

Item No. 1

Application Reference Number P/18/0888/2

Application Type:	Full	Date Valid:	31 May 2018
Applicant:	William Davis		
Proposal:	Erection of 24 dwellings with access, garages, parking, and associated works		
Location:	Land off Highland Drive and Knox Road, Loughborough Leicestershire		
Parish:	Loughborough	Ward:	Loughborough Shelthorpe
Case Officer:	Reddy Nallamilli	Tel No:	01509 633745

Reason for Report Going to Plans Committee

This application has been brought to Plans Committee by the Head of Planning and Regeneration as the application has attracted significant public interest.

Background

In 2002, following the completion of a S106 legal agreement, outline planning permission was granted for residential development incorporating open space, a local centre, linear park and the provision of road link to the Epinal Way Extension. With regard to the provision of the local centre, the approved outline permission contained an illustrative layout masterplan which indicated how the centre could be developed as a community hub. The layout plan indicated a place of worship, a community centre, health centre and two separate retail areas with flats above within the local centre. The S106 legal agreement set aside 1 hectare of land for the purposes of a local centre for shopping, community facilities and a place of worship. Within that planning obligation:

- 0.5 hectares was to be reserved for shopping and other commercial users;
- 0.38 hectares would be reserved for community health developments including a place of worship, doctor, dental surgery and other such health and welfare facilities and community uses;
- 0.2 hectares would be reserved for a community centre.

It was anticipated that the allocated 0.5 hectare 'commercial hub' would deliver the following:

- A local convenience store/small food retail outlets up to 380sq.m;
- Mixed retail outlets up to 140sq.m and
- Residential accommodation of up to 194sq.m.

Members should note that the applicant has negotiated with a Community Trust to lease the area of land, sited to the north of the application, from William Davis to deliver the community building. Work on the provision of a community building has

commenced. The application before Plans Committee now relates to the remaining parcel of land which was set aside to provide for the local centre.

Description of the Site

The application site is located in the middle of the Grange Park Estate and is devoid of any soft landscaping or significant ecological interest. The development site currently forms undeveloped land which has been segregated by fencing from the surrounding residential development and an adjacent designated open space/play area on its eastern boundary. The surrounding area forms part of a recently developed modern residential scheme constructed over a number of years. The development site itself would comprise of two individual sites located on either side of Knox Road at its junction with Highland Drive. It should be noted that the development proposed on the eastern side of Knox Road does retain a community building on its northern boundary for which work has commenced and an open space/play area on its eastern edge.

Description of the Proposal

The application has been amended twice since its submission and the proposal now before members seeks full planning permission for 24 dwellings. The applicant proposes to develop land within Grange Park which is identified in the extant planning permission as the location of a local centre and replace these facilities with the 24 residential dwelling units.

The proposed dwellings would be situated on two separate sites on either side of Knox Road. The eastern side of the site would contain 12 two storey dwelling units and a detached bungalow, which would be sited to face towards the open space. The remaining units would front along Knox Road and Highland Drive. A new vehicular access would be created off Highland Drive to serve the affordable units, which would be grouped together. The western side would contain 11 two storey dwellings units. A new vehicular access would be created off Highland Drive to serve 3 of these units

The proposed dwelling houses would consist of a mixture of 2, 3 and 4 bedroomed dwellings. Each property would have a minimum of 2 parking spaces provided, some of these spaces would be provided within garages, others on the forecourt. Separate binstore facilities would be provided for each of the dwellings.

A series of amendments to improve the layout and design and secure the appropriate mix of affordable housing have been secured during the course of the planning application. This has also resulted in the numbers of units being reduced from 30 dwelling houses to 24 dwelling houses.

Seven of these units, including the bungalow, would be affordable housing units.

Development Plan Policies

The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

Policy CS1 – Development Strategy for Charnwood sets out a settlement hierarchy for the Borough and the criteria for considering proposals within those settlements.

Policy CS2 – High Quality Design requires developments to 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.

Policy CS3 – Strategic Housing Needs sets out affordable housing requirements and an appropriate mix of types, tenures and sizes of home.

Policy CS15 – Open Spaces, Sports and Recreation requires new development to meet the standards set out in our Open Space Strategy.

