

Plans Committee Date:	21st September 2023
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Item No: tbc

Application Reference Number: P/22/0126/2

Application Type:	Full	Date Valid:	07/02/2022
Applicant:	CSS Ltd		
Proposal:	Proposed new building for 9no.apartments and associated works.		
Location:	Rear of 149 Ashby Road Loughborough Leicestershire LE11 3AD		
Parish:	N/A	Ward:	Loughborough Southfields
Case Officer:	Harry White	Tel No:	01509 634579

1. Background

- 1.1. This application is referred to Plans Committee in accordance with the scheme of delegation, as the application has been called in at the request of Ward Councillor Forrest under the Council’s call-in procedure, for the following reasons:
- It is an overdevelopment of the site
 - This very modern design is totally out of keeping with the surrounding conservation area.
 - If granted the application will lead to a loss of parking in what is already an over congested area.
 - There is inadequate provision for the storage of bins
 - The proposal for an access road through the site going on to Ashby Road is ill-conceived. Ashby Road is a very busy road at all times and to increase the level of traffic having direct access could be detrimental to road safety.
 - The application will an overbearing impact on the residents of 151 Ashby Road in terms of size, privacy, and noise.

2. Description of the application site

2.1. The application site relates to the garden area of no.149 Ashby Road, a three storey Victorian Villa. The site is located to the north of Ashby Road, within the Ashby Road Conservation Area, and adjacent to Cumberland Field. There is a significant change in levels from the front to the rear of the application site. The application site sits roughly 2.0m below the level of the front of the site onto Ashby Road, this steps down to a lower level garden. There is a garage at the front of the site, adjacent to Ashby Road. A silver birch is found in the garden of no.149.

- 2.2. The site is bound on three sides by brick walls up to approximately 3m in height, a close boarded timber fence sits along the northern boundary of the site onto Cumberland Field, a public open space. The application site is bound on three sides by residential development.
- 2.3. Ashby Road is characterised by large three storey Victorian residential development, much of which has been converted to suit the needs of modern-day Loughborough, including HMOs, offices, and nurseries uses within this part of Ashby Road. Cumberland Field to the rear is a large grass playing field and is used for recreation by the local community. It is surrounded by trees along its south and western boundaries. Backland development has occurred to the rear of the adjacent row of terraces, in the form of a pair of semi-detached dwellings, further backland and contemporary development can be found within this part of Ashby Road.
- 2.4. The site can currently be accessed from both Ashby Road and Cumberland Road.

3. Description of the proposal

- 3.1. The proposal is for the construction of a building for nine apartments, which would sit to the rear of no.149 Ashby Road, consisting of eight studio apartments and a two-bedroom apartment available at market rates.
- 3.2. The proposed building would have a maximum height of approximately 8.6m, with a flat roof. The massing would be broken into a two-storey half, and a three-storey half, the two-storey element would measure 6.3m to the top of the parapet wall. The building would have a maximum width of approximately 18.5m, and a maximum depth of approximately 15.5m.
- 3.3. The building would be composed of a mix of materials, consisting of brickwork and metal cladding, with a third floor in a contrasting metal cladding material to the rest of the building. Part of the roof would have a sedum green roof.
- 3.4. Access to the property would be from both Ashby Road and Cumberland Road. Pedestrians would be able to utilise both routes. However, cars and other vehicles would be limited to the Cumberland Road entrance.
- 3.5. During the course of the application process, amendments have been received to amend the access to the site, enhance the biodiversity value of the scheme, and amend the site area to accommodate access. These details have been issued for additional consultation, consultation responses are summarised below.

4. Development Plan Policies

- 4.1. The Development Plan comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies).
- 4.2. The policies applicable to this application are as follows;

4.3. [Charnwood Local Plan Core Strategy](#)

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS3 – Strategic Housing needs
- Policy CS13 – Biodiversity and Geodiversity
- Policy CS14 – Heritage
- Policy CS16 - Sustainable Construction and Energy
- Policy CS17 - Sustainable Travel
- Policy CS25 - Presumption in favour of sustainable development

4.4 [Borough of Charnwood Local Plan \(adopted 12 January 2004\) \(saved policies\)](#)

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

- Policy ST/2 - Limits to Development
- Policy EV/1 – Design
- Policy TR/18 - Parking in New Development

5. **Other material considerations**

5.1 [The National Planning Policy Framework \(NPPF 2023\)](#)

The NPPF policy guidance of particular relevance to this proposal includes:

- Section 2 ; Achieving sustainable development
- Section 5: Delivering a sufficient supply of homes
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Requiring well-designed places.
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 16: Conserving and enhancing the historic environment

5.2 [Planning Practice Guidance](#)

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

5.3 [National Design Guide](#)

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

5.4 The Planning (Listed Buildings and Conservation Areas) Act 1990.

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 66 (1) of the Act refers to the desirability of preserving Listed Buildings, the setting of Listed Buildings and the features of special architectural and historic interest which it possesses whilst Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

5.5 Leicestershire Housing and Economic Needs Assessment (HENA)- 2022

HENA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

5.6 Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)

The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

5.7 Design Supplementary Planning Document (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

5.8 Leicestershire Highways Design Guide

The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking expected to be provided in new housing development.

