



PLANS COMMITTEE

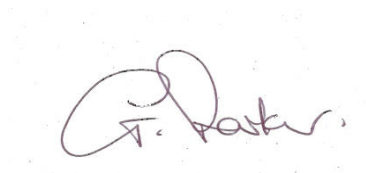
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To: Councillors Bebbington, Bentley, Campsall, Forrest (Vice-Chair), Fryer, Gaskell, Grimley, Lowe, Page (Chair), Seaton, Snartt, Tassell and Tillotson
(For attention)

All other members of the Council
(For information)

You are requested to attend the meeting of the Plans Committee to be held in the Preston Room - Woodgate Chambers on Thursday, 26th July 2018 at 5.00 pm for the following business.



Chief Executive

Southfields
Loughborough

18th July 2018

AGENDA

1. APOLOGIES
2. MINUTES OF PREVIOUS MEETING 5 - 8

The Committee is asked to confirm as a correct record the minutes of the meeting held on 28th June 2018.

3. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were submitted.

4. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

5. PLANNING APPLICATIONS

9 - 102

The list of planning applications to be considered at the meeting is appended.

6. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS

103 - 107

A list of applications determined under powers delegated to officers for the period from 18th June 2018 to 13th July 2018 is attached at page E1.

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Charnwood Borough Council

Plans Committee – 26th July 2018

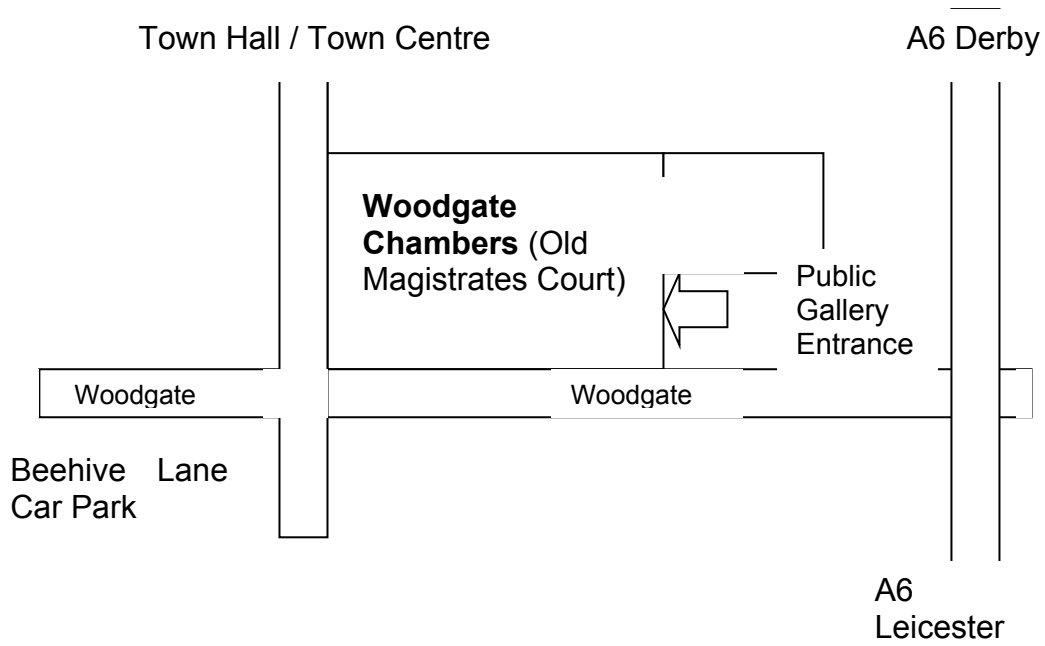
Index of Committee Items

Item	Application No	Applicant and Description	Location,	Recommendation	Page
1	P/18/0606/2	51 Garendon Road Loughborough LE11 4QB Change of use from class D1 (Day nursery) to large HMO (Sui Generis)		Grant Conditionally	A1
2	P/18/1161/2	25 Ashleigh Drive Loughborough LE11 3HN Removal of existing single storey extension and garage, and proposed erection of single storey extension with part flat and dual pitched roof to existing House in Multiple Occupation.		Grant Conditionally	B1
3	P/17/0881/2	129 Cropston Road Anstey Leicestershire LE7 7BR Erection of 46 dwellings.		Grant Conditionally subject to S106 Agreement	C1
4	P/18/0250/2	Land to the West of Aumberry Gap Aumberry Gap Loughborough LE11 1GB Redevelopment to provide student accommodation ranging from 3-12 storeys in a range of purpose built accommodation and approximately 1,774 sq. m.	Refuse		D1

of associated reception area, and flexible commercial space in use classes A1, B1, and D1, (retail, offices, communal areas, community space), together with public realm, landscaping, roof terraces and football pitch with associated green roofs, plant rooms, cycle storage, with servicing, refuse and recycling areas and car parking spaces with new vehicular access from Aumberry Gap following demolition of existing buildings and associated works.

WHERE TO FIND WOODGATE CHAMBERS

Woodgate Chambers
70 Woodgate
Loughborough
Leicestershire
LE11 2TZ



PLANS COMMITTEE 28TH JUNE 2018

PRESENT: The Chair (Councillor Page)
The Vice-chair (Councillor Forrest)
Councillors Bebbington, Bentley, Fryer, Gaskell, Grimley,
Savage, Snartt, Tassell and Tillotson

Group Leader Development Management
Team Leader Development Management
Principal Solicitor (KH)
Democratic Services Officer (MH)

APOLOGIES: Councillors Campsall, Lowe and Seaton

The Chair reminded members of the public and the Committee that the meeting was being recorded and that the recording would be made available on the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from the meeting, and the use of any such images or sound recordings was not under the Council's control.

6. MINUTES

The minutes of the meeting of the Committee held on 31st May 2018 were confirmed as a correct record and signed.

7. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were submitted.

8. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

The following disclosures were made:

- (i) by Councillor Bentley – a disclosure under the Planning Code of Good Practice in respect of application P/17/1720/2 that he had predetermined the application and would therefore leave the room while it was being considered;
- (ii) by Councillor Forrest – a personal interest in application P/18/0664/2 as she knew the person who would be speaking on behalf of the objectors; however she had not discussed the application and she retained an open mind;
- (iii) by Councillor Grimley – a personal interest in application P/18/0586/2 as he had worked for the applicant some years previously; however he had not discussed the application with the applicant and he retained an open mind;
- (iv) by Councillor Grimley – a disclosure under the Planning Code of Good Practice in respect of application P/18/0470/2 as he would be

- speaking on the application in his capacity as a ward councillor; he also lived in Queniborough and had been in correspondence with local residents regarding the application;
- (v) by Councillor Snartt – a disclosure under the Planning Code of Good Practice in respect of application P/17/1720/2 as he would be speaking on the application in his capacity as a ward councillor;
 - (vi) by Councillor Tassell – a personal interest in application P/18/0586/2 as the application site was in her ward; however she retained an open mind;
 - (vii) by Councillor Tillotson – a personal interest in application P/18/0664/2 as she knew the person who would be speaking on behalf of the objectors; however she had had no prior involvement with the application and she retained an open mind.

9. PLANNING APPLICATIONS

Reports of the Head of Planning and Regeneration, setting out applications for planning permission, were submitted (items 1 to 4 in the appendix to the agenda filed with these minutes).

In accordance with the procedure for public speaking at meetings, the following objector, applicants or their representatives and representative of a parish council attended the meeting and expressed their views:

- (i) Mr A. Gould (objector) and Mr A. East (applicant) in respect of application P/18/0664/2;
- (ii) Ms M. Stacey (agent) in respect of application P/18/0470/2;
- (iii) Mr P. Osborne (on behalf of the applicant) and Dr S. Pritchard (on behalf of Newtown Linford Parish Council) in respect of application P/17/1720/2.

In accordance with the procedure for Borough Councillors speaking at Plans Committee meetings, the following Councillors attended the meeting and expressed their views:

- (i) Councillor Parton in respect of application P/18/0664/2;
- (ii) Councillor Grimley in respect of application P/18/0470/2;
- (iii) Councillor Snartt in respect of application P/17/1720/2.

During the consideration of application P/18/0470/2 (Woodgate Homes, 85 Main Street, Queniborough), Councillor Grimley withdrew from the Committee table.

During the consideration of application P/17/1720/2 (Mr Peter Tyldesley, Bradgate Park, Bradgate Road, Newtown Linford), Councillor Bentley withdrew from the meeting.

During the consideration of application P/17/1720/2 (Mr Peter Tyldesley, Bradgate Park, Bradgate Road, Newtown Linford), Councillor Snartt withdrew from the Committee table.

RESOLVED

1. that, in respect of application P/18/0664/2 (Mr A East, 127 Park Road, Loughborough), planning permission be granted subject to the conditions and advice notes set out in the report of the Head of Planning and Regeneration and subject to the following additional condition:
 - to control the times at which construction work can take place in the interests of the amenity of local residents using the Borough Council's standard condition;
2. that, in respect of application P/18/0586/2 (William Davis Ltd, Land off Tickow Lane, Shepshed):
 - A. authority be given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into a Deed of Variation to the existing legal agreement under Section 106 of the Town and Country Planning Act 1990, on terms to be finalised by them, to secure the following additional infrastructure improvements:
 - £75,000 to be spent on Oakley Road Playing Fields towards the provision of a Skate Park;
 - B. subject to the completion of the Section 106 legal agreement referred to in resolution A above, planning permission be granted subject to the conditions, reasons and advice notes set out in the report of the Head of Planning and Regeneration;
3. that, in respect of application P/18/0470/2 (Woodgate Homes, 85 Main Street, Queniborough), planning permission be granted subject to the conditions and advice notes set out in the report of the Head of Planning and Regeneration;
4. that, in respect of application P/17/1720/2 (Mr Peter Tyldesley, Bradgate Park, Bradgate Road, Newtown Linford), planning permission be granted subject to the conditions and advice notes set out in the report of the Head of Planning and Regeneration and subject to the following amendment to condition 4:
 - any acoustic enclosures to be subject to prior approval by the Local Planning Authority.

10. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS

A list of applications determined under powers delegated to officers for the period from 21st May 2018 to 15th June 2018 was submitted (item 6 on the agenda filed with these minutes).

NOTES:

1. No reference may be made to these minutes at the Council meeting on 3rd September 2018 unless notice to that effect is given to the Democratic Services Manager by five councillors by noon on 18th July 2018.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Plans Committee.

Item No. 1

Application Reference Number P/18/0606/2

Application Type:	Full	Date Valid:	23/03/2018
Applicant:	Mrs Payal Walker		
Proposal:	Change of use from class D1 (Day nursery) to large HMO (Sui Generis)		
Location:	51 Garendon Road LOUGHBOROUGH LE11 4QB		
Parish:	Loughborough	Ward:	Loughborough Ashby
Case Officer:	Helene Baker	Tel No:	01509 634741

This application is presented to the Plans Committee at the request of the ward councillor, Councillor Bradshaw, who objects to the application on the grounds of the significant percentage of HMOs within the local area, the proximity of the site to William Morris Halls of Residence and its access and the compounding of parking problems on Garendon Road and access difficulties for the care home at 50/52 Garendon Road.

Description of the Application Site

No 51 comprises a relatively large two storey detached property, built as a dwelling, with a single storey building at the bottom of the rear garden. The property as a whole is currently vacant but was last used as a day nursery. The curtilage of the property is relatively spacious and there is provision at the front of the site for five car parking spaces.

To the east of the application site is a drive which serves four other properties as well as providing a public footpath link between Garendon Road and Garendon Green. The application site is within a residential area; there are dwellings to the side, rear and opposite the application site.

There is an extant outline planning permission for the erection of 4 x flats (Class C3) with associated parking in the curtilage of No 55 Garendon Road to the east of the application site.

Within 40 metres of the application site, and closer to Epinal Way, is the vehicular entrance to John Phillips Close, which provides one of three vehicular accesses to the William Morris Halls of Residence. This is supervised university accommodation for up to 478 students providing charged on-site parking spaces. This student accommodation has pedestrian accesses onto Epinal Way and Ashby Road which lead to the town centre and University campus.

Apart from double yellow lines along short sections of Garendon Road between the application site and the Epinal Way junction, there are no parking restrictions along Garendon Road. The residents were consulted on a residents' parking scheme in 2011 as part of the West of Loughborough Parking Study. This was overwhelmingly rejected by residents and as a result never implemented. The Highway Authority has reportedly been

contacted more recently about alleged parking problems on the road but it has been judged that there is currently no justification for the implementation of a scheme to deal with the alleged problems.

Description of the Proposal

This application is for the change of use of use of 51 Garendon Road from a 35 place day nursery (Class D1) to a large House in Multiple Occupation (HMO) (Sui Generis). Six bedrooms with a kitchen, lounge and 2 shower/wcs are proposed to be provided within the larger buildings at the front of the site. Three bedrooms with a lounge, kitchenette and bathroom are proposed to be provided within the smaller building at the rear.

The existing five on-site parking spaces to the front and side of the frontage building are shown to remain. Covered parking for 5 cycles is also proposed within a shed and there is bin storage space within the spacious enclosed rear garden.

There are no proposed alterations to the external appearance of the property.

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS2: High Quality Design requires new developments to make a positive contribution to Charnwood resulting in places where people would wish to live through high quality, inclusive design which responds positively to its context. New developments should respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials and access arrangements. The policy also requires new developments to protect the amenity of people who live and work nearby and those who will live in the new development.

Policy CS4: Houses in Multiple Occupation is concerned with managing the proportion of houses in multiple occupation. It states that the Council will support the well-being, character and amenity of communities by managing the proportion of houses in multiple occupation that, either in themselves, or cumulatively with other houses in multiple occupation, damage the social and physical character and amenity of a street or area, generate noise and disturbance which is detrimental to amenity, or generate increased demand for on-street car parking which would prejudice the safe operation of the highway or cause detriment to amenity. The policy explains that further policy and guidance will be prepared in respect of HMOs. In this regard, the Council has recently adopted its Housing SPD which is also a material consideration in determining the application.

Policy CS16: Sustainable Construction and Energy encourages sustainable design and construction and the provision of renewable energy including supporting developments that reduce waste, provide for the suitable storage of waste and allow convenient waste collections.

Policy CS25: Presumption in Favour of Sustainable Development

Borough of Charnwood Local Plan (adopted 12th January 2004) (saved policies)

The saved policies relevant to this proposal include:

Policy TR/18 - Parking Provision in New Development indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimise harm to visual and local amenities. The policy promotes standards that would require 3 parking spaces for a 4+ bedroom dwelling, although it states that this will be used as a starting point in assessing the level of provision and represents the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development; the availability of public off-street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

Material considerations

National Planning Policy Framework (NPPF)

The Framework does not make specific reference to control over HMOs but includes guidance which is relevant to this application as follows:

Paragraph 7 identifies the economic and social roles of the planning system, both to build a strong responsive economy by ensuring land (and presumably buildings) are available in the right place at the right time, and supporting the health of the community by ensuring housing for present needs that has a high quality built environment, which encompasses social and cultural well-being.

Paragraph 17 indicates that one of the 12 principles of planning is to seek a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 32 requires that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 50 calls for inclusive and mixed communities and that there should be plans for a mix of housing based on current and future demographic trends and the needs of different groups in the community. Planning authorities should be identifying the type and range of housing that is required in particular locations, reflecting local demand.

Paragraph 58 requires that decisions should aim to ensure that development, amongst other matters, creates an appropriate mix of uses and safe environments where crime and disorder do not undermine the quality of life or social cohesion.

Paragraph 69 indicates that local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve

places which are, inter alia, safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life.

Paragraph 123 requires that decisions on planning applications should aim to avoid noise giving rise to significant adverse impacts on health or quality of life.

Paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

National Planning Policy Guidance (PPG)

This document provides additional guidance to ensure the effective implementation of the planning policy set out in the NPPF.

Housing Supplementary Planning Document (SPD) (adopted 11th May 2017)

This provides further explanation and guidance when dealing with Houses in Multiple Occupation proposal in the context of adopted Policy CS4.

The SPD provides a threshold methodology (at HSPD11) for assessing the concentration of Houses in Multiple Occupation against the criteria of Core Strategy Policy CS4 as part of understanding the potential for cumulative impacts. The methodology assesses the concentration of HMOs within 100m of the application site as a proportion of the total number of residential dwellings. Information on HMO numbers and locations is sourced from University accommodation records, analysis of electoral registers, the HMO register and third party data and it is considered that collectively, this gives the best indication available of the relevant household situation and the most accurate picture of local balance and amenity. Halls of Residence and purpose built student accommodation are not included in the calculation. However, any Halls of Residence and purpose built accommodation will be considered as part of the overall decision making process in terms of their impacts.

The SPD accepts that HMOs help to meet local housing requirements and can be an important type of accommodation for a range of people including those on low incomes and young people (para 4.1) and it also repeats the objectives of Core Strategy Policy CS4 that seeks to support the well-being, character and amenity of local communities by managing the proportion of HMOs.

The Council has used a threshold of 20% in decision making and therefore changes of use to Houses of Multiple Occupation have usually been resisted in principle where the percentage of houses in multiple occupation exceeds 20% in a particular area. This approach has been accepted in appeal decisions. The SPD recognises that the threshold will provide one material consideration to be considered alongside a number of other matters identified in Policy CS4 and this SPD. These include those set out in the SPD at HSPD 12 Social and Physical Character and Amenity, HSPD13 Amenity Space, HSPD14 Noise Insulation and HSPD15 Parking.

Leicestershire Highways Design Guide (2018)

This guide, published by Leicestershire County Council, aims to achieve development that (inter alia) provides for the safe and free movement of all road users and encourages people to walk, cycle and use public transport and to feel safe doing so.

Relevant Planning History

P/07/0989/2: Conversion of dwelling to day nursery (Class D1) and erection of free-standing building to rear for nursery use. Planning permission granted June 2007

P/07/2679/2: Conversion of dwelling to day nursery (Class D1) and erection of freestanding building to rear for nursery use (revised scheme). Planning permission granted January 2008 subject to conditions including restricting its use to a nursery only (no other D1 use), no more than 35 children at the nursery at any one time, no more than 8 children in the garden/play area at any one time and no children at the nursery other than between 7.30am and 6pm on Mondays – Fridays.

P/17/1443/2: Change of use from children's nursery (Class D1) to residential (Class C3). Planning permission granted September 2017.

Responses of Statutory Consultees

Highway Authority

No objection to the proposal. It considers that there is sufficient on-site car parking to cater for the proposed development. It has had regard for the location of the site close to bus routes and the university. It considers that secure and covered cycle parking is necessary.

Other Comments Received

Local Ward Councillors

Cllr Bradshaw objects to the application on the grounds that there is already around 20% of HMOs, based on her local knowledge, within a certain radius of the application site (not strictly the 100m radius). Attention is drawn to the site's proximity to the University's Halls of Residence which is not included within the percentage calculation but which needs to be taken into account in the assessment of the cumulative impact it has on the concentration. She also has concerns about the exacerbation of on-street parking problems on Garendon Road and the impact on access and parking in relation to the care home at No 50.

Cllr Hacham objects to the application on the basis that there is an ongoing issue with parking on Garendon Road which needs to be addressed by the University or the County Council. He is concerned that the application site is close to the William Morris Hall and that this is not taken into account with the SPD methodology. He acknowledges that most students do not own cars and considers that some objections raised to this application relate to students generally even though they benefit the local economy.

Other respondents

Letters of representation have been received from the residents of 9 properties on Garendon Road.

The concerns raised are summarised below:

- The proposal would have a detrimental impact on the local community, particularly as students have no interests in the local area or people
- The proposal would result in an increase in noise and disturbance
- The proposal would exacerbate street parking problems in the area to the detriment of highway safety.

The applicant has responded to the representations confirming that the objections do not take account of the volume of traffic or parking generated by the permitted nursery use at the site, the large amount of on-site parking available, that there will be no disturbance to No 49 as the access to the rear building will be on the opposite side of the application site (with a restriction on residents using the side entrance adjacent to No 49) and that the parking is not specifically created by students (as not all students own cars) but by the non-implementation of the residents' permit scheme. She offers to restrict the occupiers of the proposed HMO to 5 cars only.

Consideration of the Planning Issues

The main issues to be considered in the determination of this application are:

- Principle of development
- The effect of the proposed development on the local character and amenities of the area in respect of:
 - the balance of the local community
 - anti-social behaviour
 - noise and disturbance and
 - amenity space
- Highway safety

Principle of Development

The starting point for decision making on all planning applications is that they must be made in accordance with the development plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Charnwood Local Plan are therefore the starting point for consideration.

The supporting text to Policy CS4 states that, whilst the Council values Loughborough University and Loughborough College and the significant economic, social and cultural contributions the student population brings to Loughborough, a negative impact has been experienced in some neighbourhoods because of the over concentration of HMOs. These impacts have affected some community facilities, the character and appearance of the area and caused disturbance and parking problems.

A6

In response to this, the Council has developed a strategy for managing the proportion of HMOs in Loughborough, particular where it is demonstrated that there are associated adverse impacts. The application site is within the main urban area and, whilst the principle of development is acceptable, the proposal needs to be considered in relation to relevant policies and detailed criteria as discussed below.

The impact on the balance of the local community

This is an issue that is addressed in the adopted Housing SPD which uses a threshold approach to assess whether there is already a high concentration of HMOs in a specified area and seeks to resist further HMOs (small or large) where there is already 20% or more HMOs within a 100m radius of the application site.

The 20% threshold allows for consistency in decision-making on proposals for changes of use to HMOs and has been recognised by appeal inspectors as the level above which the problems associated with higher concentrations of students occur. Recent appeal decisions relating to Class C4 changes of use at Ashleigh Drive, Grange Street, Derby Road, Park Road, Frederick Street, Ashby Road and Goldfinch Close (all within the built-up area of Loughborough) accept this threshold approach and attach weight to its use. The latter two appeal decisions were made since the Housing SPD was adopted in May 2017.

The number of HMOs in the local area within which the application site is located, based on the 100m radius methodology, is 4 out of a total of 38, equating to 10.5% of the residential stock. Cllr Bradley disputes this figure however properties which she reports to be HMOs are not all within the 100m radius and 2 which form a care home.

It is acknowledged that a small part of the William Morris Halls of Residence (comprising part of the former John Phillips Court) does fall within the 100m radius area of the application site. The Halls are not included within the percentage figure but will be considered as part of the overall decision making process in terms of their impact.

The Halls, as a whole, provide warden-controlled accommodation for up 478 students. There are vehicular accesses to the Halls from Garendon Road (close to Epinal Way) and Ashby Road and there is charged on-site parking. Main pedestrian accesses to the site are from Ashby Road, directly opposite the university campus and Epinal Way which provides an alternative route to the town centre via Ashby Road.

In considering their impact on the balance of the community, the following site characteristics have been taken into account:

- the Halls of Residence are warden-controlled
- the main pedestrian accesses to the site are from Ashby Road and Epinal Way rather than Garendon Road which provides a less direct route to both the university campus and the town centre and transport corridors.

The area within which the application site is located is predominantly residential in character. The existing use of the site as a children's nursery (Class D1 use) has the

potential to result in greater noise and disturbance on weekdays relative to a residential use of the property. The proposal would bring this non-residential use back into residential use which would be more compatible with the surrounding area.