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 CS24 – Delivering Infrastructure seeks development to contribute to the reasonable costs of on site, and where appropriate off site, infrastructure through the use of legal agreements.

Policy CS25 – Presumption in Favour of Sustainable Development 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 ST/2 – Settlement Boundary seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests.

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

Policy EV/31 – Sewage Disposal Capacity advises on sewage capacity facility matters and that appropriate facilities will be provided.

Policy CA/10 – New Local Centres identifies broad locations for the provision of new local shopping centres in association with developments but their precise location will be determined following the preparation of detailed site layouts.

Other Material Considerations

National Planning Policy Framework (NPPF revised February 2019)

The Framework confirms 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. Amongst other things, the revised framework strengthens design policy particularly to aid housing delivery, gives emphasis on applicants having to justify the need for application stage viability assessment and clarity that the decision taker should decide the weight to be given to such an assessment having regard to all the circumstances including changes to site circumstances. Finally it gives expanded definition of affordable housing and an expectation that at least 10% of homes to be available for affordable home ownership.

Planning Practice Guide

This sets out relevant guidance on aspects of development supporting the revised NPPF.

Housing and Economic Development Needs Assessment (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. The objectively assessed need figure remains untested in a plan making environment and has been replaced following the introduction of the standard housing methodology. It cannot therefore be used to inform housing need. However, the housing mix evidence in HEDNA can be accorded significant weight as it reflects known demographic changes. In summary it provides evidence to support judgements on the mix of types, tenure and size of homes at district level under Policy CS 3 of the Core Strategy.

Housing Supplementary Planning Document (Revised December 2017)

The Supplementary Planning Document aims to meet housing needs in the Borough by securing amongst other things an appropriate mix of types, tenures and sizes of affordable homes to meet identified needs.

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.
- 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.
- 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.
- Distinctive Places – Successful developments respond to their context.

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.

Relevant Planning History

P/00/2078/2 - Site for residential development with recreational open space, local centre, linear park and road link to proposed Epinal Way extension (48ha) – Granted 02/05/2002

P/09/0233/2 - Local centre comprising flats over shops, place of worship, health centre, community hall and associated parking - Granted 19/06/2009 (Reserved Matters)

P/17/2344/2 - Proposals for new community hall and associated parking, landscaping and community garden as part of the Grange Park Local Centre previously secured under planning permission P/00/2078/2 and reserved matters approval P/09/0233/2 - Granted March 2018

P/18/0914/2 Application to vary S106 and remove local centre obligations at Grange Park. Awaiting withdrawal - subject to planning permission being granted for this application.

P/18/1792/2 - Section 73 application for variation of condition 10 (hours of operation) attached to planning application Ref P/17/2344/2 for erection of new community hall and associated parking, landscaping and community garden. - Granted Nov 2018

Other Relevant History

P/17/0942/2 – Planning permission granted 7 December 2017 for erection of Aldi food retail store (Class A1), coffee shop with drive through and take away facility (Class A3/A5), three retail units (Class A1/A2/A3) with associated access, car parking and landscaping. Land at Allendale Road.

P/17/2599/2 Planning permission granted 5 April 2018 for erection of Aldi food retail store (Class A1), coffee shop with drive through and take away facility (Class A3/A5), three retail units (Class A1/A2/A3/A5/D1) with associated access, car parking and landscaping. (amendment to P/17/0942/2 to allow the creation of a larger retail units and to include a vet practice). Land to the West of Allendale Road and to the South of Ling Road.

Responses of Statutory Consultees

There have three phases of consultation, relating to the original application and two subsequent amendments to it.

Responses received in connection with the original submission relating to 30 dwellings units

Charnwood Borough Council Environmental Health

Advise they have no objections.

Charnwood Borough Council Housing Strategy

Advised the proposed layout for affordable housing is not acceptable and the car parking may lead to future management problems.

NHS West Leicestershire Clinical Commissioning Group

Request a financial contribution of £175,554 towards additional facilities at the Outwoods Medical Centre, Beaumont Road.

Severn Trent (Asset Protection Waste Water East)

Raise no objection regarding sewage subject to condition requiring details of drainage plans and foul water sewage to be submitted and informative added.