5.9 Technical Housing Space Standards (2015)

Seeks to encourage minimum space standards for housing. This document has not been adopted for the purposes of Development Management at Charnwood Borough Council, but it is included in draft Policy H3 of the emerging local plan and is therefore a material consideration for which appropriate weight must be given.

5.10 Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

5.11 The Draft Charnwood Local Plan 2021-37

This document sets out the Council's strategic and detailed policies for the Borough over the period 2021-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2023. It is anticipated that the Local Plan will be adopted by the Council in early 2024.

In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The following policies are considered applicable to this application, and the weight they can be assigned is addressed in the 'Planning Considerations' part of this report

- DS1 – Development Strategy
- DS5 – High Quality Design
- LUC1 – Loughborough Urban Centre
- H1 – Housing Mix
- H3 – Internal Space Standards
- T3 – Car Parking Standards
- CC4 – Sustainable Construction
- CC5 – Sustainable Transport
- EV6 – Conserving and Enhancing Biodiversity and Geodiversity
- EV7 – Tree Planting
- EV8 – Heritage
- EV11 – Air Quality

5.12 Planning Guidance for Biodiversity June 2022

This planning guidance seeks to provide further clarification to Core Strategy Policy CS13 insofar as ensuring development proposals secure biodiversity net gain on-site to contribute towards the overall sustainability of development proposals.

6. Relevant Planning History

Reference	Description	Decision & Date
P/21/0983/2	<p>(Advice) Erection of a 3 storey building for 9 studio apartments.</p> <p>2-3 storeys high in a contemporary form, located to the rear of no.149. Principle and design supported, highways, amenity, ecology, impact on trees needs further work.</p>	Positive Advice Given 22/07/2021
P/23/0979/2	Retention of change of use from incidental residential parking area to public car park and installation of 1no. 4 metre high column with Automatic Number Plate Recognition (ANPR) camera. (part retrospective application)	Withdrawn 27/07/2023
P/23/0986/2	Display of 8no. non-illuminated car parking signs in relation to proposed public car park to rear (Advertisement Consent)	Withdrawn 27/07/2023

7. Responses of Consultees & Other Comments Received

7.1 The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response
Charnwood Conservation & Design	<p>No listed buildings are affected by the application, but the site lies within Loughborough Ashby Road Conservation Area.</p> <p>No 149 and the immediate neighbouring properties are large detached Victorian villas set within substantial front and rear gardens. The site, by virtue of its existing Victorian Villa set within a spacious and verdant plot, contributes to the character and appearance of the conservation area.</p> <p>The application seeks approval to the erection of a three-storey building providing a total of nine Studio Apartments. The design proposes a contemporary response to the historic context of the immediate surroundings with a mixture of brick and metal rainscreen cladding and large aluminium framed windows. The building is considerably set back from the road and its scale and massing is considered appropriate to the immediate context. The change in level downwards towards the rear of the site means that the new building will be approximately 2m lower than pavement level.</p> <p>The contemporary architecture is considered to be a more appropriate response to the site rather than an attempt to reproduce the grand architecture of the neighbouring Victorian villas which would result in a watered down pastiche. The accompanying Design & Access Statement emphasise the importance of the proposed new landscaping for the site.</p> <p>On balance, it is considered that the proposal would not harm the significance of the conservation area or the wider street scene of Ashby Road.</p> <p>Request that the usual conditions be attached requiring the submission of all external materials for approval together with larger scale details/specifications of key elements</p>

	such as doors and windows, external cladding, roof parapet and rainwater goods etc., together with full details of the landscaping proposals.
Charnwood Borough Council Housing	tThe Housing Department will not be requesting any units as the site is in an urban area and below the 10-unit threshold, as defined in the Housing SPD.
Charnwood Biodiversity	Contributions required to secure a biodiversity net gain.
LCC Highways	<p>The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.</p> <p>Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to conditions.</p>
Ward Councillor and Parish Council Response	
Cllr Sandra Forest	<p>Has raised concerns as outlined below:</p> <ul style="list-style-type: none"> • It is an overdevelopment of the site • This very modern design is totally out of keeping with the surrounding conservation area. • If granted the application will lead to a loss of parking in what is already an over congested area. • There is inadequate provision for the storage of bins • The proposal for an access road through the site going on to Ashby Road is ill-conceived. Ashby Road is a very busy road at all times and to increase the level of traffic having direct access could be detrimental to road safety. • The application will an overbearing impact on the residents of 151 Ashby Road in terms of size, privacy, and noise
Cllr Jenni Tillotson	No comments have been received.