The adopted methodology indicates that HMOs in the defined area are well below the 20% threshold. The nearby Halls of Residence and their characteristics have been carefully considered, as described above. However it would be difficult to argue that this proposal would adversely affect the community balance and the availability of family housing in the local area so as cause such harm to the social character and general amenities of the local area to justify the refusal of planning permission on these grounds. It is considered therefore that the proposal accords with Policies CS4 of the Core Strategy and the NPPF.

It is acknowledged that the threshold is one aspect of the assessment which is not confined to the mathematics of the case. There are other considerations which need to be assessed and a judgement reached as to whether the level of harm that would be caused, whether individually or cumulatively, to support the refusal of planning permission or whether the impact would be limited so as to indicate that planning permission should be granted. These other considerations are assessed below.

Anti-social behaviour and noise and disturbance

The adopted Housing SPD acknowledges that where there is a high proportion of HMOs it can often result in a higher incidence of anti-social behaviour, particularly at unsociable hours, and increases in crime and fear of crime. In addition, HMOs can often be noisier than a family home because of the number of people who are living independently with the property which can adversely affect the amenity of neighbouring properties.

Information from the Borough Council's Community and Partnerships Service shows that over the past year, there have been a total of 14 recorded incidents in the local area (including John Phillips Close which is within the Halls of Residence site) relating to anti-social behaviour. None of these incidents are recorded as specifically related to students or took place within John Phillips Close. In addition, not all occurred during the university term time. Given the relatively low level of incidents of anti-social behaviour in the local area and taking account of the above, it is not considered that the proposal would be likely to lead to increases in anti-social behaviour, crime or fear of crime which would be damaging to the living conditions of local residents and the amenity of the local area.

The nearby Halls of Residence site takes its principal pedestrian accesses and main routes to the campus and the town centre from Ashby Road and Epinal Way. Whilst there is an access to the Halls from Garendon Road, this entrance is close to Epinal Way thus reducing the potential for vehicles associated with the Hall of Residences passing down Garendon Road itself. Taking account of these site characteristics and the recorded incidents of anti-social behaviour as described above, it is not considered that the Halls of Residence have a damaging impact on the amenity of the local area in terms of anti-social behaviour or noise and disturbance, such that this proposal would, cumulatively, be unacceptable.

HMOs can often be noisier than a family home because of the number of people who are living independently within the property which can adversely affect the amenity of neighbouring properties. Given that this property is detached and has a permitted use as a nursery (Class D1), it is not considered that the proposal is likely to result in a more intensive use of the property, with more comings and goings which would be likely to result in a significant increase in noise and disturbance. Restricting pedestrian access from the front of the property to the rear building by the access to the south of the frontage property rather than along the northern site boundary with No 49 would help to mitigate noise and disturbance to that residential property.

To conclude, whilst it is considered that there may be instances where a clash of lifestyles or behaviour could cause noise and disturbance to neighbouring occupiers, it is considered unreasonable to assume this will happen to an extent greater than might be the case with other types of property use or occupation. To recognise this as a potential harm in all cases is not a matter that can easily be expressed as a planning objection. Such occurrences may be dealt with by other forms of regulation. It should be borne in mind that a HMO may be occupied by professionals rather than students or other persons sharing the property. It is considered that this proposal would not result in a significant increase in noise and disturbance which would be damaging to residential amenity. The proposal does not therefore conflict with Policies CS2 and CS4, saved Policy EV1 and the SPD.

Amenity Space

In terms of amenity space for the storage of refuse/recycling containers, there is adequate provision for such storage within the rear garden which would be secure, unobtrusive and accessible to residents. The property has a frontage which could satisfactorily accommodate bin storage in a location which is accessible to refuse collectors.

In terms of storage of refuse/recycling storage and the potential for its negative impact, the proposal accords with HSPD13 and 12.

Taking account of the above, the proposal is judged to accord with Policies CS2 and CS16 of the Core Strategy, saved Policy EV/1 of the adopted Local Plan and the adopted Housing Supplementary Planning Document.

Highway safety

In considering this issue, there are a number of material considerations which need to be taken into account. The site has an authorised use as a 35 place nursery which has the potential to generate significantly greater volume of traffic and parking than the proposed HMO.

In addition, the property has five off-site parking spaces. This is considered to be sufficient parking for the proposed development, a view endorsed by the Highway Authority. Covered on-site cycle parking is also proposed. The application site is also situated within walking/cycling distance of the town centre and university campus and is close to a bus route. The occupiers of the property would not, therefore, be solely reliant on the use of a car to meet daily needs.

These factors need to be weighed against the reported street parking problems in the local area where there are currently minimal parking restrictions and no residents parking permit scheme or driving prohibition orders.

To refuse a planning application on highway safety grounds it must be demonstrated that there is severe cumulative residual impacts caused by the proposal. Given the provision of acceptable off-street parking on the site which accords with saved Policy TR/18, its convenient location and its more intensively trafficked authorised use, it is not considered that the proposal would result in such impacts. It is not considered necessary, reasonable or enforceable for a condition to be imposed on the planning permission restricting car ownership of the tenants of the HMO to five in total, as suggested by the applicant. This is a matter that could be separately managed by the applicant.

The proximity of the nearby Halls of Residence has been considered in respect of highway safety. The close proximity of the Garendon Road entrance to Epinal Way reduces the potential for vehicles associated with the Halls of Residence passing down the longer section of Garendon Road where cars are parking on both sides of the road. There is also chargeable parking on the Halls of Residence site for students. It is understood that the University actively seek to discourage students living in Halls of Residence from bringing a car to the town without a dedicated car space and this is written into their living accommodation contracts.

Whilst it is recognised that this is not easily enforceable by the University, there is no evidence that the alleged parking problems on Garendon Road are directly attributable to students residing at the Halls of Residence.

Taking account of the above, it is not considered that the Halls of Residence have a damaging impact on the safety of the highway in the local area, such that this proposal would, cumulatively, raise the level of impacts to severe.

Having regard to the above, it is considered that the proposal accords with the National Planning Policy Framework as well as saved Policy TR/18 of the adopted Local Plan

Conclusion

The framework makes it clear that there is a presumption in favour of sustainable development. All proposals are required to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the reasons given above, it is considered that the proposed change of use would not result in an overconcentration of HMOs in the area that would result in a community imbalance. Furthermore the proposal would not result in harm to the residential character and amenity of the area or be detrimental to highway safety. It would therefore comply with Policies CS2, CS4 and CS16 of the Core Strategy, Policies EV/1 and TR/18 of the Local Plan and the Housing SPD.

Accordingly, having regard to the above considerations, it is recommended that planning is granted conditionally.

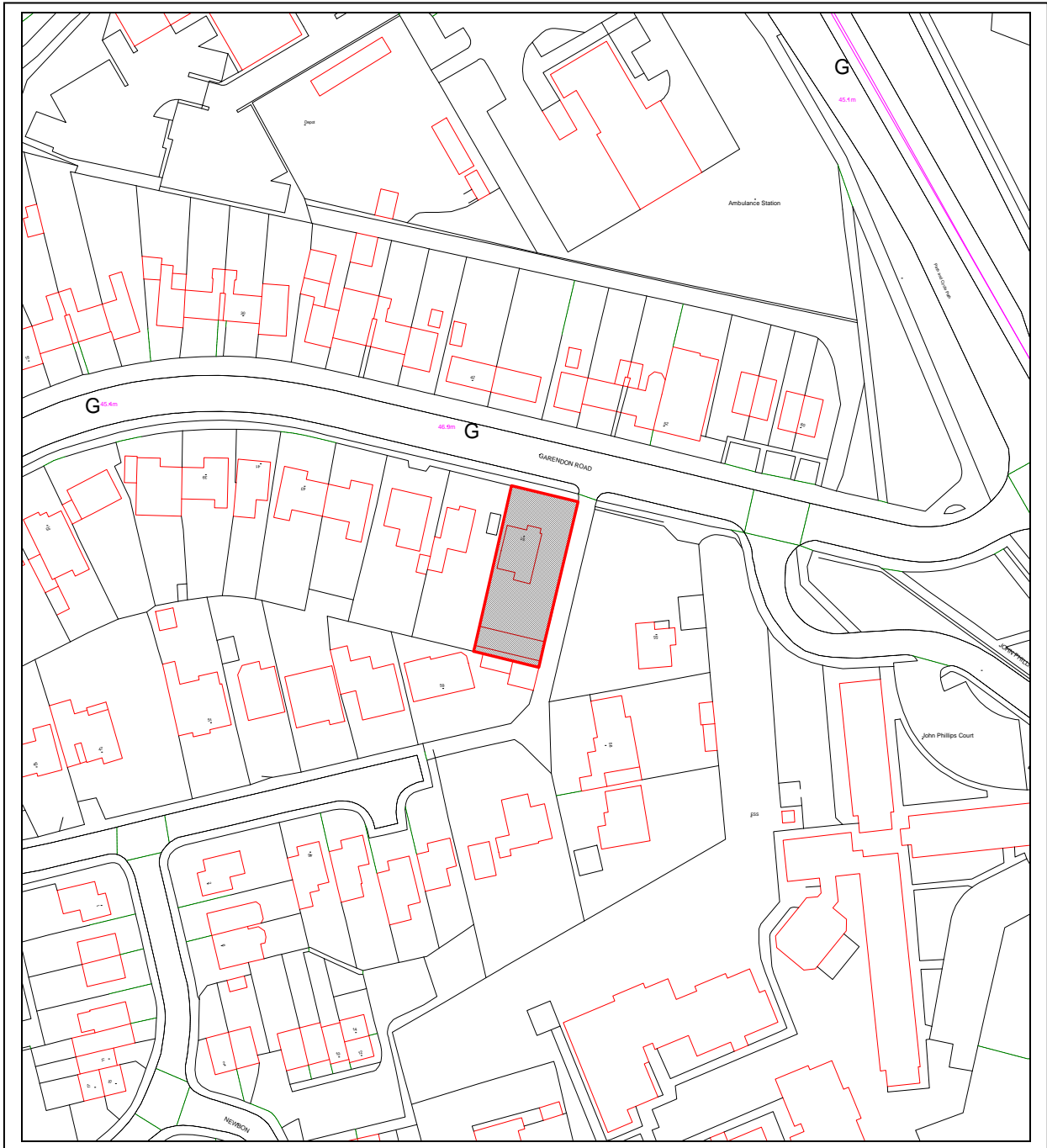
RECOMMENDATION:

Grant Conditionally

- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Site Location Plan, R/1810/L(0)01, 02, 03 and 04.
REASON: To define the terms of the planning permission.
- 3 The five on-site car parking spaces shown on the approved plan shall be available for parking at all times and shall not be obstructed in any way that would prevent such use.
REASON: To provide off-street parking, in the interests of road safety.
- 4 The use hereby permitted shall not commence until the five covered and secured cycle parking spaces shown on the approved plan have been provided. This cycle parking provision shall be available at all times thereafter for this purpose.
REASON: To encourage the use of bicycles as an alternative to the car.
- 5 There shall be no pedestrian access from the frontage of the site to the rear building via the pathway on the northern side of the frontage property at No 51 Garendon Road.
REASON: To mitigate the potential for noise and disturbance, in the interests of residential amenity.

The following advice notes will be attached to a decision

- 1 Discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.



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Item No. 2

Application Reference Number P/18/1161/2

Application Type:	Full	Date Valid:	05/06/2018
Applicant:	Mr Anil Lad		
Proposal:	Removal of existing single storey extension and garage, and proposed erection of single storey extension with part flat and dual pitched roof to existing House in Multiple Occupation.		
Location:	25 Ashleigh Drive Loughborough LE11 3HN		
Parish:	Loughborough	Ward:	Loughborough Nanpantan
Case Officer:	Deborah Liggins	Tel No:	01509 634733

This item is referred to Plans Committee at the request of Councillor Smidowicz who considers the proposal would have an overbearing impact and cause permanent disturbance issues in terms of noise and loss of amenity. The design of the extension is considered to be excessive and there are concerns about the privacy of neighbours. Traffic and car parking issues are also a concern.

Description of the Application Site

The application site located on the north-eastern side of the road and is a semi-detached bay fronted dwelling constructed as one of a symmetrical pair. The property frontage is slabbed/concrete hard-standing where one or two vehicles could be accommodated off-street if required although there are no dropped kerbs directly outside the dwelling.

The previous 0.6m high block/brick wall has since been removed as has the former single storey extension (by the time of the site visit). A 2.4m wide shared driveway gives access to the garage at the rear which belongs to No. 27 – the garage associated with No. 25 has already been demolished and removed from site.

No. 23 has been extended to its rear with a single storey pitched roof extension granted planning permission under application reference P/11/0396/2. This extension is set in from the boundary slightly and presents a blank expanse of brickwork to the boundary with a principal window in its north-eastern facing rear elevation. The extension has guttering on its flanking elevation which is within the boundary of No. 23.

No. 27 has been extended as granted under P/05/0467/2 and its side elevation contains a number of secondary ground floor windows and a two storey rear facing extension.

The application site has recently been granted a Certificate of Lawful Use (under P/18/0926/2). An earlier application for ground floor extensions was withdrawn by the applicant until the issue of the lawful use of the property had been settled.

According to the submitted drawings, the property is a 3 bed HiMO, with a ground floor bedroom to the front of the dwelling, a lounge and kitchen/dining room (now demolished) on the ground floor. The first floor accommodates 2 bedrooms and a bathroom.

Description of the Proposals

The proposal is to erect single storey extensions to the rear of the dwelling to provide an additional bedroom, new kitchen and lounge at ground floor and allow an internal reconfiguration of the first floor accommodation to include en-suite facilities. Some internal work, including the removal of chimney breasts has been carried out and the required submission under the Building Regulations has been made. The resultant property would therefore have a total of 4 bedrooms.

The proposal would comprise 2 elements:-

- an 8.8m long extension as measured from the rear wall of the original property and which would be flush with the side wall of the main house. The extension would be 2.5m wide and would widen out to 4.23m for 3.86m of its length. This pitched roof extension would measure 2.25m to eaves and 3.68m to the ridge and would provide the kitchen and lounge. This extension would be positioned 1.38m from the boundary with No. 23 and would project 1.8m beyond a single storey rear extension at that property. A side facing high level window in the proposed lounge would face the blank elevation of the extension at No. 23 with the main aspect being through bi-fold doors erected in the north east elevation looking out to the patio/garden of No. 25.
- A smaller, flat roofed extension would be constructed to the east of this and would be 5.15m long and would be 2.85m high and would provide an additional ground floor bedroom. This extension would be constructed on the boundary with No. 23 and would be 3m wide.

At the time of the site visit, a new fence had been erected across the garden with a new boundary line created level with the rear of the neighbour's garage. The owner of the property had agreed that the owner of No. 27 would assume responsibility for the garden which would become unavailable to the occupiers of No. 25. The applicant has since confirmed in writing that this fence is to be removed.

The application property has a lawful use as a house in multiple occupation for up to 6 occupants. The property currently has three bedrooms and the extension would provide a fourth. The use of the property as a HiMO is not therefore a material consideration in the determination of this application which relates only to the proposed extension.

The control over who the property is let to (whether to students or professional people) is outside the remit of planning control and is a matter for the owner/letting agency.

Development Plan Policies

Charnwood Local Plan 2011-2028 Core Strategy

Policy CS2 – High Quality Design requires new developments to respect and enhance the character of the area, protect the amenity of people who live and work nearby and function well and add to the quality of the area.

Borough of Charnwood Local Plan

Policy EV/1 – Design seeks to ensure a high standard of design for developments, which, inter alia, respects and enhances the local environment, is of a design, layout, scale and mass compatible with the locality and utilises materials appropriate to the locality

Policy H/17 – Extensions to Dwellings (including garages) states that planning permission will be granted provided the development meets specific criteria relating to the scale, mass, design and use of materials with the original dwelling etc.

Policy TR/18 indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The policy promotes standards that would require 3 parking spaces for a 4 or more bedroom dwelling, although it states that this will be used as the starting point in assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off - street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

Other material considerations

Article 4 Direction

Loughborough is subject to an Article 4 direction put in place in February 2012 and which removes the rights to change the use of Class C3 dwellings to Class C4 Houses in Multiple Occupation in Loughborough. These are dwellings where between 3 and 6 unrelated persons, sharing basic amenities could occupy a property without the need for planning permission - whereas, the Article 4 Direction limits this to occupation by a family or up to 2 unrelated persons living as a single household. Planning permission is now required for occupation of dwellings by more than 2 unrelated persons.

The National Planning Policy Framework

The Framework does not make specific reference to extensions to HiMOs but includes guidance which is relevant to this application as follows:

Paragraph 7 identifies the economic and social roles of the planning system, both to build a strong responsive economy by ensuring land (and presumably buildings) are available in the right place at the right time, and supporting the health of the community by ensuring

housing for present needs that has a high quality built environment, which encompasses social and cultural well-being.

Paragraph 17 indicates that one of the 12 principles of planning is to seek a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 32 requires that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Planning Practice Guidance

ID 26 - Paragraphs 001-003 states that good design matters and what this can achieve through good plan making. Paragraph 004 notes that weight can be given to outstanding or innovative design and developments of poor quality design should be refused. Paragraph 007 states that planning should promote local character. New development should be integrated within existing surroundings.

The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council and provides information to developers and local planning authorities to assist in the design of road layouts. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; and help create quality developments in which to live, work and play.

The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

Relevant Planning History

P/18/0525/2 – Removal of existing single storey extension and garage, and proposed erection of singles storey extension with part flat and dual pitched roof – withdrawn

P/18/0926/2 – Certificate of Lawful Development for an existing use as a House in Multiple Occupation (Use Class C4) – granted.

Responses of Statutory Consultees

Councillor Smidowicz is concerned that the proposals will permit an increase in the number of residents at the property and regards the proposed extensions as an inappropriate adaptation of a semi-detached house. The location of internal bathrooms against the party wall is also of concern, together with inadequate car parking facilities.

B4

Councillor Smidowicz comments that over 50% of the houses in the street are HiMOs and that the increasing numbers of staff and students who park in the street have caused problems. Noise and anti-social behaviour is also a concern. Councillor Smidowicz is aware that the extensive garden has been fenced off leaving just a very small patio area for use by occupiers of No. 25. Comment is made about internal alterations at the property and whether provision would be made for soundproofing. It is considered that the proposal would exacerbate the already unbalanced community.

Other Comments Received

Comments have been received from the occupiers of the following addresses:

Ashleigh Drive – 1, 8, 9, 12, 13, 14, 21, 23, 24, 28, 29, 42

Forest Road - 189

Mountfields Drive – 15, 24, 26, 28

+ 1 other

Concerns include

- 8 more cars being added to the street as a result of the development (Floor plans show 4 double bedrooms)
- Permanent noise and disturbance
- Overbearing impact on the local area
- Lack of car parking and high demand in the street
- The proposal would enable the number of occupiers to double
- The use as a House in Multiple Occupation is unacceptable given the high proportion in the area
- The design of the proposed extension is excessive and means that the building will not be easily converted back to a Class C3 dwelling
- Loss of privacy to neighbours
- Boundary positions and encroachment
- Chimney breasts have been removed so the plans are inaccurate
- Advocating and suggesting a better methodology for calculating HiMO saturation in an area
- Increased sewage load to the neighbouring properties.

In addition the Nanpantan Ward Residents' Group objects to the proposal stating it makes no provision for off-road car parking and referring to Policy TR/18 and that there is no guarantee that each of the potential 6 occupiers of the property could bring a car. The site could accommodate 2 spaces but will fall short of the 3 required by current standards.

Also, the Rt Hon Nicky Morgan MP forwards comments she has received from the Nanpantan Ward Residents Group. This is a duplicate of the letter the Council received directly from the group.

Consideration of the Planning Issues

The main issues to be considered in the determination of this application are:

1. Principle of Development
2. Noise and Disturbance
3. The design and impact of the proposal on the amenities of neighbouring occupiers
4. Car Parking
5. Other Matters

Principle of Development

The starting point for decision making on all planning applications is that they must be made in accordance with the development plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Borough of Charnwood Local Plan are therefore the starting point for consideration. Policies in the local plan relate to achieving high quality design for all proposals, including residential extensions and the development is therefore acceptable in principle and subject to further assessment of detailed planning considerations as set out below.

Noise and Disturbance

The property has a lawful use as a HiMO and it is acknowledged that noise can often be a concern for objectors because of the number of people who are living independently within the property which can be considered to adversely affect the amenity of neighbouring properties.

Whilst it is acknowledged that there will be instances where a clash of lifestyles or behaviour may cause disturbance to adjoining occupiers, it is considered unreasonable to assume this will happen to an extent greater than might be the case with other types of occupation. Conflict that occurs in individual cases is not a matter that can easily be expressed as a planning objection. Such occurrence can be dealt with by other forms of regulation. A HiMO may of course be occupied by professionals just as easily as students or other persons sharing the property.

This application is not to change the use of the property but is for a development which could potentially result in additional noise arising from the possible additional occupiers of the extra bedroom. The proposal would see the number of bedrooms at the property increase by one and although bedrooms within the property are shown as doubles, it does not necessarily follow that 8 people will occupy the property – in fact the lawful use limits the number to 6 but it is just as likely that 4 people could live there together. This is considered to be akin to or only marginally greater than a family house. Consequently, it is concluded that concerns that the noise would be significantly greater than a C3 dwelling as a direct result of the proposal to extend the dwelling at ground floor, cannot be sustained. The development would not therefore result in significant increases in noise or disturbance and that if neighbours habitually experience this, other legislation and measures exist which may better control this.

With regard to noise transference between properties, without a sound test, there is no absolute guarantee that there would not be some sound transmission to the adjoining property. However, it is considered that requiring such a test would be unreasonable and unnecessary, given that the property is to remain as a House in Multiple Occupation for up to 6 residents. It is also not considered reasonable to condition the provision of sound

proofing to conform with building regulations (document E) as set out in the HSDP14 as such works would not be reasonably be related in scale and kind to the development being applied for which is for rear extensions to the dwelling and is not for a change of use of the property.

The design and impact of the proposal on the amenities of neighbouring occupiers

The proposed extension partly occupies footprint of a former extension which has been removed. The adjoining property has been extended and, for a large part, the proposal would not project beyond that extension which has a blank flanking wall. Where the proposal does project by 1.8m it is offset from the neighbour's extension by 1.38m and does not breach the '45 degree angle of light' rule. Its combined flat roof and pitched roof design assist in reducing the scale of the proposal and visually break up the extension into 2 elements. The impact to No. 27 is considered to be acceptable as the proposal presents a blank facing elevation to that property and the design is such that privacy to both neighbouring properties is protected. The proposal is set to the rear of the dwelling and the extensions will not therefore be incongruous in the street scene and the use of materials to match the existing dwelling is proposed.

A low garden wall to the front of the dwelling has already been removed and the formation of a car parking area to the property frontage would not be out of character with the street, where several properties have undertaken similar works under 'permitted development'. There is no objection in principle to the proposed widening of the vehicle crossing, as this could be undertaken without the need for planning permission, with such works being carried out in consultation with the local highway authority.

It is not considered that the design of the proposed extensions would not be attractive to future families which might consider occupying the dwelling. It is considered that the proposed ground floor rooms could be simply adapted for alternative residential purposes should the property revert to being occupied in accordance with Class C3 of the Town and Country Planning (Use Classes) Order 1987(as amended).

In summary, it is considered that the proposal would not, because of its design and the orientation of the properties, result in a significant loss of privacy, light or overbearing impacts to neighbouring properties. Although respondents comment that the potential to increase the number of residents at the property would result in a loss of privacy, and increased noise and disturbance.