Leicestershire County Council (Minerals)

Raised no objections.

Responses received in connection with the amended submission for 26 units

Charnwood Borough Council (Open Spaces)

Advise adequate buffer areas should be provided between the proposed play areas and the nearest dwellings and site contributions would be required. Request off site contributions to open space, allotments and improvement to play area. Recommend the following financial contributions are sought per dwelling:

- Parks – £158.21
- Natural open space - £327.34
- Facilities for young people – £937.62
- Outdoor Sport Facilities – £1386.81
- Allotments - £114.06.

Leicestershire County Council (Family Services)

Request a financial contribution of £77,582.58 towards secondary school provision at Woodbrook Vale School and £16,621.99 towards Post 16 Education requirements at Rawlins Academy.

Leicestershire County Council (Library Services)

Request that a financial contribution of £780 is submitted towards Quorn Library.

Leicestershire County Council (Waste Management)

Advise that no Civic Amenity financial contribution would be required, as there is existing capacity within the existing facilities to accommodate the demand created by the development at Loughborough.

Leicestershire County Council (Lead Local Flood Authority)

Advise that the proposed development is located in flood zone 1 with little risk of surface water flooding and raise no objections are subject to conditions being attached requiring further details to be submitted if permission were to be granted.

Leicestershire Police (Designing out Crime Officer)

Advise that the scheme should be designed to minimize opportunities for crime.

NHS West Leicestershire Clinical Commissioning Group

- Make a general observation that the NHS has not received any financial contribution through S106 for any of the dwellings on the Grange Park development as the development was considered prior to financial contributions being sought by the Health Authority. The developer will be required to pay a financial contribution of £4,681.44 (£195.06 x 24 dwellings) towards improving existing to health facilities.

Leicestershire County Council (Highway Authority)

Advise that no objections are raised to the revised submission subject to conditions. Request further changes to the layout and contributions travel packs and bus passes.

Responses received in connection with the latest revised scheme for 24 dwelling units

Charnwood Borough Council (Open Spaces)

Request a financial contribution of £77,315.53 towards to open space, parks, allotments and improvement to play area.

- Parks - £3,797.04 to be spent on Allendale Road Open Space
- Natural & Semi Natural Open Space - £5,455.86 to be spent on Grange Park Linear Park
- Amenity Green Space - £2,843.30 to be spent on Allendale Rd Open Space
- Provision for Children - £6,695.40 to be spent on Allendale Rd Open Space
- Provision for young Children - £22,502.79 to be spent on Allendale Rd Open Space
- Outdoor Sports facilities – £33,283.64 to be spent on nearby sports facilities
- Allotments - £2,737.50 to create new site or additional plots.

Leicestershire County Council (Highway Authority)

Advise that no objections are raised to the revised submission subject to conditions and contributions towards travel packs and bus passes.

Charnwood Borough Council Housing Strategy

Advise the revised layout and 7 units of affordable housing are acceptable, which includes a bungalow. The tenure mix for the affordable housing – 2 x 3 bed shared ownership; 4 x 2 bed rent and 1 x 2 bed bungalow for rent is considered acceptable.

Other comments received

Ward Councillor Hayes

Cllr Hayes considers the site could be developed for bungalows and a retail facility should be retained.

Haddon Way Residents' Association

- Would like to see adequate parking facilities provided;
- Bus services should be provided within the estate;
- Parking courts should be discouraged;
- The play areas should be provided prior to the housing commencing;
- Affordable housing should be redistributed across the site.

27 objection letters have been received from local residents to the initial proposals. These concerns can be summarised as follows:

- The site should be retained as green space
- The proposal would exacerbate existing noise, dust and disturbance experienced by residents;
- The proposal should allow for adequate separation distance from the community centre;
- The proposed dwellings would result in loss of light to neighbouring properties
- Traffic problems would be worsened by the development;
- The site should be retained as a community hub;
- There is no need for more housing;
- Promises of a community hub have not been fulfilled;
- Existing development has inadequate parking facilities, the proposal would worsen this position;
- The site should be retained as a green space as a health resource;
- Traffic related accidents would be caused;
- The play facilities should be provided first;
- The site should be developed with bungalows.