Responses to publicity	
From	Comments
6 representations have been received from 4 separate addresses, and 2 from Resident Associations	<ul style="list-style-type: none"> • Harm to street scene and conservation area. • Materials out of keeping • Unharmonious when viewed from Cumberland Field • Traffic and parking • Bin storage • Student population and community imbalance • Overbearing and overshadowing to adjacent property • Anti-social behaviour • Site promoters associated with student lettings • Notification not given to current tenants (breach of Short Term Tenancy Agreement). • The plans show a Holy Tree in no 149 which does not exist.

8. Consideration of the Planning Issues

- 8.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015) and those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028), Minerals and Waste Local Plan (2019).
- 8.2 The Core Strategy and Charnwood Local Plan are over 5 years old, and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. Other than those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national guidance and as such that there is no reason for them to be given reduced weight. As the Core strategy is now five years old, the Planning Authority cannot currently demonstrate a 5-year supply of housing land (4.27 years) and, as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits for planning permission to be refused.
- 8.3 The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any

adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. However, paragraph 11d.i. sets out that the presumption in favour of sustainable development does not apply if there is a clear reason for refusing the development where it adversely affects a designated and other heritage assets, as well as irreplaceable habitats, among others. Therefore, if there is clear reason for refusing the application on these aforementioned grounds, then the presumption in favour of sustainable development does not apply. The application site affects a designated heritage asset and habitat, the merits upon which are to be discussed in later sections of this report.

8.4 The main planning considerations applicable to this application are considered to be:

- Principle of development
- Design & Layout
- Impact on residential amenity
- Ecology and biodiversity
- Impact on trees
- Heritage
- Highway matters
- Planning Contributions

9 Key Issues

9.1 Principle of the Development

9.1.1 The principle of development is guided by local plan policies CS1 of the Charnwood Core Strategy (2015) Policy CS1 of the Core Strategy, which outlines the development strategy for the Borough and the distribution of sustainable growth. Policy CS1 seeks to provide at least 5,000 new homes, and up to 22 hectares of employment land between 2011 and 2028. Policy CS1 of the Core Strategy outlines a development strategy for the Borough, including a settlement hierarchy in which Loughborough urban area is a favoured location for residential development.

9.1.2 Saved Local Plan Policy ST/2 and Proposals Map of the Charnwood Local Plan identify Limits to Development for various settlements in the Borough. The site is located within the limits to development of Loughborough.

9.1.3 However, the housing supply policies of the Development Plan are out of date as the Core Strategy is more than five years old and the Local Planning Authority can currently demonstrate only 4.27 years housing land supply (at 01/06/2023).

9.1.4 Policy DS1 of the emerging local plan sets the overall spatial strategy for Charnwood between 2021 and 2037, which is of urban concentration and intensification, with some limited dispersal to other areas of the Borough. Emerging Policy DS1 of the Draft Charnwood Local Plan (2021-2037) adopts a similar approach to CS1 and also proposes a focus of new development in Loughborough and other urban centres. Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. However, Policy DS1 is contested and can therefore be given only limited weight at this time. Policy LUC1 of the emerging Local Plan supports the role

of Loughborough as the main economic, social and cultural heart of the Borough. Policy LUC1 also carries limited weight because of representation seeking an alternative housing distribution..

9.1.5 Core Strategy Policy CS 17 seeks to locate development so as to facilitate a 'modal shift' in transport modes. Emerging Local plan Policy CC5 seeks to promote development which is well located and accessible to services and or public transport. Policy CC5 of the Emerging Local Plan supports sustainable patterns of development which will minimise the need to travel and seek to support a shift from travel by private car to walking, cycling and public transport.

9.1.6 Being located close to a wide range of facilities and a range of good transport choices, it is considered that the principle of the development, to the extent of its general location, is acceptable and in accordance with the relevant policies as referred to above. The site lies within the defined settlement boundary of the adopted Local Plan and emerging Local Plan, within an area favoured for residential development. The development, in principle, is therefore considered to comply with Policy ST/2 of the adopted Local Plan, CS1 and CS 17 of the Core Strategy and DS1 and CC5 of the emerging Charnwood Local Plan. Consequently, the principle of development at the application site can be supported, due to the location of the proposed development within the settlement limits of Loughborough, subject to all other policy requirements being met. As the site is located within a Conservation Area, a key consideration is the impact of the proposal on the Conservation Area, discussed at 9.36 below.

9.2 Design and Layout

9.2.1 Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 supports development that is of a design, scale, layout and mass compatible with the locality and which uses materials appropriate to the locality. These policies generally accord with the NPPF and National Design Guide and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

9.2.2 The proposed development is considered to sit comfortably within the development site. The grain of development is fairly dense within this part of Loughborough, and the proposed development would follow this pattern of development. Backland development has already occurred to the rear of 137-147 Ashby Road, in the form of a pair of semi-detached bungalows (2 & 4 Cumberland Road). The proposed development takes up a smaller footprint than these neighbouring dwellings and provides an efficient use of space within the sustainable location of Loughborough. This allows people to live more sustainable lives without the need for a private car, and with places of work/leisure/care within walking distance. This type of development also ensures that the town retains a critical mass of people to continue the vitality associated with the town.

