



PLANS COMMITTEE

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To: Councillors Bebbington, Bentley, Campsall, Forrest (Vice-chair), Fryer, Gerrard, 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 Woodgate Chambers on Thursday, 7th March 2019 at 5.00 pm for the following business.

Chief Executive

Southfields
Loughborough

27th February 2019

AGENDA

1. APOLOGIES
2. MINUTES OF PREVIOUS MEETING 3 - 5

The Committee is asked to confirm as a correct record the minutes of the meeting held on 31st January 2019.

3. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were submitted.

4. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS
5. PLANNING APPLICATIONS 6 - 83

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

6. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS 84 - 86

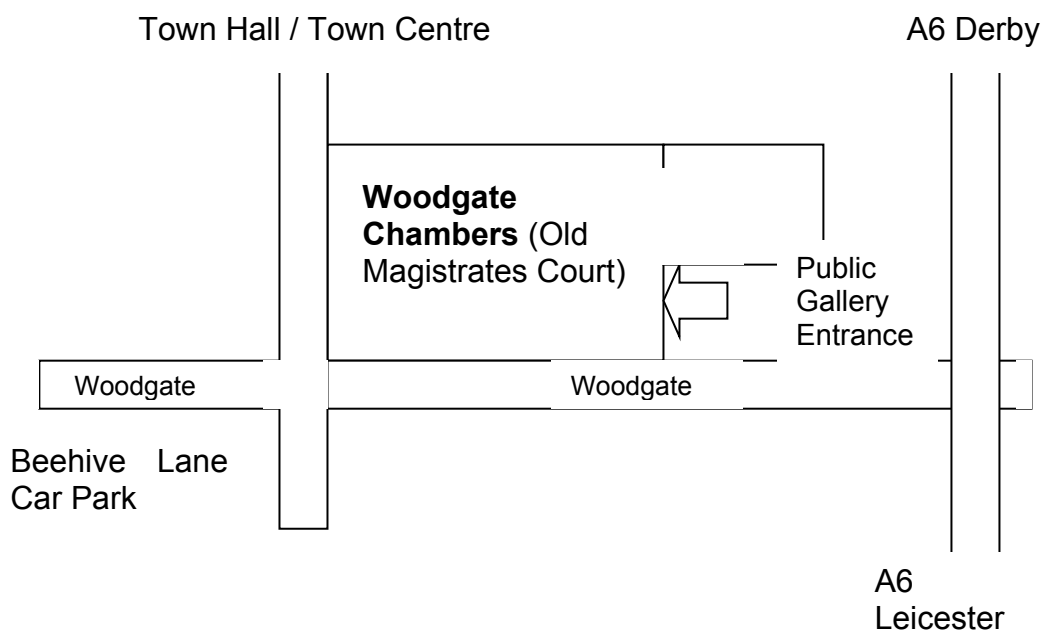
A list of applications determined under powers delegated to officers for the period from 21st January 2019 to 22nd February 2019 is attached.

7. URGENT DECISION - TREE PRESERVATION ORDER 87 - 94

A report of the Head of the Strategic Support, enabling the Committee to note an urgent decision taken by the Chief Executive under Section 8.2 of the Council's Constitution to authorise the making of a Tree Preservation Order, is attached.

WHERE TO FIND WOODGATE CHAMBERS

Woodgate Chambers
 70 Woodgate
 Loughborough
 Leicestershire
 LE11 2TZ



PLANS COMMITTEE 31ST JANUARY 2019

PRESENT: The Chair (Councillor Page)
The Vice-chair (Councillor Forrest)
Councillors Bebbington, Bentley, Campsall,
Gerrard, Grimley, Lowe, Savage, Seaton, Snartt,
Tassell and Tillotson

Team Leader Development Management
Senior Planning Officer (DL)
Principal Solicitor (KH)
Democratic Services Officer (MH)

APOLOGIES: Councillor Fryer

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via 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 this meeting, and the use of any such images or sound recordings was not under the Council's control.

43. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 22nd November 2018 were confirmed as a correct record and signed.

44. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions had been submitted.

45. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

The following disclosures were made:

- (i) by Councillor Campsall – a personal interest leading to bias in application P/18/2068/2 as he had previously done work for the applicant;
- (ii) by Councillor Grimley – a personal interest in application P/18/2172/2 as the applicant had previously worked for his uncle; however he had not had any contact with the applicant regarding the application and retained an open mind.

46. PLANNING APPLICATIONS

Reports of the Head of Planning and Regeneration, setting out applications for planning permission, were submitted (items 1 and 2 in the appendix to the agenda filed with these minutes). An Additional Items report in respect of application P/18/2172/2 was also submitted (also filed with these minutes).

In accordance with the procedure for public speaking at meetings, the following objector and applicant or their representative attended the meeting and expressed their views:

- (i) Mr D. Crinnion (objector) and Mr W. Brearley (on behalf of the applicant) in respect of application P/18/2172/2.

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

- (i) Councillor Shepherd (also speaking on behalf of Councillor Hunt) in respect of application P/18/2172/2.

Having disclosed a personal interest leading to bias, Councillor Campsall withdrew from the meeting during the consideration of application P/18/2068/2 (Mr D. Hankin, 66 Pitsford Drive, Loughborough).

RESOLVED

1. on a proposal by Councillor Bentley, seconded by Councillor Lowe, that, in respect of application P/18/2172/2 (Mr M. Horsley, 102 Warwick Avenue, Quorn), planning permission be refused, against the recommendation of the Head of Planning and Regeneration, for the following reasons:
 - (i) The proposal would lead to overdevelopment of the site to the detriment of residential amenity, particularly in relation to the existing dwelling on the site, and to the visual amenity of the street scene;
 - (ii) The proposed housing mix was not in accordance with Policy CS3 of the Charnwood Local Plan Core Strategy, Policy H3 of the draft Quorn Neighbourhood Plan and the evidence set out in the Housing and Economic Development Needs Assessment;
2. that, in respect of application P/18/2068/2 (Mr D. Hankin, 66 Pitsford Drive, Loughborough), planning permission be granted subject to the conditions, reasons and advice notes set out in the report of the Head of Planning and Regeneration.

47. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS

A list of applications determined under powers delegated to officers for the period from 12th November 2018 to 18th January 2019 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 25th March 2019 unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Plans Committee.

Charnwood Borough Council

Plans Committee – 7th March 2019

Index of Committee Items

Item	Application No	Applicant and Location, Description	Recommendation	Page
1	P/18/1379/2	Mr Mandeep Singh Land adjacent Granite Way Mountsorrel Erection of three/four storey apartment block of 25 units with associated car parking, landscaping and alterations to vehicular access	Grant Conditionally	7
2	P/18/1401/2	Mr Andrew Philpott Land adjacent 5 Cumberland Road Loughborough Erection of 7 x 1 bedroom apartments with associated external works (Revised scheme - P/16/1053/2 refers)	Grant Conditionally	30
3	P/18/2067/2	Mr Chris Pittock Land to the West of Aumberry Gap Loughborough Redevelopment to provide student accommodation ranging from 3-7 storeys in a range of purpose built accommodation and approximately 1,702 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	Grant Conditionally subject to a S106 Agreement	49

Item No. 1

Application Reference Number P/18/1379/2

Application Type:	Full	Date Valid:	11/07/2018
Applicant:	Mr Mandeep Singh		
Proposal:	Erection of three/four storey apartment block of 25 units with associated parking, landscaping and alterations to vehicular access		
Location:	Land adjacent Granite Way, Mountsorrel LE12 7TZ		
Parish:	Mountsorrel	Ward:	Quorn & Mountsorrel Castle
Case Officer:	Patrick Reid	Tel No:	01509 634747

This item is referred to Plans Committee at the request of Councillor Shepherd and Councillor Hunt on the grounds of design, the effect on the appearance of the street, and its overbearing impact.

Site Location and Description

The site lies at the roundabout junction of Granite Way and Loughborough Road, Mountsorrel. It is a vacant area of grassed land adjacent to an existing Waitrose retail store. The site is on the north-western edge of the village, in an area of generally mixed land uses comprising residential development opposite and to the south-east, the Waitrose retail store to the north-east and commercial units to the west, on the opposite side of the roundabout.

The site lies just within the northern edge of the designated limits to development of Mountsorrel.

The Proposal

The proposal is for the erection of a three- and four-storey apartment block of 25 units at first, second and third-floor levels, comprising 13 one-bed apartments and 12 two-bed apartments. Undercroft car parking is provided on the ground floor.

The building would be formed by two linked blocks that would be set at an angle to each other to address the bend in the road. The four-storey element would be positioned closer to the roundabout, with the three-storey element stepping down on approach to the existing buildings along Loughborough Road, towards the village centre. Each block would be of the same flat-roofed design, and be constructed using red facing bricks and stone-style horizontal banding, with contrasting servicing elements being finished in grey granite style cladding, deeply recessed but also slightly protruding above the main roof. Fenestration would consist of large main windows of Georgian proportions, with smaller bedroom windows. All windows would be metal framed, finished in grey and set in reveal. Access to a total of 41 car parking spaces (including 4 visitor spaces) would be gained from Betty Henser's Lane, off Loughborough Road. The parking spaces would be provided to the rear of the building and includes some undercroft parking. A communal bin store would also be provided within the area to the rear. Additional

separate pedestrian access is also proposed at either end of the site with a footpath running along the inside of the front boundary of the site. Landscaping/amenity areas would be provided, in the main, along the frontage of the building and by returns along its end elevations.

Amended drawings have been submitted in response to officers' initial concerns about some of the details of design, including the end elevations to the building. Also, to address the County Council Highway Authority's initial concerns and comments. The latter also resulted in the removal of two visitor parking spaces that were shown within the public highway and therefore outside the applicant's control.

The current application is submitted following the withdrawal of a previous planning application for a proposed development of 9 two-storey dwellings and new office building (ref: P/17/1264/2). Officers had expressed concerns about its scale, design and layout.

Pre-application advice was sought and provided on an apartment scheme at the site (ref: P/18/1370/2), prior to the formal submission of the current application.

The application is accompanied by a Design and Access Statement, a Design Development Statement, a Noise Assessment, an Arboricultural Survey, a Ground Investigation Report, a Phase II Site Appraisal (a geotechnical and contamination assessment) and a Flood Risk Assessment. A Viability Appraisal has also been submitted.

Development Plan Policies

Charnwood Local Plan 2011 to 2028 Core Strategy

Policy CS1 – Development Strategy sets out the development strategy for the Borough.

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place.

Policy CS3 – Strategic Housing Needs sets out affordable housing requirements and an appropriate mix of types, tenures and sizes of home. For developments at Mountsorrel there is a target of 30% on sites of 10 dwellings or more.

Policy CS11 – Landscape and Countryside seeks to support and protect the character of the landscape and countryside

Policy CS12 – Green Infrastructure protects and enhances green infrastructure assets including addressing the identified needs in open space provision.

Policy CS13 – Biodiversity and Geodiversity supports development that protects biodiversity and geodiversity.

Policy CS15 – Open Spaces, Sports and Recreation requires new development to meet the standards set out in the Council's Open Space Strategy and to provide for long term management and investment plans for existing and new facilities.

Policy CS16 – Sustainable Construction and Energy encourages sustainable design and construction.

Policy CS17 – Sustainable Transport requires 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 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.

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 1991-2006 (saved policies).

Where they have not been superseded by Core Strategy policies, the saved policies of the Local Plan remain part of the development plan. The relevant policies in this case are:

Policy ST/2 – Limits to Development – Built development will be confined to allocated sites and other land within Limits to Development.

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

Policy E/7 – seeks to control employment uses in Primarily Employment Areas and advises that permission will be granted for B1 and B2 uses provided that locations adjacent to residential areas, residential amenity is protected.

Policy TR/18 – Parking Provision in New Development notes 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.

Other Material Considerations

National Planning Policy Framework 2018 (NPPF)

The National Planning Policy Framework 2018 (NPPF) is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development. The Framework sets out the Government's planning policies for England, how these should be applied and taken into account in the preparation of local and neighbourhood plans, and as a material consideration in the determination of planning decisions. (Paras 1 and 2).

The Framework (paras 7 and 8) states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 overarching objectives to this;

- An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity
- A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and by fostering a well-designed and safe built environment with accessible services;
- An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment.

For decision taking, this means:

- Approving development proposals that accord with an up-to-date development plan without delay; or
- Where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or 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; (Para 11).

The NPPF also advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (Paragraph 124). Also relevant is section 12: 'Achieving well-designed places' (Paragraphs 124-131).

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.

Leading in Design Supplementary Planning Document February 2006

This encourages and provides guidance on achieving high quality design in new development. It indicates that the Council will approach its judgments on the design of new development against the following main principles:

S106 Developer Contributions SPD (2007)

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 6 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.

Housing SPD (2017)

This clarifies that the Council will seek the provision of affordable homes on a new housing scheme in Loughborough on the basis of 30% and sets out a preferred tenure mix (HSPD 2). Guidance notes HSPD 4 and 5 also refer to Viability and Delivery and Viability Appraisals respectively and recognises that viability can be an issue for some developments. In such cases, clear and robust evidence is needed to justify a reduced or amended affordable housing package. The Council will take a reasonable, pragmatic and proportionate approach to enable development to be deliverable.

Housing and Economic development Needs Assessment (HEDNA)

The HEDNA assesses the need for housing and employment land over the next 20 years. It is an important part of the evidence base for the Strategic Growth Plan. It also identifies the appropriate mix of homes of different sizes needed in the market and affordable sectors.

Relevant Planning History

P/17/1264/2 – Erection of nine dwellings and a new office building – withdrawn – 10.08.2017
P/07/3550/2 – Erection of 14 dwellings – approved – 17.03.2007

Responses of Statutory Consultees

Leicestershire County Council Highway Authority

The Local Highway Authority initially required further information to clarify the extent of the highway, resurfacing and access junction geometry. An amended layout plan was received that addresses these matters to its satisfaction. There are no objections subject to planning conditions relating to access and parking being in accordance with the amended layout.

Leicestershire County Council (Developer Contributions)

Requests contributions for the dwellings on the following basis:

- Library facilities at £560 (rounded up to the nearest £10);

- Civic Amenities at £1,292 (to the nearest £1).

Leicestershire County Council (Footpaths)

No objection to the application as it should not affect the Public's use and enjoyment of the Right of Way.

Charnwood Borough Council Open Space Team

Requests contributions totalling £33,656 towards off-site open space.

Charnwood Borough Council Housing Strategy and Support Manager

For developments at Mountsorrel, there is a target of 30% affordable housing provision on sites of 10 dwellings or more. In this case, it would equate to 8 affordable units. Due to the potential lack of a registered provider who would be willing to acquire and/or manage the affordable homes in this apartment scheme, require instead a commuted sum to be paid towards off-site affordable housing, in lieu of the on-site provision.

Environment Agency

The Environment Agency advises that it does not wish to make any formal comment on the submission. From a flood risk perspective, the development falls within its flood risk standing advice (FRSA). It is for the Local Planning Authority to ensure planning submissions adhere to this advice. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

Lead Local Flood Authority

The proposed development will be acceptable subject to Conditions relating to surface water drainage and management during construction, SuDs management and filtration testing.