Given the above context, it is considered that the development proposes an appropriate standard of design and will have no significant impact on neighbouring residential amenity. It therefore accords with Policies CS2, EV/1 and H/17.

Car Parking

Concern has been expressed by residents about the impact of the proposal on on-street parking in the area, claiming that the proposal would exacerbate the shortage of street parking, to the detriment of highway safety and amenity. The Highway Authority has not commented on the application and standing advice has been used.

It is accepted that the provision of 1-2 car parking spaces to the front of the property falls short of the usual standard which recommends the provision of 3 spaces but it is clear from the supporting text to planning Policy TR/18 that these standards represent the appropriate maximum provision, indicating there will be circumstances where fewer spaces may be acceptable.

The aim of the policy is to secure a level of car parking which discourages reliance on the private car but provides sufficient off-street parking to allow developments to proceed without creating traffic problems. Reduced provision may therefore be appropriate where the site is in a central position which is capable of being served, or already served by effective public transport.

It is considered that the application site is within easy walking or cycling distance of the town centre shops and services and bus stops and that a lower provision of car parking would be appropriate in these circumstances.

The street is not subject to Traffic Regulation Order parking restrictions and is not within a resident parking scheme operated by the County Council. Notwithstanding, the amount of car parking within the street is limited by the width and number of existing vehicle crossings serving dwellings on both sides.

To refuse a planning application on highway safety grounds it must be demonstrated that there is severe residual cumulative impacts resulting from the proposal. The lack of off-street parking is not considered to exacerbate street parking to the extent that highway safety or the free flow of traffic would be result in such impacts. The proposal would result in only one additional bedroom within the existing lawful use of the property.

It is pertinent to note that Planning Inspectors have accepted HiMOs in Loughborough where there is substandard or no car parking, because of the proximity to local services, schools and employment. For example, in allowing the appeal at 76 Hermitage Road, the Inspector noted the property was to be occupied by up to 6 persons and considered a single parking space to be adequate (Ref P/17/0072/2). It is also relevant that in allowing the HiMO appeal at 94 Hermitage Road where one space was provided and room for a second space was available, the Inspector considered that the second space was unnecessary and would be damaging to the character and appearance of the street (Ref P/16/0845/2). It is also relevant to consider that No. 137 Park Road, Loughborough was recently granted planning permission for a change of use to a house in multiple occupation (under P/17/0141/2) with no car parking being available. Extensions to another House in Multiple occupation were considered and granted by the Plans Committee at its June 2018 meeting relating to No. 127 Park Road, Loughborough (under P/18/0664/2) with no off-street car parking being available.

In the event planning permission is granted for this development, it is recommended that a planning condition be imposed to secure the hardsurfacing of the property frontage to provide 1-2 spaces as indicated on the revised drawing WA220 01 Rev C received on 5th July 2018.

Having regard to the above, it is considered that the proposal accords with the National Planning Policy Framework and saved Policy TR/18 of the adopted Local Plan and

that severe impacts as described in Paragraph 32 of the NPPF would not be caused by the development.

Other Matters

Several residents have indicated that the plans are not accurate in terms of internal works which have already been undertaken to remove 2 chimney breasts. This work does not require planning permission and has been carried out under observation of private building control inspectors. The undertaking of other internal work such as the removal or addition of partition walls and the installation of en-suite facilities also does not require planning permission and these works within the existing dwelling cannot be considered as part of the decision making process on the current proposals.

In addition, the annexing of the garden by the erection of the fence does and its residential or horticultural use by others does not require planning permission. However, the applicant has submitted revised plans received confirming that the fence is to be removed with the full garden area being made available for the benefit of the occupiers of No. 25. There are concerns that if this does not happen, the resultant property would see a significant reduction in the amount of private amenity space available to its occupiers. It is therefore recommended that a planning condition secures the removal of this fence in its entirety and for the removal of permitted development rights, requiring a planning application if this is to be considered in the future.

Finally, some respondents to the proposal mention the ability of private drains to accommodate additional sewage load and matters of trespass in terms of property boundaries. These are private matters and not issues upon which a planning decision can be made. Should water supply be diminished or interrupted as a result of the works, this is a private matter between the parties concerned, who may wish to seek independent legal advice.

Again, matters of boundary positions and whether the extension would encroach upon ownership rights are private matters and the granting of planning permission does not override the legal position in terms of property rights.

Conclusion

Decisions on applications need to be made in accordance with the adopted development plan policies and the material considerations that support them, including in this case the adopted SPD on House Extensions.

The main issue to be considered in this case is the design and impact of the proposed rear extensions on the amenities of neighbouring occupiers and the relationship is an acceptable one as outlined above.

It is considered that the shortfall in proposed off-street parking would not result in severe residual cumulative impacts, given that some parking can be provided within the site, the absence of parking restrictions within the highway and the sustainable location of the site for alternative modes of transport.

Accordingly, having regard to the above considerations, it is recommended that planning permission is granted conditionally.

RECOMMENDATION:

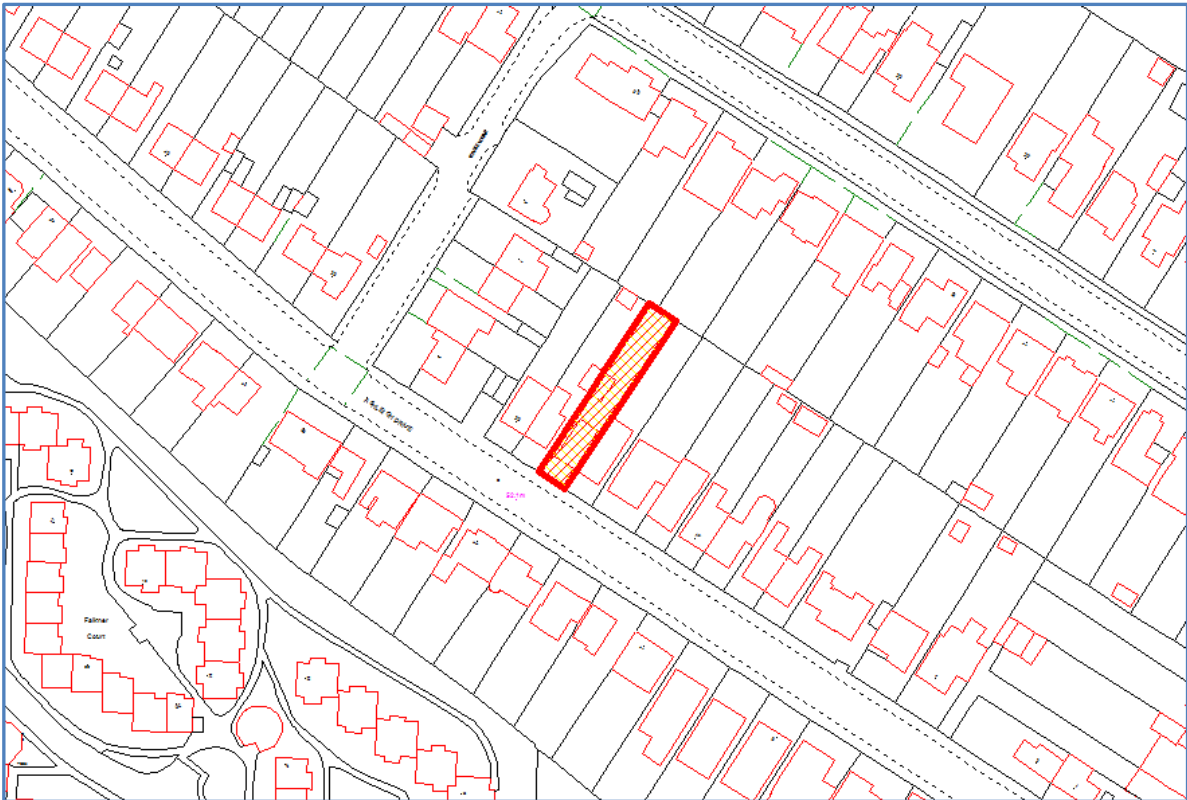
Grant Conditionally

- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out only in accordance with the details and specifications included in the submitted application, as shown on the drawings below:
Approved Drawings:-
WA220 01 Rev C - Proposed 1:200 scale site plan and 1:1250 scale site location plan - revised plan received on 5th July 2018.
WA220 10 Rev A - Proposed floor plans
WA220 12 Rev A - Proposed elevations
REASON: For clarity and to define the terms of the permission.
- 3 The facing materials to be used in the construction of the new works hereby permitted shall match as closely as possible those of the existing building.
REASON: To ensure the satisfactory appearance of the completed development.
- 4 There shall be no site works or construction of the development outside the hours of 0800-1700 hours Monday to Friday, 0800-1300 hours on Saturdays. There shall be no working on Sundays or recognised Bank Holidays.
REASON: In order to prevent a nuisance or annoyance to adjacent residential occupiers.
- 5 The extensions hereby permitted shall not be brought into use until the frontage of the property has been hard-surfaced and made available for car parking in accordance with Drawing No. WA220 01 Rev C received on 5th July 2018. Thereafter, this parking facility shall not be obstructed in any way that would prevent such use.
REASON: To provide off-street parking, in the interests of road safety.
- 6 Within one month of the date of this permission, the annexing garden fence (and associated concrete posts and gravel boards) which has been erected 4.7m from the proposed extension to form a new north-eastern garden boundary, shall be removed in its entirety. Furthermore, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modifications), no fence or boundary treatment should be erected which would annexe part or all of the garden from the house at any time in the future.
REASON: In order to return and retain the garden land as an ancillary use

connected with the occupation of No. 25 Ashleigh Drive and to maximise its private amenity space for the benefit of its occupiers.

The following advice notes will be attached to a decision:

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy and Policies EV/1, TR/18 and H/17 of the Borough of Charnwood Local Plan have been taken into account in the determination of this application. The proposed development complies with the requirements of these policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
- 2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
- 3 This permission does not give any legal right for any work affecting neighbouring property, including buildings, walls, fences and vegetation within that property. The responsibility for meeting any claims for damage to such features lies with the applicant.
- 4 This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.
- 5 All works within the limits of the highway with regard to access and the widening of the vehicle crossing shall be carried out to the satisfaction of the County Council's Highway Manager on 0116 305 0001.



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Item No. 3

Application Reference Number P/17/0881/2

Application Type:	Full	Date Valid:	15/05/2017
Applicant:	Barwood Homes Limited		
Proposal:	Erection of 46 dwellings		
Location:	129 Cropston Road Anstey Leicestershire LE7 7BR		
Parish:	Anstey	Ward:	Anstey
Case Officer:	Karen Brightman	Tel No:	01509 632520

Introduction

This application is brought back before Plans Committee as there is new information that is material to the decision.

Background

The application, set out within the report attached at Appendix A below, was considered by Plans Committee on the 5th April 2018. It was resolved by the committee that planning permission should be refused as the proposal did not provide for 30% of the units to be affordable, which is the target set out within policy CS3 of the Core Strategy.

Policy CS3 states that the targets for affordable housing must be considered “having regard to market conditions, economic viability and other infrastructure requirements”. With this in mind the application was accompanied by a viability appraisal which had been scrutinised by the District Valuation Office and which was used to form the basis of the officer’s recommendation with regard to viability.

The recommendation reported to Plans Committee on 5th April 2018 was that the proposed development should be approved subject to conditions and a Section 106 legal agreement. The report explained that the development was not viable with 30% affordable housing (14 units). It concluded that the maximum that the site could provide, whilst remaining viable, was one accessible bungalow which was to be gifted to the Council. This is the equivalent to two non-gifted affordable housing units transferred to a Registered Provider.

Between the publication of the officer report and the committee meeting being held, the Highway Authority identified further requirements to support public transport which were not factored in the viability report. These were reported in the Extras Report at the meeting (Appendix B). However following the resolution of the Committee, the applicant has made further representations about the marginality of the scheme viability and therefore has re-run the viability appraisal for the site. This has necessitated further review from the District Valuation Office who have advised that new evidence on build costs must be factored into the viability appraisal in addition to the inputs required as a consequence of the highway requirements. These changes, and the District Valuer’s report, are material to this application and must be considered before a decision can be made. These changes are set below.

Material Changes

There are three key areas where the viability information has altered:

- The additional costs for planning obligations (to be secured under S106 of the Planning Act) identified by Leicestershire County Council, which had not formed part of its original consultation response. These were referenced in the Extras Report for the 5th April 2018 meeting and were requested by Leicestershire County Council to cover travel packs and bus passes for new residents and to secure improvements to the two nearest bus stops. This equated to an additional £12,731 of costs not previously considered in the viability evidence.
- Since the original viability appraisal was submitted and appraised by the District Valuation Office, the costs of building the development (the “build costs”) have also increased. In reviewing the revised viability report submitted by the applicant, the District Valuer is obliged to reflect the latest build cost figures and this has added further to the costs of the development.
- The applicant no longer disputes the benchmark land value in pounds per acre. This means that the costs of purchasing the land are lower than originally put forward by the applicant.

These changes have altered the conclusions arising from the assessment of viability. A summary of the main changes to the previous position is as follows:

- The gross development value, (GDV), of the proposal has increased. This means that receipts from the scheme are increased.
- the costs of purchasing the land are lower than originally put forward by the applicant
- Negotiations have taken place with regard to the profit level to be taken by the developer, (one of the cost inputs into the appraisal). The District Valuation Office places this at an ‘industry standard’ 20% of the GDV, whereas the applicant has argued a lower percentage profit is sufficient, given risk levels on the site.

These changes are material to the decision members took on 5th April 2018.

When the costs and receipts of the development are compared there is now a deficit, even if no affordable housing (i.e. not even the one gifted accessible bungalow initially offered) is provided. This in turn means that the scheme is not a deliverable one. This is a concern because the site is located outside of the settlement in countryside and would not ordinarily be considered for development. However, the lack of a five year supply and the presumption in favour of sustainable development can weigh in favour of granting such schemes when the balance of benefits and harms is considered, as discussed in the report to members on 5 April 2018. By definition though, sites that count towards 5 year land supply need to be deliverable. With this in mind it would not be unreasonable to refuse planning permission on the basis that the development is not deliverable and will not make a positive contribution to the five year supply.

However, in view of this concern the developer of the site has offered to accept a shortened implementation time of 12 months for the permission. This is considerably shorter than the usual lead in time of 3 years and would mean that development on the site would have to commence almost immediately. If there was no start within a year the consent would lapse.

In effect this would ensure that a non-deliverable scheme was not added to the housing supply figures. It also gives some assurance that the developer is able and willing to implement the development at the reduced profit margin indicated. Members should also be aware that the developer may commence the development in order to implement the permission but not progress it or complete it. However, this should be viewed in the context of the developer's fallback position with regard to the previous scheme P/15/0963/2 that was approved in March 2017 (now considered to be unviable), which could be implemented now to preserve the permission.

Conclusion

The proposal complies with policy CS3 as, although the target provision of 30% affordable housing is not met, when regard is had to economic viability there is a justifiable reason for the lower offer of one unit and this has been verified by an independent expert. In fact, the independently verified figures from the revised viability report suggest that the scheme may not be viable at all. However, the developer is confident that the scheme will be delivered albeit with reduced profit margin and to lend weight to this has undertaken to begin development of the site within 12 months of consent being issued. Given the fallback position, it is considered that this is acceptable and it is recommended that planning permission be granted subject to the conditions suggested previously, save for condition 1 which should be amended to reflect the 12 month lead in time.

RECOMMENDATION A:

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out below:

- The provision of one accessible bungalow on the site gifted to Charnwood Borough Council
- A sum of £43,150 towards the enhancement of skate park facilities in Staddon Park
- A sum of £108,891.09 towards improvements at Woollen Hill Primary School
- A sum of £29,378.41 towards 16+ education at Birstall Cedars Academy
- A sum of £1,390 towards increasing lending stock at Anstey Library.
- A Sum of £12,731 to provide for travel packs for new residents, including possible bus passes, and for improvement to the two nearest bus stops.

RECOMMENDATION B:

That subject to the completion of the agreement in A above, planning permission be granted subject to the following conditions:

1. The development, hereby permitted, shall be begun not later than 1 year from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development shall be carried out in accordance with the following plans: *2976-02 Rev AB Proposed Site Plan, 2976-70 Site Sections, 2976-59 A Trerice house type, 2976-60 B Holdenby semi -detached, 2976-62 Lyme+, 2976-63 Sutton, 2976-64 A Sutton V, 2976-66 A Waddeston Detached, 2976-17 C Tatton, 2976-35 D Waddeston, 2976-52 B Alnwick and Bedford, 2976-54 D Harewood, 2976-55 B Holdenby Detached, 2976-58 C Sutton+, 2976-50 C B2 bungalow, 2976-73 Variant Bungalow 2 bed, 21023_01_230_01 M Drainage, Development Access Layout 21023_08_020_01 B*
REASON: For the avoidance of doubt and to make sure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development.
3. No development shall commence until details of proposed ground levels and the finished floor levels of all the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved levels details shall be fully implemented.
REASON: To ensure that the development integrates satisfactorily into the landscape and surrounding area. These details are required prior to commencement of the development as they may necessitate engineering operations which need to be carried out prior to construction of infrastructure and buildings on the site.
4. No development other than site clearance and demolition shall commence until a further contamination survey, (which includes further sampling and testing for polyaromatic hydrocarbons), following removal of the buildings on the site has been carried out. This further survey shall be submitted to and approved in writing by the Local Planning Authority. The proposal shall be carried out in accordance with any remediation measures outlined within the Ground Investigation Report dated May 2015 submitted with previous application P/15/0963/2 and the further contamination survey.
REASON: The findings of the initial ground investigation report were restricted due to the presence of buildings on the site. This survey work needs to be carried out once the buildings have been removed but prior to any further development in the event that it requires further engineering or underground work.
5. No development shall take place until a gas monitoring assessment has been undertaken for the site and the details of this submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any remediation measures suggested in the assessment.
REASON: To ensure the site is safe for future occupiers. This assessment is required prior to commencement of development as it may require engineering and underground works.
6. No development shall commence until a site verification report demonstrating that the measures, referred to in conditions 4 and 5 above, have been implemented has been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure the site is safe for future occupiers. This verification is required prior to commencement as it may lead to the need for further engineering and underground works and may also have implications for the safety of construction workers.

7. No development, including site clearance and demolition, shall take place until a construction method statement has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include:
- Hours of construction
 - Traffic routing for contractors
 - Wheel wash facilities Measures for dust control
 - Parking provision for contractors

The development shall be carried out in accordance with these agreed details.

REASON: to ensure harm to the amenity of adjacent residents is minimised and for reasons of highway safety. This information is required prior to commencement as it is crucial that all works on the site take place in accordance with it.

8. No development shall take place until details of measures to remove any sediment from surface water discharging from the site into Rothley Brook have been submitted to and agreed in writing by the Local Planning Authority. All development shall be carried out in accordance with these measures and they shall remain in operation thereafter.

REASON: The brook has ecological value and excess sediment being discharged into the water may give rise to ecological issues. These conditions are required prior to commencement as they may necessitate underground engineering works which need to be installed prior to construction starting.

9. No development shall take place until a Landscape and Ecology Management Plan and an Ecological Construction Method Statement have been submitted to and agreed in writing by the Local Planning Authority. The proposal shall be carried out in accordance with any measures outlined within these documents unless previously agreed in writing.

REASON: To ensure that there are no adverse effects on the ecological value of Rothley Brook.

10. No occupation of any dwelling shall take place until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority. The proposal shall be carried out in accordance with these approved details in the first planting and seeding season following approval of the details by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

- the treatment proposed for all ground surfaces, including hard areas
- full details of tree and hedge planting;
- planting schedules, noting the species, sizes, numbers and densities of plants;
- finished levels or contours;
- any structures to be erected or constructed;
- functional services above and below ground; and
- all existing trees, hedges and other landscape features, indicating clearly those to be removed.

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.

11. No occupation of any of the dwellings shall take place until a landscape management plan including details of maintenance responsibilities and schedules of all the public areas and the strategic drainage system has been submitted to and approved in writing by the Local Planning Authority. This plan should cover all landscape areas other than domestic gardens.
REASON: To make sure the appearance of the completed development is satisfactory.
12. No occupation of any dwelling shall take place until a scheme for external lighting on the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these agreed details.
REASON: The site adjoins a Local wildlife Site and it is important to ensure that any outdoor lighting does not have an adverse impact on ecology.
13. No occupation of any dwelling shall take place until the proposed alterations to the site access onto Cropston Road detailed in the drawings listed at condition 2 above have been carried out.
REASON: To ensure that safe access into and egress from the site is provided for future occupiers.
14. No occupation of any dwelling shall take place until a scheme for a crossing facility for Cropston Road in the vicinity of the site has been submitted to and approved in writing. The crossing facility shall be provided in accordance with this approved scheme before occupation of the 10th dwelling and shall thereafter be so retained.
REASON: To ensure that the site is safely connected to facilities in the village and in particular schools, in the interests of sustainability and highway safety.
15. No erection of any dwelling or installation of hard surfacing shall take place until the strategic drainage system for the site, (ie excluding individual plot drainage), as shown on the drainage strategy set out within the Flood Risk Assessment April 2017 and associated additional documentation received September 2017, November 2017 and February 2018 has been installed and is fully functioning.
REASON: To ensure that the site drains adequately without causing flooding within the surrounding area. This drainage needs to be installed prior to the installation of any new hard surfacing to ensure that surface water run off from the site is not increased at any point.
16. No dwelling shall be occupied until the parking and, if applicable, turning facilities for that dwelling have been provided, hard surfaced and made available for use. The facilities referred to in this condition shall thereafter be permanently retained and kept clear for use.
REASON: To ensure that adequate parking is provided throughout the site in the interest of highway safety
17. No dwelling shall be occupied until 1m x 1m pedestrian visibility splays have been provided on the highway boundary on both sides of the proposed private drive for that property. Within the splay areas, referred to in this condition, nothing shall be planted or placed that exceeds 0.6m in height.

REASON: To ensure drivers and pedestrians have a good view of one another in the interest of highway safety

18. No materials shall be placed on the site until such time as details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.
REASON: To make sure that the appearance of the completed development is satisfactory
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that Order, with or without modifications, no additional openings or windows shall be inserted in the north elevation of plot 42, south east elevation of plot 39, south east elevation of plot 35, south east elevation of plot 23, north west elevation of plot 25, or south west elevation of plot 31 at first floor level or above.
REASON: To prevent undue overlooking of nearby dwellings, in the interests of the privacy of nearby residents.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that Order, with or without modifications, no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles.
REASON: To ensure alterations are not carried out that would result in the loss of parking facilities within the site and to ensure that there is no overlooking of adjacent gardens if garages are converted to living spaces.
21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, an amendment to the remediation scheme detailed in condition 4 above shall be submitted and approved in writing by the Local Planning Authority. This should detail how the unsuspected contamination will be dealt with. The development shall be carried out in accordance with any remediation measures suggested in the amendment.
REASON: To ensure the site is safe for future occupiers
22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that Order, with or without modifications, no doors other than of a type that opens inwards shall be fitted to the proposed garages for plots 1, 17, 18, 19, 20, 21, and 36.
REASON: To ensure that cars using the shorter driveways to the front of these garages do not overhang the highway in the interests of highway safety.

The Following Advice notes will be attached to the decision:

1. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy

Framework (paragraphs 186 and 187) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Item No.