9.2.3 The proposed palette of materials includes a mix of brick and metal cladding could be subject to a planning condition to ensure the final appearance is of a high standard. The mixed palette provides visual interest and breaks up the massing of the proposed

building. The use of metal cladding takes a contemporary approach, which can be complementary to the traditional appearance of the surrounding Conservation Area.

9.2.4 Although the garage at the front of the site would be demolished, this would be replaced with landscaping, which is considered a net improvement to the character of the area. Opening up the front of the site surrounding the original Victorian villa helps to showcase this host property (no.149) and promote its strong contribution to the historic character of the area.

9.2.5 The contemporary approach to providing residential accommodation has been recently used successfully elsewhere in the Ashby Road Conservation Area. The design takes a contemporary approach, to juxtapose with the surrounding built form, and helps to define the development as a 21st century addition to the area. As three storey massing is characteristic to the area, the proposal corresponds to this surrounding pattern of development in terms of scale. The proposed development is considered to be in accordance with Policy DS5 of the emerging local plan in that it would respond positively to the local distinctiveness and provide an attractive and functional place to live.

9.2.6 It is considered a proposal that complied with NPPF, National Design Guide, policies CS2 of Charnwood Core Strategy, EV/1 of Local Plan and the Charnwood Design SPD and emerging Local Plan Policy DS5 would be achieved. A condition to secure the materials could be applied to ensure that a high quality of design is achieved.

9.3 Impact on Trees

9.3.1 Policies CS2 of the Core Strategy seeks to ensure high quality design that reflects the character and context of the area, which in this location comprises high density development and some established trees. These policies generally accord with the National Planning Policy Framework and do not conflict the supply of housing. Policy EV7 of the Emerging Local Plan seeks to protect and enhance our natural environment by increasing the number of trees in Charnwood, and supporting development that retains existing trees, or provides new tree planting.

9.3.2 The application is supported by a Tree Survey and Report (March 22) and Tree Constraints Plan, Tree Protection Plan and Arboricultural Impact Assessment & Method Statement. The proposed development would result in the loss of one semi-mature silver birch. The tree is of good health but of limited public visibility, therefore makes a very limited impact upon the character of the Conservation Area. One replacement tree would be planted on the Cumberland Field side of the site. This would serve two purposes: firstly to mitigate the loss of the silver birch, and secondly to break up the views of the proposed building when seen from Cumberland Field. The details of this can be required by way of planning conditions

9.3.3 There is one other silver birch within the grounds of no.149 Ashby Road. However, this is outside the application site (red line boundary). A strawberry tree and a sycamore tree is located between the application site and no.151 (misidentified on the plans as a Holly tree). The proposed would not affect these trees due to their siting outside the development site. An informative can be provided to ensure that care is taken not to

damage the neighbouring trees, and the works are to be undertaken in accordance with the tree protection plan.

9.3.4 Consequently, the proposed development accords with relevant policies in the Core Strategy, particularly and Policy CS2 (High Quality Design) and emerging Local Plan Policy EV7.

9.4 Ecology and Biodiversity

9.4.1 Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. Where there are impacts on biodiversity, mitigation will be required, or as a last resort, compensation.

9.4.2 Emerging policy EV6 of the Draft Local Plan seeks 10% biodiversity net gain and the protection and enhancement of habitats, species and networks. Emerging policy EV7 supports the retention of existing trees and new tree planting. Although the Environment Act 2021 makes provision for 10% biodiversity net gain, the relevant sections of the Act have not yet been brought into force to make it a legal requirement and is not currently required by national policy. Therefore, emerging Local Plan policy EV6 can be given moderate weight until the emerging policy is further progressed towards adoption and the requirement for 10% net gain only limited weight.

9.4.3 The application site is located on an area of residential garden land, low biodiversity value in poor condition. The development would result in the loss of garden grassland. However, the proposal would introduce additional landscaping, as well as a green roof. At the front of the site, the removal of the garage would give way to soft landscaping.

9.4.4 Despite these additions to the site, the development would result in a net loss to biodiversity of -0.07. This would require biodiversity offsetting contributions of £3,129.

9.4.5 Although there will be a loss of very low value lawn, there will be an increase in shrub cover and with additional, architect/developer led, green roof. It is considered that qualitatively there will be relatively little change in the post development scenario.

9.4.6 The site currently provides low potential for bat roosts, and bird nesting. A suitably worded planning condition can secure the provision of a bat box and bird box.