Mountsorrel Parish Council

The Parish Council objects to this proposal. This is an important high profile site at the entrance to the village. The Parish Council recognises that there is development potential here but considers the current proposal to be fundamentally unacceptable in terms of both form and function. The Parish Council shares and supports the views, representations and objections submitted made by or on behalf of residents in relation to:

- overdevelopment
- visual appearance
- inappropriate design characteristics which have no local precedent or any clear reference to established character (the submitted supporting material with the application is singularly unpersuasive in this regard)
- effect on neighbours
- inadequate access arrangements and parking/manoeuvring provision

- significant concerns (based on longstanding local knowledge) about surface water drainage

The Parish Council requests that all of these issues are given a full appraisal in reaching conclusions. In support of its position the Parish Council draws reference to the revised NPPF and commentary from the Secretary of State on the importance of promoting high quality design in new homes and places. They consider that the proposal does not continue the work undertaken to improve the street scape and public realm in Mountsorrel and therefore does not accord with para 127 of the NPPF or policies CS2, EV/1 and the Leading in Design SPD.

Quorn Parish Council

Objects to the above application on the basis that it is not in keeping with the existing street scene and is incompatible with the original design objective of the immediate locality. In addition, it is considered to be inappropriate to place a flat roofed four storey block of flats on such a prominent spot at the entrance to a village. The approach to both the village of Quorn and Mountsorrel will be downgraded.

Council for the Protection of Rural England (CPRE)

CPRE Charnwood District Group object to the principle of development. Whilst welcoming a proposal for the provision of one and two bedroomed accommodation, they consider that the density, design and scale of the proposed development is contextually inappropriate and fails to satisfy the provisions of paras 124 & 128 of the NPPF or CBC policies CS2 & CS3.

They note that the proposal includes no provision for affordable homes despite policy CS3 requiring 30% affordable provision and the NPPF currently requires developments to provide a minimum of 10% affordable.

The flat roof design is institutional and fails to enhance the appearance of the immediate neighbourhood nor reflect the core character of the villages of Quorn & Mountsorrel. The latter is particularly defined in the Village Design Statement for Quorn which adjoins Mountsorrel and shares similar architectural characteristics. There is no reference to the local vernacular which would suggest pitched roofs, dormers, flue stacks and no more than two and a half stories. CPRE do not reject sympathetic contemporary design but the proposed scheme belongs in an urban environment and not within the Soar Valley.

CPRE note that updated housing supply figures following publication of the revised NPPF on 24th July indicate that the Council is now able to demonstrate a 5.93 year supply. They consider the Local Plan justifies refusing the application, certainly with regard to its insensitive design.

Access is proposed via Betty Henser's Lane which is little more than a track serving an existing bungalow. This will require significant road improvements particularly at the junction with Leicester Road which is within 100 metres of the Granite Way roundabout. We consider that access and parking are a threat to highway safety and fail to satisfy the objectives of CBC policies CS17/18.

Other Comments Received

Councillor Richard Shepherd considers the application should be determined by the Plans Committee. The reasons for the 'call in' include issues of design, effect on the appearance of the street, and overbearing impact from development.

Councillor Jane Hunt supports Cllr Richard Shepherd in his 'call in' of this application, for the same reasons. Also, that nearby residents have raised concerns regarding localised flooding and believe that development of this size and scope may have an adverse impact on flooding in the area.

Objections have been received from 10 nearby residents, on the following grounds:

- The four-storey scale and flat roofed design is totally inappropriate in its context and out of keeping with the local vernacular and fails to comply with Policy CS2 and the NPPF, which requires High Quality Design. It is a prominent site and should be subject to an independent design review;
- It represents overdevelopment of the site
- A development with no affordable housing provision is unsustainable in social terms and contrary to Policies CS1 and CS3 and the NPPF;
- Parking provision is inadequate and, in some cases, substandard. Furthermore, it includes two spaces on a public highway;
- It will create additional flood problems in the area. Storm drains are already inadequate;
- It will increase noise and disturbance to the neighbouring area;
- It will create a risk to highway safety by increasing traffic along Loughborough Road;
- It will cause loss of light to the bungalows opposite

A further 9 responses were received in relation to the amended drawings, all of which confirmed that original objections still stand.

Consideration of the Planning Issues

This application is for full planning permission and the key considerations are the following:

- Principle of development
- Design and Impact on visual amenity and character of the area
- Impact upon residential amenity
- Highways
- Ecology
- Affordable housing and impact on infrastructure
- Flood risk

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 Charnwood Local Plan 2011 to 2028 Core Strategy

are therefore the starting point for consideration, along with the relevant saved Policies of the Borough of Charnwood Local Plan 1991 to 2006.

Following the publication of the new NPPF on 24th July 2018 an initial assessment has been undertaken of the new approach to the five year housing land supply calculation and the new housing delivery test. This assessment indicates that the Borough has 5.93 years supply of deliverable housing sites.

The presumption in favour of sustainable development (paragraph 11) means approving development proposals that accord with an up-to-date development plan without delay. The Local Plan Core Strategy policies, although adopted before the new NPPF was published, are less than five years old and are considered generally consistent with the new Framework. On this basis, proposals for housing development should be approved where they accord with policy CS1 and CS11 of the Core Strategy.

Policies within the Borough of Charnwood Local Plan were adopted more than five years ago and, as a result, those policies which are relevant to determining housing proposals such as ST/2, CT/1 and CT/2 are not considered to be up to date. Nevertheless, these policies are considered to be generally consistent with the new Framework and therefore carry weight. The degree to which they influence the determination of development proposals will depend on the merits of individual applications and the relevant circumstances

Policy CS1 of the Core Strategy relates to the hierarchy of settlements in the Borough as sustainable locations for new development. Mountsorrel lies within the 'Service Centres' category of the Settlement Hierarchy.

This proposal is a relatively small-scale development on a vacant area of land within the designated limits to development for Mountsorrel. The general locality contains a mix of uses including the adjacent retail unit, Granite Way employment area opposite and with long-established residential development opposite and to the south.

Having regard to the site's attributes and access to public services, together with the contribution that it would make to housing land supply, it is considered that the proposal would be in accordance with CS Policy CS1 and LP Policy ST/2 and represents a sustainable form of development.

Design and Impact on visual amenity and character of the area

The application site is situated on a prominent corner site and gateway location on entry to the west side of Mountsorrel. Policy CS2 of the Core Strategy requires new development to respect and enhance the character of the area having regard to scale density, massing, height, landscape, layout, materials and access arrangements. Saved policy EV/1 also requires that new development is of a high standard of design that provides attractive built frontages. Paragraph 130 of the National Planning Policy Framework also states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

As mentioned above, officers previously had serious concerns about an earlier application to develop this site for two-storey housing. It was considered that the design,

appearance, scale and layout of that scheme did not take the opportunity to create a sense of place in such a prominent village location. The application was subsequently withdrawn and pre-application advice was sought on an alternative scheme that would attempt to address those concerns.

The current proposal is for a more substantial landmark building that would create a more distinct development and a character that responds to its prominent location and, consequently, creates a sense of arrival on entry to the village.

It is considered that the angled building responds well to the shape and context of this corner site, with the height dropping down along the Loughborough Road frontage where buildings are generally of two-storey height and maintaining a higher level at the prominent corner, adjacent to the neighbouring supermarket. The development is also considered to relate well in terms of scale. The linked-block design helps to reduce the bulk and massing of the building, whilst the various reveals and projections on the elevations provide some visual interest, as does the choice of contrasting external treatments. At street level, the treatment of the ground floor elevations with a number of openings and textured brickwork presents an interesting frontage. Details of fenestration, including window reveals, and other design details are shown in the submitted Design Statement, but can also be secured by way of a planning condition requiring approval of detailed section drawings. High quality boundary treatments and landscaping will also enhance the appearance of the development at street level, ensuring that it does not 'turn its back' on the street.

Existing trees are retained and augmented, which will enhance and soften the appearance of the development.

The Council's Heritage and Design Officers have been involved throughout the planning process, including at pre-application stage, providing input and design advice to the applicant and agent. Following further discussions on the current scheme, amended drawings were submitted clarifying certain details of design and also to improve the appearance of the end elevations to add visual interest and respond to the immediate built form context. The amended scheme is considered to be a well-designed proposal for this prominent corner site.

Given the above assessment, it is considered that the design of the building and its relationship to the visual amenity and character of the area is acceptable, being of a size, scale and design appropriate for its location and setting. As such, it would comply with CS Policy CS/2 and saved Local Plan Policy EV/1 and the relevant provisions of the NPPF.

Impact on residential amenity

Externally, the layout has been assessed against the Council's Leading in Design SPD, which outlines space standards for residential development in Appendix 4. It states that there should be a separation distance of 21 metres between building elevations containing main habitable room windows and 12.5 metres between habitable windows and blank flank walls in order to protect privacy. In this regard, the scheme appears to generally comply.

With regard to existing neighbouring amenity, it is considered that only two properties would be potentially affected, at no.1 Betty Henser's Lane and no.214 Loughborough Road. Of these two, no.214 has only a side elevation and secondary windows facing the site. There is, however a rear amenity space. The distance from the side elevation and amenity space of no.214 to the end elevation of the proposed building would be 15 metres. It is considered, therefore, that this property would not be unduly affected by the proposal in terms of any unacceptable loss of privacy, including to the rear amenity space.

No.1 Betty Henser's Lane is a one-and-a-half storey dwelling with a front elevation facing the site. There are habitable windows in the front elevation of this property, including dormer windows. However, there would be no windows in the end elevation of the new building that would directly face this property. There would be bedroom and a living room windows at each floor in this end elevation, although any views would be at acute angles. The main living room windows are on the front of the building, with a secondary window in the end elevation. It is recommended that the living room windows should all be obscurely glazed to reduce the perception of overlooking between the existing residents and future occupiers of the apartments. It would be unreasonable and unnecessary to require the bedrooms, which are not considered to be habitable rooms, to be obscurely glazed.

The separation distance of the 3 storey part of the scheme to the blank side wall of the Waitrose store would be approximately 15 metres. Given that the flats would be at first, second and third-floor levels only, the impact of the Waitrose building on the outlook from the windows of those rear-facing flats would be reduced and is considered acceptable. The angled 4 storey part of the scheme would be between 15 metres and 6 metres (at its closest point) from the store building. However, the apartments in this block are, in the main, single aspect with a corridor at the rear. The main outlook for those properties is to the south east across the green area and the road. Therefore, there is no objection to the outlook/separation distances for the future occupiers of the apartments.

Areas of landscaping would be provided around the margins of the building. However, there is no formal amenity spaces indicated on the drawing. Although there are reservations about how useable these open spaces would be for residents, it is considered a reasonable and adequate amount for an apartment scheme of this size, and also given the site's village location. However, to encourage its use, it is suggested that seating/benches should be provided in appropriate locations. This can be secured by way of a Condition, as part of the approval of a detailed landscaping scheme.

In terms of potential over-dominance, the Council's 'Leading in Design' SPD advises that:

'Where elevations containing main ground floor habitable room windows would face windowless flank walls, over-dominance will be avoided by:

- 9.5m minimum distance between the two elevations where the flank wall
- is single-storey;
- 12.5m for 2-storey flank walls; and
- 15.5m for 3-storey flank walls' (emphasis added)

Although the distance from the building to the nearest residential properties would be marginally short of this recommendation, it is considered that, on balance, a distance of 15 metres would not result in an unacceptably overbearing effect on those properties.

The Council's Environmental Protection Manager has no objections subject to planning conditions requiring the submission of a Construction Method Statement (CMS) and for Ground Gas Monitoring to be carried out and for the development to be undertaken in accordance with the recommendations in the submitted Noise Assessment Report.

In view of the above, it is considered that there would be no undue impact from the development on existing neighbouring, or future occupier, residential amenity and, therefore, that it is considered to comply with CS Policy CS/2 and saved LP Policy EV/1.

Highways

The site access is proposed via Granite Way and then Betty Henser's Lane. The Lane is an adopted unclassified road which also serves as Public Footpath 17.

Parking within the site is shown provided by way of a combination of outside spaces and undercroft spaces, on the basis of two spaces for the 12 two-bed apartments (24 spaces) and one space for the 13 one-bed apartments (13 spaces). An additional 4 visitor spaces are shown, resulting in a total of 41 spaces.

The Highway Authority considers that the submitted amended layout has addressed its earlier concerns with regard to access geometry, the extent of the highway and to two of the originally proposed parking spaces and therefore has no objections.

Given the above, it is considered that the proposal would accord with CS Policies CS/2 and CS17 and saved LP Policies EV/1 and TR/18.

Ecology

The site is dominated by semi-improved grassland that is capable of supporting a range of common plants, invertebrates and other wildlife. This includes some species, which although widespread, are known to be in decline nationally. The site is locally significant in being one of only a small number of sites in the wider area that support this type of habitat and the proposed scheme would result in its total loss.

Discussions have taken place between officers and the applicant and agent on appropriate mitigation to compensate for the loss of the existing ecological habitat.

It is acknowledged that options for providing sufficient additional mitigation are very limited at the site. However, it was considered that the development should result in no increase in surface water runoff rates and no net loss of biodiversity. It was suggested that this could be achieved through the provision of green roofs and/or appropriate SuDS provision. It was also suggested that swift boxes on one of the northerly elevations could provide an additional ecological enhancement as well as fulfilling the requirement (from a design perspective) of animating the affected elevation.

Amended drawings and a Design Statement were subsequently submitted showing the incorporation of a brown roof, a number of sustainable drainage features and the addition of swift boxes. With regard to the brown roof, a bio-diverse (brown) roof is described in the Green Roof Organisation's Green Roof Code 2011 as "a roof that is similar in composition to an extensive roof, but designed specifically to create a habitat that will attract a particular flora and fauna; whether replicating the original footprint of the building or enhancing the previous habitat. Includes a brown roof, which is a non-vegetated version. The growing medium is purposely selected to allow indigenous plant species to inhabit the roof over time."

It is accepted that the size of the site makes the incorporation of a balancing pond unrealistic. However, the micro attenuation features (such as rain gardens and other sustainable drainage features) now being proposed would provide additional landscaping and habitat that both increases the aesthetic appeal of the scheme and introduces another element of ecological mitigation.

Overall, the Council's ecologist supports and welcomes these ecological enhancements, subject to subsequent approval of details.

On this basis the proposal is considered to comply with Policy CS13 of the Core Strategy and the relevant provisions of the NPPF relating to biodiversity.

Affordable housing and impact on infrastructure

Policies CS3, CS15 and CS24 of the Core Strategy require the delivery of appropriate infrastructure to meet the aspirations of sustainable development, in accordance with the Framework and Community Infrastructure Levy (CIL) Regulations to mitigate the impact of the proposals.

Policy CS3 states that, for developments at Mountsorrel, there is a target of 30% affordable housing provision on sites of 10 dwellings or more. In this case, it would equate to 8 affordable units. Due to the potential lack of a registered provider who would be willing to acquire and/or manage the affordable homes in this apartment scheme, the Council's Housing Strategy and Support Manager is seeking, instead, for a commuted sum to be paid towards off-site affordable housing in lieu of the on-site provision.