Application Reference Number P/17/0881/2

Application Type:	Full	Date Valid:	15/05/2017
Applicant:	Barwood Homes Limited		
Proposal:	Erection of 46 dwellings		
Location:	129 Cropston Road Anstey Leicestershire LE7 7BR		
Parish:	Anstey	Ward:	Anstey
Case Officer:	Andrew Thompson	Tel No:	01509 634735

This application has been called-in to Plans Committee by Councillor Deborah Taylor as she considers the development raises issues regarding a lack of proposed affordable housing, financial contributions towards infrastructure and mitigation measures to address highway impacts relating to Anstey Town Centre and the safety of the proposed access onto the site.

Description of the Site

The site comprises an area of 1.5hectares of land to the rear of 129 to 161 Cropston Road in Anstey. The site was occupied by a former garden nursery, which included a series of greenhouses, a shop and parking/storage areas. The nursery primarily sold plants but there were ancillary sales of other garden products such as compost and tools. Land levels slope down from Cropston Road to Rothley Brook with the steepest gradients being immediately to the southeast of the carriageway. The site is adjacent to limits to development for the village.

Surrounding land uses are open land to the North and East (with Rothley Brook also to the east) with residential properties to the west. A stables and a paddock area are to the south of the application site.

The application site lies within the Rothley Brook Green Wedge which is designated under Saved Local Plan policy CT/3 and the designated Flood Zone has been remodelled.

Description of the Application

This is an application for full planning permission and proposes the following:

-) 34 three-bedroom detached and semi-detached houses*
-) 3 two-bedroom terraced properties*
-) 1 two-bedroom bungalow*
-) 1 one-bedroom affordable and accessible bungalow*
-) 6 four bedroom detached houses*
-) 1 five bedroom detached house*
-) Parking spaces*
-) Demolition of 129 Cropston Road, to allow a new access road in to the development.*

It should be noted that there is an extant permission on the site for 36 dwellings, P/15/0963/2, and that this latest application differs in the following ways:

-) An increase of 10 dwellings.*
-) The site area for residential development has increased by 0.3ha created through flood map remodelling which has re-classed areas thought to be flood zones 2 and 3 to flood zone 1.*
-) The area now proposed for additional dwellings was previously proposed for open space connected to approval of P/15/0963/2.*
-) An increased number of smaller units proposed in the housing mix*
-) The number of affordable units has been reduced from 11 to 1 affordable accessible bungalow to be gifted to the Council. A viability appraisal has been submitted to support this alteration.*
-) The layout and house types have been altered although the road layout is broadly the same as previously considered.*

The following documents are included with the application:

- Ñ Application Forms (April 2017)*
- Ñ Design and Access Statement (April 2017)*
- Ñ Ecological Appraisal (August 2017)*
-) Flood Risk Assessment (April 2017)*
-) FRA Addendum (September 2017)*
-) Flood Risk Technical Note (November 2017)*
- Ñ Transport Statement (April 2017)*
-) Viability study (April 2017)*
-) Housing mix statement (August 2017).*

The applicant has indicated willingness to enter into a Section 106 legal agreement to cover affordable housing, public transport contributions, education contributions, recreation contributions and to provide a crossing point close to the site entrance.

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS1 – Development Strategy sets out the development strategy and directions of growth for the borough. For Service Centres, (of which Anstey is one), provision is made for at least 3,000 new homes between 2011 and 2028. These homes must on balance be sustainable, meet need, be in line with strategic vision, make effective use of land and comply with the Core Strategy as a whole. In the period between the base date and adoption, (2011 – present), approximately 3,800 homes have been committed within or adjacent to the service centres meaning that there is only a requirement for additional windfall sites within the settlement boundaries up to 2028.

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout,

materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS3 – Strategic Housing Needs supports an appropriate housing mix for the Borough and sets targets for affordable homes provision. In Anstey 30% affordable homes are sought on sites of 10 dwellings or more.

Policy CS11 – Landscape and Countryside seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, tranquillity and to maintain separate identities of settlements.

Policy CS12 – Green Infrastructure aims to enhance urban fringe green infrastructure. For green wedge areas such as this it is achieved by retaining the open and undeveloped character of the green wedge, retaining and creating green networks and improving public access for recreation.

Policy CS13 – Biodiversity and Geodiversity seeks to conserve and enhance the natural environment and to ensure development takes into account impact on recognised features.

Policy CS15 deals with open space and requires all new development to meet the standards in the open space Strategy. This site is, however, too small to provide open space to any meaningful minimum size on site other than for natural open space.

Policy CS16 – Sustainable Construction and Energy supports sustainable design and construction techniques. It also encourages the effective use of land by reusing land that has been previously developed.

Policy CS17 – Sustainable Transport seeks a 6% shift from travel by private car to sustainable modes by requiring major developments to provide access to key facilities by safe and well-lit routes for walking and cycling that are integrated with the wider green infrastructure network and by securing new and enhanced bus services where new development is more than 400m walk from an existing bus stop.

Policy CS18 – The Local and Strategic Highway Network – seeks to ensure that appropriate highway improvements are delivered and applications are supported by appropriate Transport Assessments.

Policy CS24 – Delivering Infrastructure – seeks to ensure that development contributes to the reasonable costs of on site, and where appropriate off site, infrastructure, arising from the proposal through the use of Section 106 Agreements. This is so the local impacts of developments will have been reasonably managed and mitigated.

Policy CS25 Presumption in favour of sustainable development echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

The saved policies relevant to this proposal include:

Policy ST/2 – Limits to Development – This policy seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests.

Policy EV/1 – Design – This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy CT/1 General Principles for areas of the countryside, green wedge and local separation. The policy restricts new development to that which is small-scale and where it meets certain criteria.

Policy CT/2 Developments in the Countryside – indicates in areas defined as countryside, development acceptable in principle will be permitted where it would not harm the character and appearance of the countryside and safeguards its historic, nature conservation, amenity and other local interest.

Policy CT/3 – Development in Green Wedges – This policy sets out criteria that development in such areas should meet. It identifies the site as being within a corridor of green wedge between Anstey and Leicester.

Policy TR/18 – Parking in New Development – This seeks to set the maximum standards by which development should provide for off street car parking.

Other Material considerations

The National Planning Policy Framework 2012 (NPPF)

The NPPF is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to this:

-) An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation;*
-) A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;*
-) An environmental role – contributing to protecting and enhancing our natural, built and historic environment.*

Paragraph 14 states that where the development plan is absent, silent or relevant policies are out-of-date, proposals should be granted permission unless:

-) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;*
- or*
-) specific policies in this Framework indicate development should be restricted.*

Para 17 sets out the core principles of sustainable development

In terms of the remainder of the NPPF, relevant sections are as follows:

Section 4: Promoting Sustainable Transport

Paras. 29-32 - Promotes sustainable modes of transport and consideration of highway implications in that only where a development results in a severe impact should it be refused.

Section 6: Delivering a wide choice of high quality homes

Paras. 47 & 49 – requires Local Planning Authorities to significantly boost the supply of land and need for a 5 year housing land supply. Where a 5-year supply cannot be demonstrated relevant policies for the supply of housing should not be considered up-to-date.

Para 50 - advises local planning authorities to plan for a mix of housing.

Section 7: Requiring good design

Paras. 56, 58, 63 & 64 – Development is required to achieve high quality design that respects local distinctiveness and poor design should be refused.

Section 8. Promoting healthy communities

Paras 69 and 70 - Facilitating social interaction and creating healthy, inclusive communities.

Section 10: Climate change and flooding

Para 96 - Direct development away from areas at high risk of flooding, and it should take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption.

Para 103 – seeks to ensure that development is flood resilient and designs in sustainable drainage.

On decision taking the NPPF advises:

Paras 186 and 187 - Local Planning Authorities should act in a positive and proactive manner in decision making.

Para 196 - Re-emphasises the primacy of the Development Plan in decision making

Paras 203-206 - Sets out the tests for the use of planning conditions and obligations.

National Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

Leading in Design Supplementary Planning Document February 2006

This document encourages and provides guidance on achieving high quality design in new development.

Appendix 4 sets out spacing standards for new housing developments to ensure that overlooking and over dominance do not occur and that a good quality design is achieved.

Housing Supplementary Planning Document (May 2017)

This document includes advice relating to affordable housing and housing for older people. It should be noted that policy HSPD 9 has been redacted following a legal challenge.

Landscape Character Assessment (July 2012)

This Assessment forms part of the evidence base to the Core Strategy. The site lies within the Charnwood Forest Character Area which is described as the upland nature of Charnwood Forest, due to the underlying ancient rock, it is very different from other landscape character areas within the Borough. The geology has strongly influenced both the natural vegetation cover and agricultural land use. It has the highest percentage of woodland cover and wildlife sites in Leicestershire. Small villages have a strong sense of identity through the use of local stone. The area is very popular for recreation and visitor pressure is increasing. The historic core of Anstey is noted within the Assessment as a Conservation Area with the character area of Charnwood Forest being defined by the historic settlement form which extends into the fringes of the character area and forms an important part of the landscape character. Anstey lies in the south with other large villages of Quorn, Rothley and Mountsorrel at the transition between Charnwood Forest and the Soar Valley landscape character areas.

ARUP Green Wedges and Local Areas of Separation Study (2016)

This study commissioned by the Council provides amongst other things a review of local areas of separation and Green Wedges and how they perform against their respective objectives.

Housing and Economic Development Needs Assessment (January 2017) HEDNA

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. Whilst the objectively assessed need figure remains untested in a plan making environment in the Borough and is therefore not to be relied upon at the current time, the housing mix evidence can be accorded significant weight as it reflects known demographic changes.

Environmental Impact Assessment Regulations 2017

The development has been considered in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and it has been concluded that this is a proposal that would not be likely to have significant effects on the environment, within the meaning of the Regulations, given the scale and type of development. Accordingly the planning application for this development does not need to be accompanied by an Environmental Statement.

The Community Infrastructure Levy Regulations 2010, (CIL)

These set out the process and procedure relating to infrastructure requirements. Regulation 122 states that it must relate in scale and kind to the development. Regulation 123 precludes repeat requests for funding of the same items (pooling).

Relevant Planning History

Applications registered for 129 Cropston Road and the Nursery are as follows:

Ref.	Description	Decision	Date
P/80/0324	Advertisement	Refused	13/03/80
P/80/1569	Mounted Sign	Approved	07/06/80
P/83/2394	Change of use of horticultural building to shop	Approved	01/03/83
P/90/0451	Extensions to 129 Cropston Road	Refused	24/05/90
P/92/1690	Extensions to 129 Cropston Road	Approved	08/09/92
P/98/1260	Erection of poly tunnel	Approved	02/02/98
P/09/0217	Change of use to retail sales without compliance with condition 2 – allowing open retail	Refused	19/10/09

As set out above there are two extant applications for the site. These are:

-) P/15/0963/2 – Erection of 36 dwellings - Granted March 2017
-) P/15/2276/2 – Change of use of land to form public open space – Granted April 2016

Responses of Statutory Consultees

Leicestershire County Council Lead Local Flood Authority (LLFA)

When determining planning applications, Charnwood Borough Council as the local planning authority should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance (PPG).

Revised drainage and flood risk details have been submitted and are technically acceptable. Conditions are proposed.

Environment Agency

The Environment Agency does not object to the proposal but points out that works within 8m of the brook may require a special environmental permit.

Leicestershire County Council Highway Authority

The Highway Authority does not consider that the proposal for 10 additional dwellings would give rise to severe impacts. It is satisfied with the findings set out in the submitted Transport Assessment and, when considered within the context of recent improvements at The Nook, (ie. residually), believes that the development can be safely accommodated within the network.

No concerns are raised with regard to highway safety and the access shown on the drawings is considered to be acceptable. There are small elements of the internal layout which it points out may not meet with adoption criteria which could be addressed through the adoption process or used as private drives as shown. The County Highway Authority also confirms that the number of parking spaces provided is adequate providing these are of sufficient size.

With regard to accessibility and connectivity it comments that the site is well served by public transport but seeks a scheme to improve pedestrian crossing facilities in the area.

Anstey Parish Council

Anstey Parish Council considers the proposal to be of poor design. It raises concerns relating to lack of affordable housing, lack of Section 106 contributions, poor levels of 2 bedroom properties as a proportion of the overall site, lack of landscaping, flooding from the brook, loss of the pedestrian crossing and highway capacity.

Housing Strategy Manager

The Borough Council's Affordable Housing Officer is satisfied, on the basis of the viability submission, that the gifted accessible unit would be acceptable in terms of affordable housing provision.

The Canal and River Trust

The Canal and River Trust makes no comment on the application

Leicestershire County Council Developer Contributions

Civic Amenity - LCC seeks a contribution of £2,377 towards additional containers at Mountsorrel Civic Amenity site.

Education Authority - The Education Authority seeks a contribution of £138,269.50 towards Anstey Latimer Primary school and Thurcaston Richard Hill Primary School and towards post 16 education at Birstall Cedars Academy.

Libraries - seeks a contribution of £1,390 towards increasing stock at Anstey Library.

Open Space

The Open Spaces Team seek contributions of £35,863.92 towards park provision, £10,457.07 towards natural and semi natural open space, £12,832 towards children play, £43,150 towards provision for young people, £43,130.35 towards outdoor sports and £5,246 towards allotments.

Third Party Representations

Councillor Deborah Taylor

Objects to the application on the following grounds:

- outside development limits and within the Green Wedge
- traffic and highway impact
- the position of the access being in a dangerous position
- impact of the access on pedestrian safety
- impact of the access on the amenity of residents of neighbouring properties
- flooding and the proximity of properties to the Rothley Brook
- housing mix does not meet the Council's needs
- relationship to neighbouring properties
- lack of open space
- overdevelopment and lack of landscaping and
- lack of infrastructure to cope with the development.

Public Comment

Over the course of the application there have been 13 letters from local residents. Some residents have written more than once. The comments / concerns raised include:

-) Traffic from this and other new developments
-) Impact on village infrastructure
-) Proximity to the brook and impact on wildlife, the country park and flooding
-) Lack of need for the houses

-) Loss of privacy and impact of the access
-) Proximity of the houses to a stable block.

The occupiers of 131 Cropston Road have also written with specific comments relating to the gable wall and access wall adjacent to their property.

This is a summary and all comments received can be viewed in full on Charnwood's website at www.charnwood.gov.uk

Consideration of the Planning Issues

The key issues in considering this application are considered to be those that relate to the differences between this and the extant permission on the site. As a result they do not relate to the principle of developing the site for housing. They are:

-) The Principle of the Development and the provision of 10 additional dwellings
-) The proposed housing mix
-) Impact on the character of the area due to the layout changes
-) The Design and Layout
-) Impact on the amenity of adjacent properties
-) The impact of additional dwellings on highway safety and the capacity of the surrounding road network
-) Flood risk
-) Biodiversity and protected species
-) Affordable housing and viability
-) Other S106 Contributions.

The Principle of the Development and the provision of 10 additional dwellings

Planning permission has already been granted under planning permission reference P/15/0963/2 which approved 36 dwellings on the site. The proposal would therefore provide an additional 10 dwellings above the extant scheme. Since the previous approval there have been additional permissions granted for other sites in Anstey but the Borough no longer has a 5 year supply of housing land.

Policy CS1 sets a development strategy and settlement hierarchy that guides residential development to the edge of Leicester and Loughborough/Shepshed before smaller places in the Borough. Anstey is categorised as one of seven Service Centres, which are expected to accommodate at least 3,000 dwellings during the plan period 2011 to 2028.

The level of development in the Service Centres (currently in the region of 3,800 dwellings, taking account of recent permissions) and the amount of development already committed within Anstey is noted (for example, the Bloors and Jelson developments further along Cropston Road), the impact of the proposed additional dwellings on the settlement character should also be considered and this is set out later in this report.

The proposal is located in the countryside as denoted by Saved Local Plan Policy ST/2 but adjoins the settlement boundary. It also lies within a Green Wedge as designated by Saved Local Plan Policy CT/3.

The Core Strategy indicates that small scale development adjoining the settlement boundary of Service Centres may be acceptable subject to the proposals responding positively to sustainable development objectives and which contribute towards meeting our development needs, supports our strategic vision, makes effective use of land and is in accordance with the other policies in the Core Strategy.

Paragraph 14 of the National Planning Policy Framework states that where development plan policies are out-of-date planning permission should be granted unless:

-) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole; or*
-) specific policies in this Framework indicate development should be restricted.*

The need to significantly boost housing supply is a material consideration that must be given weight in the planning balance. For Charnwood, Core Strategy Policy CS 1 and Local Plan Policy ST/2 are the policies for the supply of housing. Whilst these policies are out-of-date, it remains for the decision taker to assess the weight of these policies. A recent Supreme Court judgement (Suffolk Coastal District Council v Hopkins Homes Ltd & Richborough Estates Partnership LLP v Cheshire East Borough Council [2017] UKSC 36.) has clarified a number of matters in relation to the application of the presumption of sustainable development. The Supreme Court judgement confirms that where policies for the supply of housing are not considered up to date, they retain their statutory force, but the focus shifts to other material considerations. When making an assessment of weight it is necessary to consider the degree of consistency with the Framework, the degree to which policies restrict the supply of new housing, the purpose of the policies and if there is a 5 year supply shortfall, the degree of the shortfall and the action that is being taken to address it.

Policy CS1 defines the settlement hierarchy and the criteria for considering proposals within individual tiers of settlements. The Development Strategy set out in the Policy seeks to guide development to locations that are well connected to jobs, services and infrastructure in order to provide a sustainable pattern of development. The Core Strategy supports sustainable development which contributes towards meeting our remaining development needs, supports the Council's strategic vision, makes effective use of land and is in accordance with the policies in the Core Strategy. These matters do not all necessarily relate only to the supply of housing but also to the sustainability and suitability of differing types of settlement for new housing having regard to travel and patterns of movement and access to services and facilities.

Whilst Policy CS1 is not up-to-date, and cannot be ascribed full weight, the policy has a role in delivering a sustainable pattern of development. The site in question is outside the limits to development of Anstey and within countryside. Policy CS 1 states that, in relation to Anstey, the Local Planning Authority will respond positively to sustainable development which contributes towards meeting the Borough's development needs. As the Council is currently unable to demonstrate a five year supply of housing land, it is considered that this site would contribute towards meeting our development needs. Whilst paragraph 4.45 and 4.46 of the supporting text for Policy CS 1 states that the Council's priority is to see any new development that takes place at service centres to be within their existing built up areas, it also states that small scale windfalls in greenfield locations may be appropriate

where there is a recognised local housing need. Whilst the council has no evidence of a specific local housing need for Anstey, and the developer has not provided any, the Council is unable to show it has a five year housing supply across the Borough as a whole. This brownfield site has extant permission for 36 dwellings and the proposal being considered increases that number modestly by 10 dwellings, which helps to create a better profile of house types in terms of HEDNA. Therefore taking account the borough wide housing need and the extant permission alongside the size of Anstey, it is considered the proposal is small scale.

Saved Policy ST/2 acts as a counterpart to CS1. It defines the land which is considered to be within the urban area and that which is countryside. In doing so, it provides that part of the development strategy which seeks to manage patterns of development is to ensure that landscape and the countryside are protected. It is considered that, in this instance, Policy ST/2 must be given moderate weight as it would restrict the delivery of housing adjacent to the service centre that would otherwise meet an identified housing need.

It is considered that Saved Policies CT/1, CT/2 and CT/3 whilst not policies for the supply of housing, can have a constraining effect upon the supply of housing. It is considered that these policies should be attributed reduced weight when the Council is unable to demonstrate it has a 5 year housing land supply, as they would otherwise restrict the supply of housing at a time when the Council is unable to demonstrate a five year supply of housing. In other respects these policies show a high degree of consistency with the objectives in the Framework, although aspects of their wording are inconsistent. For the above reasons they are considered to carry more than moderate weight.

The Green Wedge designated by Saved Policy CT/3, and considered by the ARUP Green Wedge review highlights that the Green Wedge performs well against the wider objectives of a Green Wedge designation, as a landscape feature, recreational resource and guide to development patterns. There are no site specific policies that would restrict development on the application site, but it is noted that the principle of development has already been accepted on the site. The proposal needs to be considered against the principles of sustainable development as defined in Paragraph 14 of the NPPF.

The provision of the additional 10 dwellings, in addition to the previously approved 36 dwellings would therefore be a boost to the housing land supply and this is a positive benefit to the proposals that should be weighed in the planning balance.

The remainder of the report therefore addresses the material planning considerations against which the application proposal should be measured.

The proposed housing mix

Policies CS2 and CS3 of the Core Strategy and saved Policy EV/1 require developments to be in keeping with the character of the area and take account of the local surroundings. This is supported by the aims and objectives of HEDNA which seeks at paragraph 5.36 to ensure that the development is in keeping with the characteristics of the site and the area.

The NPPF also seeks to ensure that there is no clear distinction between affordable and market housing. This was a specific failing in the scheme dismissed on appeal further up Cropston Road at the Bloor Homes scheme and more recently at Iveshead Road,

Shepshed. It should be noted that there are no new house types from that previously approved and agreed house types are used in the additional plots proposed. The most recent expression of housing need for Charnwood is set out within the Housing and Economic development Needs Assessment (2017) (HEDNA). The housing mix identified in HEDNA 2017 is set out below:

Bedrooms	Affordable	Market
1	40-45%	0-10%
2	20-25%	25-35%
3	25-30%	45-55%
4+	5-10%	10-20%

However it is noted that HEDNA guidance advises against prescriptive application of the above figures and suggests that schemes should be considered against the mix of housing locally, the setting of the site and character of the area, and local demand evidence.

The current proposal consists of predominantly two storey development as a mix of terraced, semi-detached and detached properties. The application proposes two single storey bungalows one of these is accessible for wheelchair users. This is broadly similar to the previously approved housing mix in terms of type although there is a decrease in the number of detached dwelling types and increase in semi-detached and smaller house types, which helps to achieve a better match with need identified in HEDNA. The proposals continue to offer the same number of bungalows to cater for the identified need. There is no specific minimum amount of bungalows sought and policy does not seek to enforce a specific housing type

There is no specific identified needs study relating to dwelling types for Charnwood although HEDNA shows a need for accommodation for older households and particularly those with mobility problems. The character of the area must also be a consideration in assessing this element of mix as there is a clear need for a softer edge to the development along the brook and facing the country park. It is considered that the proposal represents an improved mix in terms of type and that it responds to a degree to identified need and more fully to area character.

The table below sets out the mix of market housing in terms of size both for the extant scheme and the current proposal and then compares this to the need figures given in HEDNA:

	EXTANT	CURRENT	HEDNA
1 Bedroom	0 (0%)	0 (0%)	0%-10%
2 Bedroom	0 (0%)	5 (11%)	25% – 35%
3 Bedroom	19 (76%)	34 (77%)	45% - 55%
4+ Bedroom	6 (24%)	7 (16%)	10% - 20%

The main differences in the submission compared to the extant permission are to the east which would be a transition to the open countryside and recreational areas to the north. The proposals for larger housing on this part of the site do mean that the proportion of 3

bed properties remain above HEDNA but they assist with the transition from open countryside and recreation areas to the north and are therefore are considered to be acceptable. The proposals would also continue to reflect the design and scale of the properties to the western boundary on Cropston Road.

There would continue to be good integration with the surrounding area and the proposals would also include 2 bedroom properties within the market housing, which differentiates from the already approved development. The proposals are therefore considered to take account of the site characteristics and the advice of HEDNA the proposals are considered to offer an appropriate housing mix.

The development is therefore considered to respond positively to the character of the area in an appropriate way in terms of mix, with larger less dense development along the settlement edge adjoining the brook.