9.4.7 The Council's Ecologist has confirmed that the proposal's effects on biodiversity will require ecology offsetting, as on-site provision cannot be achieved. Ecological mitigation and off-site compensation can be satisfactorily addressed by detailed measures secured as part of obligations as part of a S.106 Planning Obligation to allow for a Unilateral Undertaking. Policy EV6 of the Emerging local plan sets out that we will ensure that the natural environment is conserved/restored/enhanced, and that a 10% net gain is achieved. The provision of offsetting payments would ensure compliance with Policy EV6 of the emerging local plan regarding no net loss, but would not achieve any net gain. Similarly tree removal and replanting would ensure no net loss and emerging Local Plan Policy EV7 would be satisfied.

9.4.8 Consequently, the proposal, subject to the required obligations in the Legal Agreement, and imposition of planning conditions is considered acceptable and would

comply with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy and emerging Local Plan Policy EV6 in so far as no net loss would arise, and EV7 regarding trees.

9.5 Impact on Residential Amenity

9.5.1 Policies CS2 of the Core Strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity. Saved policy EV/1 of Local Plan and policy CS2 of Core Strategy require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity is achieved. Where rear building elevations containing main habitable room windows, a separation of 21m should be achieved to provide a guide.

9.5.2 Emerging Local Plan policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight.

9.5.3 To the north of the application site is the Cumberland Field, as such there are no neighbouring occupants immediately in this direction. As for the users of the park, the park measures roughly 25,000sqm, and the site is separated from the park by a line of shrubs, as such there is not considered to be any harm to the park users.

9.5.4 To the east of the application site lies a car park primarily used by the occupants of nos. 137 to 147 Ashby Road. This row of Victorian era terraces built with features of a Dutch colonial style are now licensed HMOs, with the gardens severed to provide off street parking. These dwellings are located roughly 20-25m to the south-east of the proposed apartment block. Taking into account this separation distance, the level change, and the acute angle at which the proposed development would sit in relation to these properties, there is not considered to be any significant adverse impact upon the levels of overlooking to these neighbours.

9.5.5 To the south of the application site is the host dwelling, no.149 Ashby Road. The host dwelling sits at a higher level than the proposed development and is separated by approximately 21m. This separation distance, coupled with the elevated position of the host dwelling ensures that there would be no significant loss of light, or further overbearing impacts upon the inhabitants of this adjacent dwelling.

9.5.6 To the west of the application site is no.151 Ashby Road, a large Victorian Villa, which sits on a large plot. The two sites are separated by a brick wall ranging from 1.8 to roughly 3.0m in height, supported by gabion baskets. There is mature vegetation along the boundary of this site, including a holly tree, which would be positioned directly in between the two buildings and provide a degree of screening.

9.5.7 The proposed building would sit at a lower level to no.151, and to the north, therefore it is considered that there would be no significant overshadowing or overbearing impacts. Although, the three-storey part of the structure would be towards this side of the site, it is not considered that this would give rise to substantial overshadowing impacts to the habitable rooms of the main dwelling. This is due to the straight layout of the plots, and the resultant angle at which the development would sit at the site, as well as the separation distance of roughly 12m. Furthermore, the windows on the western elevation would have obscure glazing above ground floor level to further limit potential for overlooking, to be secured through planning conditions.

9.5.8 In regard to the impact upon the neighbouring occupants of no.151 from the potential for disturbance caused by additional foot traffic, there is not considered to be any significant adverse impact. This is due to the hard surfaced nature of the footpath, which would limit noise and the presence of a large brick wall and mature vegetation separating the two sites. This is considered to provide adequate separation to avoid disturbance the amenity of the neighbouring site. Furthermore, not all foot traffic would enter/exit the site via this path. Due to the dual access from both Ashby Road and Cumberland Road, it is envisaged that much of the foot traffic would be towards the amenities in the centre of Loughborough and accessed via Cumberland Road.

9.5.9 With regard to the amenity of the future occupants, the rooms would benefit from large windows serving the main living spaces, and bedrooms where applicable. Bathrooms would be located against external walls to ensure that fresh air can circulate, except for the secondary bathrooms in the 2 bedroomed flat on the second floor, which would rely on mechanical ventilation. Each of the dwellings would fulfil the nationally prescribed space standards of 37sqm and 61 sqm for a one-bedroom, and two-bedroom apartment respectively. Shared outdoor amenity space encircles the building which is considered to be sufficient to provide for the needs of future residents.

9.5.10 The apartments would all benefit from at least a dual aspect, which helps to ensure that good levels of daylight would be achieved throughout the day and year. The separation distance of roughly 21m to the rear of no.149, and intervening landscaping is considered to be adequate to safeguard the privacy of the future occupants.

9.5.11 The proposal would, therefore, comply with the provisions of policies CS2 of Charnwood Core Strategy and EV/1 of Local Plan and emerging local Plan Policy DS5 along with NPPF, National Design Guidance and the guidance set out in the Design SPD to protect residential amenity.