Other responses

Two letters of objection have been received from the occupiers of Nos. 3 and 11 Boyle Drive. Their concerns relate to potential loss of light and outlook and insufficient parking spaces being provided leading to on-street parking problems.

Consideration of the Planning Issues

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The main considerations in the determination of this planning application are therefore:

- Principle of residential development
- Impact on Impact of layout, scale, appearance
- Impact on Transportation and Highway Safety
- Impact on Residential amenity
- Affordable housing provision
- S106 Contributions.

The Principle of Proposed Development

Policy CS1 sets out a development strategy and settlement hierarchy which seeks to guide residential development to main urban centres before smaller places are promoted, with provision for up to 13,940 dwellings between 2011 and 2028. Saved local plan Policy ST/2 seeks to restrict development to within the existing settlement limits to ensure developments can be met without harming the interests of other smaller settlements. The demand for housing is focused on Loughborough and the edge of Leicester. New development should be located where it helps provide people with good access to facilities. Up to 5,000 new homes are envisaged in the Loughborough and Shepshed area to 2028. Furthermore, Policy CS2 seeks to deliver growth to a high design quality. Policy CS3 seeks to meet an appropriate mix of types, and tenures having regard to the identified housing needs and the

character of the area. This proposal would comply with these policy requirements and development of the site for residential purposes is supported in principle.

Saved Local Plan policy CA/10 advises on broad locations for new shopping facilities in association with developments. In particular it points out the need for such development to be of a scale that would be necessary to serve local needs.

The site was already originally allocated for development purposes in the 2004 Local Plan and planning permission was subsequently granted for both commercial and residential (flats) on the application site. The principle of development of this site has therefore already been established.

Members should note that the current application site was specifically reserved to provide a local centre as part of the approved outline planning permission granted in May 2002 (Ref P/00/0278/2). This requirement to provide a local centre was encapsulated in the subsequently completed S106 legal agreement as a planning obligation under Clause 12 'Community Facilities'. That clause covenants the developer to set aside a 1 hectare plot of land for the purposes of a local centre for shopping, community facilities and a place of worship. Within that area:

- 0.5 hectares was to be reserved for shopping and other commercial users;
- 0.38 hectares would be reserved for community health developments including a place of worship, doctor, dental surgery and other such health and welfare facilities and community uses in a commercial hub;
- 0.2 hectares would be reserved for a community centre.

It was anticipated that the 0.5 hectare commercial hub would deliver the following;

- A local convenience store/small food retail outlets up to 380sq.m
- Mixed retail outlets up to 140sq.m
- Residential accommodation of up to 194sq.m.

This application therefore specifically relates to provisions set under clauses 12.1 and 12.2 which deal with the delivery of the proposed local centre. In particular:

- Clause 12.1.3 requires within 6 months of the occupation of the first dwelling, the submission to the Borough Council for its approval a marketing strategy designed to promote the sale or lease of the land for 0.5hectatares area reserved for shopping and commercial uses and 0.3 hectares reserved for community health and welfare developments, including a place of worship, doctor and dentist or other such health and welfare facilities and community uses and a timetable for implementation.
- Clause 12.1.4 requires the approved strategy to be implemented in accordance with the approved details.
- Clause 12.2.1 allows the land disposal for these uses to meet "full commercial price or rent"
- Clause 12.2.2 allows that the land for a place of worship shall not be required to be transferred for such use until the earlier of 5 years from the

commencement of development, or the date of occupation of the 400th dwelling.

- Clause 12.2.3 provides that the obligations for the delivery of the shopping and health and welfare uses should fall away upon completion of the development or 12 years from commencement, whichever is the earlier, if purchasers and lessees are not found and the Council is satisfied that the Marketing Strategy has been implemented, and allows the land to be developed for residential use.

Following on from the granting of the original outline planning permission and the subsequent approval of reserved matters, work on the residential development commenced in 2005. The applicant submitted a marketing strategy prepared by Mather Jamie on the 22nd February 2008. This advocated advertising the site on their website, displaying a marketing board, advertising within the Loughborough Echo and the Leicester Mercury and also within the Estates Gazette and regional agents for a period between 6 to 9 months. The submitted marketing strategy was considered acceptable in principle. However the strategy recommended deferral of the commencement of marketing until the last 50-100 houses remained to be built on site. This was in recognition of the poor trading conditions arising from the recession that resulted from the global financial crisis at the time. This position was accepted by the planning authority.