Leicestershire County Council has requested contributions towards library facilities, civic amenity provision and sustainable travel on the following basis:

- Library facilities - contribution required of £560
- Civic Amenity waste facilities - contribution is required of £1,292
- Travel Packs – one per household (can be supplied by LCC at £52.85 each)
- 6-month bus passes – two per household (can be supplied by LCC at £360 each)

Charnwood Borough Council Open Spaces Team has requested contributions totalling £33,656 towards off-site open space, to include sports facilities, play areas, informal green space and allotments.

These requests are considered to be reasonable and compliant with CIL Regulations 2010 (as amended).

The application is supported by a viability appraisal which has been through various iterations, all of which have been independently assessed by the District Valuer (DV). These include abnormal costs such as gas protection measures, foul water pumping station and the construction of the access road. The outcome is that any developer contributions would render the scheme unviable. The DV accepts that the scheme cannot support any contributions, including affordable housing.

These costs are so high that the DV questions whether the development would provide a profit for the developer. It is estimated that the likely profit could only be a marginal 2.53%.

In response to concerns about the delivery of the development with these slim margins the applicant has provided a detailed response. They point to the National Planning Practice Guidance, which states that it is not the role of decision makers to mitigate these risks and that alternative profits may be appropriate for different development types. Their response notes that they are a small, family owned local company which can operate with a lower profit margin and are not answerable to shareholders. They consider that their detailed site investigation and design work has enabled them to understand the full costs of development and it has not been necessary to retain the assured high level of profit, inclusive of risk allowance, which may be applicable to other schemes.

Finally, to help alleviate any concerns about the scheme being delivered, they are willing to accept a 1 year period for the commencement of the scheme rather than the standard 3 years. They consider that this would ensure that the development is delivered quickly and would assist with the Council's need to ensure continuity of the supply of housing land.

While it is accepted that the scheme cannot support any contributions, the DV and officers have some doubts about the deliverability of the scheme. It is considered that the applicant's comprehensive response to these concerns has mostly alleviated those doubts. The offer of a short period within which development should commence is a positive indication of a commitment to this scheme, which it is considered should be supported.

Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of planning obligations. In this case the limited harm which would be mitigated by the developer contributions which have been requested is fairly marginal, with the exception of open space.

The sums requested for the local library and civic amenity site are modest, reflecting the fact that the units are one and two bedroom apartments, where the occupiers are unlikely to make significant demands upon local services. The Highway Authority's standard formula has been applied to the contributions which have been requested for travel packs and bus passes. This doesn't take account of the size of the units, but again, demand from small apartments and the eventual take-up of the temporary bus passes is unlikely to be very high.

The only large sum which has been requested is £33,656 for off-site open space. The occupiers of the apartments could make use of local formal and informal open spaces and as a matter of principle it is accepted that every new household should make a proportionate contribution to local infrastructure. However, the occupiers of 13 one bed and 12 two bed apartments are not likely to make significant demands upon this infrastructure.

While the scheme does not offer any affordable housing, 25 modest apartments would meet a need at the lower end of the open housing market.

In granting permission for this development, without the requested mitigation, it is necessary to consider whether the benefits of the proposal outweigh the harm which could result from this shortfall.

Flood risk

A sliver of land to the rear (north-east) of the site lies within Flood Zone 2. The submitted Flood Risk Assessment acknowledges this, but also states that more accurate modelling data obtained from the Environment Agency shows the site outside the 1 in 1000 year flood extents and, therefore, should instead be considered to be in Flood Zone 1. The Flood Risk Assessment asserts that the incidents of recent flooding (as raised by a resident) is believed to be linked to a culverted watercourse running below that particular property. The Flood Risk Assessment concludes that with appropriate mitigation, including the provision of a suitable sustainable drainage system, the development will not create any flood risk issues to the wider area.

Leicestershire County Council Lead Local Flood Authority (LLFA) considers that the submitted drainage and flood risk details appear technically acceptable. However, it recommends a number of planning conditions be imposed requiring subsequent approval of drainage details, including sustainable drainage features. The Environment Agency makes no comment and refers to its standing advice.

Subject to approval of drainage and sustainable drainage details, which can be secured by Condition, the proposal is considered acceptable and in accordance with CS Policy CS16 of the Core Strategy and the relevant provisions of the NPPF.

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.

The site is located within the limits to development of Mountsorrel and within an area of mixed land uses, including residential development. It is considered to be a windfall site in a sustainable location that represents an efficient use of land and one that will contribute to the Council's housing supply. The development is considered to be of an appropriate scale in this location and result in a landmark, distinctive, building of high quality design and constructed using high quality materials. As such, it is considered that it would make a significant and positive contribution to the visual amenities of the area. Furthermore, the impacts on the residential amenity of existing and future occupiers;

highway safety, access and parking; ecology and drainage have also been carefully assessed and considered to be acceptable.

It is accepted that the scheme cannot support any developer contributions. This is supported by the District Valuer's independent assessment of the applicant's viability appraisal.

In granting permission for this development, without the requested mitigation, it is necessary to consider whether the benefits of the proposal outweigh the harm which could result from this shortfall. The principle benefits are the provision of small units which meet a local need and the physical improvement of a prominent site. It is also noted that in general the occupiers of small flats are likely to make less demand upon local services and infrastructure than the occupiers of family houses.

Consequently, in this case, it is considered that on balance, the benefits of this development outweigh the harm which could arise due to the absence of developer contributions.

Except for the shortfall in contributions it is considered that there are no significant impacts arising from the development that cannot be mitigated.

Having carefully considered all consultation responses and the views of neighbouring and nearby residents and the Parish Council, it is considered that the proposals are in accordance with the Development Plan. The proposal is considered to accord with Policies CS1, CS2, CS13, CS16, CS17, CS24 and CS25 of the Charnwood Local Plan Core Strategy 2011-2028 and saved policies ST/2, EV/1 and TR/18 of the Borough of Charnwood Local Plan 1991-2006 and the associated guidance in Supplementary Planning Documents and material considerations including and the aims and objectives of the National Planning Policy Framework and associated guidance.

RECOMMENDATION

That 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 and to ensure that the development is delivered as soon as possible to assist in the supply of housing land.
2. The development shall be carried out only in accordance with the details and specifications included in the submitted application, as amended, as shown on the drawings below:

40993-003 Rev B	Location Plan
40993-010 Rev D	Streetscene
40993-011 Rev D	Ground Floor and First Floor Layouts
40993-012 Rev C	Second and Third Floor Layouts
40993-013 Rev D	Elevations (option 1)
40993-014 Rev C	Elevations 2 (option 1)

REASON: For clarity and the avoidance of doubt and to define the terms of the permission.

3. No materials shall be placed on the site until such time as samples of the facing bricks and any other materials to be used on the external walls including brick/stone banding and stone window cills/lintels, window frame materials and finishes, and any other materials 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.
4. Within one month of the commencement of works on site, a plan showing a detailed soft and hard landscaping scheme, including the proposed benches and all boundary details, shall be submitted to and agreed in writing by the local planning authority.
REASON: To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity.
5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing 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.
REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.
6. All living room windows on the end (south-east) elevation of the building shall be glazed with obscure glass, which shall thereafter be retained at all times. Details of the glazing specification shall first be submitted for the approval in writing of the local planning authority. No changes shall be made to these windows nor shall any additional windows be inserted in this elevation thereafter.
REASON: To minimise the effect of the development on the privacy and amenities of nearby residents.
7. No works shall begin until details, including section drawings, of the design, reveals, materials of construction and finish of all new window openings, have been submitted to and agreed in writing by the local planning authority. The works shall thereafter be carried out only in accordance with the agreed details.
REASON: To ensure the satisfactory appearance of the completed development.
8. The development hereby approved shall be carried out in strict accordance with the mitigation strategy specified within the submitted Noise Assessment (ref. 23061/07-17/4899 Rev B by M-EC dated July 2018) and shall be maintained in this form at all times thereafter.

REASON: to ensure internal acoustic standards are achieved, in the interests of residential amenity

9. No development shall commence on the site until such time as full details of a scheme of ecological enhancement of the site, as set out in the submitted Development Design Statement, including SuDS features, brown roof and swift boxes have been submitted to, and approved in writing by, the local planning authority, together with a maintenance plan for their long-term retention. The approved enhancements shall be carried out in accordance with the approved details and thereafter retained in accordance with the agreed maintenance plan.
REASON: In the interests of biodiversity and reducing flood risk.
10. No part of the development shall be occupied until such time as the access arrangements and off-site works shown on rg+p drawing number 40993/015D have been implemented in full.
REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2018).
11. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with rg+p drawing number 40993/011D. Thereafter the on-site parking provision shall be so maintained in perpetuity.
REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2018).
12. The development hereby permitted shall not be occupied until such time as secure cycle parking has been provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.
REASON: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2018).
13. The development hereby permitted shall not be occupied until such time as:
 - a. The access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary;
 - b. Site drainage details have been provided to and approved in writing by the Local Planning Authority.

Thereafter surface water shall not drain into the Public Highway and shall be so maintained.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users, in the interests

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

14. No development shall commence on the site until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
REASON; To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
15. No development shall commence on the site until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the Flood Risk Assessment has been updated accordingly to reflect this in the drainage strategy.
REASON; To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.
16. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, proposed hours of demolition/construction works and of deliveries and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.
17. No development shall commence on the site until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.
REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.
18. No development shall commence on the site until such time as a Gas Verification Plan has been submitted to and approved in writing by the Local Planning Authority. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. Any approved amendment to the remediation strategy shall thereafter be implemented in full.
REASON: To make sure that the site, when developed, is free from contamination, in the interests of public health and safety.

The following advice notes will be attached to a decision

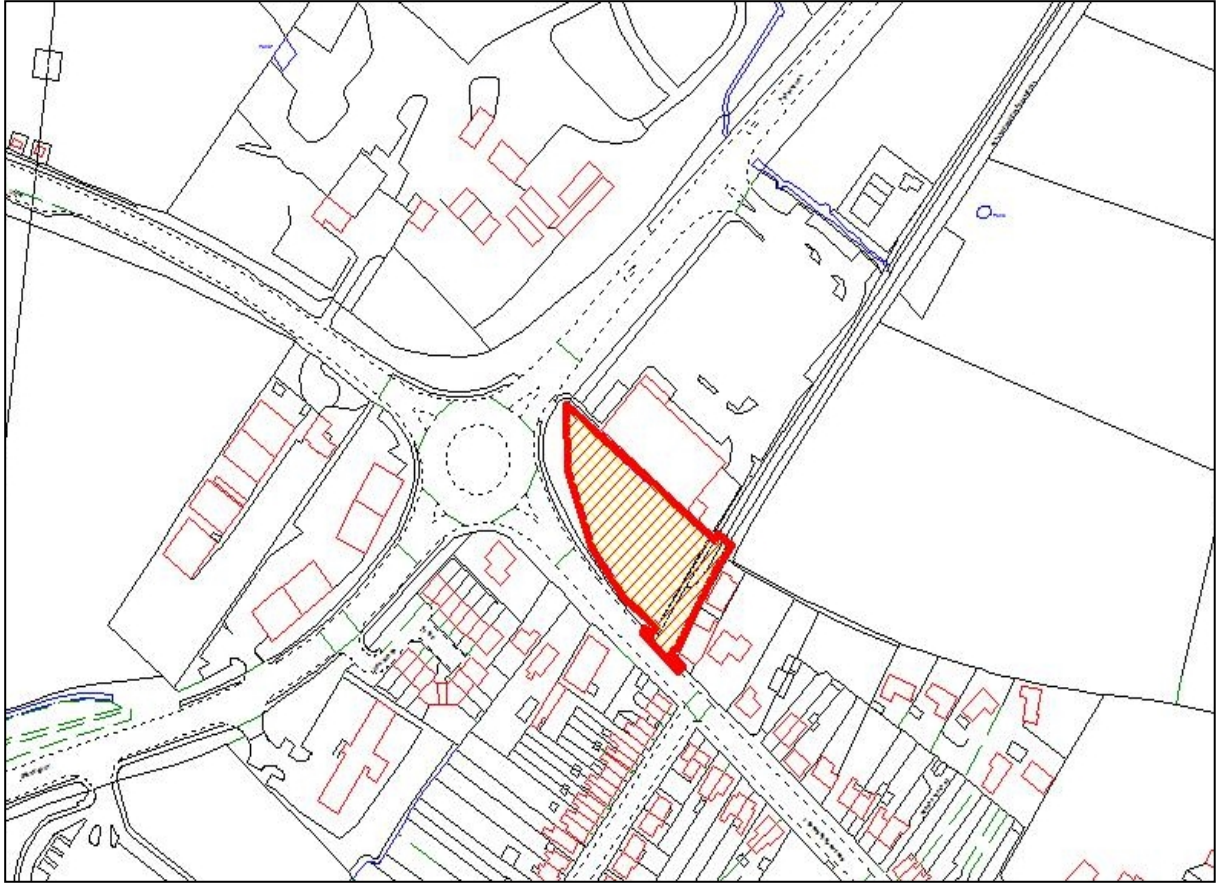
- 1 The decision has been reached taking into account paragraph 38 of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT – Policies CS1, CS2, CS13, CS16, CS17, CS24 and CS 25 of the Charnwood Local Plan 2011 to 2028 Core Strategy and saved Policies ST/2, EV/1 and TR/18 of the Borough of Charnwood Local Plan 1991–2006 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.
- 3 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 the Council's adopted Supplementary Planning Document 'Leading in Design' and, therefore, no harm would arise such as to warrant refusal of planning permission.
- 4 Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents. There should be no burning of waste on the site.
5. Construction work shall be carried out in such a manner as to minimise the risk of dust or noise nuisance to neighbouring premises. To minimize the risk of noise nuisance, all work should follow good practice guidance such as those detailed in BS5228 “Noise control on construction and open sites” 2009.
6. There should be no audible demolition/construction noise beyond the site boundary before 07.30 or after 18.00 hours Monday to Friday or between 0800 and 1300 hours on Saturdays, with no working on Sundays or Bank Holidays. Accordingly, these hours of operation should be specified within the construction traffic/site traffic management plan as required by Condition 7 of this permission.
7. If a piled foundation solution is to be adopted, a full piling risk assessment should be undertaken to assess how noise and vibration will be minimized. The assessment should be submitted for approval by the local planning authority.
8. With regard to Conditions 9 and 14 above, the drainage scheme shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. Details of the Maintenance Plan as it relates to SuDS should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that

must be implemented in the event of pollution incidents within the development site.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.

9. With regard to Condition 17 above, details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
10. With regard to Condition 15 above, the results should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.
11. Land Drainage Consent - If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following:
<http://www.leicestershire.gov.uk/Flood-risk-management>.
12. This Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
13. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
14. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.