9.6 Heritage Assets & Archaeology

9.6.1 Planning Policy CS14 (Heritage) seeks development to conserve and enhance historic assets in the Borough for their own value and the community, environmental and economic contribution they make, developments are expected to not only protect the assets, but also their setting.

9.6.2 Emerging Local Plan policy EV8 Heritage seeks to protect and enhance heritage assets, including non-designated heritage assets, and prevents harm to their significance and setting. Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination

and policies are consistent with the NPPF. Policy EV8 is largely uncontested and can therefore be afforded moderate weight.

9.6.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

9.6.4 Paragraph 199 of the NPPF states that 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.

9.6.5 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. Ashby Road is an historic road linking Loughborough to the older market town of Ashby de la Zouch.

9.6.6 The Conservation Area is a key reminder of two important developments of Loughborough town. The vast expansion of the town at the end of the 1800s which created the streets of villas and terraced housing and the development of Ashby Road in the 1920s and 1930s when Dr Schofield built Loughborough University.

9.6.7 No listed buildings are affected by the application, but the site lies within Loughborough Ashby Road Conservation Area. No 149 and the immediate neighbouring properties are large detached Victorian villas set within substantial front and rear gardens. The site, by virtue of its existing Victorian Villa set within a spacious and verdant plot, contributes to the character and appearance of the conservation area.

9.6.8 The application seeks approval to the erection of a three-storey building providing a total of nine apartments. The design proposes a contemporary response to the historic context of the immediate surroundings with a mixture of brick and metal rainscreen cladding and large aluminium framed windows. The building is considerably set back from the road and its scale and massing is considered appropriate to the immediate context. The change in level downwards towards the rear of the site means that the new building will be approximately 2m lower than pavement level. The contemporary architecture is considered to be a more appropriate response to the site rather than an attempt to reproduce the grand architecture of the neighbouring Victorian villas which would result in a watered-down pastiche. The accompanying Design & Access Statement emphasises the importance of the proposed new landscaping for the site.

9.6.9 On balance, it is considered that the proposal would not harm the significance of the Conservation Area or the wider street scene of Ashby Road. The design of the building together with a high-quality landscape scheme for the site will ensure that the character and appearance of Loughborough Ashby Road Conservation Area will, at least, be preserved.

9.6.10 Should the application be granted, conditions can be attached requiring the submission of all external materials for approval together with larger scale

details/specifications of key elements such as doors and windows, external cladding, roof parapet and rainwater goods etc., together with full details of the landscaping proposals. Policy EV8 of the emerging local plan carries moderate weight, and seeks to protect and enhance our heritage assets, prevents harm to their significance, and supports development that has been informed by the Conservation Area Character Appraisal.

9.6.11 The proposal, subject to the recommended conditions, therefore meets the requirements of Core Strategy Policy CS14, Policy EV8 of the emerging Local Plan and the requirements in respect of Listed Buildings and Conservation Areas set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 have been met.

9.7 Highway Matters

9.7.1 Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan seeks to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them. Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network. Paragraph 112 of the NPPF seeks to promote sustainable travel choices.

9.7.2 Emerging local plan policy T3 requires new development to provide car parking in accordance with the latest published guidance of the County and Borough Councils. Emerging policies INF1 and INF2 seek to secure appropriate infrastructure to mitigate the impacts of development.

9.7.3 There would be no loss of parking for the users of the original villa at the front, nor would the parking area adjacent be affected. The garage at the front of the site is not used for parking, and the hardstanding at the front of the site adjacent to Ashby Road would be replaced by provision within the 'body' of site adjacent to the new building. The proposed development would be provided with four car parking spaces, and secure cycle parking. This contributes towards using more sustainable transport means, especially given the sites great access to walking/cycling routes in the town in accordance with Policy CS17 of the Core Strategy and Policy CC5 of the Emerging Local Plan.

9.7.4 The site has two existing vehicular accesses to the public highway. The first is to Ashby Road which is a class A road subject to a 30mph speed limit. The second is to Cumberland Road which is an unclassified road subject to a 30mph speed limit. It is proposed to close the Ashby Road access for vehicular traffic, and that 4 car parking spaces would be added to the car park accessed from Cumberland Road to replace those lost by the closure of the Ashby Road access.

9.7.5 The Local Highways Authority has checked its Personal Injury Collisions (PICs) database and notes that 21 PICs have been recorded in the locality in the last five years that occurred within 500 metres of the site. Of these, 15 were classified as slight in severity, 5 were classified as serious in severity and 1 was classified as fatal. The

LHA does not consider that the proposed development would exacerbate the likelihood of further incidents occurring.

9.7.6 In the interests of highway safety, the Ashby Road access will be closed permanently, and hardstanding laid on the Cumberland Road entrance with adequate visibility splays. These measures can be secured through a planning condition. The onsite parking for both vehicles and bicycles can also be secured through a planning condition. The access from Cumberland Road measures 4.8m, which is adequate for highway access.