Overall, the proposals are in accordance with the aims and objectives of Policy CS3 (as supported by the evidence base) and are a coherent design response for the site, taking account of the surroundings. Additionally the proposal does not fundamentally change the housing mix from the approved scheme. The proposals are therefore acceptable and in accordance with Policies CS2 and CS3 of the Core Strategy and saved Policy EV/1 requiring developments to be in keeping with the character of the area and take account of the local surroundings.

Impact on the character of the area due to the layout changes

Policies CS2 and CS3 of the Core Strategy and Saved Policy EV/1 require developments to be in keeping with the character of the area and take account of the local surroundings. The impact of the extant proposal was assessed in terms of:

- a) Its location within a defined area of Green Wedge*
- b) The visual impact of the access and demolition of 129 Cropston Road*
- c) Relationship of the site to the village*
- d) Views into the site*

The proposal differs from the previous approval in that it involves development that is closer to the Brook at the rear of the site. In terms of visual impacts, views from Cropston Road and the site's relationship to the village remain unaltered.

The current proposal is reassessed against criteria a) and d) above in the remainder of this section.

Green wedge – The site is located within the Anstey/Groby/Glenfrith Green Wedge as defined on the Borough of Charnwood local plan proposals map. Saved Policy CT/3 of the Borough of Charnwood Local Plan has not been superseded by the Core Strategy and remains up to date in terms of the NPPF. This policy only permits development which protects the predominantly open and undeveloped character of the area, retains gaps between villages, maintains recreational access and secures landscape improvements.

Core Strategy Policy CS12 identifies the general area on the edge of Leicester including around Anstey as being within an 'urban fringe green infrastructure enhancement zone'. Within these zones there is an undertaking to protect and enhance the open spaces that form the network of green space. The Core Strategy also indicates the general area of the Anstey/Groby/Glenfrith green wedge but does not clarify the precise boundaries of the green wedge, these being defined by the local plan proposals map. Similar to Saved Policy CT/3, Policy CS12 states that within green wedges, development should be supported which retains the open character of the area, retains links between countryside and urban areas and enhances public access.

The application site already contains buildings, storage areas and hard surfacing in connection with the former garden centre. Whilst these were generally single storey buildings and low key uses which have a more limited impact on the surrounding area than the development, there is no open and undeveloped land that would be lost if the proposal were to be built. More importantly key linear open space along the brook would be retained and improved, allowing the provision of an open character and landscape improvements. These positive benefits are considered to meet the intentions of policy CS12 and Saved Local Plan Policy CT/3, as the open character of the area would be enhanced by the redevelopment of this site.

Whilst the current application reduces the width of the linear corridor along the brook, revisions to the submitted plans during the course of the application have restored this to a meaningful width and have ensured this is retained as a structural element of the scheme.

Views into the site –There are relatively few public areas where clear views of the site would be possible. From Cropston Road itself views of the site would be restricted to glimpses between buildings due to the presence of strong frontage development at a higher ground level.

It would also be possible to see the development from footpaths around the country park to the east. The current proposal would have a greater impact in terms of this viewpoint as it would bring development closer to the brook and park beyond. However, due to distances, topography and landscaping, the visual impact would be relatively limited. This also needs to be considered in the context of the former use of the site. As referenced above the former nursery buildings and structures were closer to the stream and park than either the extant permission or the current proposal.

In conclusion it is not considered that significant harm to the character of the area is likely as a result of the changes between the current scheme and the extant approval and would be in accordance with Policies CS2 and CS3 of the Core Strategy and saved Policy EV/1 of the Local Plan and the aims and objectives of the National Planning Policy Framework.

The Revised Design and Layout

Policy CS2 seeks high quality design. It sets out broad criteria for achieving this and suggests that the quality of proposals should be assessed using national design guidance. Building for Life 12 is one method that design quality may be assessed. It contains guidance on design and sets out a series of headings within which good quality

designs should perform. As in the previous assessment of the extant scheme, an assessment of the current scheme has been undertaken by officers against the Build for Life criteria.

The proposal divides up the site into two small character areas: the strong linear access road and the looser pattern of development in the brook edge corridor. These have been designed to reflect the two key elements of Anstey’s historic core which comprise the more formal “church” area and the less formal “green” area. The strong linear form of the access road also ties in with the pattern of development on the adjacent Cropston Road.

The scheme under consideration shares many design aspects as that already approved under the extant permission and the proposed scheme performs strongly in a majority of Building for Life criteria and moderately against the other criteria, which shows that it is a good quality design which would be in keeping with the provisions of Policy CS2 of the Core Strategy and the aims of the National Planning Policy Framework.

Impact on adjacent properties

Policy CS2 of the Core Strategy and Saved Policy EV/1 require developments to be in keeping with the character of the area and take account of the local surroundings and respect the amenity of neighbouring properties.

It is also of note that the approved permission for 36 dwellings is also a material consideration, and the comments of local residents and Cllr Taylor in this regard have been carefully considered.

As with the extant proposal the impact of the current scheme is assessed with regard to its impact on adjacent properties. The proposals have not significantly altered the proposed relationship of the housing approved under the extant scheme. The key relationships are set out in the table below:

Property	Relationship	Guide (if applicable)	Notes
131 Cropston Rd	There is 40m from the side gable of plot 1 to the rear elevation of 131. 30m to the side of the garage to plot 1 and 27m to the proposed substation.	12.5m between blank gable and main habitable room windows to avoid over dominance 5m from a newly formed access	Building: There is sufficient distance for there to be no material loss of light or outlook from the rear of the property. Garden: Plot 1 is situated 14m east of the 25m rear garden to this property. This is not considered to give rise to issues with privacy, outlook or lighting.

Property	Relationship	Guide (if applicable)	Notes
		to main habitable room windows, 3m to secondary windows and 2m to blank wall.	Access: The new access road would pass within 6m of the side elevation of 131 which would be a blank elevation following the demolition of 129. This is within the guideline figure.
127 Cropston Rd	6m from the side elevation of 127 to the access road.	5m from a newly formed access to main habitable room windows, 3m to secondary windows and 2m to blank wall.	Access: The proposed access road would pass within 6m of the side elevation to 127. This complies with guidelines set out in the Council's SPG on tandem development.
133 - 161	Approximately 35 – 40m between properties on Cropston Road and the westernmost plots.	21m between elevations containing main habitable room windows.	<p>Buildings: This complies with the guideline.</p> <p>Gardens: The westernmost plots have average garden depths of 10m which, (particularly when combined with the drop in levels), means that there would not be significant overlooking of adjacent gardens.</p>

Whilst an additional 10 dwellings would create additional highway movements, the proposed access has been designed in a manner to safeguard the amenities of neighbouring residents with appropriate landscape and separation. It is considered that the additional ten dwellings would not create significant noise or disturbance over and above the existing approved scheme that would be sustainable on its own as a reason for refusal.

Overall, taking account of the representations and concerns received to the application and the relationship to properties on Cropston Road, compared to the approved scheme, the proposals are considered to be an acceptable relationship in terms of policy EV/1 of the Local Plan and policy CS2 of the Core Strategy.

The impact of the additional units on Highway Safety and the capacity of the surrounding road network

Policy CS17 of the Core Strategy seeks to provide a genuine choice for our community to walk, cycle or take longer trips on public transport. Development is expected to be managed in ways which secure improvements or results in an efficient and effective transport network. Policy CS18 of the Core Strategy seeks to maximise the efficiency of the local and strategic road network by 2028 by requiring new developments (including

this application) to deliver an appropriate and comprehensive package of transport improvements.

Paragraph 32 of the NPPF states developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. It further states that decision makers should ensure that the opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved, and improvements can be undertaken within the transport network that cost effectively limits the significant impact of the development. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

The comments of the Local Highway Authority have been carefully considered and the comments raised by local residents and Councillor Taylor are also noted. The following highway issues have been raised. These are discussed in turn with regard to the current proposal below:

- Ñ Highway Capacity in the area*
- Ñ Gradient and safety of the Access*
- Ñ Pedestrian facilities*
- Ñ Layout and parking within the site.*

Highway Capacity in the area – Concerns have been raised about the busy nature of Cropston Road and about introducing additional traffic onto this beyond that previously approved. The Local Highway Authority does not object to the application in principle, as it considers that the increase in the size of the development proposed would not generate sufficient numbers of trips to cause harm when considered cumulatively with other developments in the light of programmed and completed improvement schemes.

Gradient and safety of the Access_– The Highway Authority has no objection to the position of the access in terms of its relationship with the nearby Link Road junction. The existing gradient of the access has been reduced to meet adoption requirements providing a gradient of 1:15 which complies with highway standards and provides safe access and egress and reflects the same position as the extant permission.

Pedestrian facilities – Whilst the site is well located in terms of a good range of local facilities, many of these, and in particular the schools, are on the opposite side of Cropston Road. In order to make these journeys safer for pedestrians and ultimately improve the sustainability of the site the applicant has agreed to install a crossing facility in the vicinity of the site and reflects the same position as the extant permission.

Layout and parking within the site – the current layout has been revised to comply with Highway Authority requirements for adoption (Revision AB). Based on this the Highway Authority does not object to the layout or parking provision within the site subject to the attachment of a number of standard conditions. There are at least two spaces allocated for each unit across the site and these or the garage equivalents meet with size standards suggested by the Highway Authority with the remainder proposed as private drives.

In conclusion a safe highway layout has been achieved and the limited increase in traffic that this number of units would generate can be accommodated without a material increase in harm to the surrounding road network and is not substantially different to the approved scheme.

Flood Risk

Policy CS16 of the Core Strategy encourages sustainable design and construction and directing development to locations within the Borough at the lowest risk of flooding, supporting developments which reduce flood risk elsewhere, and requiring new developments to manage surface water run off with no net increase in the rate of surface water runoff for Greenfield sites. A number of residents have raised the capacity of the drainage network to cope with the additional infrastructure. In this respect the comments of the Lead Local Flood Authority and Severn Trent are noted and the conditions they suggest are positively worded (i.e. are not Grampian Conditions) so that additional work is not needed in the area (i.e. off-site works outside the control of the applicant). The inclusion of sustainable drainage systems and their scope are considered to be acceptable to both consultees.

Paragraph 103 of the Framework requires local planning authorities to ensure that, when determining planning applications, flood risk is not increased elsewhere and to only consider development in areas of flood risk where, informed by a site-specific flood risk assessment, will not put the users of the development at risk.

There are two separate areas of consideration with regard to flooding:

- Ñ Flooding within the site from the adjacent Rothley Brook*
- Ñ Surface Water run off downstream as a result of the development*

These are discussed in turn below:

Flooding within the site from the adjacent brook – Since the previous application was approved a challenge to the flood map classification across the site has been submitted by the applicant. This was successful and accepted by the LLFA and as a result the site is now identified as lying within Flood Zone 1. As the site now falls within Flood Zone 1, where flood risk to future occupiers is minimal it is considered that the level of flood risk within the site is acceptable. .

Surface water run off downstream as a result of the development – Residents have raised concerns about flooding which already occurs within the village and have highlighted fears that surface water run-off from the development could worsen this existing problem. In response to these concerns, the applicant has reviewed and revised the drainage strategy to address this issue which is also considered appropriate by the LLFA.

The drainage strategy proposes a network of surface water sewers which convey water to a flow control chamber and then on to a swale with a hydro-brake. The swale would release water at an agreed run off rate into Rothley Brook. The rate would be 25.2 l/s which would be a 30% reduction in the current brownfield run off

rate, (35.99 l/s). The revised strategy also proposes permeable paving for all of the private drives and parking areas which would also store water.

As the drainage strategy remains similar to that of the extant scheme and would result in an improvement on the existing situation it is considered that a refusal on the grounds that the site cannot be adequately drained could be sustained.

On this basis the proposed flooding and drainage strategy is considered acceptable by the LLFA and providing the measures are put in place as shown, the flooding situation downstream would be marginally improved as a result of the development. The proposals are therefore in accordance with Policy CS16 of the Core Strategy and in particular Paragraph 103 of the Framework

Biodiversity and Protected Species

Policy CS13 of the Core Strategy seeks to ensure protected species are not harmed as a result of development proposals and wherever possible they should seek to enhance ecological benefit through landscape and drainage solutions. Saved Policy EV/1 of the Local Plan and Policies CS2, CS11, CS12 and CS15 of the Core Strategy seek to ensure that appropriate designs and layout are provided which deliver high quality design and the provision of appropriate green infrastructure is also a relevant consideration in this context. The comments and concerns raised in relation to protected species from local residents in particular are noted and are carefully considered. The Council's Senior Ecologist has reviewed the application and the supporting documents.

An Ecological Appraisal has been carried out for the site which reveals that, as a previously developed site, it has limited ecological value. However, whilst there are no ecological designations within the site there is a Local Wildlife Site (Rothley Brook LWS) immediately adjacent. It should be noted that this appraisal was done in August 2017 and that, as a result, it does not relate to the revised site location plan which moves built development further away from the Local Wildlife Site. The appraisal does, nevertheless, conclude that there would be no adverse impact on the brook and that there are opportunities to enhance the Local Wildlife Site. This conclusion is reached on the understanding that on site drainage incorporates measures to prevent adverse impacts on the brook, care is taken during construction, a 4m planted buffer zone is provided and a wildlife sensitive lighting scheme is adhered to. Conditions to secure these matters and to ensure no harm to Rothley Brook Local Wildlife Site occurs, should be attached in the event of an approval of this application.

As per outlined within the Appraisal it is recommended that an Ecological Management Plan and an Ecological Construction Method Statement are also required by means of a condition.

The Ecological Appraisal also confirms the presence of foraging and commuting bats within the site. It does not, however, anticipate any detriment to bats providing that measures to retain and enhance Rothley Brook Local Wildlife Site, along with sensitive lighting and the other recommendations that seek to mitigate the development detailed in the appraisal are implemented.

Policy CS13 of the Core Strategy is concerned with biodiversity and is supportive of developments that protect, enhance, restore or recreate biodiversity. It is considered that this can be achieved with suitable conditions attached in the event of an approval of this application. This is the same position as the extant planning permission.

Affordable housing and viability

Core Strategy Policy CS3 seeks affordable houses at a level of 30% across the site. This would equate to 14 units.

As part of the extant planning permission on the site, 30% affordable units were proposed as:

-) Four 3 bedroom affordable houses*
-) Five 2 bedroom affordable houses*
-) Two 1 bedroom affordable bungalows*

Since the extant permission was granted, further groundwork investigation work has been carried out. This has indicated that the ground conditions will impact on the viability of the development due to the abnormal remediation costs. The applicant considers they can no longer supply affordable housing at the approved level.

In this respect the supporting text to Policy CS3 (at Paragraph 5.15) guides that if a developer considers that the requirement for affordable housing is making a site financially unviable, a viability appraisal is required from the developer which will be instructed by the Council.

A Viability Appraisal has been submitted with the application and examined independently by the District Valuer Service (part of the Valuation Office).

It has been confirmed by the District Valuer Service that the offer of one gifted unit, (roughly equivalent to 2 units sold to a Registered provider), is the maximum that the scheme could viably provide taking account of the cost of the development. It should also be noted that the provision of an accessible affordable bungalow meets a specific need for properties of this type.

As such having regard to the conclusions of the independently assessed viability assessment and the requirements of Policy CS3 of the Core Strategy and the supporting text and the reduced level of affordable housing is accepted as appropriate.

S106 contributions

Policies CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. This would be in accordance with the Framework and Community Infrastructure Levy (CIL) Regulations to mitigate to the impact of the proposals.

Regulations require any development to be assessed against the following tests:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

The following represents the assessment of Officers in relation to the compliance of contributions sought by consultees.

Body Requesting	Amount/Item	For	CIL Compliant?
Charnwood – Open spaces	£7,277.67	Towards improving footpaths, grassed areas bins and lighting at Staddon Park.	No. This is not considered to be necessary for the development to proceed in planning terms. Policy CS15 seeks provision at a minimum which the development is too small to provide.
Charnwood – Open spaces	£10,0457.07	Towards improving semi natural and natural space at Castle Hill Country Park	No. Provision has been made on site to serve the needs of the development.
Charnwood – Open spaces	£12,832	Towards improving children's play facilities at Staddon Road.	No. This is not necessary as there is now a facility within 480m of the site being constructed as part of a nearby development which meets the standard policy CS15 seeks to provide this aspect.
Charnwood – Open spaces	£43,150 towards provision for young people	To be used for enhancement of the skate park at Staddon Park	Yes
Charnwood – Open spaces	£63,793.64 towards outdoor sports facilities	For shortfalls in junior football, mini soccer, tennis and bowling	No the projects named do not relate directly to the development and it is unclear how they fairly relate in scale and kind.

Body Requesting	Amount/Item	For	CIL Compliant?
<i>Charnwood – Open spaces</i>	<i>£5,246.87 towards allotments</i>	<i>For improvement and creation of allotments in Anstey.</i>	<i>No. This is not considered to be necessary for the development to proceed in planning terms. Policy CS15 seeks provision at a minimum which the development is too small to provide.</i>
<i>Leicestershire County Council – Education</i>	<i>£108,891.09</i>	<i>Towards improving primary school provision at Woolden Hill Primary School</i>	<i>Yes</i>
<i>Leicestershire County Council – Education</i>	<i>£29,378.41</i>	<i>Towards improving facilities 16+ facilities at Birstall Cedars academy.</i>	<i>Yes</i>
<i>Leicestershire County Council –</i>	<i>£1,390</i>	<i>To increase lending stock at Anstey Library</i>	<i>Yes</i>
<i>Leicestershire County Council – Civic Amenity</i>	<i>£2,377</i>	<i>To improve facilities at Mountsorrel Civic Amenity Site</i>	<i>No – there have been more than 5 requests for this project which exceeds the CIL (pooling) regulation.</i>

Having carefully considered the Regulations and the contributions already delivered elsewhere in Anstey the above shaded entries within the table gave rise to concerns that they are not compliant with the CIL regulations and as such are not sought in the recommendation.

The developer has indicated that they are willing to make the necessary contributions for the elements considered CIL compliant, and in this respect it would be possible to expand and improve existing infrastructure to meet the needs of the development.

Conclusion

This application seeks an increase in the number of units on a site which has an extant planning permission. In this respect the key issue is whether the additional 10 units in this location are acceptable rather than an overall assessment of principle of residential development on the site, noting that in any event the extant permission can be implemented at any time within the approved time limits.

Taking account of the Council's lack of 5 year housing land supply and the provisions of Paragraph 14 of the NPPF and "the tilted balance" this provides to significantly boost the supply of housing, the positive benefits of delivering additional housing to an already approved housing site should be given positive weight in the balance. The harm arising should only prevent development where it can be shown that the harm would significantly and demonstrably outweigh this benefit. The weight to be given to policies CS1 and ST/1 and ST/2 as housing supply policies must be given reduced weight having regard to the tilted balance in the absence of a 5 year housing land supply. The weight ascribed is considered to be moderate weight having regard to the role they play and their consistency with the NPPF. Policies CT1, CT2 and CT3 and CS12 whilst not for the provision of housing do constrain supply. Accordingly, they too cannot be ascribed full weight. It is considered having regard to their consistency with the aims of the NPPF that they should be ascribed more than moderate weight.

Having regard to the above assessment of the weighting of policies and that the site is located outside the settlement limits of Anstey and within the countryside, it adjoins the settlement boundary, is in a location that relates well to the existing service centre facilities, is considered to be small scale and uses land that has previously been developed, it is considered the principle of an increased number of units is acceptable.

The proposals improve the housing mix across the site in terms of type and size although it is no longer viable to provide affordable housing at the previously agreed level.

Revisions to the design have been made which provide for an acceptable design which does not give rise to landscape or visual harm.

Taking into account the responses of consultees, it is considered there are no technical issues or harm to ecological interests that cannot be safeguarded or mitigated against through appropriate use of planning conditions.

The design and layout has been assessed on the impact on neighbouring residents having regard to the concerns raised. Having done that assessment, it is concluded that, there would be no significant adverse impact on existing residents.

Taking account of the ground conditions now established on the site, adequate infrastructure payments are proposed which are considered will mitigate against the impacts of the development. The viability of the scheme has been tested independently, and the proposed level of affordable housing is also considered appropriate in this context to meet the aims and objectives of Policy CS3.

Accordingly there is no significant or demonstrable harm arising from the 10 additional units and associated layout changes that would outweigh the presumption in favour of this sustainable development and it is recommended that planning permission be granted. The proposals are in accordance with Policies CS1, CS2, CS3, CS11, CS12, CS13, CS15, CS16, CS17, CS18, CS24 and CS25 of the Core Strategy and saved policies EV/1, CT/1, CT/2, CT/3 and TR/18 of the Local Plan, and having regard to the associated guidance in the National Planning Policy Framework as a material consideration.

RECOMMENDATION A:

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out below:

-) The provision of one accessible bungalow on the site gifted to Charnwood Borough Council*
-) A sum of £43,150 towards the enhancement of skate park facilities in Staddon Park*
-) A sum of £108,891.09 towards improvements at Woolden Hill Primary School*
-) A sum of £29,378.41 towards 16+ education at Birstall Cedars Academy*
-) A sum of £1,390 towards increasing lending stock at Anstey Library.*

RECOMMENDATION B:

That subject to the completion of the agreement in A above, planning permission be granted subject to the following conditions:

- 1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004*
- 2. The development shall be carried out in accordance with the following plans: 2976-02 Rev AB Proposed Site Plan, 2976-70 Site Sections, 2976-59 A Trerice house type, 2976-60 B Holdenby semi -detached, 2976-62 Lyme+, 2976-63 Sutton, 2976-64 A Sutton V, 2976-66 A Waddeston Detached, 2976-17 C Tatton, 2976-35 D Waddeston, 2976-52 B Alnwick and Bedford, 2976-54 D Harewood, 2976-55 B Holdenby Detached, 2976-58 C Sutton+, 2976-50 C B2 bungalow, 2976-73 Variant Bungalow 2 bed, 21023_01_230_01 M Drainage, Development Access Layout 21023_08_020_01 B
REASON: For the avoidance of doubt and to make sure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development.*
- 3. No development shall commence until details of proposed ground levels and the finished floor levels of all the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved levels details shall be fully implemented.
REASON: To ensure that the development integrates satisfactorily into the landscape and surrounding area. These details are required prior to commencement of the development as they may necessitate engineering operations which need to be carried out prior to construction of infrastructure and buildings on the site.*
- 4. No development other than site clearance and demolition shall commence until a further contamination survey, (which includes further sampling and testing for*

polyaromatic hydrocarbons), following removal of the buildings on the site has been carried out. This further survey shall be submitted to and approved in writing by the Local Planning Authority. The proposal shall be carried out in accordance with any remediation measures outlined within the Ground Investigation Report dated May 2015 submitted with previous application P/15/0963/2 and the further contamination survey.

REASON: The findings of the initial ground investigation report were restricted due to the presence of buildings on the site. This survey work needs to be carried out once the buildings have been removed but prior to any further development in the event that it requires further engineering or underground work.

5. No development shall take place until a gas monitoring assessment has been undertaken for the site and the details of this submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any remediation measures suggested in the assessment.

REASON: To ensure the site is safe for future occupiers. This assessment is required prior to commencement of development as it may require engineering and underground works.

6. No development shall commence until a site verification report demonstrating that the measures, referred to in conditions 4 and 5 above, have been implemented has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the site is safe for future occupiers. This verification is required prior to commencement as it may lead to the need for further engineering and underground works and may also have implications for the safety of construction workers.