15. A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.



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Item No. 2

Application Reference Number P/18/1401/2

Application Type:	Full	Date Valid:	11/07/2018
Applicant:	Mr Andrew Philpott		
Proposal:	Erection of detached building to form seven flats with car parking and associated works		
Location:	5 Cumberland Road Loughborough Leicestershire LE11 5DE		
Parish:	Loughborough	Ward:	Loughborough Storer
Case Officer:	Reddy Nallamilli	Tel No:	01509 634988

This application has been brought to the Plans Committee by the Head of Planning and Regeneration as the Plans Committee resolved to refuse a previous application on this same site at its meeting on 11th January 2018.

Description of the Site

The application site is located on the corner of Cumberland Road and Fearon Street and presently forms part of the side curtilage of 5 Cumberland Road which is a large semi-detached Victorian 'villa' style property in multi occupational use.

The surrounding area is predominantly residential in character comprising of a range of different styles, consisting mainly of terraced and pairs of semi-detached dwellings. The adjacent properties on Fearon Street are terraced properties, smaller in scale than those on Cumberland Road, and are set back slightly from the footpath, with low front boundary walls. The site forms an amenity area for 5 Cumberland Road and is partly used as a parking area. The site also includes a garage to the rear, which is adjacent to no.18 Fearon Street. A key feature of the site is that it is bounded by a 1.8m high brick wall along both the Cumberland Road and Fearon Street frontages.

The application site is located within the Ashby Road Conservation Area with the Grade II Listed Rosebury School and St Peters Church on Storer Road being the nearest listed buildings. St Peters Church is 60m to the northeast and Rosebury School is 90m to the northwest.

Description of the Proposal

The applicant is seeking to erect a detached building to form seven one bedroomed self-contained flats (use class C3). The proposed new building would have three stories along the Cumberland Road corner frontage and two stories along the Fearon Street frontage. It is proposed there would be two flats at the ground floor, three at first floor and two flats at the second floor.

The proposed building would have a maximum length of 21m along Fearon Street, a maximum depth of 9.6m and a maximum ridge height of 10m. In terms of appearance, the current application proposes a building which would be largely domestic in character and appearance, with brick construction, but with some contemporary features.

A vehicular access off Fearon Street would be retained to provide access to parking spaces at the rear of the site. A total of seven car parking spaces are proposed as part of the application to serve the proposed flats.

The existing boundary wall would be reduced in height to 1.4m and landscaping provided to improve boundary treatment.

A communal bin storage area would be provided at the rear to serve the some of the new occupants and the existing occupants at 5 Cumberland. Separate covered bin stores would also be provided for some of the proposed flats.

The application has been amended during the course of the application process to secure improvements to the external appearance and fenestration details including improvements to the roof design to ensure the proposal is more in keeping with its locality. The amendments also relocated some bin stores.

The applicant has stated that the proposed accommodation is intended to be for young professionals who want their own separate accommodation and who do not necessarily want to share facilities with others. The proposed dwellings would fall within the definition of a C3 dwelling.

Development Plan Policies

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

Policy CS1 – Development Strategy states that the Council will make provision for 13,940 new homes between 2011 and 2028. This includes sustainable development in Loughborough and Shepshed which contributes towards meeting the Council's remaining development needs (not met through specific allocated sites), supports the Council's strategic vision, makes effective use of land and is in accordance with the policies of the Core Strategy.

Policy CS2 – 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, and protect the amenity of people who live or work nearby.

Policy CS3 – Strategic Housing Needs states amongst other things that the Council will seek an appropriate mix of types, tenures and sizes of homes, having regard to identified housing needs and the character of the area.

Policy CS12 – Green Infrastructure protects and enhances green infrastructure assets including addressing the identified needs in open space provision.

Policy CS14 – Heritage requires proposals to protect heritage assets and their setting and supports development which prioritises the refurbishment and re-use of disused or under used buildings of historic or architectural merit.

Policy CS16 – Sustainable Construction and Energy seeks to adapt to and mitigate against the effects of climate change by encouraging sustainable design and construction.

Policy CS17 – Sustainable Transport seeks to achieve a 6% shift from travel by private car to walking, cycling and public transport by requiring major developments to provide walking, cycling and public transport access to key facilities and services.

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 CS25 – Presumption in favour of sustainable development – This policy reinforces the positive approach the Council will take in respect of sustainable development.

Saved Policies Borough of Charnwood Local Plan (adopted 12th January 2004)

Policy EV/1 – Design seeks to ensure a high standard of design and developments which respect the character of the area and protect amenities.

Policy EV/31 – Sewage Disposal Capacity

Policy ST/2 – Defines the settlement limits of Loughborough

Policy TR/18 – Parking Provision in New Development notes 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.

Material Considerations

National Planning Policy Framework

The NPPF reconfirms the presumption in favour of sustainable development and that it needs to be pursued in a positive way. Planning decisions are required to play an active role in guiding development towards sustainable development, but in doing so they are also required to also take local circumstances into account, to reflect the character, needs and opportunities of each area. With regard to the decision making process, Paragraph 11 of the NPPF indicates that plans and decisions should apply a presumption in favour of sustainable development. It adds that for decision making, this means approving development proposals that accord with an up-to-date development plan without delay.

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 design, the setting and significance of heritage assets supporting the policy framework as set out in the NPPF.

S106 Developer Contributions Supplementary Planning Document (adopted 2007)

The Supplementary Planning Document sets out the circumstances which might lead to the need for a contribution to the provision of infrastructure, community services or other facilities provided it can be demonstrated that they are specifically related to the proposed development.

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

Regulation 122 prescribes the limitations on the use of planning obligations. Accordingly it is unlawful for a planning obligation to be a reason for granting planning permission, for a development that does not meet the relevant 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.

Leading in Design Supplementary Planning Document (February 2006)

This encourages and provides guidance on achieving high quality design in new development. It indicates that the Council will approach its judgments on the design of new development against the following main principles:

- Places for People – Successful developments contribute to the creation of distinctive places that provide a choice of housing and complementary facilities and activities nearby. Good design promotes diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs.
- Accessible Places – Successful developments are easy to get to and move through, with short, direct public routes overlooked by frontages.
- Safe Places – Successful developments are safe and attractive with a clear division between public and private space. Good design promotes the continuity of street frontages and the enclosure of space by development which clearly defines public and private areas.
- Sustainable Places – Successful developments are able to adapt to improve their long-term viability and are built to cause the least possible harm to the environment. It also incorporates resource efficiency and renewable energy measures to take into account the long-term impact of a development.
- Distinctive Places – Successful developments respond to their context.

Housing Supplementary Planning Document (Revised December 2017)

The Supplementary Planning Document aims to meet the housing needs in the Borough.

House Extensions' Supplementary Planning Guidance (2004)

Advises that problems with loss of sunlight are likely to occur when some part of a proposal is within 90 degrees of a south facing window on an existing property and where the height of a proposal exceeds a 25 degree angle (taken from a point 2 metres above ground level at the affected property)

Loughborough Ashby Road Conservation Area Appraisal (November 2005)

The Ashby Road Conservation Area was designated in April 2002. It is based on the Ashby Road corridor running west from the town centre. The eastern part of the area designated is largely formed from the Paget and Storer Estates, important family holdings which also instituted charitable trusts and donated large areas of land to the town. It is noted that Thomas Goode Messenger who founded his company in 1858, moved to the Cumberland Road site in 1884.

The terraced estates to the north and south of Ashby Road are serviced by Radmoor Road, Cumberland Road and Storer Road and bounded at the eastern edge by Derby Road, another ancient road, now busy with heavy traffic. Radmoor Road is an ancient lane that led originally to a cluster of cottages, now demolished to make way for Loughborough College. Cumberland Road was constructed on an old track between the fields and Storer Road was built on the line of an existing field boundary. The streets that lead off from these roads into the terraced housing were laid out in a strict rectilinear pattern with little provision of public open space. The field to the west of Cumberland Road remained open. Part of it was used as allotments until recent times when it was grassed over and is now used as a recreation and playing field. The rest of the field has been used for the new Epinal Way Hospital. To the south of Ashby Road, Burleigh Fields was used as a popular though private open space until the land was sold for development ca.1970.

The Conservation Area appraisal provides a guide to the varied elements that contribute to the distinct character and appearance of the Conservation Area, set out the history and architectural influences. The Recreation Ground is a specific feature of interest on Cumberland Road referenced in the Appraisal; other important buildings such as Grade II Listed Rosebury School and St Peters Church on Storer Road are the nearest Listed buildings.

Loughborough Ashby Road Conservation Area Management Plan (September 2006)

This provides design guidance and identifies sites for preservation and enhancement and manages changes within the locality.

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 demographic changes over the same period. Whilst the objectively assessed need figure remains untested in a plan making environment and needs to be considered in light of the standard housing methodology, this aspect of HEDNA is not to be relied upon at the current time, the housing mix evidence can be accorded significant weight as it reflects known demographic changes.

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Section 72(1) of the Act requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character, setting or appearance of heritage assets.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Relevant Planning History

P/16/1053/2 Erection of 7 x 1 bedroom apartments with associated external works. Planning permission refused on 12 January 2018 following a resolution by Plans Committee for the following reason:

“The proposals by reason of the design in relationship to the neighbouring properties would appear incongruous and out of keeping with the street scene and would fail to preserve or enhance the character of the Ashby Road Conservation Area and, in the view of the Local Planning Authority, would have a negative impact on the amenities of 5 Cumberland Road by reason of loss of light and proximity of the proposed building. Sufficient bin provision for waste and recycling has also not been demonstrated within the site. As such the proposals would be contrary to policies CS2 and CS14 of the Charnwood Local Plan Core Strategy 2011-2028 (adopted November 2015), saved policy EV/1 of the Borough of Charnwood Local Plan (adopted January 2004), the aims and objectives paragraphs 58, 133 and 134 of the NPPF and the requirements of s72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) as supported by the Ashby Road Conservation Area Appraisal (November 2005) and Leading in Design Supplementary Planning Document (February 2006).”

P/03/3484/2 – 5 Cumberland Road - Change of use from dwelling to house in multiple occupancy (7 residents) Permission granted with conditions 2004.

Responses of Statutory Consultees

The Local Highway Authority (LHA) advises that in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to mitigating conditions being attached.

Other Comments Received

A letter of objection has been received from the Storer & Ashby Area Residents' Group (SARG). These objections can be summarized as follows:

- The proposed parking spaces are inadequate and no provision has been made for the spaces that would be displaced for the occupiers of 5 Cumberland Road;
- The proposal would result in loss of light and outlook to the occupiers of 5 Cumberland Road;
- The wheelie bins along Fearon Rd would continue to be visible.

A letter of objection from an occupier of 45 Fearon Street raises the following concerns:

- the accommodation would be occupied by students leading to existing anti-social behavior and noise nuisance being exacerbated;
- the proposed three storied accommodation is inappropriate to the locality;
- the proposal would remove light for the occupants of 5 Cumberland Road;
- the proposal would result in the need for existing infrastructure on the highway being repositioned;
- the proposal would result in loss of amenity.

An objection from the occupiers of 1 Cumberland Road raises the following concerns;

- the proposal would result in overdevelopment and adversely affect the occupiers of 5 Cumberland Road and remove their amenity space, refuse storage area and evening sunshine;
- no allowance has been made for bikes or car parking for 5 Cumberland Road;
- the proposed design is out of keeping with locality and taller than the properties along Fearon Street;
- refuse bins would be visible from the street;
- no car parking spaces are proposed for the occupiers of 5 Cumberland Rd.

Consideration of the Planning Issues

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

- i) The principle of development;
- ii) The impact on the character and appearance of the street scene and Ashby Road Conservation Area, and other heritage assets;
- iii) The impact on the amenity of neighbouring residential properties;
- iv) The impact on the balance of the local community;
- v) The impact on the highway;
- vi) The impact on trees/ open space/ amenity space.

The principle of development

The purpose of the planning system is to contribute to the achievement of sustainable development. The revised National Planning Policy Framework (NPPF) provides guidance across all aspects of planning and forms an important material consideration

and includes a strengthening of design policy particularly to aid housing delivery. The presumption in favour of sustainable development is reinforced in paragraph 11 of the NPPF.

Section 38 (6) of the Planning and Compulsory Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material planning considerations indicate otherwise.

In the consideration of this application, members will note that a similar proposal was refused planning permission in January 2018 primarily for reasons of design and that it would fail to preserve or enhance the character of the Ashby Road Conservation Area and amenity related matters. Members at this time did not raise any objections to the principle of development and it should be noted that the previous application was not refused on these grounds.

The Council's Development Strategy in policy CS1 supports sustainable development within Loughborough. Policy CS25 also promotes sustainable development. The application site is within the Limits to Development for Loughborough within a predominantly residential area.

The housing in the area surrounding the site is largely terraced, with some houses used as Houses in Multiple Occupation (C4 use) and other larger properties converted to flats. The proposed development would provide smaller self-contained flats for single people and couples and would help to ensure a mix of sizes of home in the area, in accordance with policy CS3 and need identified within HEDNA. The Design and Access statement submitted identified the target market as being graduates and young professionals who want their own accommodation and do not want to share a house or flat with others or to have the responsibility of maintaining a larger property and gardens. The applicant claims that the proposal would free up larger flats and houses in the area to be available for family accommodation.

Whilst the concerns with regard to the loss of the garden are noted, there is no objection in principle to the loss of the garden, unless there is a significant impact on the character of the area, which in this case it is considered there is not.

The proposed development is in a sustainable location, within an existing urban area and close to Loughborough town centre and is therefore considered to be acceptable in principle. The proposals would therefore be in accordance with Policies CS1, CS3 and CS25 of the Core Strategy, Local Plan Policy ST/2 and in accordance with the aims of the NPPF.

Impact of the design on visual amenities and the character and appearance of the street scene

The locality is largely surrounded by a mixture of tight grids of largely two storey traditional 19th century terraced family housing, developed on single or double plot sizes. Along the street scene, the dwellings are varied in architectural detail. There are also semi-detached and detached early 20th century dwellings adjacent to the site, which share a variety of details. Some of these properties have been latterly converted to multiple occupation use. Whilst the area is largely residential in character there is a diversity of community and commercial uses in the vicinity.

The previously refused scheme involved a largely contemporary building, which members considered would appear incongruous and out of keeping with the street scene and would fail to preserve or enhance the character of the Ashby Road Conservation Area. The current scheme which is being proposed takes on a more traditional approach with regards to its design with brick facades and pitched roof, however it also includes some contemporary features

The application site is a large corner plot which slopes downwards along Cumberland Road and is within an established residential area. It is important to note that the site is currently surrounded by a 1.8m – 2m high brick wall and, due to its prominent position and being located within the Ashby Road Conservation area and in close proximity to two listed buildings, any development of the site requires careful consideration. Good design should be viewed as a key aspect of sustainable development. Policy CS2 requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should therefore respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby. Good design is also supported though the NPPF. The applicant has submitted a series of revised plans which have resulted in a more domestic brick built scaled building being achieved, which is predominantly two stories in scale and contains a number of changes from the previous scheme which include the following:

- the zinc band on the corner element has been removed and replaced with a band of detailed brickwork, as a reference point to the existing dwellings on Cumberland Road;
- a flat roof on a projecting dormer has been replaced with a pitched roof;
- a brick parapet and flat roof over the three storied element have been replaced with a series of hipped roofs: single panel windows have replaced with traditional sash windows but darker and set back the frames by a full brick to add depth to elevations;
- a dummy chimney has been added to break up the roofscape and complement the rhythm of Fearon Street.
- the applicant proposes to provide semi mature planting and trees to enhance the visual amenities;
- the existing perimeter wall would be altered to form a dwarf wall around the site;
- refuse facilities have been rearranged internally and timber enclosures would be provided along Fearon Street, and
- landscaping is now provided along the frontage.