Members should note that a number of separate marketing exercises have been carried out by the developers since 2008 and they have also sought to demonstrate the local centre is not commercially viable. The applicant submitted a viability assessment undertaken by Sturgis, Snow and Astill dated September 2012. It concluded the provision of retail shops in this location was an unviable prospect. However, it should be noted that this assessment focused only on retail viability and did not provide an assessment of demand for community, health and well-being uses.

A marketing assessment dated 8th August 2018 prepared by Mather Jamie was submitted with the application as evidence of marketing activity. This assessment was subsequently replaced with a revised version on 23rd November 2018. This latest evidence report, also prepared by Mather Jamie, draws attention to the growth in the internet and trends for online retailing and changes in retailing patterns in smaller local centres. The applicant also points to the development of a new local centre at the junction of Allendale Road and Ling Road which includes an Aldi Foodstore, Subway, Greggs and Costa Coffee. The applicant has given separate consideration to the provision of a single retail convenience store on the site but this is not considered viable given the proximity of Aldi or appropriate given the proximity of the surrounding housing. The applicant's view is that the Aldi store and retail services which are now operational has negated the need for a new Local Centre within the Grange Park site.

The Health and Wellbeing facility was an important component of the local centre approved under the permission P/00/2078/2 and was conceived to provide a more balanced range of uses in the local centre. The Marketing Strategy confirms and notes that the Clinical Commissioning Group have stated in writing that it has no plans to build a new GP Practice in this location and that it is instead focusing on supporting GP practices elsewhere in Loughborough to extend or improve their

existing premises. The applicant has also stated that a contract was given in Loughborough for a new dental surgery that has absorbed much of the demand for further dentists. Furthermore the location in Grange Park is considered remote and they suggest operators of day nurseries (for example) prefer to be on visible sites on main routes.

The applicant has pointed out that since the marketing of the site commenced they have not been approached with any propositions for a specific place of worship. However they have been in discussions with the future operators of the Community Hall (Grange Park Centre) for which work has now commenced. It is anticipated that the custodians of the Community Hall would let rooms within the building to allow worship to take place.

The evidence provided by the applicant in the form of a number of marketing strategies and supporting commercial viability information is considered to be robust and with the recent construction of a local commercial centre less than a mile away, it is considered that the applicant has fulfilled its obligation under clause 12.2 of the S106 agreement. It is important to note, that in this situation, the s106 includes a fall-back position that allows the site to be considered for residential purposes.

Having regard to the sites attributes and accessibility to nearby facilities, together with the contribution that it would make towards the housing land supply and the fact the site is within an established built up existing residential area, there is no objection in principle to the proposed residential development for the reasons set out above. As such it is considered that the application accords with the adopted Core Strategy Policy CS1, Saved Policy ST2 and the overall aims and objectives of the latest revised National Planning Policy Framework.

Impact of Layout, Scale and Appearance

Policy CS2 and saved Policy EV/1 requires developments to respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access and protect amenities.

The NPPF requires planning decisions to be responsive to local circumstances and support housing proposals that reflect local needs. The NPPF identifies the creation of high quality places and buildings as being fundamental to what good planning should achieve. Good design is viewed as a key aspect of sustainable development. The NPPF specifically requires design quality to be considered throughout the evolution and assessment of individual proposals. Developments are required to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Just as importantly, the NPPF requires planning authorities to ensure that the quality of approved developments does not become materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

The development seeks to build on land which is currently open and exposed bounded by metal fencing. Any development of the site should be designed not only to protect amenities of surrounding residential occupiers but also consider the impact on the wider locality. The latest revised development proposal reduces the number of units from 30 to 24, as now presented it takes the form of a modern housing estate with standard layout and house types which reflects the character of the

surrounding development and would respect the visual relationships of its surroundings. It is considered the proposal has been largely designed to fit in with its context.

