

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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