7. No development, including site clearance and demolition, shall take place until a construction method statement has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include:

Ñ Hours of construction

Ñ Traffic routeing for contractors

Ñ Wheel wash facilities Measures for dust control

Ñ Parking provision for contractors

The development shall be carried out in accordance with these agreed details.

REASON: to ensure harm to the amenity of adjacent residents is minimised and for reasons of highway safety. This information is required prior to commencement as it is crucial that all works on the site take place in accordance with it.

8. No development shall take place until details of measures to remove any sediment from surface water discharging from the site into Rothley Brook have been submitted to and agreed in writing by the Local Planning Authority. All development shall be carried out in accordance with these measures and they shall remain in operation thereafter.

REASON: The brook has ecological value and excess sediment being discharged into the water may give rise to ecological issues. These

conditions are required prior to commencement as they may necessitate underground engineering works which need to be installed prior to construction starting.

9. *No development shall take place until a Landscape and Ecology Management Plan and an Ecological Construction Method Statement have been submitted to and agreed in writing by the Local Planning Authority. The proposal shall be carried out in accordance with any measures outlined within these documents unless previously agreed in writing.
REASON: To ensure that there are no adverse effects on the ecological value of Rothley Brook.*

10. *No occupation of any dwelling shall take place until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority. The proposal shall be carried out in accordance with these approved details in the first planting and seeding season following approval of the details by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.*

-) the treatment proposed for all ground surfaces, including hard areas*
-) full details of tree and hedge planting;*
-) planting schedules, noting the species, sizes, numbers and densities of plants;*
-) finished levels or contours;*
-) any structures to be erected or constructed;*
-) functional services above and below ground; and*
-) all existing trees, hedges and other landscape features, indicating clearly those to be removed.*

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.

11. *No occupation of any of the dwellings shall take place until a landscape management plan including details of maintenance responsibilities and schedules of all the public areas and the strategic drainage system has been submitted to and approved in writing by the Local Planning Authority. This plan should cover all landscape areas other than domestic gardens.
REASON: to make sure the appearance of the completed development is satisfactory.*

12. *No occupation of any dwelling shall take place until a scheme for external lighting on the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these agreed details.
REASON: The site adjoins a Local wildlife Site and it is important to ensure that any outdoor lighting does not have an adverse impact on ecology.*

13. *No occupation of any dwelling shall take place until the proposed alterations to the site access onto Cropston Road detailed in the drawings listed at condition 2 above have been carried out.
REASON: To ensure that safe access into and egress from the site is provided for future occupiers.*
14. *No occupation of any dwelling shall take place until a scheme for a crossing facility for Cropston Road in the vicinity of the site has been submitted to and approved in writing. The crossing facility shall be provided in accordance with this approved scheme before occupation of the 10th dwelling and shall thereafter be so retained.
REASON: To ensure that the site is safely connected to facilities in the village and in particular schools, in the interests of sustainability and highway safety.*
15. *No erection of any dwelling or installation of hard surfacing shall take place until the strategic drainage system for the site, (ie excluding individual plot drainage), as shown on the drainage strategy set out within the Flood Risk Assessment April 2017 and associated additional documentation received September 2017, November 2017 and February 2018 has been installed and is fully functioning.
REASON: To ensure that the site drains adequately without causing flooding within the surrounding area. This drainage needs to be installed prior to the installation of any new hard surfacing to ensure that surface water run off from the site is not increased at any point.*
16. *No dwelling shall be occupied until the parking and, if applicable, turning facilities for that dwelling have been provided, hard surfaced and made available for use. The facilities referred to in this condition shall thereafter be permanently retained and kept clear for use.
REASON: To ensure that adequate parking is provided throughout the site in the interest of highway safety*
17. *No dwelling shall be occupied until 1m x 1m pedestrian visibility splays have been provided on the highway boundary on both sides of the proposed private drive for that property. Within the splay areas, referred to in this condition, nothing shall be planted or placed that exceeds 0.6m in height.
REASON: To ensure drivers and pedestrians have a good view of one another in the interest of Highway safety*
18. *No materials shall be placed on the site until such time as details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.
REASON: To make sure that the appearance of the completed development is satisfactory*
19. *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re- enacting that Order, with or without modifications, no additional openings or windows shall*

be inserted in the north elevation of plot 42, south east elevation of plot 39, south east elevation of plot 35, south east elevation of plot 23, north west elevation of plot 25, or south west elevation of plot 31 at first floor level or above.

REASON: To prevent undue overlooking of nearby dwellings, in the interests of the privacy of nearby residents.

20. *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that Order, with or without modifications, no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles.*

REASON: To ensure alterations are not carried out that would result in the loss of parking facilities within the site and to ensure that there is no overlooking of adjacent gardens if garages are converted to living spaces

21. *In the event that contamination is found at any time when carrying out the approved development that was not previously identified, an amendment to the remediation scheme detailed in condition 4 above shall be submitted and approved in writing by the Local Planning Authority. This should detail how the unsuspected contamination will be dealt with. The development shall be carried out in accordance with any remediation measures suggested in the amendment.*

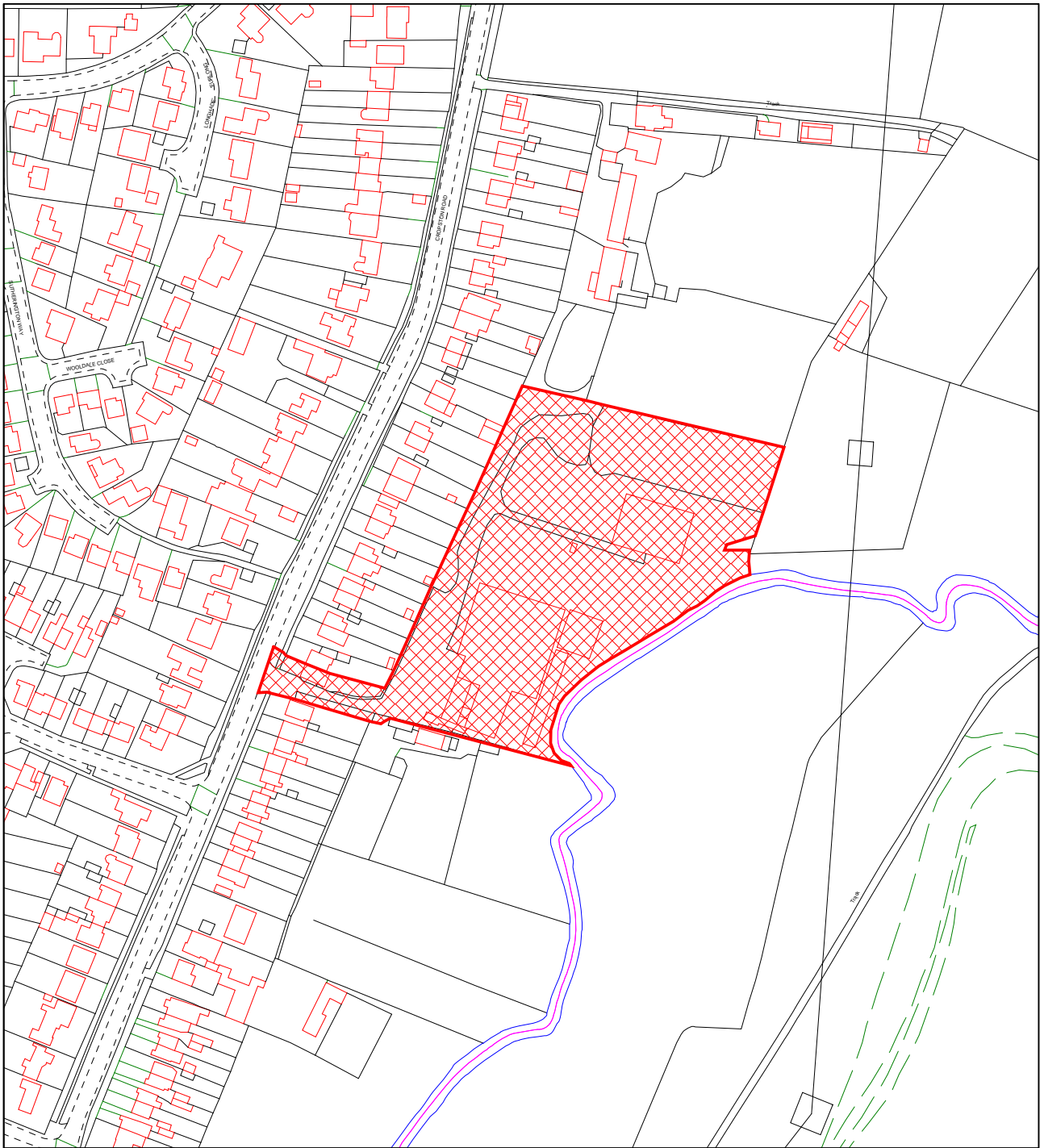
REASON: To ensure the site is safe for future occupiers

22. *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that Order, with or without modifications, no doors other than of a type that opens inwards shall be fitted to the proposed garages for plots 1, 17, 18, 19, 20, 21, and 36.*

REASON: To ensure that cars using the shorter driveways to the front of these garages do not overhang the highway in the interests of highway safety

The Following Advice notes will be attached to the decision

1. *The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.*



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Plans Committee – 5th April 2018**Additional items received since the report was drafted.****Page B1****Site Address 129 Cropston Road, Anstey****Item No. 2****P.A. No. P/17/0881/2****Councillor Snartt**

Councillor Snartt has expressed concern about planning condition 14 relating to the provision of the pedestrian crossing and the timing of its implementation. He suggests this should be on the occupation of the first dwelling rather than the tenth and be specified as a TUCAN crossing. His full comments can be read on the Council's website.

Officer Response

The Highway Authority is seeking improved pedestrian crossing facilities in the area on the grounds that this will improve the accessibility and connectivity of the site, rather than primarily on highway safety grounds. Because a fundamental highway safety issue has not been identified, the trigger for provision is suggested as the occupation of 10 dwellings, (the threshold for major development), rather than prior to the occupation of the first unit. This is considered reasonable, proportionate and will ensure the delivery of housing is not unreasonably impeded.

The planning condition has been written to require a "scheme" rather than precisely defining that this should take the form of a signalised crossing. This is due to advice from the Highway Authority that the introduction of any formal crossing, (such as signals), requires a statutory process of public consultation and as such its introduction is not guaranteed. The condition has been drafted to provide flexibility dependent on the outcome of this process. Although a signalised crossing is preferred, should this become impossible to achieve due to other controls, the condition will ensure that a different form of provision is made rather than none at all.

Conclusion

It is not recommended that this condition be amended.

Leicestershire County Council

An e-mail has been received from Leicestershire County Council stating that it is of the view that the Civic Amenity request it made is CIL compliant. Concern is also expressed that Highway provisions for funding of travel packs and bus stop

improvements, included in the previous Section 106 agreement, have not been included.

Officer Response

There have been in excess of 5 requests for containers at Mountsorrel Civic Amenity site from developments approved in recent years. It is not therefore considered that the inclusion of a further contribution from this proposal to this facility is compliant with the CIL Regulations owing to the restrictions the law presents on pooling contributions. It is also noted that the previous committee report, (P/15/0963/2), concluded that a similar request was not CIL compliant and that consequently members did not resolve to include it within the Section 106 agreement.

Leicestershire County Council Highway Authority has not requested contributions towards bus stop improvements or travel packs in connection with the revised application in their formal response to the planning authority. And the assumption has to be that they are not required to overcome what would otherwise be a reason for refusing the planning application. The basis for them being requested at this late stage appears to have arisen as a consequence of observations from the County Council Legal Service whilst dealing with the preparation of the Section 106 agreement for the proposal before members tonight. Those observations are that they were included in the Section 106 agreement for the previous approval for the site (ref P/15/0963/2) and should therefore be included in this new agreement.

However, the basis for requesting planning obligations has to be that they are necessary to make the proposed development acceptable in planning terms; directly related to the development; and reasonable in scale and kind. To request obligations that do not meet these tests would be unlawful. At the time this Extras Report was drafted Leicestershire County Council had not been able to confirm if the request is a late formal response from the Highway Authority or otherwise provide any basis for the request that satisfies the tests. Should there be a further update in this regard it will be reported verbally to members at the Committee meeting.

Conclusion

It is not recommended that the request for Civic Amenity contributions or public transport contributions be added to the Section 106 agreement.

Management of Open Space

The Section 106 agreement has been drawn up in draft and as part of this a requirement for a clause that secures the management of open space and its availability for public use in perpetuity has been raised by the Open Spaces Team. Clarification of this point in the Section 106 agreement will support planning condition 11, which requires a landscape management plan.

Officer Response

This amendment will usefully clarify the arrangements for the long term management of the open scape and its public use in perpetuity.

Conclusion

That recommendation A includes provision to for management and maintenance of the open space in perpetuity within the development where necessary.

Item No. 4

Application Reference Number P/18/0250/2

Application Type:	Full Planning Permission	Date Valid:	05/02/2018
Applicant:	Future Generation Ltd		
Proposal:	Redevelopment to provide student accommodation ranging from 3-12 storeys in a range of purpose built accommodation and approximately 1,774 sq. m. of associated reception area, and flexible commercial space in use classes A1, B1 and D1, (retail, offices, communal areas, community space), together with public realm, landscaping, roof terraces and football pitch with associated green roofs, plant rooms, cycle storage, with servicing, refuse and recycling areas and car parking spaces with new vehicular access from Aumberry Gap following demolition of existing buildings and associated works.		
Location:	Land to the West of Aumberry Gap Aumberry Gap Loughborough LE11 1BG		
Parish:	Loughborough	Ward:	Loughborough Hastings
Case Officer:	Patrick Reid	Tel No:	01509 634747

The application has been brought to Plans Committee as in the opinion of the Head of Planning and Regeneration, it is an application of significant public interest.

Description of the Site and Surrounding Areas

The application site is bounded to the northwest by Pinfold Gate, which includes a row of Grade II listed, two storey, terraced cottages, with the retail core of Loughborough Town Centre beyond with its range of facilities including shops, market stalls, cafes, and other uses. To the northeast the site is bounded by Aumberry Gap, which includes a two storey building (Co-op Funeralcare) and car park; to the southeast by Barrow Street / A6, which is a key route to the edge of the town centre connecting north and south Loughborough. Adjacent is a three storey block of apartments and residential area beyond. The residential development comprises terraced properties in the Moor Lane area. There is also a traffic light controlled junction with pedestrian crossing point at the junction of Barrow Street and Leicester Road.

The application site lies within the Town Centre. There are two Conservation Areas close to the site, including Loughborough Church Gate Conservation Area to the northwest, and Leicester Road Conservation Area, immediately to the south of the site.

Description of the Application

It is proposed to develop the site following demolition of existing buildings, to provide student accommodation comprising a total of 612 student rooms in a range of purpose built accommodation ranging from 3-15 storeys, and including approximately 1,774 sq. m. of associated reception and flexible space in use classes A1, B1, and D1, (retail, offices, communal areas, community space). Associated landscaping and amenity space is proposed, including a roof-top football pitch, cycle storage, refuse and recycling areas. A new vehicular access/egress is proposed from Aumberry Gap.

The scheme consists of a 3-4 storey terrace block on Pinfold Gate. At Aumberry Gap the development is 4-5 storeys rising to 7 storeys. It is 7-9 storeys on Barrow Street and features a 15 storey (including mezzanine) tower on the Barrow Street/Leicester Road corner. Central to the site is a 6-7 storey block with a rooftop football pitch.

The main pedestrian entrance to the development is from Barrow Street with vehicular access from Aumberry Gap to a shared pedestrian and vehicle courtyard which includes cycle storage. Public realm proposals include a landscaped courtyard to south of the Pinfold Gate terrace block. There are pockets of landscaping and public space associated with pavement widening around the periphery of the building, e.g. next to the Phantom Public House beer garden, including cycle racks and planting, as well as seating areas to Barrow Street.

The application is supported by the following documents:

- Design and Access Statement (updated 1st March 2018)
- Transport Statement and Travel Plan
- Statement of Community Involvement
- Student Housing Management Plan
- Acoustic Assessment
- Energy Statement
- External Lighting Assessment
- Ventilation Assessment
- Heritage Impact Assessment (updated by an Addendum on 5th April 2018)
- Drainage Strategy
- Phase 1 Desk Study Report
- EIA Screening Opinion
- Daylight Sunlight Assessment
- Fire Strategy
- Student Demand Study
- Tenancy Agreement
- Wireline views of proposed development. (14th June 2018)
- Review of design by Dr C Miele (29th June 2018)

The applicant sets out in support of the application that the following benefits should be considered:

- 29,000 university applications for university places in Loughborough in 2016 (86% from UK residents), up by 45% since 2012, in 2016 there were 7.5 applicants for every accepted place;
- Currently Loughborough has 17,130 students on higher education courses up 11% from 2012/13;
- There are 7,064 purpose built student accommodation (PBSA) bed spaces in Loughborough representing spaces for 45% of total full time students, this equates to a ratio of 2.2 students per bed space (0.45 bed spaces per student). If the current potential pipeline (681 bed spaces with planning) is included the ratio decreases to 2.0 students per bed space (0.50 bed spaces per student). The current proposal would reduce this by 0.2 to 1.8 students per bed space;
- 16 halls of residence supplied by Loughborough University provide approximately 5,740 bed spaces to students in Loughborough;
- 12 privately operated PBSA blocks within Loughborough. These schemes provide 1,325 bed spaces for students;
- The supply of PBSA has remained almost unchanged since 2012;
- Increased numbers of full-time students in higher education (HE) means traditional student halls of residence have been unable to accommodate the increase in demand for student bed space;
- Students end up in shared accommodation in the private rental sector when they are unable to access traditional student accommodation, (university halls or PBSA) and often reside in second hand housing stock or Houses of Multiple Occupation (HMOs) which present a cheaper housing alternative, but remove housing stock from the local private market;
- HMOs provide competition to PBSA at the lower end of the price and quality scale;
- Local authorities have noticed the impact this HMO based student housing is having on local property markets and local government revenues;
- Charnwood Borough Council has granted HMO licenses against 343 properties (as of December 2017) the total number of HMOs is likely to be significantly higher once all have been inspected by E.H. A recent estimate from Charnwood Borough Council was of 2,077 HMOs, approximately six times more than those currently licenced;
- 20,202 new homes required within Charnwood over the 25 year period (2011 – 2036) to meet current and future need (Leicestershire SHMA);
- Planning Policy Guidance states under Housing and economic development needs for student housing that:

“Local planning authorities should plan for sufficient student accommodation whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus. Student housing provided by private landlords is often a lower-cost form of housing. Encouraging more dedicated student accommodation may provide low cost housing that takes pressure off the private rented sector and increases the overall housing stock. Plan makers are encouraged to consider options which would support both the needs of the student population as well as local residents before imposing caps or restrictions on students living outside of university-provided accommodation. Plan makers should engage with universities and other higher educational establishments to better understand their student accommodation requirements.”

Development Plan Policies

Charnwood Local Plan Core Strategy 2011-2028 (Adopted 9th November 2015)

Policy CS1 – Development Strategy sets out the development strategy for the Borough. This focuses housing development in locations around the Leicester Principal Urban Area and Loughborough and Shepshed with three Sustainable Urban Extensions.

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS3 – We will manage the delivery of at least 13,940 new homes between 2011 and 2028 to balance our housing stock and meet our community’s housing needs. This will be done seeking an appropriate mix of types, tenures and sizes of homes, having regard to identified housing needs and the character of the area; and seeking all new housing to be built to 'Lifetime Homes', where feasible.

Policy CS7 – Regeneration of Loughborough - We will make a significant contribution to the regeneration of Loughborough by 2028 by supporting proposals for town centre uses at our strategic regeneration sites in particular those at Devonshire Square and towards the southeast of Loughborough Town Centre in accordance with Policy CS9.

Policy CS9 – Town Centres and Shops – Loughborough Town Centre supports the regeneration of Loughborough to reinforce and enhance the compact and walkable nature, strengthen the retail core and make a significant improvement in the character and appearance of Loughborough Town Centre particularly from key gateways. The principles of the masterplan should be followed unless an alternative higher quality solution is proposed.

Policy CS12 – Green infrastructure -seeks to protect and enhance our Urban Green Infrastructure Enhancement Areas by enhancing our network of green infrastructure assets through our strategic developments, addressing the identified needs in open space provision and supporting development.

Policy CS13 – Biodiversity and Geodiversity seeks to conserve and enhance the natural environment and to ensure development takes into account impact on recognised features.

Policy CS14 – Heritage sets out to conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make.

Policy CS15 – Open Space, Sports and Recreation deals with open space and requires all new development to meet the standards in the open space Strategy.

Policy CS16 – Sustainable Construction and Energy supports sustainable design and construction techniques. It also encourages the effective use of land by reusing land that has been previously developed.

Policy CS17 – Sustainable Transport seeks a 6% shift from travel by private car to sustainable modes by requiring major developments to provide access to key facilities by safe and well-lit routes for walking and cycling that are integrated with the wider green infrastructure network and by securing new and enhanced bus services where new development is more than 400m walk from an existing bus stop.

Policy CS18 – The Local and Strategic Highway Network seeks to ensure that appropriate highway improvements are delivered and applications are supported by appropriate Transport Assessments.

Policy CS24 – Delivering Infrastructure seeks to ensure that development contributes to the reasonable costs of on site, and where appropriate off site, infrastructure, arising from the proposal through the use of Section 106 Agreements. This is so the local impacts of developments will have been reasonably managed and mitigated.

Policy CS25 – Presumption in Favour of Sustainable Development sets out a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Borough of Charnwood Local Plan 1991-2026 (adopted 12th January 2004) (saved policies)

The policies relevant to this proposal include:

Policy EV/1 – Design seeks to ensure a high standard of design for developments which respect the character of the area, nearby occupiers, and is compatible in mass, scale, layout, whilst using landforms and other natural features. It should meet the needs of all groups and create safe places for people.

Policy EV/31 – Sewage Disposal Capacity seeks to ensure that development proposals address capacity within the foul drainage network.

Policy H/12 – Student Halls of Residence - Planning permission will be granted for new buildings or the re-use of non-residential properties specifically for student accommodation at locations on, or readily accessible by cycle, public transport or on foot to, the university and college campuses. Planning permission will be granted for developments which include reduced parking standards where it can be shown that there would be no adverse impact in the vicinity of the site.

Policy CA/7 – Pedestrian Preference in Loughborough Town Centre - Measures will be introduced to limit vehicular access and traffic movement in order to give greater preference to pedestrians and to enable improvements to the pedestrian environment within the following streets:

- i) Baxter Gate (between High Street and Lemington Street);
- ii) Devonshire Square;
- iii) Biggin Street; and
- iv) The A6 Corridor (between Derby Square and Woodgate).

In the development of specific schemes the Borough Council will have regard to the particular needs for vehicular access for the emergency services, essential maintenance, people with disabilities, the servicing of shops and businesses, and to private car parks. In addition provision will be made for cycling consistent with pedestrian safety and comfort.

Policy CA/11 – Use of Upper Floors - Planning permission for new built development within Loughborough Town Centre will be granted provided that the development is of a scale appropriate to the centre it seeks to serve, and subject to the provisions set out above and to the inclusion of positive proposals for the use of premises at first floor and above which will contribute to the vitality and viability of the centre. In particular elements of housing should be provided wherever possible.