This revised scheme has been developed to have a more traditional appearance with some contemporary features introduced which respond positively to its contextual surroundings. The site faces the Cumberland Road and Fearon Street junction and this has provided an opportunity to produce a well-designed corner feature. It is considered the scale and mass of the proposed building is in keeping with neighboring properties. The proposal does not replicate every detail of the buildings around the site, but the proposed design is considered to complement those buildings in terms of their form, scale and materials. The application includes a tower feature which has been influenced by an existing property within the locality which is situated on the junction of Cumberland Road and Ashby Road. It is considered this feature provides

visual interest and would improve the visual amenity at this important corner. It is also considered the three storey building would be comparable in terms of its scale to the street scene and would remain lower than the existing properties along Cumberland Road, due to an existing difference in the land levels. It is considered that the proposal turns the corner well visually with forward facing windows serving key habitable rooms on both street frontages. This also provides passive surveillance over the streets. The building line whilst not regimented has been designed to produce continuity in the way that the building encloses and relates to the street. The roofline has been substantially altered during the course of the application and now includes a pitched roof which is considered to relate better to the streets scene and character of the area. The current scheme seeks to utilise a palette of materials borrowed predominantly from existing traditional elements with some contemporary features, it is considered this would add visual interest and helps to break up the general massing of the building.

Taking account of the character of the area and proposed site coverage, the proposals would not represent overdevelopment of the site and have been designed in a manner to reflect the density and character of the area.

In conclusion, whilst the proposal would introduce a new building into a previously undeveloped corner, the visual intrusion of the new development would harmonise into its surroundings. The proposal as revised would create an interesting and distinctive place to reside, reinforcing and maintaining a strong sense of place. The proposed development is considered to be in a sustainable location, within the context an existing urban area and close to Loughborough town centre and is therefore considered to be acceptable in principle. As such, the proposed development is considered to be acceptable in design terms and would not appear out of character or incongruous within the street scene. The development would therefore be in accordance with the aims and objectives of the National Planning Policy Framework and policies EV/1 of the Charnwood Local Plan and CS2 of the Charnwood Core Strategy. Safeguarding conditions to secure details of all external materials, landscaping are recommended.

The impact on the character and appearance of the Ashby Road Conservation Area and other Heritage Assets

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, setting or appearance of heritage assets. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy CS14 requires that an application proposal should conserve and enhance historic assets.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development

within its setting), should require clear and convincing justification. The NPPF reinforces this approach.

The Loughborough Ashby Road Conservation Area Statement provides a guide to the varied elements that contribute to the distinct character and appearance of the Conservation Area and sets out the history and architectural influences that led to the development of the locality. It establishes that Cumberland Road was constructed on an old track between the fields and Storer Road was built on the line of an existing field boundary and that the streets that lead off from these roads lead to terraced housing which are laid out in a rectilinear pattern with little provision of public open space. Whilst a field to the west of Cumberland Road remained open part of it was used as allotments until recent times when it was grassed over and is now used as a recreation and playing field. The rest of the field was subsequently used for the new Epinal Way Hospital.

As discussed above the principal listed building in the immediate vicinity is St Paul's Church. Due to the distance and intervening properties it is considered there would be no impact on Rosebury School. The impact on St Paul's Church is also considered to be lessened as there would be a significant number of intervening properties on Fearon Street. Due to its townscape value and architectural treatment the property on the corner of Cumberland Road and Ashby Road (number 135) presents a non-designated heritage asset. The impact on this non designated heritage asset is also considered to be lessened as there would be a number of intervening properties on Fearon Street.

The application site is enclosed by a brick wall of c.1.8m and this enclosure when viewed from the street and the surrounding area, reduces the impact of the proposed development. In the context of the wider street scene, the garden does not play a significant role to the character of the Conservation Area. Further it is noted that other terraces of properties develop up to the corner and back of pavement. The proposed development would therefore be in keeping with the overall rhythm of the terrace of properties to both Fearon Street and Cumberland Road. The current boundary wall which dominates the site would be modified and planting introduced to soften the impact.

Considering the overall impact on the significance of the heritage assets (including the listed buildings referred to, conservation area and non-designated heritage asset), the impact of the proposals would be considered to cause less than substantial harm. This harm should be considered against the public benefits of the development. Although the proposed building would introduce a new building on a previously undeveloped corner, it is considered the proposed building would respect the context of existing building lines and ridge heights would also be comparable. Care would need to be taken for the finish of the external materials; however, this can be controlled by condition. Accordingly it is considered the current proposal by reason of its high quality design, as discussed above, preserves and enhances the character and appearance of the Conservation Area by responding to the local character and producing a visually attractive scheme. The development as a result is considered to have less than substantial harm to the identified heritage assets.

Taking account of the character of the area and proposed site coverage, the proposals would not represent overdevelopment of the site and have been designed in a manner to reflect the density and character of the area.

Overall, it is considered that the quality of the development would be an enhancement to the area and the corner of Cumberland Road and Fearon Street, and the provision of additional properties to the benefit of the Council Housing Land Supply and the provision of smaller properties which would meet the identified need set out within HEDNA, would outweigh the less than substantial harm to heritage assets that have been identified. As such, the proposed development is considered to preserve and enhance the character and appearance of this part of the Ashby Road Conservation Area and would therefore be in accordance with the aims and objectives of the National Planning Policy Framework and policies EV/1 of the Charnwood Local Plan and CS2 and CS14 of the Charnwood Core Strategy and the Conservation Area Appraisal for the Ashby Road Conservation Area.

Impact on the amenity of neighbouring properties

In considering the impact on nearby residential occupiers the relevant policies are saved Policy EV/1 of the Local Plan, Policy CS2 of the Adopted Core Strategy and these are supported by the Leading in Design SPD. These policies seek to protect living conditions in terms of loss of natural light, outlook and privacy in line with the aims and objectives of the NPPF.

Impact on no.5 Cumberland Road - The location plan indicates that no.5 is within the ownership of the applicant. However, it is well established that the planning system operates in the public interest rather than any private or individual interests and therefore the amenity of future occupants of no.5 Cumberland Road must be taken into account.

Concern has been raised with regard to impact on the loss of light and outlook to the side windows of 5 Cumberland Road which face towards the application site. These rooms comprise of bedrooms and a kitchen.

The proposal would result in some loss of outlook and daylight. However it should be noted that the bedrooms at ground and first floor level are adequately served by other well-proportioned windows on the front elevation. It is acknowledged that there would be some loss of light to the ground floor side facing kitchen however this is also served by a glazed door. Due to the fall in ground levels the second floor windows at 5 Cumberland Road are considered to be largely unaffected by the proposals. The proposed scheme would result in a difference to the outlook and living conditions currently experienced by the occupiers of 5 Cumberland, however on balance, due to the individual site circumstances, it is not considered appropriate to withhold planning permission on this issue as the proposal would not result in significant harm to such an extent that a refusal based solely on such grounds could be successfully justified.

Impact on properties opposite on Fearon Street

The separation distance between the proposed flats and the properties on the opposite side of Fearon Street is approximately 16.5m. Whilst this does not meet the space standard of 21m, outlined in Appendix 4 of the Council's Leading in Design Supplementary Planning Document, it is acknowledged that the distance would be no different to the distance between other facing properties on Fearon Street.

In addition, the Council's House Extensions Supplementary Planning Guidance advises that problems with loss of sunlight are likely to occur when some part of a proposal is within 90 degrees of a south facing window on an existing property and where the height of a proposal exceeds a 25 degree angle (taken from a point 2 metres above ground level at the affected property). Although this guidance refers to the impact of house extensions on neighbouring amenity it is nevertheless considered a relevant guide in this case, being applied to the proximity of new residential development to existing residential development. The front windows of the properties on the opposite side of Fearon Street face south east. The three storey part of the development would rise to an angle of approximately 25 degrees when applying the method to no.51 Fearon Street. However, as the roof is gabled at this end, the loss of sunlight is only considered to be marginal as it would only be for a short period of time.

Impact on adjacent property at no.18 Fearon Street

The proposed development would only extend marginally forward of no.18 Fearon Street at the front and would not extend beyond the rear of the adjacent property. No.18 Fearon Street does not have any side facing windows which would be impacted by the proposed development. The proposed first floor window would face onto the existing flank gable wall of No.18 and would not result in significant overlooking.

Overall the proposals are considered to be acceptable and would not result in a significant adverse impact on the amenity of neighbouring residents, accordingly it is considered the development is in accordance with Policies CS2 and EV1 of the Development Plan.

The impact on the balance of the local community;

The application proposes 7 one bedroom flats which would be in C3 use and the size and nature of the flats would mean they would most likely be occupied by single people or couples.

Concerns have been expressed about the potential for the flats to be occupied by students and the impact this would have on the balance of the local community. However, as previously identified the proposal is for C3 dwellings and not a house of multiple occupations and should be considered on this basis. Given the small size of the flats, they would only be occupied by one person or a couple. These smaller units would meet an identified need for smaller dwelling units as identified within HEDNA, accordingly the proposal is considered to accord with Policy CS3 of the Development Plan. The proposal would also help re-balance the proportion of C3 dwellings within the locality.

The impact on the highway

Policy CS18 of the Core Strategy seeks to ensure that the development does not impact on the highway network. Saved Policy TR/18 of the Local Plan seeks to ensure appropriate car parking provision is delivered taking account of the type of accommodation and location in relation to shops, services and public transport.

The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

A total of 7 parking spaces would be provided to serve the proposed development, this is considered adequate. Whilst it is recognised the informal parking for the occupiers of 5 Cumberland Rd, would be displaced, the applicant has pointed out that occupants could apply for parking permits to provide two spaces which would be the normal practice.

The Highway Authority raise no objections and advise that appropriate details can be secured by use of the planning conditions.

Members should also note that the site is within a sustainable location within easy walking and cycling distance to both the town centre and wider public transport links. Similarly members should note the issue relating to parking was considered in January 2018 when the previous proposal was brought before Plans Committee. At that time members did not raise any substantial objections to highway safety and the development was not refused on these grounds.

Accordingly for the reason given above it is considered the proposal would not have an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe. As such the proposal would comply with policies CS18 and the advice contained within the NPPF.

The impact on trees, open space and amenity space

Policies CS2, CS12 and CS14 of the Core Strategy are important considerations having regard to the importance of the natural environment to the character of the Conservation Area and the overall design of the area.

The proposal would result in a loss of some of the current garden to no.5 Cumberland Road, which is surrounded by a high wall. The Ashby Road Conservation Area Appraisal states on page 19 that “the gardens to the rear of the terraced houses provide important and valuable private spaces for the residents”. This issue has been considered above and it was concluded that the proposal did not cause unacceptable harm.

The loss of part of the garden is not considered detrimental to the street scene or character of the area or the Conservation Area. The property of No.5 Cumberland would still have a comparable garden to other properties in the area after the development is completed. As such the proposals are considered to be acceptable and in accordance with Policies CS2, CS12 and CS14 of the Core Strategy and the aims and objectives of the NPPF

Conclusions

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.

In summary, the application site is in a sustainable location within the Loughborough area that is strongly supported by Policy CS1 of the Core Strategy. The proposed development is considered to be an appropriate development that would preserve and enhance the Conservation Area and would cause less than substantial harm to the significance of the Ashby Road Conservation Area and other identified heritage assets which is significantly outweighed by the public benefits previously identified. The proposed design solution provides an appropriate contextual design response. The proposals would not harm the amenities of neighbouring properties and the advice of the highway authority has been considered in terms of the level of car parking proposed.

The proposed development would provide smaller C3 units which would meet an identified need local need (HEDNA).

It is therefore considered that the proposal is acceptable having taken into account relevant policies of the Development Plan including policies CS1, CS2, CS3, CS4, CS12, CS14, CS16, CS17, CS18 and CS25 of the Core Strategy and saved policies EV/1, ST/2 and TR/18 of the Local Plan, and material considerations including and the aims and objectives of the National Planning Policy Framework and associated guidance.

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 approved plans and Drawing Nos.
L1531 – 10 P – Ground Floor Plan
L1531 – 14 – First and Second Floor Plans
L1531 – 50 N – NW and SW Elevations
L1531 – 51 L – SE and NE Elevations
L1531 – SK06 B – Elevated Perspective View
REASON: To define the approval.

3. Prior to the commencement of the development hereby permitted, a Construction Environmental Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved CEMP. The CEMP shall include but not necessary be restricted to the following details;
 - a) Details of the siting of all vehicles of site operatives and visitors;
 - b) The location of, extent and duration of any temporary stockpiling areas;
 - c) Measures to prevent mud being deposited on the surrounding highway;
 - d) A programme of implementation for items(a)-(c)

REASON: To protect the amenities nearby occupiers and comply with saved Policy EV/1 of the Local Plan, Policy CS2 of the Adopted Core Strategy and comply with the aims and objectives of the NPPF.

4. No external related construction activities shall take place outside the hours of 08:00 to 18:00 Mondays to Fridays or 09:00 to 14:00 hours on Saturdays. No such operations shall take place at any time on Sundays or Bank/Public Holidays.

REASON: To protect the amenities nearby occupiers and comply with saved Policy EV/1 of the Local Plan, Policy CS2 of the Adopted Core Strategy and comply with the aims and objectives of the NPPF.

5. Prior to the commencement of the development hereby permitted, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to the Local Planning Authority in writing for approval. Sample panels of the proposed surfacing materials (Brickwork and tiles) at least a metre squared (showing where appropriate the proposed coursing, method of pointing and colour of mortar) shall be erected on the site for consideration and subsequent approval. The panels shall be retained on site until the completion of the works. The development shall then be implemented in accordance with the approved details.

REASON: To protect the visual of the locality and comply with saved Policy EV/1 of the Local Plan, Policy CS2 of the Adopted Core Strategy and comply with the aims and objectives of the NPPF.