The plot sizes and house types remain largely uniform in terms of scale, design and appearance. However, there are instances where habitable rooms on front elevations are closer than 21 metres to other dwellings' habitable rooms, albeit bisected by the public highway. This does not strictly meet the Council's standards. However this distance primarily aims to protect loss of privacy and overbearing impact with regards to private rear gardens. This circumstance does not affect private amenity areas to the rear of dwellings and these do meet the standard. These relationships are replicated elsewhere on the Grange Park Estate and it is considered acceptable given that the proposal should be viewed within its surrounding context.

The proposal is a relatively small scale development on a piece of land which is currently undeveloped. The site does lend itself to follow basic design principles, and the current design provides an active frontage along the street, creating a well-defined street scale. The space has also been designed to allow for enhanced tree planting and general planting. On the whole, the layout maintains a back-to-back relationship which protects both the amenity of existing and future residents. The number of units have been reduced from 30 dwellings to 23 two storied dwellings and a single bungalow. In conclusion, this proposal would create an acceptable living environment and the submitted plans would accord with Core Strategy policy CS2, saved policy EV/1 of the Borough of Charnwood Local Plan, and the aims and objectives of the revised National Planning Policy Framework and would be within the spirit of the guidance contained Leading in Design (SPD).

Impact on Residential Amenity

Policy CS2 and saved Policy EV/1 requires developments to respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access and protect amenities. Concerns have been raised by local residents with regards to the proposal's impact on the residential amenity of adjacent dwellings. In line with existing local policies, the revised NPPF seeks to require a good standard of amenity for all existing and future occupiers.

The proposed dwellings would be erected largely on the perimeter of the site with existing residential dwellings in close proximity. With regard to spatial relationships within and around the surrounding residential dwellings, the proposal does demonstrate there would be adequate separation distances to prevent significant loss of privacy, outlook or light occurring to the detriment of residential amenities. To this end, members should note that the original consented scheme for the local centre proposed buildings that were actually generally higher in roof line and larger in mass than what is currently proposed by this residential scheme. When viewed from the surrounding residential properties adequate separation distances would be retained to prevent excessive loss of light and overshadowing occurring.

To further safeguard visual amenities, planning conditions requiring details of materials, boundary treatment and landscaping to be provided are recommended. Due to the size of the plots and relatively small garden areas a planning condition is recommended removing permitted development rights to protect both existing and

future occupants. The applicants have raised no objection to this. The surrounding open space/play facilities are located in acceptable positions with sufficient separation distances to the proposed dwellings.

It is considered by officers that due to the dwellings' design, scale, and the position of their windows, the proposal would comply with saved Policy EV/1, Policy CS2 of the Development Plan and in general accordance with the SPD Leading in Design.

Impact upon Transportation, Highway Safety and Parking Provision

Core Strategy Policy CS 17 and saved local plan policy TR/18 seek to achieve and promote safe and sustainable patterns of development. The NPPF states that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. The revised NPPF also 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. The new vehicular accesses are considered acceptable by the Highway Authority. Adequate separation exists to prevent nearby residential occupiers' amenities being adversely affected. The County Council Highway Authority have raised no objections to the principle of the development. Each property would have 2 car parking spaces allocated within forecourt or garages and this is satisfactory to the Highway Authority. It is concluded that the proposal as revised would be served by sufficient parking provision and by a safe access for all highway users and meet the provisions of Policy CS17 of the adopted Core Strategy, Policy TR/18 of the local plan and the aims and objectives of the revised NPPF.

Affordable Housing and S106 Requirements

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

With regard to Affordable Housing, Policy CS3 seeks to balance the community's housing needs through the provision of 30% affordable housing in Loughborough having regard to an appropriate mix of types, tenures and sizes of homes, having regard to the identified housing needs and the character of the area. The NPPF states where a need for affordable housing is identified, projections of affordable housing need will have to reflect new household formation, the proportion of newly forming households unable to buy or rent in the market area, and an estimation of the number of existing households falling into need.

The Housing Strategy Team has advised that the 7 dwellings (of which 5 units would be for rent and 2 would for shared ownership) would be required. The exact tenure for the affordable housing would be:

- 2 x 3 bed shared ownership;
- 4 x 2 bed rent and
- 1 x 2 bed bungalow for rent,

These are considered acceptable and would be secured through the S106 legal agreement. It is considered the proposed affordable housing provision would comply with Policy CS3 and the advice in HEDNA which seeks to secure an appropriate mix and tenure to meet the Borough's housing needs.