Policy CA/12 – Shop front design - In granting planning permission for shop fronts in new buildings the Borough Council will require that they be designed as an integral part of the overall frontage having regard in particular to the style, materials and proportions of the building and to the overall character of the area. Shop fronts will be required to reflect the architectural composition of the existing frontage, particularly where a commercial ground floor user crosses several facades of differing character.

Policy TR/18 – Parking in New Development seeks to set the maximum standards by which development should provide for off street car parking dependent on floorspace or dwelling numbers.

Leicestershire Minerals Core Strategy and Development Control Policies document (2009)

The Leicestershire Minerals Development Framework Core Strategy sets out the policies and proposals for the development and use of land for minerals within the

framework area. It sets the key principles to guide the future of winning and working minerals in the County. There are no known minerals issues within the development site.

Leicestershire Waste Core Strategy and Development Control Policies document (2009)

The WDF sets out policies and proposals for the development and use of land for waste management within the framework area which will guide decisions about planning applications for waste facilities and provide a 'spatial plan' or 'geographic blueprint' to help shape the future of the area in respect to waste.

Other material considerations

The National Planning Policy Framework 2012 (NPPF)

The NPPF is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to this;

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation;
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

Para 14 where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Para 17 sets out the core principles of sustainable development.

In terms of the remainder of the NPPF, relevant sections are as follows:

Section 2: Ensuring the vitality of town centres

Para 23 states that policy should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality; include a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres

and recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and plan positively for their future to encourage economic activity. Define a network of hierarchy of centres that is resilient to anticipated future economic changes.

Section 4: Promoting Sustainable Transport

Paras 29-32 promote sustainable modes of transport which reduce congestion and give consideration to highway implications together with the use of smarter technologies which reduce the need to travel. Where development results in a severe impact it should be refused unless supported by a viable Transport Statement or Transport Assessment.

Section 6: Delivering a wide choice of high quality homes

Paras 47 & 49 require Local Planning Authorities to significantly boost the supply of land and need for a 5 year housing land supply. Where a 5-year supply cannot be demonstrated relevant policies for the supply of housing should not be considered up-to-date.

Para 50 advises local planning authorities to plan for a mix of housing.

Section 7: Requiring good design

Paras 56, 58, 63 & 64 – Development is required to achieve high quality design that respects local distinctiveness and poor design should be refused.

Para 60 – Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

Section 8. Promoting healthy communities

Paras 69 and 70 – Facilitating social interaction and creating healthy, inclusive communities.

Section 10: Climate change and flooding

Para 96 directs development away from areas at high risk of flooding, and it should take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption.

Para 103 seeks to ensure that development is flood resilient and designs in sustainable drainage.

Section 11: Conserving and enhancing the natural environment

Para 109 – Developments should promote the natural environment and safeguard protected species.

Para 111 – Decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Para 123 – Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

Section 12: Conserving and enhancing the historic environment

Para 128 – Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paras 133 and 134 – Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

On decision taking the NPPF advises:

Paras 186 and 187 – Local Planning Authorities should act in a positive and proactive manner in decision making.

Para 196 – Re-emphasises the primacy of the Development Plan in decision making.

Paras 203-206 set out the tests for the use of planning conditions and obligations.

Planning Practice Guidance

This was launched as a web based resource, and replaces a list of previous practice guidance documents and notes, as planning guidance for England and consolidates this guidance on various topics into one location and condenses previous guidance on various planning related issues. The guidance also sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

Consultation Draft on Review of the National Planning Policy Framework (March 2018)

Whilst not a formal document the Consultation Draft sets out the direction of Government Policy following a number of consultations on housing delivery. This includes promotion of high density development in town centres and in locations accessible to public transport. The final revised NPPF is due for publication in late summer of 2018.

Leading in Design Supplementary Planning Document (February 2006)

This document encourages and provides guidance on achieving high quality design in new development. Appendix 4 sets out spacing standards for new housing developments to ensure that overlooking and over dominance do not occur and that a good quality design is achieved.

Housing Supplementary Planning Document (2017)

Adopted in May 2017, the SPD provides guidance to support the Local Plan Core Strategy and the saved policies of the Borough of Charnwood Local Plan. Of particular relevance is Chapter 5: Campus & Purpose Built Student Accommodation. In accordance with the Borough of Charnwood Local Plan Policy H/12 additional student housing provision within the campus and in locations with good accessibility by cycle, public transport or on foot to the university and college campuses will be encouraged in principle. In assessing applications for campus student accommodation we will take into account the University's existing sustainable transport plan which is reviewed with Leicestershire County Council on a regular basis.

Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. Whilst the objectively assessed need figure remains untested in a plan making environment and is therefore not to be relied upon at the current time, the housing mix evidence reflects known demographic changes.

Leicestershire Highways Design Guide

This guidance deals with highways and transportation infrastructure for new developments include the amount of access required for a development of this size.

Leicestershire Draft Economic Strategy 2050

Objective 4 states that the plan will:

'Support the City of Leicester, Loughborough, Hinckley and the other market towns across the County as accessible business, service and cultural centres.'

Town Centre Masterplan 2018

Successive local plans and planning policy documents have promoted the redevelopment of the Aumbery Gap site alongside the balance of the former Baxter Gate General Hospital site. The recently adopted Town Centre Masterplan endorses that policy commitment in reaffirming the sites as a major redevelopment opportunity, providing guidance to assist in the application of policies CS7 and CS9 of the Core Strategy.

The Masterplan advises that the primary use of the Aumberry Gap site should be residential, including the prospect of student or other specialist housing, with elements of commercial uses at ground floor to assist in the delivery of active frontages.

In advocating the regeneration of the site the masterplan recognises that, along with the Baxter Gate site, it is underutilised and occupies a significant part of the “Baxter Gate / High Street Character Area.”

It notes that:

“..... the Aumberry Gap site is currently occupied by a car park and a short row of shops. It is a critical site in the town located at the southern gateway and currently presents a poor first impression to visitors. Further development opportunities are presented by the undeveloped portion of the Baxter Gate site located to the rear of the Cineworld development. This site is currently occupied by a single storey health centre and car park but offers potential to connect through to Baxter Gate.

It is also confirms that:

“.... interest by developers in the student housing sector in Loughborough relates to the internationally renowned University of Loughborough, located a few kilometres west of the town centre in a campus style setting. Around 17,000 students are enrolled at the University. The University itself is building additional student accommodation, amounting to 600 beds. This suggests that there is demand for additional stock and student numbers are expected to grow.

Offering a range of student accommodation and locations is likely to appeal to students. This would be expected to include a mix of on and off campus locations, including in the town centre. A number of local authorities have sought to direct student activity into the town centres as part of regeneration strategies – for example, Southend and a new college in the heart of the town. The development at Woodgate demonstrates that student development can be a viable proposition.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duty in respect of listed building and requires that in exercising this duty an Authority should have special regard to the desirability of preserving the building and its setting.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

The Community Infrastructure Levy Regulations 2010 (CIL) (as amended)

The Regulations set out the process and procedure relating to infrastructure requirements. Regulation 122 states that it must relate in scale and kind to the development. Regulation 123 precludes repeat requests for funding of the same items (pooling). The Community Infrastructure Levy (CIL) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

Environmental Impact Assessment Regulations (2017)

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development. For residential development the threshold to consider under Schedule 2 developments are 150 dwellings or 5 hectares (Criteria 10(b)).

S106 Developer Contributions Supplementary Planning Document (2007)

This supplementary planning document (SPD) sets out the circumstances which might lead to the need for a contribution to the provision of infrastructure, community services or other facilities. However, recent appeal decisions have confirmed that Inspectors will not support obligations (even if agreed by the appellant) unless the planning authority can demonstrate that they are specifically related to the proposed development. Regulation 122 of the CIL Regulations introduced on the 6th April 2010 prescribes the limitations on the use of planning obligations. Accordingly it is unlawful for a planning obligation to be taken into account when determining a planning application for a development that does not meet all of the following tests:

- It is necessary to make the development acceptable in planning terms
- It is directly related to the development
- It is fairly and reasonably related in scale and kind to the development.

Relevant Planning History

P/94/0749/2 and P/94/1074/2 – Granted planning permission for vehicle repairs with a car park, and exhaust and tyre fitting centre and this forms the basis for the current use on the site.

P/09/1125/2 – Change of Use of unit to hand car-wash facility was refused.

P/13/0021/2 – Permission was granted for the Change of use of land for business/public car parking on 24/04/13.

P/17/1570/2 – (Advice) Redevelopment of site to provide student accommodation and associated development

It is noted that nearby the Baxter Gate regeneration scheme also delivered the cinema and other retail and leisure developments. Planning applications for large student housing developments were refused in applications considered in 2006/7 and 2008/9 and both were subsequently dismissed on appeal. The primary issues were related to design (references APP/X2410/A/07/2054662 – LPA Ref: P/06/2325/2 and APP/X2410/A/08/2090584 – LPA Ref: P/08/1555/2). The first of these appeals related to a building of between four and seven stories high opposite the Magistrates Court. While supporting objections to elements of the design of that scheme, the Inspector considered that in relation to the height of the building it would not look out of place in that particular location as it would reflect the height and mass of the Magistrates Court.

Response of Statutory Consultees

Leicestershire County Council Highway Authority

No objection, subject to conditions and developer contributions.

In response to concerns raised by the Highway Authority on 16th March 2018 the applicants produced a Technical Note, which it is considered satisfactorily addresses their concerns.

In summary, the issues are:

- There would be a single access to the development off Aumberry Gap with the loss of three on-street parking spaces. To compensate for this loss the existing parking bays on Pinfold Gate would be extended to provide three additional spaces.
- Footways surrounding the site would be resurfaced.
- Management Plan to control use of 10 parking spaces on site for drop off/pick is acceptable.
- Arrangements for service vehicles is acceptable.
- Proposal for 140 secure cycle parking spaces for residents and 56 cycle spaces for general use is acceptable.
- Confirmed that no part of the building will overhang the highway.

Eight conditions are recommended relating to construction of access; construction traffic management plan; car parking management plan; provision of parking spaces and agreement of travel plan.

Seek contributions to process of Traffic Regulation Orders and monitoring fee.

Leicestershire County Council – Lead Local Flood Authority

No objection subject to appropriate planning conditions being attached to any permission.

Environmental Health

No objection subject to conditions relating to securing appropriate residential environment through glazing and air quality, managing the development and construction process.

Charnwood Borough Council Open Space Team

No objection subject to developer contributions to town centre parks and town centre public realm, including play equipment for young people.

Sport England

The proposal does not impact upon existing sports facilities but provides an opportunity for sport and active recreation and in that regard sport England would not wish to raise any further issues.

Historic England

Proposals would constitute less than substantial harm.

Third Party Representations

Loughborough University

Considers that the proposal would fail to achieve the aims of the Development Brief for the site and Town Centre Masterplan by virtue of its scale and massing and its consequential impact upon the character and appearance of its surroundings.

Express concern that the development would significantly increase pedestrian movements between the university campus and the application site along routes where there are already complaints about students from local residents.

The representation also questions the applicant's student number projections and their demand/supply calculations for students.

Hastings Community Association

Support the proposals. The Hastings Community Association have put the effort in to connect and engage with the community and have engaged with the applicant. We were pleased with the building in community space in the development.

Great Central Railway

Object on the grounds of the impact of car parking and lack of parking and the impact of the proposals on heritage assets. All student accommodation should be built on the west side of town by the motorway and adjacent to the University.

Public Comment

53 letters of support have been received from residents, a number of the surrounding businesses and services including The Ramada, Falcon Support Services, Youth of Loughborough Group, Moor Lane Stores, the Orange Tree public house and a Senior Lecturer in Architecture at the University. The applicants note that there have been 124 letters of support from a range of local interests. It would appear that these were sent directly to the applicant and were not submitted to the Council as representations on the application. The applicant also questions the level of objection, noting that there are only 4 letters of objection.

The key reasons for supporting the application include:

- Proposals (in particular the community facilities) will be a significant and much needed facility for both students and the wider population
- The proposals are a key gateway site
- Need for regeneration and the site is poor quality
- Will support local enterprises and boost the vitality and viability of the town centre.
- Meet need for high quality student accommodation.

13 Letters of objections from residents have also been received to the application objecting on the grounds:

- Too high
- No need for more student housing
- Loss of/lack of parking
- Impact on traffic
- Proposals are poor quality design
- Loss of light
- Noise and disturbance
- Overlooking.

Other Comments

The proposal has been assessed by an independent Design Review Panel (OPUN) in March 2018.

In summary the panel considered that:

- The bulk of the building at 7-8 storeys, with a 15 storey high tower would be the tallest building in the town by a substantial margin. Due to the intense level of development, including a not insubstantial central block, the development was considered to be read as one large building, especially when viewed from street level. This will appear very dominant and overbearing in relation to the adjacent Phantom PH and neighbouring buildings. The height of the proposed development is a fundamental concern and the Panel is unable to support the scheme as currently proposed.

- Suggest that a development which does not dominate the town centre, but respects the scale, form, character and heritage of the area should be pursued.
- Height is contrary to guidance in Town Centre Masterplan.
- Notwithstanding concerns about height and scale support the contemporary design approach. But noted that architectural precedents provided by applicants appeared more appropriate to their settings in terms of height and scale.
- Welcome the design proposals for the new development on Pinfold Gate, where three storey townhouses are proposed opposite the Grade II terraced cottages. In contrast to the larger scale development proposals this approach to creating new modern housing in an historic setting is well considered and appealing.
- Consider that Heritage Assessment does not adequately test impact of development upon heritage assets.
- Concerned about size and quality of central landscaped courtyard and need for a comprehensive landscape framework for the development.
- Welcome community facilities, but queried their accessibility.

Consideration of the Planning Issues

This application is for full planning permission as explained at the beginning of this report and the key considerations are therefore the following:

- Principle of development, Housing Land Supply and Regeneration of the Town Centre
- Student Accommodation in Loughborough and relationship to the University
- Design and layout
- Heritage
- Relationship to neighbouring properties
- Flooding and Drainage
- Ecology and Wildlife
- Highway safety, servicing and parking
- Environmental Impact Assessment Regulations
- S106 developer contributions

Principle of development, Housing Land Supply, Regeneration of the Town Centre

The application site is located within the town centre on a key gateway location. Policies CS1, CS7 and CS9 seek to ensure that developments are promoted in town centre locations and the application site is previously developed land which is a benefit of the proposals. The site is sustainable in terms of its location and relationship to public transport including buses and the train station.

Policy CS1 clarifies Loughborough's role as a main town in Charnwood and a key focus for services, facilities and sustainable development. The area is within the Baxter Gate and the Inner relief Road Corridor where regeneration is supported by Policy CS7. While the proposal is not in the Town Centre Core Area, as defined by

the Core Strategy, it is a site where, in addition to Policy CS7, regeneration with town centre uses is also encouraged by Policy CS9.

The application proposals would contribute to the Council's Housing Land Supply and therefore considering the Council Housing Land Supply position, with a 4.93 year supply as at end of March 2018, the tilted balance should be applied to the assessment of the application in accordance with the requirement of Paragraph 14 of the NPPF which states that where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or – specific policies in the Framework indicate development should be restricted.

The aims and ambitions and the growth of Charnwood as a Borough should also be noted in terms of future housing growth (e.g. the Economic Strategy 2050) and national reports (GOAD Experian Ranking and Javelin Venuescore Index) that Loughborough as a town centre is performing poorly in terms of the town centre vitality and viability in comparison to other University Towns and those of a similar size. By contrast Loughborough University is considered to be a world class learning and research establishment which consistently ranks highly in the Top10 learning establishments in the UK.

The Town Centre Masterplan, whilst not a statutory planning document and does not form part of the development plan, has been subject to stakeholder engagement and public consultation and represents the latest iteration of a long standing policy commitment to the regeneration of the application site. The purpose and status of the Masterplan is set out in its introductory section; that is, amongst other things, to build partnerships, raise awareness of development opportunities, provide an evidence base for the review of the local plan and assist in the assessment of planning applications. This Masterplan was approved by the Council's Cabinet on 12th April 2018. It sets out the vision and broad aims and objectives for the town centre.

The Masterplan recognises that the site is a key gateway site into the town centre and seeks to improve the links into the town centre along the key gateways, particularly for pedestrians and cyclists and the public realm. The document seeks the development of the site and a high quality designed solution with the potential for landmark development on the corner of Leicester Road and Barrow Road. It is noted that the site has also been mentioned in previous versions of the Masterplan and its redevelopment has not been delivered.

Considering the Council's housing land supply, future plans for growth, and the town centre's performance, there is a need regenerate the town centre. An increase in the resident population of the town centre would contribute towards the viability and vitality of the town centre.

The proposals also include commercial space and a community hub. There would be access to these facilities for the surrounding population and there would be social benefit arising from this aspect of the development.

The applicant estimates that the delivery of the scheme could generate significant investment into the town centre equating to the region of £50m directly from the development and £142m indirectly.

The proposed range of uses are supported in principle only and would be in accordance with policy CS1, CS3, CS7, CS9 and CS25 of Charnwood Core Strategy and the aims and objectives of the National Planning Policy Framework in sustaining and developing town centres.

It should be noted that this is separate to the consideration of matters of detail relating to the Design and Layout and other key planning issues relating to the proposal which are considered later in this report.

Student Accommodation in Loughborough and Relationship to the University

Core Strategy Policy CS3 alongside Saved Local Plan Policy H/12 and the Housing Supplementary Planning Document are relevant considerations. The comments of the University which do not support the proposals should also be given some weight.

Policy HSPD16 stipulates that additional student housing provision within the campus and in locations with good accessibility by cycle, public transport or on foot to the university and college campuses will be encouraged in principle. The application site is within walking distance of the University and in a sustainable location.

There have been exchanges of detailed commentary between the University and the applicants relating to the demand for Purpose Built Student Accommodation (PBSA). These conflicting and unresolved comments have not been capable of detailed assessment. However, considering the key issues in the planning assessment of this case limited weight is given to the provision of PBSA in the determination of this application.

Design and Layout

Saved Policy EV/1 of the Local Plan and Policy CS2 of the Core Strategy are material considerations in this respect alongside the Leading in Design SPD and guidance contained in the NPPF.

The Town Centre Masterplan as referenced above, confirms that the site currently presents a poor first impression for visitors to the town and is located at a gateway site.

The Masterplan also includes a visual image of a contemporary and landmark design solution to the corner by way of an example of contemporary architectural treatment.

The comments of the Design Review Panel raise a number of concerns about the proposal and should be given significant weight.

The application site, as existing, is a poor mix of low industrial buildings, fencing and hoardings. To the Pinfold Gate there are two commercial premises which are also of

limited quality which would be demolished. Barrow Street (Jubilee Way) presents a significant barrier due to the width and speed of traffic and to pedestrian movement, to and from the town centre.

The application proposes a perimeter style proposal with a central courtyard. The proposals present a contemporary design solution, using brick detailing, which would include deep recesses to the windows and a variety of ground floor treatment which would allow for the creation of front doors, particularly to Pinfold Gate. Whilst the overall quality of the design is acceptable, it is not considered to be sufficient to overcome fundamental objections to the height, bulk and scale of the proposed buildings in this context.

While it is accepted that good urban design encourages the adopted perimeter block structure, providing continual built form located at the back or close to the back of the highway, the height, bulk and scale of the development is considered to be unacceptable in this context. The development would have an overbearing impact upon this part of the town centre in general and upon neighbouring buildings in particular.

The Masterplan identifies Baxter Gate and Aumberry Gap as an opportunity site. It proposes that particular attention should be given to the design of the building on the southern corner of the Aumberry Gap site, which is where this application proposes to site the significant bulk of the building and the tower feature. It states that:

Particular attention should be given to the design of the building on the southern corner of the Aumberry Gap Site. This building will be especially prominent and is located on one of the key gateways into the town. To fulfil a gateway landmark this part of the building may be taller in height than the remainder of the block.

However, the height of this element must be in keeping with the local character. A majority of buildings in Loughborough are 3 storeys in height with some more modern developments going up to 4 or 5 storeys. Any significant increase in height above the 5 storey datum will need to be justified by the quality of the architectural solution proposed.

While it does not take a prescriptive approach, the Masterplan includes illustrations of how the corner of Leicester Road and Jubilee Road could be accentuated through architectural expression. These are shown to be 4/5 storey blocks with a corner feature up to 3 storeys taller.

It is accepted that the general quality of the architecture of the proposal is good, with some interesting features, but this does not overcome the impact of the sheer scale of the buildings. A bulky 7-8 storey development with a large 15 storey block would dominate this part of the town and the approach into Loughborough from the south.

The Design Review Panel's concerns about the height of the buildings are supported.

The Team Leader for Natural and Built Environment has similar views.

The proposed design includes a strong frontage to Jubilee Way which would break down the dominance of the highway infrastructure and would remove the dominance of the blank cinema façade to Baxter Gate as the entrance to Loughborough, which in itself is of significant mass and scale. However, the overall scale and bulk is greater than is considered to be necessary to provide a substantial modern frontage to this wide, new road.

The Design Review Panel's assessment of the Pinfold Gate elevation is supported. This is a well conceived group of 3 storey townhouses which makes a positive contribution to the character and appearance of the area and setting of the adjacent listed buildings.

The development of this site will help to establish the context for future new development in the town centre. It is not considered that buildings of this height and dominance would set the appropriate tone for future development.

In informal responses from the applicants they have reiterated that, in their opinion, the development accords with the Masterplan. They have consultants assessing the architectural quality of the design and the landscape framework.

The applicant has provided information on long distance views for consideration. Views of the town from the south east are from rapidly rising ground and the majority of views offer an experience of looking down on the town rather than across, resulting in less definition between taller and shorter buildings. Evident in these views are the Church of All Saints, the Carillon Memorial, the Telecommunication block to the rear of the former Post Office building, Loughborough University School of Art and the tower block on the main University campus.

The townscape is therefore evolving and adapting with new development providing a contrast to the distinctive architecture of the Church and Carillon Memorial.

While the tower block on the University campus can be seen in this view, its location at some distance from the main part of the town means that it does not form part of the general townscape.

Within the town centre the Carillon Memorial stands at a height of 46 metres with the tower of All Saints Church a similar height. The recently adopted Town Centre Masterplan refers to new development attaining an approximate height of up to 20 metres, and only in exceptional circumstances should new development be taller. The proposed building attains a height of 26 metres at the Barrow Street/Aumberry Gap junction, rising to 31 metres at the corner of Leicester Road/Barrow Street, with the tower element rising to 50 metres.

The applicant has undertaken a photographic survey and evaluation of the impact of the development from distant viewpoints around Loughborough and this demonstrates, in their opinion, that the proposed development will not have a detrimental visual impact on views of All Saints Church tower, the Carillon memorial and the overall townscape character. It is considered that the current lush vegetation at this time of year and the exact positioning of the camera location, mean that this survey and evaluation has to be treated as inconclusive.

A second review of the design has been commissioned by the applicant, engaging a tall building and view management specialist, with the scope of this review being similar to that of the OPUN Design Review Panel. It concludes that the proposed development will not have an unacceptable impact on heritage, and whilst it has a considerably greater scale than its surroundings, those surroundings are of poor townscape quality and lack distinction or definition, and that the scale has been mitigated by good design.

It is considered that while the second review of the design of the proposed development, by the specialist, clearly identifies the need for a prominent building of high architectural quality that will deliver a significant enhancement to the existing townscape, it does not entirely justify why a design of such magnitude in terms of its mass and height is necessary or even desirable to deliver this significant enhancement.