6. Prior to the commencement of the development drawings at 1:10 scale or 1:20 scale (including sections) or at another scale agreed by the Local Planning Authority showing external construction detailing of all key elements shall be submitted to and approved by the Local Planning Authority in writing, unless otherwise agreed in writing by the Local Planning Authority. The drawings shall include details of:

- a) windows, cills, reveals and doors;
- b) wall vents;
- c) copings, parapets, soffits and upstands;
- d) decorative brick detailing;
- e) roof structure (including decorative features)
- f) rain water goods, external plumbing or pipework;
- g) building signage;
- h) mail boxes;

The development shall not be carried out otherwise than in accordance with the details and drawings thus approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area along with setting of the adjoining conservation and listed buildings. (Policies CS2, CS14 and CS16 of the Charnwood Core Strategy, adopted November 2015)

7. Prior to the commencement of the development hereby permitted, a landscape scheme detailing both soft and hard landscaping works shall be submitted in writing to the Local Planning Authority in writing for approval. The scheme shall include the following:

- a) Details on an enhanced boundary treatment along the rear and sides;
- b) Fully annotated planting plans, showing locations of semi mature trees, shrubs and planting and hedging. Other information shall include planting schedules, method of cultivation and details of the proposed planting implementation programme;
- c) Surfacing treatment of the pedestrian circulation areas/paths.
- d) A 5 year aftercare for the landscape management and maintenance which shall provide a replacement tree of the same species and size as that originally planted within a period of 5 years from its date of planting, is removed, uprooted or is destroyed or dies or in the opinion of the Local Planning Authority becomes seriously damaged or defective.

REASON: To protect the visual of the locality and comply with saved Policy EV/1 of the Local Plan, Policy CS2 of the Adopted Core Strategy and comply with the aims and objectives of the NPPF.

8. The approved landscaping details agreed in Condition 7 above shall be implemented in full no later than the end of the first planting season available after the development hereby permitted being brought into first occupation.

REASON: To secure the satisfactory development of the site and comply with saved Policy EV/1 of the Local Plan, Policy CS2 of the Adopted Core Strategy and comply with the aims and objectives of the National Planning Policy Framework.

9. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 4.8 metres and surfaced in a bound material with an 8 dropped kerb crossing (7.3m). The access once provided shall be so maintained at all times.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework.

10. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the NNPPF.

11. The car parking and any turning facilities shown in Drawing No. L1531 10 P for each dwelling shall be provided hard surfaced and made available for

use before the dwelling is occupied and shall thereafter be permanently so maintained.

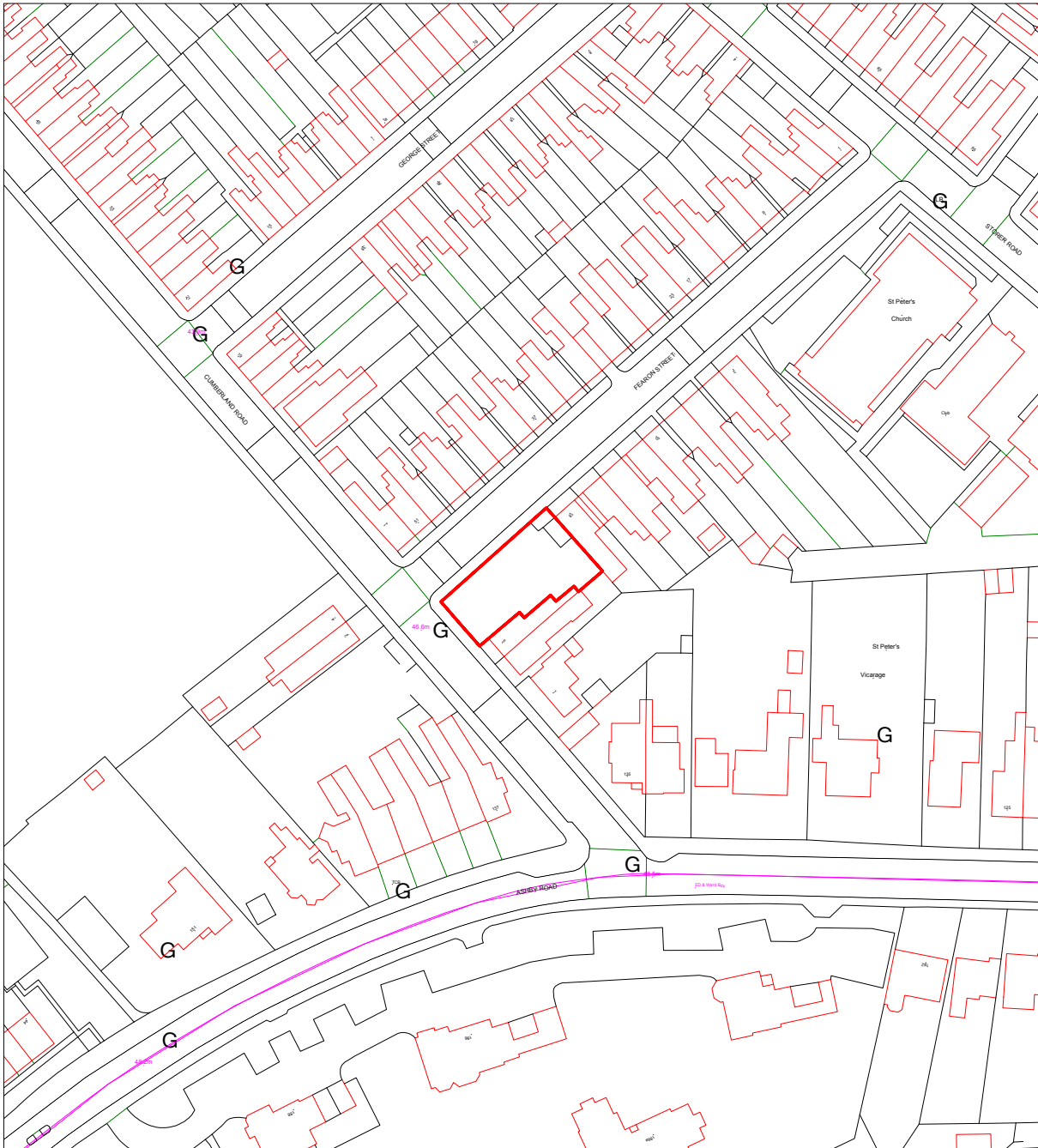
REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to onstreet parking problems in the area.

12. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with details in Drawing No. L153110 P. Thereafter the cycle parking shall be maintained and kept available for use.

REASON: To promote travel by sustainable modes in accordance with the National Planning Policy Framework.

The following advice notes will be attached to a decision

- 1 The Local Planning Authority acted pro-actively through positive engagement with the applicant 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 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council (LCC) as Local Highway Authority (LHA). This will take the form of a major section 184 permit. It is strongly recommended that you make contact with LCC at the earliest opportunity to allow time for the process to be completed. For further information please refer to the 6Cs Design Guide which is available at:
<https://www.leicestershire.gov.uk/environment-and-planning/planning/6cs-design-guide>.



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Item No. 3

Application Reference Number P/18/2067/2

Application Type:	Full Planning Permission	Date Valid:	13/11/2018
Applicant:	Future Generation Ltd		
Proposal:	Redevelopment to provide student accommodation ranging from 3-7storeys in a range of purpose built accommodation and approximately 1,702 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, 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 a proposal of significant public interest and a previous recent application on this site was reported to committee.

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 440 student rooms in a range of purpose built accommodation ranging from 3 – 7 storeys, and including approximately 1,702 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, cycle storage, refuse and recycling areas. A new vehicular access/egress is proposed from Aumberry Gap.

The scheme consists of a 3 storey terrace block on Pinfold Gate. At Aumberry Gap the development is 4-5 storeys. It is 5 storeys on Barrow Street, with a short 6 storey section linking to 7 storeys on the Barrow Street/Leicester Road corner. Central to the site is a 5 storey block. It was originally proposed that the building would have a rooftop football pitch; this is no longer proposed.

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 and tree planting on Aumberry Gap.

The application is supported by the following documents:

- Design and Access Statement
- Transport Statement and Travel Plan
- Statement of Community Involvement
- Student Housing Management Plan
- Acoustic Assessment
- Energy Statement
- External Lighting Assessment
- Ventilation Assessment
- Landscape Strategy
- Heritage Impact Assessment – with Addendums I & II
- Drainage Strategy
- Phase 1 Desk Study Report
- EIA Screening Opinion
- Daylight Sunlight Assessment
- Fire Strategy
- Student Demand Study
- Tenancy Agreement.

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 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 Purpose Built Student Accommodation blocks within Loughborough. These schemes provide 1,325 bed spaces for students;
- The supply of Purpose Built Student Accommodation 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 Purpose Built Student Accommodation 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.. 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 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 Lemyngton 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.

Other material considerations

The National Planning Policy Framework 2018 (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 11 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.

Paras 7-10 set 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 85 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 9: Promoting Sustainable Transport

Paras 102-111 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 5: Delivering a sufficient supply of homes

Paras 59-79 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.

Section 12: Achieving well-designed places

Para 127 – developments should be sympathetic to local character and history

Para 129 – LPAs should use and take account of design review processes

Para 131 – Great weight should be given to outstanding or innovative design which help raise standard of design so long as they fit in with overall form and layout of their surroundings.

Section 8. Promoting healthy and safe communities

Paras 91 and 92 – Facilitating social interaction and creating healthy, inclusive communities.

Section 14: Meeting the challenge of climate change, flooding and coastal change

Para 153 – 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

Section 15: Conserving and enhancing the natural environment

Para 170 – Developments should promote the natural environment and safeguard protected species.

Section 16: Conserving and enhancing the historic environment

Para 189 – 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 195-196 – 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:

Para 38: Local Planning Authorities should act in a positive and proactive manner in decision making.

Para 47: Re-emphasises the primacy of the Development Plan in decision making

Paras 54 - 57: 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 travel 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 (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 to 2036 including an assessment of the recommended housing mix based on the expected demographic changes over the same period.

Town Centre Masterplan 2018

Successive local plans and planning policy documents have promoted the redevelopment of the Aumberry 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 CS 9 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.

The Masterplan notes that the site is located on one of the key gateways into the town and that to fulfil a gateway landmark this part of the building may be taller in height than the remainder of the block. It states that states that:

“A majority of the buildings in Loughborough are three storeys in height with some more modern development 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”

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 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)).

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 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

P/18/0250/2 – 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. Planning permission refused. This refusal of planning permission is the subject of an appeal which would be considered at a Hearing. No date has been agreed for the Hearing and the appeal is currently held in abeyance until 8th April 2019, pending the outcome of the application which is the subject of this report.

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 summary, the issues are:

- There would be a single access to the development off Aumbery 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. Details to be agreed through Traffic Regulation Order process, which may be a different configuration of new spaces.
- Footways surrounding the site would be resurfaced.
- Management Plan to control use of 6 parking spaces on site for drop off/pick is acceptable.
- Arrangements for service vehicles is acceptable.
- Proposal for 110 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 planning 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 planning conditions.

Environmental Health

No objection subject to planning conditions relating to securing appropriate residential environment through glazing and air quality, managing the development due to possible contamination 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

No comments as the proposal does not impact upon existing sports facilities.

Historic England

Proposals would constitute less than substantial harm.

West Leicestershire Clinical Commissioning Group

Request contribution for refurbishment and re-configuration of local medical practices to provide increased capacity to accommodate patients who would be generated by this development.

Severn Trent Water

No objection subject to planning conditions.

Leicestershire Police

Generic comments and advice relating to parking, fencing, landscaping and installation of alarms.

Third Party Representations

Loughborough University

The University has submitted two letters of representation. The first confirmed their satisfaction that there had been a reduction in scale of development but they remain concerned about the massing of the proposal and impact upon the character and appearance of the area. They considered it was likely there would be an increased adverse impact upon residential amenity from pedestrian movements between the university and town centre. To this end they seek a contribution towards the 'Student Street Support Scheme'.

The University advise the applicant's student number and demand supply calculations need to be treated with caution.

The University's second response claims they are reassured following a meeting with the applicant, about scale of development and are pleased with applicant's willingness to discuss the impact of increased footfall. They note that the development will change the pattern of student pedestrian traffic in the town, not necessarily negatively. Could be mitigated by Student Street Support Scheme.

President of Loughborough Students Union

Supports the application and considers that the development, with the provision of shared space would help to develop better relationships between students and the local community. Notes that the applicant has a record of providing quality spaces, which would promote comfortable living and excellent study opportunities.

Loughborough Town Team

Welcomes beneficial development of largely vacant site, which is identified as an 'opportunity site' in the Masterplan.

Consider that the revised scheme is more proportionate in scale and massing, but are concerned about impact upon listed cottages on Pinfold Gate.

Suggest that the mass of building could be broken up by the use of palette of contrasting materials.

Park View Medical Surgery

Surgery has insufficient capacity to accommodate additional patients.

Councillors

Councillor Draycott – Amended application is far better than scheme which was refused. Remains concerned about impact upon amenities of neighbours on Pinfold Gate. Notes that site requires adequate drainage and questions adequacy of parking. Risk that development is not filled by students. Local need is for affordable housing.

Councillor Smidowicz – Objects to the application, but appreciates efforts made to amend the design. Would have a dominating effect upon conservation areas in the town and three local landmarks; University Tower, The Carillon and All Saints Church. Questions need for additional student accommodation and reliance upon UCAS figures. Inadequate parking and LCC, Police and University are unable to successfully enforce current parking restrictions. Would disturb amenities of neighbours and would not make a significant contribution to local economy.

Public Comment

158 letters of support have been received from students, local residents and local businesses, the majority of which are a pro-forma letter.

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
- 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
- Result in release of HMOs.

25 Letters of objections from residents have also been received. Their objections can be summarised as follows:

- Development is too high and too large
- 3-4 storeys would be acceptable

- Overbearing and out of character with the area
- Conflicts with the Masterplan
- Would not enhance this approach into the town on a key gateway site
- Adverse impact upon heritage assets
- No need for more student housing
- Loss of/lack of parking
- Impact on traffic
- Result in loss of town centre shops
- Noise and disturbance from students and general adverse impact upon residential amenity
- There are other better uses for the site
- Local facilities (doctors) unable to accommodate proposal.

Other Comments

The proposal was assessed by an independent Design Review Panel (OPUN) on 4th December 2018. In summary the panel considered that:

The scheme offers many positives, including a significant reduction in the overall impact of the development due to much reduced building heights; provision of large areas of active building frontage with good visibility from the street and a development which now more closely references the design parameters identified for the site in the Loughborough Town Centre Masterplan.

The main issues to be addressed included:

- i) Strengthening the proposed Heritage Impact Assessment to comply with national guidance which should include technical detail on the images provided, discussions with Charnwood BC to agree viewpoints, in particular verified views from strategic routes into the town centre, and more clarity in terms of the assessment of the impact of the development on high status heritage assets.
- ii) Further work could usefully be undertaken in revisiting/strengthening the design concept, in particular the relationship of the gateway/landmark corner building with the main buildings.
- iii) The development of the landscape proposals to ensure the design ambition, for example provision of street trees, can be fulfilled.

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 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.

In considering the housing supply situation in accordance with paras 73-75 of the NPPF, the Council's position is that it has 5.93 years supply of housing land as of 31 March 2018. Consequently, full weight can be given to the policies of the Core Strategy. Notwithstanding the current position, the application would contribute 440 small units to housing land supply in a sustainable location.

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. It is therefore a material consideration that should be accorded weight in decision making. 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 12 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 constant requirement to maintain 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 use of this space would be secured by the proposed section 106 agreement.

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 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 and the Town Centre Masterplan.