9.7.7 The provision of four parking spaces on site would fall short of the one space per dwelling normally set out for flats and the spaces would also provide for the existing dwelling, no 149, increasing the shortfall. However, the sustainable urban location, with most amenities available within a short distance, the substandard provision is considered to be acceptable in this instance.

9.7.8 Consequently, subject to conditions, the proposed development is considered to be in accordance with Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan, and Policy T3 of the Emerging Local Plan, which seek to ensure safe access is provided to new development.

9.8 Housing Mix

9.8.1 Policy CS3 of the Core Strategy seeks to manage the delivery of 13,940 new homes between 2011 and 2028 to balance the housing stock to meet the community's housing needs. This seeks to provide an appropriate mix of types, tenures, and sizes of homes, having regard to identified needs and the character of the area. The proposed development would provide a mix of eight studio apartments, and one two-bedroom apartment on the uppermost floor.

9.8.2 Emerging policy H1 seeks a mix of house types and sizes to meet the overall needs of the Borough in line with up to date evidence. The policy is at an advanced stage, was considered in the hearing sessions in February and is consistent with the NPPF and it is considered can currently be given limited weight due to representations received. Emerging Policy H3 requires compliance with the Nationally Described Space Standards and similarly attracts limited weight, for the same reasons.

9.8.3 The latest evidence of need is provided by the Leicestershire Housing and Economic Needs Assessment (HENA) 2022 outlines a recommended housing mix for the Borough in respect of market housing. This includes the following housing mix:

Market	
1 bed	5%
2 bed	30%
3 bed	45%
4+ bed	20%

9.8.4 As previously mentioned, the proposed housing mix is considered to be suitable for the area and provides housing of a type that meets identified needs, i.e one and two bed roomed units, and therefore complies with Policy H1 of the Local Plan. The nationally described space standards set out that a one-bedroom dwelling should measure at least 37sqm, and a two-bedroom dwelling measure at least 61sqm. The proposed studios measure 38sqm, and the two-bedroom apartment measures 61sqm. Therefore, the proposed development complies with emerging Local Plan Policy H3

9.9 Other matters raised

9.9.1 Concern has been raised that there would be a community imbalance as a result of the proposed development. The development is for residential accommodation in use class C3. This part of Loughborough consists of a mix of residential units, mostly terraced housing, many of which are licensed HMOs. The character therefore consists of a mix of local residents, and the more short-term occupiers of HMOs. The proposed development is for eight studio apartments, and one two-bedroom apartment. This would lend itself more towards the short-term occupier market, with studio apartments more attractive to short term occupants. The provision of a two-bedroom apartment would be more likely to provide for a couple or family unit, a more long-term resident. This mix is considered to be harmonious with the character of the area.

9.9.2 Bin storage is provided by two large capacity bins, which can be accessed from the Cumberland Road entrance. This provision can be secured by condition.

9.9.3 Concern has been raised for a change to the character of the area. The proposed development is for nine independent dwellings. The development is not a purpose-built student-accommodation. The end user will be driven by demand from the housing market.

9.9.4 The proposed development is for nine apartments, the dwellings would be in use class C3. There is no reason to believe that the development would have a direct impact upon the levels of anti-social behaviour in the neighbourhood. The number of windows facing onto both the car parking area and Cumberland Field may increase the sense of overlooking, and sense of ownership of the area, which can help to reduce the opportunity of crime.

9.9.5 Concern has been raised that a student lettings company has promoted the site. This does not affect the merits of the planning application.

9.9.6 Concern has been raised that the current tenants of no.149 Ashby Road were not given notice of the application, and that the development may breach their short term tenancy agreement. The application has been publicised in accordance with the Development Management Procedure Order. The potential breach of the tenancy agreement would be a civil matter.

9.10 Planning Obligations/ S.106 Agreement

9.10.1 Infrastructure Policies CS3, CS13, 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. As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Consultation regarding the application resulted in the following request to meet biodiversity deficits created by the development:

Biodiversity	<ul style="list-style-type: none"> To provide the mitigation measures off-site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and pay the Biodiversity Impact Compensation to the Council, in order to prevent net loss..
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9.1.1 The above contribution is considered would allow the necessary infrastructure to meet policies CS3, CS13 and CS24 and meet the statutory tests contained in Regulation 122 of the Community Infrastructure Levy, and the requirements of paragraph 57 of the NPPF.

10. Conclusion

10.1 As there is currently an insufficient supply of deliverable housing sites (4.27 years), this application is to be determined on the basis of para 11d of the presumption in favour of sustainable development in the NPPF. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused. The benefits of such housing provision are afforded positive weight.

10.2 There are no technical constraints relating to highways that cannot be mitigated, biodiversity net gain can be secured by way of planning condition and legal agreement. There would be no harm to heritage assets.