With regard to open space, sports and play improvements, a request has been made by the Council's Open Space Team for contributions towards Parks, Natural & Semi Natural Open Space, Amenity Green Space, Play Provision for Children, Outdoor Sports facilities and Allotments. These contributions are considered to be acceptable to meet the needs of the new residents, in line with existing local policies and are considered to comply with the CIL Regulations.

On the issue of health care contributions, the Clinical Commission Group (CCG) did originally request a level of contribution commensurate with the 900 dwellings granted under outline planning permission P/00/2078/2. In response, the applicants have pointed out that during the consideration of that particular application no request was made for a healthcare facility and the application was determined on that basis. Contributions cannot be collected retrospectively for previous planning permissions. The CCG have also subsequently confirmed separately to the applicants that they did not wish to provide a surgery on the site. The CCG has accepted that retrospective payments from the developer cannot be secured and since requested contributions directly in relation to this latest application only. This financial contribution would be secured through a S106 legal agreement and is considered CIL compliant.

The County Council has requested contributions towards library facilities, secondary and Post 16 educational facilities and sustainable travel. These requests are considered to be reasonable and compliant with CIL Regulations.

Other Issues

Residents have raised concerns that the adjacent open space and play area have not been provided as part of the wider earlier approved development. The applicant has stated they are committed to providing the play area and open space in accordance with the approved details. This is not a material consideration for this application and is secured through the previous planning permission.

Concern has been raised that the site should be developed with bungalows only. The applicant does not consider this would meet their requirements and would also look out of character with the surrounding two storey development. The local Planning Authority is obliged to consider the application submitted to it and not any other that might be desired by respondents. It is considered the proposed layout and design of dwellings is acceptable and that the refusal of the development on the grounds that it does not provide sufficient bungalows could not be justified.

Conclusion

The Development Strategy set out in the Core Strategy under Policy CS1 seeks to guide development to locations that are well connected to jobs, services and infrastructure in order to provide a sustainable pattern of development. The latest revised NPPF seeks to proactively drive and support housing sustainable economic development to deliver new homes. The previous uses for the site are no longer considered viable and it is considered this should be accepted by the local planning authority. For the reasons set out in the report, it is considered that the principle of residential development on an allocated site for residential development is acceptable

Requests for financial contributions have been made from the County Council and the Health Authority and the Borough Council's Open Space Team these are considered to be CIL compliant as they are related to the development and necessary to make the development acceptable in planning terms and related in scale and kind to the development.

The development is also considered to be acceptable with regards to design, residential amenity and highway safety for the reasons set out above. Accordingly it is recommended that the application is granted conditionally subject to the completion of a section 106 agreement as set out below;

RECOMMENDATION A:

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

- Provision of on-site Affordable Housing involving a total of 7 dwellings, the exact tenure for the affordable housing would 2 x 3 bed shared ownership; 4 x 2 bed rent and 1 x 2 bed bungalow for rent.
- A financial contribution towards secondary school education provision and to the Post 16 sector
- A financial contribution of £780 towards Quorn library
- A financial contribution of £4,681.44 (£195.06 x 24 dwellings) towards improving existing to health facilities
- A financial contribution towards Sustainable Travel Packs supplied at £52.85 per pack & 6 month bus passes at a cost of £360.00 per pass
- A financial contribution of £77,315.53 towards the provision of off – site natural and semi natural open space; parks; open space for young people/children; the provision of outdoor sports facilities and towards the provision of allotments

RECOMMENDATION B:-

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

1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the approved plans and Drawing Nos.