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. Policy CS3 seeks to secure an appropriate mix of types, tenures and sizes of homes, having regard to identified housing needs and the character of the area. Policy H/12 supports 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.

The comments of the University, which question the use of UCAS applications to predict future student numbers, should also be given some weight.

HSPD16 of the Housing SPD 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.

A Knight Frank Student Accommodation Survey, undertaken with partners UCAS (and submitted in support of the application) notes a growing demand for high quality Purpose Built Student Accommodation (PBSA) in the UK. Students in Purpose Built Student Accommodation are typically happier with their accommodation than those living in the private rented sector. Students reported that the standard of their accommodation had a bearing on their well being.

The survey notes that at 681 bed spaces (9.5% of existing PBSA supply) Loughborough has one of the lowest Purpose Built Student Accommodation development pipelines across the UK. Similar sized towns in terms of Purpose Built Student Accommodation provision, such as Canterbury, Brighton, Bournemouth and Lancaster have pipelines in excess of 20% of existing stock.

The University considers that UCAS applications should not be taken as an indicator of either future numbers of students or demand for student housing. Councillor Smidowicz also has serious doubts about the veracity of this evidence and the application of national data to a local situation. The Knight Frank study assesses both applications and acceptance data from UCAS and consequently the figures which are produced are considered to be relatively robust. They point to the latest UCAS figures, which indicate that the number of students which Loughborough University accepted increased by 330 between 2017 (3,980) and 2018 (4,310).

On balance, while this evidence is mainly one sided, it does point to a need for Purpose Built Student Accommodation in the town, which should be given some weight in the determination of this application. The proposal would therefore generally be in accordance with policy CS3 and saved local plan H/12.

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 independent Design Review Panel which are generally supportive of the proposal should be given significant weight.

The application site, as existing, is a poor mix of low industrial buildings, fencing and hoardings. To 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.

This application is the third iteration of a design for the development of this site. In addition, the application has been amended and additional information provided in response to the Design Review Panel's comments of December 2018 (see above). While it is useful to understand the genesis of the application, all applications must be considered on their individual merits and, particularly given the prominent location, it is important to secure a well-designed high quality scheme which sets a high benchmark for future town centre development rather than one that is simply better than a previous iteration.

Members may recall that planning permission was refused in July 2018 (P/18/0250/2) for a 612 room scheme with most of the buildings being 7-8 storeys and a 12 storey tower (reduced from an original 15 storeys). It was considered that the height, scale, and bulk of the buildings failed to respect the context of this town centre site. It would have had a significant adverse impact upon the character and appearance of the town centre in general and the surrounding nearby buildings in particular.

The applicants subsequently engaged in informal discussions with officers to see whether it was possible to overcome this objection. This is not unusual in these circumstances. A revised 528 room scheme with 3-8 storey buildings and a 11 storey tower was considered by a Design Review Panel in October 2018. In summary, it was considered that the amended scheme failed to overcome the concerns of the Design Review Panel and officers about the original proposal.

Nevertheless, in October 2018, shortly after the Design Review Panel meeting, the current planning application was submitted. It originally proposed the scheme which had been presented to the Design Review Panel but without taking on board their comments. In November 2018 it was amended to a 440 bed scheme with 3-5 storey buildings and a 7 storey feature.

This scheme was therefore presented again to the Design Review Panel in December 2018 (see summary of advice and points i) – iii) above). In response to their comments the application was further amended as follows:

- i) An extensive assessment of the impact of the proposal upon key heritage assets was undertaken. This comprised producing photomontage images from agreed viewpoints on strategic routes into the town. These illustrated the relationship between the proposal and the high status heritage assets of All Saints Church and the Carillon tower.
- ii) The design concept was strengthened by two alterations to the 7 storey element of the proposal. The fenestration pattern was changed to long slot windows, giving greater prominence to the windows in the tall section and helps to differentiate this from the lower perimeter block buildings. Secondly, the taller corner element would be faced in a different material. Bronze metal cladding is proposed. This is different in texture from the brickwork on the other buildings, but would be tonally similar.

The application now being considered proposes a perimeter style development 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.

The two long elevations of the site, fronting Aumberry Gap and Jubilee Way, have articulated floor plans which present a series of linked facades. These allow light and shadow to produce a dynamic building which is difficult to accurately represent in a two dimensional image.

The design of the buildings and choice of materials result in a lightweight building which respects Loughborough's market town setting. The main brick structure sits on

a glazed ground floor, which has the appearance of a light plinth. Vertical glazed panels separate the different elements of the building and the taller element would be faced in a contrasting material. In addition, part of the Leicester Road elevation would have a green wall. As a result, the building would be seen as a series of elements and planes rather than a homogeneous façade.

The layout complies with all of the development principles proposed in the Town Centre Masterplan. The development follows a perimeter block pattern; the development faces onto all of the surrounding streets and building height is appropriate to the local context; active ground floor uses are proposed; and the buildings along Pinfold Gate are limited to 3 storeys in height to respect the setting of the listed cottages opposite.

The Masterplan identifies Baxter Gate and Aumberry Gap as an opportunity site. It emphasises the significance of the design of the building at the Leicester Road/Jubilee Way junction which is a key gateway into the town. It states: *“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 the buildings in Loughborough are 3 storeys in height with some modern development 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.”*

In accordance with those principles the majority of this development is proposed to be no more than 5 storeys high. The buildings fronting Aumberry Gap and Jubilee Way and the separate building in the centre of the site are this height. The frontage to Pinfold Gate is 3 storeys high.

The relatively small footprint of the block on the corner of Leicester Road and Jubilee Way is 7 storeys in height. This is also in accordance with the development principles of the Masterplan. This increase in height, with a change in design and materials, differentiates this corner element from the other buildings. The design solution incorporates a number of features to accentuate the corner element, without the need to greatly increase the height. These features are glazed recess strips to help provide a separation gap between the taller element and the lower elements; the ground floor window treatment of the taller element is purposefully different from the glazed ground floor of the lower elements, with facing material coming down to the ground to provide a solid base to the element; the top floor window treatment carries up to the parapet line to differentiate it from the other elements and present a much lighter, broken roofline.

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.

The development of this site will help to establish the context for future new development in the town centre. It is considered that buildings of this quality and design would set the appropriate tone for future development.

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.

The applicant has undertaken a photographic survey and evaluation of the impact of the development from distant viewpoints around Loughborough and this demonstrates 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. This is referred to in more detail in the assessment of the impact of the proposal upon heritage assets (see below).

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 other recent examples 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/Jubilee Way. 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.

A predominantly 5 storey high building in this location would relate well to both the town centre and Barrow Road/Jubilee Way. It is considered that buildings on Barrow Road/Jubilee Way would have sufficient scale to make a positive contribution to the design and layout of this new section of wide road. At the same time the detail of the buildings and the glazed, lightweight ground floor with active frontages would enhance the vitality and activity of this part of the town centre. The improvements to the public realm and the permeability of parts of the site are also positive elements which should be given considerable weight.

Overall, it is considered that the proposals are in accordance 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. The buildings would respect the context of this town centre site and would have a generally positive impact upon the character and appearance of the town centre.

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 189 and 190 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 Loughborough Church Gate Conservation Area and north west of the Leicester Road Conservation Area as extended by the recent review. Pinfold Gate Cottages, a Grade II listed group of buildings is opposite the application site.

At present, 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. It is considered that this proposal would help to screen the unsightly rear elevation of the cinema from a number of key vantage points.

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

In response to the comments of the Design Review Panel in December 2018 the applicants have produced Addendum II to their Heritage Impact Assessment (HIA). In addition to previously submitted assessments and photomontages and at the request of officers, Addendum II produced visualisations of the town and heritage assets from the north and the east with the proposed development highlighted. These illustrate that the key heritage assets in the town, the Carillon Tower and All Saints Church, would continue to be the dominant features on the skyline from these vantage points. While the proposed development would be visible from a few of the vantage points it would not diminish the prominence of the heritage assets. When viewed from outside the town the proposal would be mainly screened behind existing buildings or vegetation. Consequently, it is considered that there would be no impact upon the setting of these listed buildings

The proposal has an acceptable relationship with the setting of non-designated heritage asset (the Phantom PH) adjoining the application site and the designated heritage assets close to the site; the listed cottages on Pinfold Gate. 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, but without 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 196 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.

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 has weight in the planning balance, as required by paragraph 196 of the NPPF, it is considered that harm is outweighed by the public benefits of the scheme as set out elsewhere in this report. Principally, these are the development of a mainly vacant site which would support the regeneration of the town centre; provision of student housing; improvement in the appearance of the site to the benefit of the overall character and appearance of the town centre; 200 construction jobs and 20 jobs once buildings are operational; and provision of community facilities.

Relationship to neighbouring properties

Saved Policy EV/1 of the Local Plan and Policy CS2 of the Core Strategy are the relevant development plan policies 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 daylight and that sunlight levels would remain above World Health Organisation guidance in this respect.

The proposals, particularly on Pinfold Gate, have been designed to be 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 site is in the town centre adjacent to the Phantom Public House. There is unlikely to be any significant impact upon the pub as the Phantom has external entertainment space and the town centre public realm and night time economy is 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 proposal and evidence in the supporting documents and therefore it is considered the design of 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.

In addition to the impact of the development upon immediate neighbours, concerns have been expressed about noise and disturbance elsewhere in the town as students walk between this site and the university campus. Although it must be noted that while the development will change the pattern of student pedestrian traffic in the town, this may not necessarily have a negative impact upon the town.

The university operates a Student Street Support Scheme a number of evenings every week. This aims to provide welfare support to students and to minimise noise disturbance to local residents from students. Professionally trained street officers patrol streets close to the university and the main pedestrian routes between the campus and the town centre.

This development would create additional pedestrian traffic between the town centre and the university campus, which could have an adverse impact upon the amenities of residents. The university has requested a developer contribution to increase the capacity of this scheme to help mitigate disturbance from the future occupiers of the application site. Subject to a suitable, proportionate contribution being agreed it is considered that this request is reasonable and that it would meet the requirements of the CIL Regulations. The applicant has agreed to pay the contribution. At the time of writing this report those details had not been finalised, but full details will be provided to Members at the Plans Committee meeting.

Flooding and Drainage

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

Paragraph 155 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, it 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 155 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 applicant is committed to this approach, which would be secured by a planning condition.

The comments and concerns of residents and the LLFA, which does not object to the scheme, have been carefully assessed 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 and CS16, of the Core Strategy seek to ensure that appropriate designs and layout are provided which delivers high quality design and the provision of green roofs and a green wall help to combat the 'heat island' effect of urban development is also a relevant consideration in this context.

Given the current low ecological value of the site and the proposal to include an area of green roofing and a green wall, 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 111 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 councillors have been considered. The site is 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.

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. All of these measures would be secured by the proposed section 106 agreement. 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.

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 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.

In this case policy CS15 relates to the provision of open spaces, including enhancing the public realm; CS17 seeks to encourage measures which promote sustainable development and CS24 generally seeks to ensure the delivery of infrastructure to mitigate the impact of new development.

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

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

- Community Facilities - Provision of ground floor accommodation at nominal rental for local community groups.
- The delivery of these elements will be secured through the S106 legal agreement.

Off-site contributions

- Town Centre Parks - £ 5,778.29
- Town centre Public Realm (including play equipment for young people) - £49,329.39
- The process of Traffic Regulation Orders - £7,500
- Monitoring fee for STARS (Sustainable Travel Accreditation and Recognition Scheme) - £6,000
- Healthcare – The West Leicestershire Clinical Commissioning Group have calculated that £35,948 is necessary to increase the capacity of local health care facilities
- Student Street Support Scheme – Contribution to increase capacity of street patrol staff.

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.

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 proposals could also decrease pressure on existing HMO provision in the town, presenting an opportunity for some of these properties to revert to C3 dwellings or to accommodate private / local residents.

The provision of housing in general and student accommodation in particular would meet an identified need.

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.

The proposal 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 is considered that due to the benefits of the scheme which are outlined above, there is no conflict with policy CS14 which seeks to conserve heritage assets.

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. The amended scheme has satisfactorily addressed the points highlighted by officers and the Design Review Panel. The scale of the buildings and the high quality design and finish of the proposal would ensure that the development would have a satisfactory relationship with the town centre in general and neighbouring development in particular. The proposals therefore comply with policy CS2 and saved Local Plan policy EV/1. In addition, it 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. It is considered that its development with this proposal would make a significant, positive contribution to the town. It would set a high benchmark against which other future development in the town would have to be assessed.

Conclusion

The proposal could deliver benefits and be seen to accord with policies CS1, CS3, CS7, CS9, CS13, CS14, CS15, CS16, CS17, CS18, CS24 and CS25 of the Core Strategy and saved policies H/12 and TR/18 of the Local Plan. Furthermore, the proposal complies with policy CS2 of the Core Strategy, 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 A

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into a legal agreement under S106 of the Town and Country Planning Act 1990, on terms to be finalised by them, to secure the following infrastructure improvements and management agreements (as detailed above in this report):

- Healthcare – £35,948 to increase the capacity of local health care facilities.
- Assured Shorthold Tenancy Agreements (ASTs) and no car policy and management structure
- Community Facilities - Provision of ground floor accommodation at nominal rental for local community groups.
- Town Centre Parks - £ 5,778
- Town centre Public Realm (including play equipment for young people) - £49,329
- Process of Traffic Regulation Orders - £7,500
- Monitoring fee for STARS (Sustainable Travel Accreditation and Recognition Scheme) - £6,000
- Student Street Support Scheme – increase capacity of street patrol staff.

RECOMMENDATION B

That subject to the completion of the S106 legal agreement in Recommendation A above, planning permission be granted for the development subject to the following Conditions and Reasons:

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:

0310 RIO 00 00 DR A 01000 Ground Floor Plan Rev 10
0310 RIO 00 01 DR A 01001 First Floor Plan Rev 8
0310 RIO 00 02 DR A 01002 Second Floor Plan Rev 8
0310 RIO 00 03 DR A 01003 Third Floor Plan Rev 8
0310 RIO 00 04 DR A 01004 Fourth Floor Plan Rev 8
0310 RIO 00 05 DR A 01005 Fifth Floor Plan Rev 7
0310 RIO 00 06 DR A 01006 Sixth Floor Plan Rev 7
0310 RIO 00 07 DR A 01007 Roof Plan Rev 6
0310 RIO 00 ZZ DR A 02000 Barrow Street Elevation Rev 4
0310 RIO 00 ZZ DR A 02001 Leicester Road Elevation Rev 4
0310 RIO 00 ZZ DR A 02002 Pinfold Gate Elevation Rev 4
0310 RIO 00 ZZ DR A 02003 Aumberry Gap Elevation Rev 4
0310 RIO 00 ZZ DR A 02004 Courtyard Elevations Plan Rev 4
0310 RIO 00 ZZ DR A 02005 Courtyard Elevations Rev 4
0310 RIO 00 ZZ DR A 02005 Courtyard Elevations Rev 3
0310 RIO 00 ZZ DR A 02006 Courtyard Elevations Rev 3
0310 RIO 00 ZZ DR A 02007 Central Block Elevations Rev 3
0310 RIO 00 ZZ DR A 02100 Existing Elevations A, B, C and D Rev /
0310 RIO 00 ZZ DR A 03000 Proposed. Context Section A, B & C Rev 4
0310 RIO 00 ZZ DR A 03001 Proposed Section A Rev 4
0310 RIO 00 ZZ DR A 03002 Proposed Section B Rev 4
0310 RIO 00 ZZ DR A 03003 Proposed Section C Rev 4
0310 RIO 00 ZZ DR A 03100 Existing Context Section A, B & C Rev /

REASON: To define the terms of the planning permission.

