not seek market values at the outset, is a major material consideration. This is especially relevant, considering the large extent of relevant Council land in both town centres and the significant financial amount that was assumed to be required to purchase these sites from the Council in the earlier *Delivery Strategy*.
97. This consideration was challenged in post Hearings representations on the grounds that no allowance has been made for a financial return that the Council would expect to recover at a future date. The Council's stated intentions, however, together with an adopted plan, would place its delivery in the Council's hands, and it would be for the Council at some future time to determine whether it would be realistic to seek a financial return, and what the size of that return might be.
98. The housing transactions cited by the Council relate to a scheme in Sandhurst Street, Oadby, which is located close to Baxter's Place. It is substantial in terms of the number of housing units and its properties are broadly comparable to those proposed at Baxter's Place and near Brooksbys Square. The recent transactions show that values have recovered to pre-2007 levels, and the locations of the proposed residential schemes are considered to be in locations in both town centres where these values are likely to be realised.
99. These figures drew some criticism from post Hearings representations on the grounds that the scheme quoted by the Council comprises specialised housing and is therefore a meaningless comparison. The figures, however, do point to an increase in property values in recent months, and in the absence of any specific evidence showing house prices declining at or near Oadby town centre, I consider that the housing assumptions in the Council's revised Sensitivity Analysis are not unreasonable.
100. The proposed retail/office development on the corner of South Street/The Parade could be detached from the Oadby town centre proposals without undermining the overall impact of the plan. The reduction of the public realm costs to a figure in line with an existing scheme in Wigston town centre seems

to be a realistic assessment without compromising design standards to an unacceptable level.

101. The revised rental values, although increased from the earlier estimate, would still not exceed existing levels in the prime shopping areas of the two town centres. The environmental improvements and general increase in confidence arising from the regeneration schemes in the two town centres could, in my view, achieve the levels assumed in the *Revised Valuations*.
102. The *Revised Valuations* also include a 5 years forecast, which is simply based on an improvement of rental values by 10%. This basic assumption was not robustly challenged; even if the rental values were to improve at around half the projected increase, none of the schemes are likely to remain unviable throughout the plan period.
103. Turning to Wigston, on the basis of the *Revised Valuations*, policy 14, which includes the Burgess Junction MSCP and the bulk of the new retail and commercial floorspace, could realistically be developed early in phase 1. Policy 15, including residential development and some retail/leisure use at Long Lanes, is likely to become viable towards the end of phase 1. The other major schemes in policy 16 including a new town square, retail and office development in the Chapel Mill area, are likely to be viable during phase 2 when this area is programmed for implementation.
104. In relation to Oadby, the *Revised Valuations* show that policy 18, for a new shared use public place, new housing and environmental improvements to the remainder of the car park at East Street/Brooksby Square (subject to the deletion of the proposal for retail development on the south side of South Street), is likely to be viable early in phase 1. Policy 19, for new retail, commercial and community uses around a central square, together with a decked car park at Baxter's Place, is likely to achieve viability at some point in the plan period, possibly mid way through phase 2.
105. The absence of any updated valuations for the scheme for The Precinct confirms the view expressed in the earlier *Delivery Strategy* that it would be unlikely to reach viability over the plan period. For this reason its absence from the phased programme is endorsed in the interests of the effectiveness of the plan, although it has not been deleted from policy 21, as an opportunity for mixed retail/residential development could be realised if conditions become more favourable in future.
106. Some of the assumptions used in the *Revised Valuations* have been challenged in post Hearings representations. I consider, however, that on balance the detailed work in these *Revised Valuations* reveals that the prospect of the Council successfully taking on the financially challenging renewal schemes for both of its town centres is realistic over the plan period.
107. In terms of interest and support from stakeholders, such as retailers and developers, for the enhancement of Oadby and Wigston town centres, evidence was presented at the Hearings to show that a significant number of national multiples had registered an interest in looking for suitable sites or units, indicating a reasonable level of potential demand.

108. In addition to the factors considered above, the Direction for Growth housing scheme to the south-east of Wigston, from 2017 onwards, will make a positive economic impact. In relation to viability, the plan is therefore endorsed as effective.

Developer contributions

109. Changes were sought for amendments to the LIP to include provision for developer contributions towards police infrastructure, especially in relation to aspects such as the evening economy and population growth. The Council drew my attention to the adopted *Developer Contributions SPD*²⁰ which includes a formula for policing needs which can be applied to any development of 10 dwellings or more or commercial developments of 1,000 m² or above; the police would need to justify any contribution sought in relation to a Section 106 Agreement in accordance with the Community Infrastructure Levy Regulations. The plan's stance in relation to developer contributions is therefore endorsed as justified, effective and consistent with national policy.

Monitoring

110. The Council has suggested an amendment to Appendix G, which is the monitoring framework, to refer to partnership working, crime rates and to the Council's AMR [**MM 51**], which is endorsed in the interests of a properly justified and effective plan.

Other matters

111. In addition to the five issues above, other parts of the plan were the subject of representations. These included representations relating to South Wigston, major improvements to the junction of The Parade with the A6 at Oadby, areas to the north of the A6 in Oadby, and details of the types of shops which were either desirable or undesirable in the town centres. These were either outside the scope or resources of the plan to deliver. There are no soundness issues requiring a modification in relation to any of the above matters or in relation to any other section of the plan.

²⁰ Oadby and Wigston *Developer Contributions Supplementary Planning Document (SPD)*; December 2011 [Examination Document I10].

Assessment of Legal Compliance

112. My examination of the compliance of the Core Strategy with the legal requirements is summarised in the table below. I conclude that the AAP meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The AAP is identified within the approved LDS, adopted in September 2011, which sets out an expected adoption date of September 2012. The AAP's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in March 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (October 2011) sets out why AA is not necessary.
National Policy	The AAP complies with national policy except where indicated and modifications are recommended.
Regional Plan (RP)	The Area Action Plan is in general conformity with the RP.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended)	The AAP complies with the Act and the Regulations.

Overall Conclusion and Recommendation

113. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.

114. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that, with the recommended main modifications set out in the Appendix, the Oadby and Wigston Town Centres Area Action Plan DPD satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the Framework.

Mike Fox

Inspector

This report is accompanied by the Appendix containing the Main Modifications