10.3 In conclusion, it is considered that there are no impacts of the development of this site that cannot be mitigated and that would be so significant and demonstrably harmful as to outweigh the benefits of providing 9 flats in a sustainable location. The benefits relate to the contribution of the proposal to the Council's housing land supply deficit and deliverability, sustainable location. The application should therefore be supported subject to appropriate conditions being attached and contributions being secured to deliver biodiversity net gain as part of a Unilateral Undertaking as set out below.

11. Recommendation

11.1 RECOMMENDATION A:

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

Biodiversity	To provide the mitigation measures off-site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and pay the Biodiversity Impact Compensation of £3,129, payable to the Council.
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11.3 RECOMMENDATION B:

11.4 That subject to the completion of the S106 agreement in recommendation A above, grant conditionally subject to the imposition of the following draft conditions and reasons and that the Head of Planning and Growth, in consultation with the Chair of the Plans Committee for amendments to the conditions and reasons, be given delegated authority to determine the final detail of planning conditions.

11.5 Recommended conditions:

- 1 The hereby approved development shall commence no later than three years from the date of this permission.

REASON: In order to comply with the requirements of Section 92 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 and details:

- Site Location Plan – Drg. 01a – received 21 January 2022
- Proposed Block Plan – Drg. No. 03 Rev.D – received 06 July 2023
- Proposed Elevations and Floorplans – Drg. No. 02 Rev. B – received 01 March 2023
- Site Sections – Drg. No. 04 Rev.B – received 01 March 2023

REASON: To provide certainty and define the terms of the permission in accordance with Development Plan policy CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV/1 of Charnwood Local Plan (2004), Design SPD and the NPPF.

- 3 Prior to materials being first brought onto site, details of the external materials together with larger scale details/specifications of key elements including doors, windows, external cladding, roof parapets, rainwater goods, extraction systems, brickwork, including bond and mortar are to be provided, and agreed in writing with the Local Planning Authority.

REASON: To ensure that the final development retains the character of the Ashby Road Conservation Area, in accordance with Policy CS14 of the Core Strategy (2015).

- 4 The development hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access on Ashby Road that becomes redundant as a result of this proposal has been closed permanently to vehicles, and reinstated for pedestrians/cyclists 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 (2021).

- 5 The development hereby permitted shall not be occupied until such time as secure cycle parking has been provided in accordance with details submitted. Thereafter the onsite cycle parking provision shall be kept available for such use in perpetuity.

REASON: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2021).

- 6 The proposed access shall have a width of a minimum of 4.8 metres and shall be surfaced in a bound material for a distance of at least 5 metres behind the highway boundary. The access once provided shall be so maintained at all times thereafter.

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 (2021).

- 7 No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the Cumberland Road access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2023).

- 8 No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the Cumberland Road 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 (2023).

- 9 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented, and laid with hardstanding in accordance with Mark Architecture drawing number 2107-03 Revision D. Thereafter the onsite parking and turning provision shall be kept available for such uses 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 (2023)

- 10 No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

REASON: In the interests of neighbour amenity, in accordance with Policy CS2 of the Core Strategy (2015).

- 11 Prior to the development being brought into use details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- means of enclosure and retaining structures;
- hard surfacing materials;
- proposed and existing functional services above ground [e.g., drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant];
- lighting, floodlighting and CCTV;
- planting schedules including number and species of the following, replacement tree, shrubs, sedum roof, grasses.
- an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

REASON: In the interests of securing a high quality built environment in accordance with Policies CS2 and CS14 of the Core Strategy (2015).

- 12 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: In the interests of securing a high quality built and natural environment in accordance with Policies CS2, CS13, and CS14 of the Core Strategy (2015).

- 13 Prior to development taking place above ground floor level, details of at least one bat box, and one bird box shall be submitted to and approved in writing with the Local Planning Authority.

REASON: In the interests of conserving and enhancing biodiversity, in accordance with Policy CS13 of the Core Strategy (2015).

- 14 Prior to the first occupation of the hereby approved dwelling, details of the refuse storage and cycle storage shall be provided and agreed in writing with the Local Planning Authority.

REASON: In the interests of safeguarding amenity, and ensuring access to more sustainable modes of transport, in accordance with Policy CS2, and CS17 of the Core Strategy (2015).

- 15 The hereby approved development is to be carried out in accordance with the tree protection plan, and the temporary ground protection is to be installed prior to any heavy machinery being brought onto site, in accordance with the Arboricultural Impact Assessment, dated 18 March 2022 by RJ Tree Services Ltd, and Tree Protection Plan, titled Tree Protection Plan 01, dated March 2022, both received by the Local Planning Authority on 23rd March 2023.

REASON: In the interests of protecting the visual amenity of the site, in accordance with Policy CS2 of the Core Strategy (2015).

- 16 Prior to the first occupation of the hereby approved development, the bins and bin storage shall be available for use and shall be maintained as such on a permanent basis.

REASON: In the interests of providing a safe and sanitary environment, and general high quality living environment, in accordance with Policy CS2 of the Core Strategy (2015).

APPLICATION SITE