3. No development other than site clearance, demolition and erection of hoarding 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.

4. No development other than site clearance, demolition and erection of hoarding shall commence 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 routeing 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.

5. Except with the prior written agreement of the local planning authority (a) no construction work shall be carried out or construction plant operated other than between the following hours: 08.00 hours to 18.00 hours Monday to Friday, 08.00 hours to 13.00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, and (b) there shall be no collection or deliveries to the site during the construction period outside the hours of 07:00 hours and 19:00 hours on Monday to Saturday and at any time on Sundays, Bank or Public holidays.
REASON: To ensure harm to the amenity of adjacent residents is minimised

6. No occupation of any student accommodation 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.

7. No occupation of any student accommodation 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.

8. No occupation of any student accommodation 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: To ensure that any outdoor lighting is in accordance with the approved planning application.

9. The acoustic protection measures hereby permitted shall be implemented in accordance with the approved acoustic assessment prepared by RBA Acoustics dated 4th October 2018. The measures shall be carried out in accordance with the approved details

REASON: To safeguard residential amenity.

10. The development hereby permitted shall not be occupied until a noise insulation scheme has been carried out in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve internal noise levels in accordance with the recommendations of BS 8233:2014, Guidance on sound insulation and noise reduction in buildings (or any successor document), taking account of traffic and other ambient noise levels in the locality.

REASON: To safeguard the amenity of prospective residents.

11. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

12. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres in a northwesterly direction and 2.4 metres by 27 metres in a southeasterly direction have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2018).

13. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Richard Jackson drawing number 4891-PP-01 have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2018).

14. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Richard Jackson drawing number 4891-PP-01. Thereafter the onsite parking provision shall be so maintained in perpetuity.
REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2018).
15. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with Rio drawing number 01000 Rev 10. Thereafter the cycle parking shall be maintained and kept available for use.
REASON: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2018).
16. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
17. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on Aumberry Gap/ Pinfold Gate/ A6 Barrow Street that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.
REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2018).
18. Notwithstanding the details shown on the drawings hereby approved, prior to the commencement of development drawings at 1:10 scale (including sections) or at another scale agreed by the Local Planning Authority showing external construction detailing of all key elements shall be submitted to and approved by the Local Planning Authority in writing, unless otherwise agreed in writing by the Local Planning Authority. The drawings shall include details of:

- a) windows, cills, reveals and doors;
- b) wall vents;
- c) copings, parapets, soffits and upstands;
- d) decorative brick detailing;
- e) roof structure (including decorative features)
- f) rain water goods;
- g) balconies/terrace balustrades (including soffits and railings);
- h) canopies;
- i) lighting of communal spaces and buildings;
- j) building signage;
- k) art installations;
- l) mail boxes;
- m) air conditioning or ventilation ;
- n) cladding;
- o) green planted wall;
- p) shop/non-residential use fascia's and signage; and
- q) shop security.

The development shall not be carried out otherwise than in accordance with the details and drawings thus approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area along with setting of the adjoining conservation and listed buildings. (Policies CS2, CS14 and CS16 of the Charnwood Core Strategy, adopted November 2015)

19. Notwithstanding the details shown on the drawings hereby approved, no works shall commence until sample panels of all external materials shall be submitted to or provided on site for inspection by a council officer and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the external appearance of the building is satisfactory, protecting its designation as a local heritage asset and does not detract from the character and visual amenity of the area along with setting of the adjoining conservation and listed buildings. (Policies CS2, CS14 and CS16 of the Charnwood Core Strategy, adopted November 2015)

20. Prior to the occupation of any part of the ground floor of the building , the window glass shall be clear glass and shall not be mirrored, tinted or otherwise obscured. The development shall be permanently maintained in this form. No external security roller shutters or roller blinds shall be attached to the ground floor windows hereby permitted, without planning permission having first been granted by the Council.

REASON: In order to prevent visual clutter, and to ensure a satisfactory external appearance to the design of the building. (Policies CS2, CS14 and CS16 of the Charnwood Core Strategy, adopted November 2015).

21. 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.

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
2. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.



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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/18/2365/2	Full	1 Woodgon Road Anstey Leicestershire LE7 7EQ	Proposed extension to existing residential development to accommodate a new 1 bedroom apartment at first floor level	Permission refused	14-Feb-2019	Anstey
P/18/2243/2	Full	High Meadow Farm Melton Road Barrow Upon Soar Leicestershire LE12 8HX	Erection of campsite shop	Permission granted subject to conditions	08-Feb-2019	Barrow & Sileby West
P/18/2464/2	Full	80 Main Street Woodhouse Eaves Leicestershire LE12 8RZ	Erection of 2 detached dwellings on land rear of 80 Main Street.	Permission refused	11-Feb-2019	Forest Bradgate
P/18/2316/2	Outline Planning Permission	24 Wide Lane Hathern Leicestershire LE12 5LN	Erection of dwelling (Outline Application).	Permission granted subject to conditions	15-Feb-2019	Loughborough Hathern & Dishley
P/18/1971/2	Full	Clarence Street Loughborough Leicestershire	Proposed commercial buildings for storage and distribution purposes (use class B8)/Trade Counter use (sui generis) for the display, sales and storage of supplies/car showroom (sui generis), vehicle maintenance use and two portacabins inc. associated access and servicing, car parking, vehicle sales forecourt and car wash.	Permission granted subject to conditions	22-Feb-2019	Loughborough Lemyngton
P/16/2451/2	Outline Planning Permission	12 Arthur Street Loughborough Leicestershire LE11 3AY	Site for the erection of one dwelling (Outline Planning Application).	Permission granted subject to conditions:	06-Feb-2019	Loughborough Southfields

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/18/2381/2	Full	Land at rear of Westfield Drive Loughborough Leicestershire LE11 3QJ	Erection of four detached dwellings and construction of associated vehicular access and parking facilities (Revised scheme P/18/0996/2 refers)	Permission refused	14-Feb-2019	Loughborough Southfields
P/19/0384/2	Tree works Conservation Area	Queens Park Granby Street Loughborough Leicestershire	Fell no1 mature Horse Chestnut tree within Queens Park (Conservation Area Notice).	A Tree Preservation Order is not considered to be appropriate.	19-Feb-2019	Loughborough Southfields
P/18/2567/2	Full	Lafubao Supermarket 93 Ashby Road Loughborough Leicestershire LE11 3AL	Retention of shopfront (retrospective application).	Permission granted subject to conditions	15-Feb-2019	Loughborough Storer
P/18/2437/2	Full	Hs Foot Care Service 29 Halstead Road Mountsorrel LE12 7HD	Erection of single storey extension to front of building.	Permission granted subject to conditions	04-Feb-2019	Mountsorrel
P/18/2552/2	Full	4 - 6 Leicester Road Quorn Leicestershire LE12 8ET	Alterations to ground floor shop front and building facade to include painting, repair and installation of new fascia sign on existing fascia board with sign light above.	Permission granted subject to conditions	21-Feb-2019	Quorn & Mountsorrel Castle
P/18/2545/2	Full	Land to the rear of 21 Pine Drive 21 Pine Drive Syston LE7 2PZ	Erection of detached dwelling house.	Permission refused	12-Feb-2019	Syston East
P/18/2496/2	Full	5 Spinney Close Syston Leicestershire LE7 1YP	Retention of dwelling and alterations to existing dwelling. (Part built) (Related to lapsed planning permission P/15/1671/2)	Permission granted subject to conditions	05-Feb-2019	Syston West

Application number	Application type	Location	Proposal	Decision	Decision date	Ward
P/18/2585/2	Full	Land rear of 5 Barkby Lane Syston Leicestershire LE7 2BA	Variation of condition 2 of P/18/1901/2 (Approved Drawings).	Permission granted subject to conditions	18-Feb-2019	Syston West
P/18/0263/2	Full	Field Rear of 740-746 Melton Road THURMASTON LE4 8BD	Erection of one office building with associated parking, footpaths to Watermead Country Park with associated landscaping and revision to the design of the previously approved plot 10 of planning permission P/17/1835/2 to provide a four bedroom house.	Permission granted subject to conditions	22-Feb-2019	Thurmaston

PLANS COMMITTEE – 7TH MARCH 2019

Report of the Head of Strategic Support

ITEM 7 URGENT DECISION - TREE PRESERVATION ORDER

Purpose of Report

To note an urgent decision taken by the Chief Executive under Section 8.2 of the Council's Constitution to authorise the making of a Tree Preservation Order.

Action Requested

That the urgent decision taken be noted.

Policy Justification and Previous Decisions

The urgent decision was taken under the delegation set out in Section 8.2 of the Council's Constitution, page 8-3, Delegation to the Chief Executive, Strategic Directors and Heads of Service, paragraph 1:

To take such action as is required in the case of an emergency or urgency subject to:

- (i) consultation with the Mayor, the Chair of the relevant committee, or, in the Chair's absence, the Vice-chair;*
- (ii) consultation with the Chief Executive and the relevant Strategic Directors in each case;*
- (iii) a report on the action taken being made to the next meeting of the Council or relevant committee, as appropriate.*

In respect of (i) above, the Chair of the Plans Committee was consulted and agreed that the urgent decision should be taken.

The Constitution sets out that when the urgency provisions are used the matter must be reported to the relevant committee for information.

Urgent Decision

The urgent decision taken was to make the Borough of Charnwood (Land at Gynsill Lane, Anstey) Tree Preservation Order 2019 pursuant to the Town and Country Planning (Tree Preservation) (England) Regulations 2012/605.

Reason: To ensure that the trees, which make a significant contribution to the visual amenity of the area, are properly protected and retained in a satisfactory manner. The immediate protection afforded by a provisional order is considered appropriate as trees on the site have already been felled and a potential threat is posed to those remaining.

A copy of the urgent decision is attached as Appendix A to this report.

Implementation Timetable including Future Decisions

The urgent decision had immediate effect and the Order was served on 8th February 2019, to provisionally protect three trees, a Lime, an Oak and an Ash, on the site. For information, a copy of the Order is attached as Appendix B to this report.

Report Implications

As set out in the decision attached as Appendix A.

Background Papers: None

Officer to Contact: Laura Strong
Democratic Services Officer
(01509) 634734
laura.strong@charnwood.gov.uk

Appendices

Appendix A	Urgent Delegated Decision
Appendix B	Borough of Charnwood (Land at Gynsill Lane, Anstey) Tree Preservation Order 2019

Request for a Decision under Delegated Powers

Officer Requesting the Decision

Nola O'Donnell Senior Landscape Officer

Officer Making the Decision

Chief Executive

Decision Requested

To **make** the Borough of Charnwood (Land at Gynsill, Lane Anstey) Tree Preservation Order 2019 pursuant to the Town and Country Planning (Tree Preservation) (England) Regulations 2012/605

Reason

To ensure the trees, which make a significant contribution to the visual amenity of the area, are properly protected and retained in a satisfactory manner. The immediate protection afforded by a provisional order is considered appropriate as trees on the site have already been felled and a potential threat is posed to those remaining.

Authority for Decision

Authority is delegated under paragraph 8.2 (1) on page 8-3 of Part 3 of the Constitution to the Chief Executive following consultation with the Mayor

:

- To take such action as is required in the case of an emergency or urgency subject to:
 - (i). consultation with the Mayor, the Chair of the relevant committee, or, in the Chair's absence, the Vice-Chair;
 - (ii). consultation with the Chief Executive and relevant Strategic Directors in each case; and
 - (iii). a report on the action taken being made to the next meeting of the Council or relevant committee, as appropriate.

Decision

I agree with the recommendation



Chief Executive

Date 08 FEBRUARY 2019

Policy Context

Within the Corporate Plan to 2011/12 we aim to deliver a Sustainable Environment. Under that strategic aim we are committed to safeguarding the natural heritage of the Borough. Trees and hedgerows are key components

of the natural heritage and national legislation provides for their protection in appropriate circumstances.

Background

It has come to light that a number of trees on the site, known in planning terms as PSH 144 have recently been felled, pre-empting a proposal to seek permission for re-development of the site. Three significant trees, 1 ancient oak [on the National Ancient Tree Inventory -SK54960749 <https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=2574&from=3523&v=1455612&ml=map&z=16&nwLat=52.665158242386795&nwLng=-1.2030092653850466&seLat=52.65935384591218&seLng=-1.1724964556316286#/detail>], this was a tree of National Importance and two veteran category oak, several other mature ash and oak were felled. The reports from a customer via the Councils Facebook page is that this occurred on the Sunday 3 February 2019. Field hedgerows and a number of other matures trees remain undisturbed, all which make a valuable visual contribution in the local environment. Although it may be intended to retain these, there is clearly a potential threat that could result in further losses and it is considered essential, therefore, to pursue a preservation order to safeguard the trees- a lime an oak and an ash tree.

Consultations have been carried out in accordance with the scheme of delegation and there have been no adverse comments made.

Financial Implications

None

Risk Assessment/Management

If not protected, there is a risk a significant tree, important in the landscape, will be lost to the detriment of the visual amenity of the area.

Background Documents

Proposed TPO schedule and plan

Town and Country Planning Act 1990
The Borough of Charnwood (Land at Gynsill Lane, Anstey)
Tree Preservation Order 2019

The Charnwood Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order:

Citation

1. This Order may be cited as The Borough of Charnwood (Land at Gynsill Lane, Anstey) Tree Preservation Order 2019.

Interpretation

2. (1) In this Order “the authority” means the Charnwood Borough Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall:
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this eighth day of February 2019

The Common Seal of the Charnwood Borough Council
was affixed to this Order in the presence of:

Amber



2018-19-159

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
		Field at grid reference SK455170 307662
T1	Lime	SK455187 307692
		Field at grid reference SK455045 307506
T2	Oak	SK454975 307455
T3	Ash	SK454971 307445

Trees specified by reference to an area (within a dotted black line on the map)

Reference on map	Description	Situation
	None	

Groups of trees (within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
	None	

Woodlands (within a continuous black line on the map)

Reference on map	Description	Situation
	None	

Borough of Charnwood (Gynsill Lane Anstey) Tree Preservation Order 2019

I certify this map shows the entire area referred to in the first schedule of the Borough of Charnwood (Gynsill Lane, Anstey)Tree Preservation Order 2019
Authorised signatory



2018-19-159
[Handwritten signature]



R Bennett Dip. TP. MRTPI
Head of Planning & Regeneration
Borough of Charnwood
Southfields
Loughborough
Leics. LE11 2TN
Date: August 2019
Scale: 1:1250
Prep: NOD