

Item No. 2

Application Reference Number P/18/1401/2

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

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

Description of the Site

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

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

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

Description of the Proposal

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

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

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

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

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

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

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

Development Plan Policies

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

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

Policy CS2 – Requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

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

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

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

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

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

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

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

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

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

Policy EV/31 – Sewage Disposal Capacity

Policy ST/2 – Defines the settlement limits of Loughborough

Policy TR/18 – Parking Provision in New Development notes that planning permission will not be granted for development, unless off-street parking for vehicles, including cycles, and servicing arrangements are included, to secure highway safety and minimise harm to visual and local amenities.

Material Considerations

National Planning Policy Framework

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

Planning Practice Guidance

This was launched as a web based resource and replaces a list of previous practice guidance documents and notes, as planning guidance for England and consolidates this guidance on various topics into one location and condenses previous guidance on various planning related issues. The guidance also sets out relevant guidance on aspects of design, the setting and significance of heritage assets supporting the policy framework as set out in the NPPF.

S106 Developer Contributions Supplementary Planning Document (adopted 2007)

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

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

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

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

Leading in Design Supplementary Planning Document (February 2006)

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

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

Housing Supplementary Planning Document (Revised December 2017)

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

House Extensions' Supplementary Planning Guidance (2004)

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

Loughborough Ashby Road Conservation Area Appraisal (November 2005)

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

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

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

Loughborough Ashby Road Conservation Area Management Plan (September 2006)

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

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

HEDNA provides an up to date evidence base of local housing needs including an

objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on demographic changes over the same period. Whilst the objectively assessed need figure remains untested in a plan making environment and needs to be considered in light of the standard housing methodology, this aspect of HEDNA is not to be relied upon at the current time, the housing mix evidence can be accorded significant weight as it reflects known demographic changes.

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

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

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

Relevant Planning History

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

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

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

Responses of Statutory Consultees

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

Other Comments Received

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

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

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

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

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

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

Consideration of the Planning Issues

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

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

The principle of development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character, setting or appearance of heritage assets. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy CS14 requires that an application proposal should conserve and enhance historic assets.

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

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

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

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

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

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

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

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

Impact on the amenity of neighbouring properties

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

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

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

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

Impact on properties opposite on Fearon Street

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

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

Impact on adjacent property at no.18 Fearon Street

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

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

The impact on the balance of the local community;

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

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

The impact on the highway

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

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

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

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

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

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

The impact on trees, open space and amenity space

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

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

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

Conclusions

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

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

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

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

RECOMMENDATION

Grant Conditionally

- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans and Drawing Nos.
L1531 – 10 P – Ground Floor Plan
L1531 – 14 – First and Second Floor Plans
L1531 – 50 N – NW and SW Elevations
L1531 – 51 L – SE and NE Elevations
L1531 – SK06 B – Elevated Perspective View
REASON: To define the approval.
3. Prior to the commencement of the development hereby permitted, a Construction Environmental Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved CEMP. The CEMP shall include but not necessarily be restricted to the following details;
 - a) Details of the siting of all vehicles of site operatives and visitors;
 - b) The location of, extent and duration of any temporary stockpiling areas;
 - c) Measures to prevent mud being deposited on the surrounding highway;
 - d) A programme of implementation for items(a)-(c)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

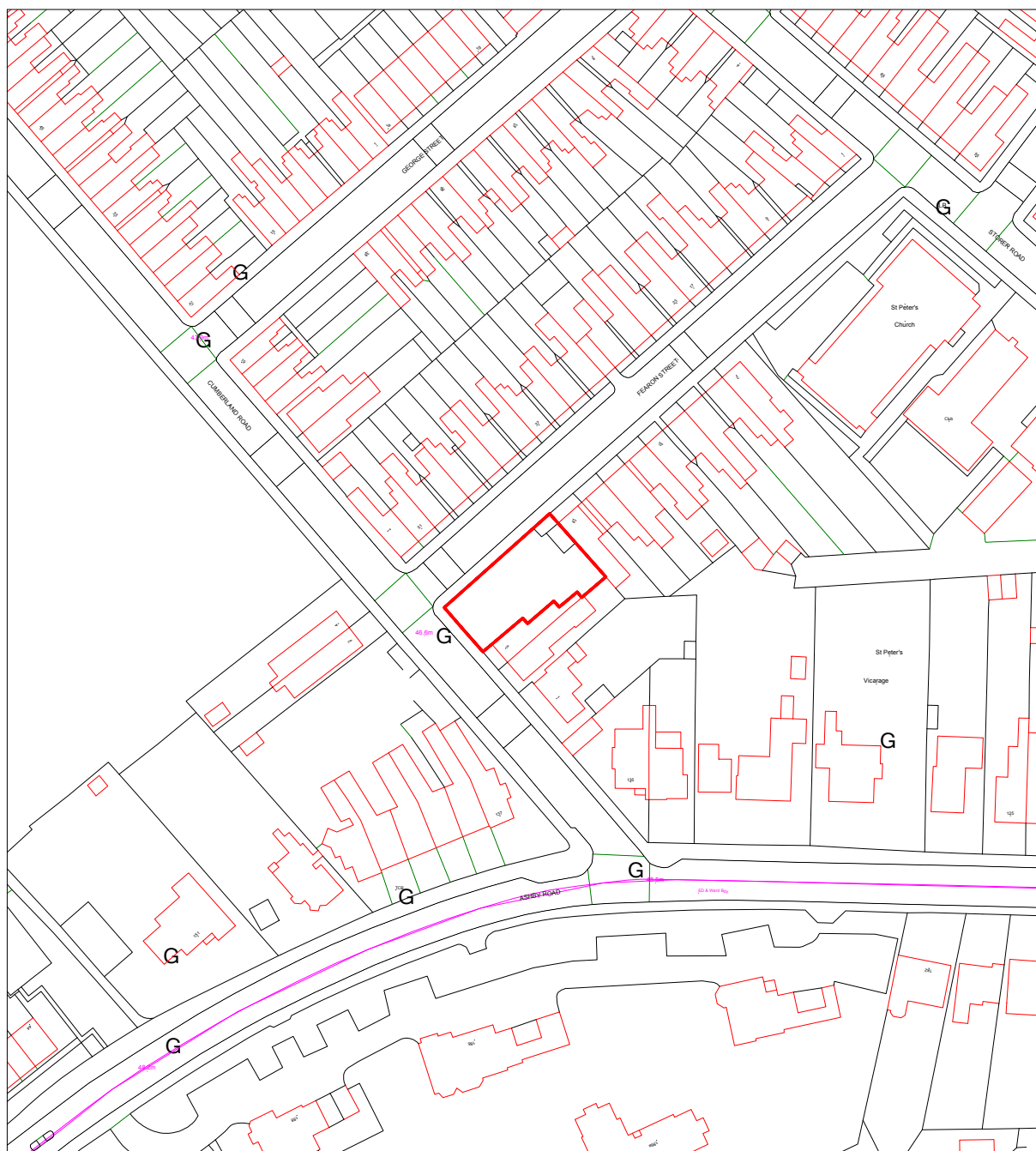
REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to onstreet parking problems in the area.

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

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

The following advice notes will be attached to a decision

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



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