While there are high buildings in parts of the town centre, the area around the application site is characterised by three storey buildings, with both flat and pitched roofs. It is accepted that due to the width and scale of Barrow Road (Jubilee Way) there have been cases where taller buildings have been accepted on this road. New buildings such as the Magistrates Court do not look out of place in their specific context. This application site is different to other parts of Barrow Road. It is located at a junction on a main approach into the town, where any new development would have a close relationship with a mixture of traditional and new buildings in the town centre. It is considered that the scale and bulk of this proposal would be dominant and overbearing in this location.

Having taken account of the significant design issues raised by this substantial proposal on a gateway site into the town, and the input provided by relevant design specialists, it is considered that the proposals do not accord with Saved Policy EV/1 of the Local Plan, Policy CS2 of the Core Strategy and guidance provided in the recently approved Loughborough Town Centre Masterplan. This is because the height, scale and bulk of the proposals fail to respect the context of this town centre site. It would have an adverse impact upon the character and appearance of the town centre in general and nearby buildings in particular.

Heritage

Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an authority's planning function, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Listed Buildings and Conservation Areas. The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.

The site lies immediately to the southeast of the Loughborough Church Gate Conservation Area and northwest of the Leicester Road Conservation Area as extended by the recent review. Pinfold Gate Cottages, a Grade II listed structure is opposite the application site.

The site at this moment in time with the discordant mix of commercial buildings, hoardings and tarmaced car parking and servicing areas significantly detract from the character and setting of the Conservation Areas and results in area of fragmented townscape.

The views and entrances across the site are dominated by the blank Cinema façade which forms a significant and undesirable expansive feature to the setting of the Church Gate Conservation Area and as an arrival point to the town centre. Given the size and scale of this feature it would take a building of substantial form to reduce the dominance of this harm to the townscape which dominates the Church Gate Conservation Area. However, it is considered that this could still be achieved with a significantly smaller building than the one proposed in this application.

Historic England considers that the proposals would result in less than substantial harm and there is no reason to disagree with this assessment.

The disparity in scale between the proposed development and the taller historic buildings of All Saints Church and the Carillon Memorial, is at its most apparent from distant views. From here the new building would appear to finish just above the height of the Carillon Memorial but the relationship to the Memorial diminishes significantly within the town boundaries and the Memorial is not visible on approaches along the A6.

The present site significantly detracts from the setting of a non-designated heritage asset (the Phantom PH) and the designated heritage assets close to the site. The layout and architectural quality of the proposal will improve the setting of these heritage assets through the removal of poor quality buildings and the fencing and hoarding which are poor quality features. In particular the setting of the listed cottages on Pinfold Gate will be enhanced by the proposal.

Views from within the Church Gate Conservation Area along High Street and beyond the conservation area boundary towards Leicester Road make a contribution to its character. Likewise views in the opposite direction along Leicester Road towards the site contribute to the character of the setting of the Leicester Road Conservation Area. The proposed building will be a significant visual element, interrupting the continuity of the diminishing perspective within these views.

When considering the harm caused by the proposal in-the-round, it is concluded the overall effect on the significance of the heritage assets and their setting would be less than substantial. In this regard therefore paragraph 134 of the Framework will apply. Concluding less than substantial harm does not mean that great weight should not be given to that harm in the planning balance. In this instance the harm should not be viewed as considerable.

Considering the heritage assets, there is therefore conflict with paragraph 132 of the Framework and with Policy CS14 of the Core Strategy, which specifically seeks to safeguard the setting of such assets.

In conclusion and in accordance with the guidance contained within the NPPF and Core Strategy Policy CS14 the proposed development will result in less than substantial harm to the heritage assets. Even given this less than substantial harm and great weight in the planning balance, as required by paragraph 66 of the Act, it is considered that harm is marginally outweighed by the public benefits of the scheme as set out elsewhere in this report.

Relationship to neighbouring properties

Saved Policy EV/1 of the Local Plan and Policy CS2 of the Core Strategy are material considerations in this respect. The supporting letters from local businesses, residents and those in objection have all been balanced and carefully considered.

The key relationships are the local residents adjacent to the site. The proposals are supported by a light assessment which demonstrates that the proposals would not unacceptably impact on amenities or light and that sunlight levels would remain above World Health Organisation guidance in this respect.

The proposals, particularly on Pinfold Gate, have been designed to a 3/4 storeys (the fourth storey would be in the roofplain) and the proposals would slope up to the higher storey heights on Barrow Street.

The proposed rooftop football pitch is set within the central area and therefore is relatively distant from nearby residents. Its impact would also be mitigated by the surrounding walls which are provided to the lower levels. The football pitch would be netted at upper levels, as is the case in a number of other examples around the country. It is also noted that the Phantom Public House has external entertainment space and that the town centre environment is more lively and is likely to have higher ambient noise levels than a suburban environment.

Overall it is considered that the local amenity impacts of the proposals have been addressed in the supporting documents and the design of the proposals and the proposals would not result in a significant adverse impact on neighbouring and nearby residential amenity would be in accordance with saved Policy EV/1 of the Local Plan and Policy CS2 of the Core Strategy.

Flooding and Drainage

Policy CS16 of the Core Strategy encourages sustainable design and construction and directing development to locations within the Borough at the lowest risk of flooding, supporting developments which reduce flood risk elsewhere, and requiring new developments to manage surface water run off with no net increase in the rate of surface water runoff for greenfield sites.

Paragraph 103 of the Framework requires local planning authorities to ensure that, when determining planning applications, flood risk is not increased elsewhere and to only consider development in areas of flood risk where, informed by a site-specific flood risk assessment and will not put the users of the development at risk.

The site falls within flood zone 1, where flood risk to future occupiers would be minimal. Therefore it is considered that development of this site is acceptable in terms of flood risk as it has been directed to an area at lowest risk of flooding. Therefore the application meets the principles of paragraph 103 of the Framework. However, there is a requirement to demonstrate that sustainable drainage methods are employed and that the development of the site would not result in increased flooding elsewhere as a result of the increased requirements of drainage and hard surfacing.

The comments and concerns of residents and the LLFA have been carefully considered and it is considered that the proposals are in accordance with Policy CS 16 of the Core Strategy.

Ecology and Wildlife

Policy CS13 of the Core Strategy seeks to ensure protected species are not harmed as a result of development proposals and wherever possible enhance the potential through landscaping and drainage solutions to provide development that promotes ecological benefit. Saved Policy EV/1 of the Local Plan and Policies CS2, CS11, CS12 and CS15 of the Core Strategy seek to ensure that appropriate designs and layout are provided which delivers high quality design and the provision of appropriate green infrastructure is also a relevant consideration in this context.

Given the current low ecological value of the site and the proposal to include a significant area of green roofing, to the application is unlikely to result in net biodiversity loss and potentially, depending on the final detail, could result in net gain. The “Below Ground Drainage Strategy Report” identifies that fact that the precise design of the green roofs will have a bearing on their value to wildlife. The design of these roofs could be provided as part of a landscaping scheme which could be considered as a planning condition on any permission.

Overall subject to appropriate planning conditions the proposals would be considered to accord with policy CS13 of the Core Strategy and relevant guidance within the National Planning Policy Framework.

Highway Safety, Servicing and Parking

Policy CS17 of the Core Strategy seeks to provide a genuine choice for our community to walk, cycle or take longer trips on public transport. Development is expected to be managed in ways which secure improvements or results in an efficient and effective transport network. Policy CS18 of the Core Strategy seeks to maximise the efficiency of the local and strategic road network by 2028 by requiring new developments (including this application) to deliver an appropriate and comprehensive package of transport improvements.

Paragraph 32 of the NPPF states that developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. It further states that decision makers should ensure that the opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved and improvements can be undertaken within the

transport network that cost effectively limits the significant impact of the development. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

The application site is located in a sustainable location. There are a number of bus routes and stops in the locality and the proposals are located within easy walking distance of the town centre and the University. The multifunctional use of the ground floor would also promote further activity for both future residents and the local community and promote walking into the town centre.

The comments of the local residents and the Grand Central Railway have been considered. However, it should be noted that the existing use would generate a level of movement and the site is not a public car park. The site is also well located in close proximity to the Beehive Car Park and other town centre car parks.

The Town Centre Masterplan does not identify this site for a car park and the comments raised by the Great Central Railway relate to behavioural issues about the willingness to pay for town centre car parking, which is not a planning matter.

The applicant is an established student housing operator. The proposals have been designed on their management and tenancy agreement and their operational needs based on their experience around the country. The operator uses a no-car agreement for proposed tenants and they have experience of enforcing this elsewhere. The operator would work with the University to manage beginning and end of term movements. The Highway Authority considers that this would be acceptable.

The applicant has also demonstrated that deliveries and servicing can take place within the site, with no objection from the Highway Authority.

Overall, considering the sustainable location of the site and the information provided in relation to management which could be secured through a s106 Agreement, and taking account of the existing use which generates a level of traffic movement, together with the appropriate provision of car parking and servicing, the proposals would not result in a significant adverse impact on highway safety.

Following the submission of additional information the Highway Authority also has no objection to the application, subject to conditions and contributions should the scheme be approved.

In light of the above it is not considered that there are any sustainable highway related concerns relating to these proposals.

Environmental Impact Assessment Regulations

Since the original screening opinion was issued, officers have reviewed the application, in light of the updated and current regulations, and consider that the proposals would not be EIA development requiring an Environmental Statement to be provided.

S106 developer contributions

Policies CS3, CS15 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. This would be in accordance with the Framework and Community Infrastructure Levy (CIL) Regulations to mitigate to the impact of the proposals.

On-site provision

Healthcare – The West Leicestershire Clinical Commissioning Group are interested in using the multi-functional space as an enhanced offer in place of the Park View Surgery. Discussions were ongoing with the applicant as to the provision. If being unable to be agreed an off-site contribution would be progressed to enhance doctor's surgeries of £50,000.

The Applicant's Assured Shorthold Tenancy Agreements (ASTs) and no car policy and management structure as submitted will also be appended.

The delivery of these elements will be secured through the S106 legal agreement.

Off-site contributions

To Town Centre Parks - £ 8,037.08

To Town centre Public Realm (including play equipment for young people) - £68,612.70

To process of Traffic Regulation Orders - £7,500

To monitoring fee for STARS (Sustainable Travel Accreditation and Recognition Scheme) - £6,000

Planning Balance

Overall, the proposals have been carefully assessed against the comments and consultation responses received and the policies of the Development Plan and the National Planning Policy Framework.

The application proposals would contribute 146 dwellings to the Council's Housing Land Supply and therefore considering the Council Housing Land Supply position with a 4.93 year supply as at end of March 2018 the tilted balance should be applied to the assessment of the application in accordance with the requirement of Paragraph 14 of the NPPF which states that where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or – specific policies in the Framework indicate development should be restricted.

On the basis of the information submitted by the applicant, the benefits of the proposals could be the regeneration of a prominent town centre site, with substantial direct and indirect benefits to the local economy. It is estimated that the proposals

would create approximately 200 full-time jobs during construction and 20 full-time jobs once the buildings are operational.

The proposal provides facilities that could be accessed by the local community and businesses, with flexible spaces alongside student housing. The applicant also estimates that should the space be vacant for the summer break this could generate Council Tax receipts.

The proposals could also decrease pressure on HMO provision, which could then come back to private / local residents.

The concerns regarding traffic management and movement are mitigated by the applicant's control over car parking via their Assured Shorthold Tenancy agreements (ASTs) and their on-site management team.

This would support the development strategy in the Core Strategy, encourage regeneration of Loughborough and the Town Centre, in accordance with policies CS1, CS7, CS9 and CS25 which must be given considerable weight.

On balance, it was considered that due to the benefits of the scheme which are outlined above, there was no conflict with policy CS14 which seeks to conserve heritage assets.

Negatively, it is considered that the proposal has failed to address most of the concerns which have been raised by the Design Review Panel and the Council's Team Leader for Natural and Built Environment which considered that due to the height, scale and mass of the development the proposal would have a dominant and overbearing impact upon the area. Consequently, the proposal would be in conflict with policy CS2 and saved Local Plan policy EV/1. Policy CS2 specifically refers to the need for proposals to respect and enhance the character of the area, having regard to issues which include scale, massing and height of development.

In addition, it is not a scheme which is considered to be in line with the recently approved Town Centre Masterplan.

The site has lain vacant for 20 years and is in need of regeneration. While the overall design is good quality, the height, scale and bulk of the proposal fails to respect the local context, to the detriment of the character and appearance of the town centre.

Although officers have sought to negotiate a reduced scheme the applicant wished to progress with the submitted scheme backed by further work from appointed specialists for both views of the proposal and design considerations.

Conclusion

The proposal could deliver benefits and be seen to accord, in part, with policies CS1, CS3, CS7, CS9, CS16, CS17, CS18, CS24 and CS25 of the Core Strategy and saved policy TR/18 of the Local Plan.

However, it is considered that the adverse impacts of this development would significantly and demonstrably outweigh the benefits. In principle, it is accepted that development on the Leicester Road/Barrow Road (Jubilee Way) corner of the site and the elevations overlooking Barrow Road (Jubilee Way) could be taller than three storeys. The application site is in an area characterised by predominantly traditional terraces and modern and traditional three storey development, which would be dominated by the height, bulk and scale of this proposal. This would have an adverse impact upon the character and appearance of the town centre and upon a main approach road into the town.

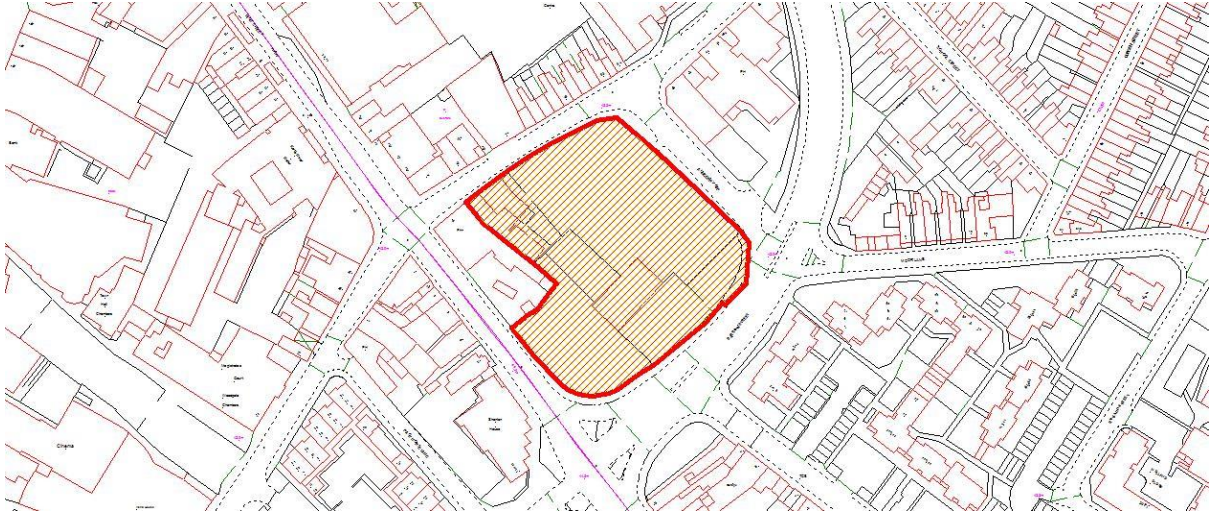
The proposal fails to achieve the aims of the Town Centre Masterplan by virtue of its height, scale and bulk and its consequential impact upon the character and appearance of its surroundings. It has not addressed the fundamental concerns of the Design Review Panel and the Council's Team Leader for Natural and Built Environment.

Consequently, it is considered that the proposal is contrary to policy CS2 of the Core Strategy and saved policy EV/1 of the Local Plan, the approved Town Centre Masterplan 2018 and the aims and objectives of the National Planning Policy Framework and associated guidance.

RECOMMENDATION

That planning permission is REFUSED for the following reasons:

1. The proposed development, due to the height, scale, and bulk of the buildings fails to respect the context of this town centre site. It would have a significant adverse impact upon the character and appearance of the town centre in general and the surrounding nearby buildings in particular. This would be contrary to policies CS2, of the Core Strategy and saved policy EV/1 of the Local Plan and guidance contained in the approved Town Centre Masterplan 2018 and paragraph 56 of the National Planning Policy Framework.
2. For the reasons set out in this report it is considered that the adverse effects of the proposed development could not be overcome with the use of planning conditions or the completion of a Section 106 agreement.



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Delegated planning decisions made by Charnwood Borough Council since the last Plans Committee meeting

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/18/0314/2	Full	Flat 3 Bradgate Road Anstey LE7 7AB	Change of use of first floor dwelling (C3) to Restaurant (A3)	Permission granted subject to conditions	25-Jun-2018	Anstey
P/18/1005/2	Full	14 North Street Barrow Upon Soar LE12 8QA	Widening of access driveway.	Permission granted subject to conditions	13-Jul-2018	Barrow & Sileby West
P/18/0958/2	Full	The Cedars Academy Wanlip Lane Birstall LE4 4GH	Construction of 3G pitch with associated floodlighting, fencing, hard standing and equipment storage container	Permission granted subject to conditions	06-Jul-2018	Birstall Wanlip
P/18/0848/2	Outline Planning Permission	249 Markfield Lane Newtown Linford Leicestershire LE67 9PR	Site for the erection of one bungalow (revised scheme P/18/0106/2 refers)	Permission refused	05-Jul-2018	Forest Bradgate
P/18/0609/2	Full	Loughborough University Ashby Road LOUGHBOROUGH LE11 3TU	Variation of condition 2 of planning permission P/16/2558/2 - Addition of ventilation condenser units to the roof of Elite Athletes Centre.	Permission granted subject to conditions	18-Jun-2018	Loughborough Ashby
P/18/0695/2	Full	Loughborough University Ashby Road Loughborough LE11 3TU	Variation of condition 2 of P/16/2558/2 to amend design of the Energy Centre.	Permission granted subject to conditions	28-Jun-2018	Loughborough Ashby Loughborough Nanpantan

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/18/0902/2	Full	Pinfold Medical Practice Pinfold Gate Loughborough Leicestershire LE11 1DQ	Variation of condition No. 2 of planning permission P/15/2483/2 relating to the resurfacing and reconfiguration of the car parking area to the rear of the Health Centre and the erection of 4 No. 8 metre high lighting columns within car park.	Permission granted subject to conditions	10-Jul-2018	Loughborough Hastings
P/18/0504/2	Full	Hathern Cricket Club Pasture Lane Hathern Leicestershire	Installation of ornamental clock on top of cricket pavilion building.	Permission granted subject to conditions	20-Jun-2018	Loughborough Hathern & Dishley
P/18/0770/2	Full	Building 39 Bakewell Road Loughborough LE11 5RB	Provision of external fire escape staircase to eastern side of building and single storey extension to north side for entrance lobby.	Permission granted subject to conditions	20-Jun-2018	Loughborough Lemyngton
P/18/0924/2	Full	Unsteady Fluids Building Holywell Park Holywell Way Loughborough Ashby Road LE11 3QF	Installation of flume extraction system	Permission granted subject to conditions	11-Jul-2018	Loughborough Nanpantan
P/18/0017/2	Full	22 Brook Lane Loughborough LE11 3RA	Alterations and conversion to garage to create 1 bedroom flat at first floor.	Permission refused	25-Jun-2018	Loughborough Outwoods
P/18/0503/2	Full	The Independent Traveller Devonshire Lane LOUGHBOROUGH LE11 3DF	Change of use of existing ground floor commercial units (use class A1 & Sui Generis) to 5 self-contained flats (use class C3)	Permission granted subject to conditions	20-Jun-2018	Loughborough Southfields

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/18/1013/2	Full	Westfields 192 Ashby Road Loughborough LE11 3AG	Partial conversion of existing self-contained apartment to form maintenance/security/lettings office. Single storey extension to rear of building.	Permission granted subject to conditions	11-Jul-2018	Loughborough Southfields
P/18/0316/2	Full	Sport Hall Loughborough Endowed Schools Burton Walks Loughborough Leicestershire LE11 2DU	Partial demolition of the existing gym; construction of new extension to the gym and an additional store room; including raising the roofline of the gym to provide 3.5m internal ceiling height.	Permission granted subject to conditions	13-Jul-2018	Loughborough Southfields
P/18/1025/2	Full	50 Leopold Street Loughborough Leicestershire LE11 5DN	Conversion of terraced house into 2 x 1 bed apartments (Revised scheme - P/18/0778/2 refers)	Permission granted subject to conditions	11-Jul-2018	Loughborough Storer
P/18/0858/2	Outline Planning Permission	105 Rothley Road Mountsorrel Leicestershire LE12 7JT	Erection of bungalow to the rear of 105 Rothley Road (outline application).	Permission granted subject to conditions	20-Jun-2018	Mountsorrel
P/18/0559/2	Full	4 Stoop Lane Quorn Leicestershire LE12 8BU	Sub division of cottage into two residential units.	Permission granted subject to conditions	29-Jun-2018	Quorn & Mountsorrel Castle
P/18/0891/2	Householder	28 Warwick Avenue Quorn LE12 8HD	Retention of single dormer in rear roof slope of two storey extension, and change in the number of rooflights in the single storey extension from six to three (revised scheme of P/15/2501/2).	Permission granted subject to conditions	10-Jul-2018	Quorn & Mountsorrel Castle
P/18/0913/2	Full	69 Swithland Lane Rothley LE7 7SG	Erection of dwelling and detached garage	Permission granted subject to conditions	02-Jul-2018	Rothley & Thurcaston

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/18/0766/2	Reserved Matters	Land to rear of 155 Charnwood Road Shepshed Leicestershire LE12 9NN	Erection of one dwelling. (Reserved Matters - Outline application P/17/2203/2 refers).	Permission granted subject to conditions	18-Jun-2018	Shepshed West
P/18/0932/2	Full	Manheim Auctions Charnwood Road Shepshed Leicestershire LE12 9NN	Erection of a camera pole along Anson Road.	Permission granted subject to conditions	03-Jul-2018	Shepshed West
P/18/0592/2	Full	Land off Tickow Lane Shepshed Leicestershire	Variation of Condition 1 and 3 of P/17/1953/2 to make minor changes to the proposed materials plan and Rother house type.	Permission granted subject to conditions	05-Jul-2018	Shepshed West
P/18/0842/2	Full	34 Hall Croft Shepshed LE12 9AN	Change of use from retail (class A1) to cafe (class A3) and installation of flue (Retrospective Application)	Permission granted subject to conditions	13-Jul-2018	Shepshed West
P/17/2210/2	Full	1-3 St Peters Street Syston Leicestershire LE7 1HL	Refurbishment and alterations to ground floor veterinary practice, including new access ramp and conversion of first and second floors to 3 self-contained flats including rear dormer.	Permission granted subject to conditions	26-Jun-2018	Syston West
P/18/0929/2	Householder	166 Humberstone Lane Thurmaston LE4 8HG	Erection of detached single storey annex in rear garden (Revised scheme P/17/2332/2 refers)	Permission refused	25-Jun-2018	Thurmaston
P/18/0755/2	Full	Former Flat 776-778 Melton Road THURMASTON LE4 8BD	Retention of security shutter to the front of the shop premises.	Permission refused	26-Jun-2018	Thurmaston

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/18/0975/2	Full	701 Melton Road Thurmaston LE4 8ED	Retention of roller shutter over front door to premises.	Permission granted subject to conditions	10-Jul-2018	Thurmaston