- 13-095 P02 Rev Y – Proposed Site Layout Plan
- 13-095 P03 Rev M – Proposed Hard Landscaping Plan
- 13-095 P04 Rev K – Proposed Boundary Treatments Plan
- 13-095 P06 Rev F – Proposed Street Elevations
- L89 Brick Screen Wall
- L62 Waney Edged Fence
- L59 Timber Knee Rail
- L44 Timber Screen Fence
- 13-095-BD-1 Rev A Bedale
- 13-095-DL-1 Rev A Dalton
- 13-095-BC-1 Beck
- 13-095-RP-A Ripon
- 13-095-DK-1 Denwick
- 13-095-DK-2 Denwick Render Option
- 13-095-DS(PC)-2 Douglas Render Option with Projecting Chimney
- 13-095-DS-2 – Douglas Render Option
- 13-095-DE-7 Dove Gable Option
- 13-095-LA-1 Lea
- 13-095-RR-1 Rother
- 13-095-ST-1 Solent
- 13-095-ST1-PC Solent Chimney Option
- 13-095-TS-1 Thirsk
- 13-095-GB03 Semi Side Gable
- 13-095-GB06 Single Front Gable

REASON: To define the approval.

3. Prior to the commencement of the development hereby permitted, a Construction Environmental Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved CEMP. The CEMP shall include but not necessary be restricted to the following details;

- a) Details of the siting of all vehicles of site operatives and visitors;
- b) The location of, extent and duration of any temporary stockpiling areas;
- c) Measures to prevent mud being deposited on the surrounding highway;
- d) A programme of implementation for items(a)-(c)

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

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

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

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

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

6. Prior to the commencement of the development 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 soft boundary treatment along the side of the site adjoining the community hall;
- 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.
- e) Details of the siting, appearance and design of bird nest brick/boxes, to be incorporated into the development;
- f) Details of the siting, appearance, design and screening arrangements of refuse and recycling bin storage facilities to be provided on the site

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.

7. The approved landscaping details agreed in Condition 6 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.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking and/or re-enacting that Order, with or without modification. No extensions or alterations relating to Classes A, B, C, D & E of Part 1 of Schedule 2 or Part 2 Class A of Schedule 2 shall be erected without the prior written consent of the Local Planning Authority.
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. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.
REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
10. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority.
REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.
11. No part of the development hereby approved shall be occupied until such time as the access arrangements including the removal of all redundant existing accesses and junction radii have been implemented in full
REASON: To ensure 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 to accord with the aims and objectives of the revised NPPF.
12. The development hereby permitted shall not be occupied until such time as the access drives (and any turning space) have been surfaced with tarmacadam or similar hard bound material for a minimum distance of 5 metres behind the highway boundary and shall thereafter be maintained as such in perpetuity.

REASON: In the interests of general highway safety and to accord with the aims and objectives of the revised NPPF.

13. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the approved plans. Thereafter the onsite parking provision shall be maintained and retained as such in perpetuity.

REASON: To ensure that adequate of – street parking provision is made, in the interests of general highway safety and to accord with the aims and objectives of the revised NPPF.

14. No part of the development hereby permitted shall be occupied until such time as 1m by 1m pedestrian visibility splays have been provided on the highway boundary on both sides of each vehicular access fronting a pedestrian footway with nothing on those splays exceeding 0.6m above the level of the adjacent footway/verge/highway and once provided shall be provided in perpetuity.

REASON: In the interests of general highway and pedestrian safety and to accord with the aims and objectives of the revised NPPF.

Information Notes

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, CS3, CS15, CS16, CS17, CS24 and CS25 of the Charnwood Local Plan (2011-2028) Core Strategy), Policies EV/1, ST/2, TR/18, EV/31 and CA/10 of the Borough of Charnwood Local Plan, The National Planning Policy Framework and the Borough Council's adopted Supplementary Planning Documents, have been taken into account in the determination of this application. The proposed development complies with the requirements of these policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
- 2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is in accordance with the terms of the above-mentioned policies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
3. The decision has been reached taking into account paragraphs 38 of the National Planning Policy Framework (revised Feb 2019) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
4. The scheme shall include 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.

Full details for the drainage proposal should be supplied, including but not limited to SuDS details, pipe protection details, full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change (40%) return periods

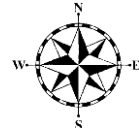
5. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
6. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees prior to the commencement of the development.
7. To erect temporary directional signage you must seek the prior approval from the Local Highway Authority



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Reference No: P/18/0888/2

Location: Land off Highland Drive and Knox Road, Loughborough

