

Item No. 2

Application Reference Number P/19/0876/2

Application Type:	Full	Date Valid:	18/04/2019
Applicant:	Mr Chris Jennison		
Proposal:	Demolition of existing care home and construction of new 33 bed care home and associated works (Class C2).		
Location:	Abbeyfield 190 Ashby Road Loughborough LE11 3AG		
Parish:	Loughborough	Ward:	Loughborough Southfields
Case Officer:	Louise Winson	Tel No:	01509 634742

This application is referred to the Plans Committee at the request of Cllr Parton for the following reasons:

- Loss of a building in a conservation area
- The balance of losing a building of architectural character in a conservation area versus construction of critically needed specialist dementia care centre must be considered with utmost care.

Description of the Site

The application site is within the development limits to Loughborough. Abbeyfield is a large detached Victorian villa building situated along the south side of Ashby Road and within the Ashby Road Conservation Area. Originally a single large dwelling, it is now in use as a residential home and has been variously altered and extended over time.

The built environment surrounding the site is largely made up of substantial detached two and three storey buildings situated in generous plots of land. The adjacent buildings on either side of the site are large student halls of residence. C3 residential dwellings are situated opposite the site. The Abbeyfield care home site extends to the rear of the site, with a further care home building facing onto Westfield Drive.

The application site boundaries consist of a mixture of brick walls and fencing. The northern (front) boundary is made up of a low-level red brick wall with the eastern and western boundaries consisting of fencing. There are a number of mature trees along the frontage of the site and along the eastern and western boundaries. Consent has previously been granted to carry out some works to the trees along the western and eastern boundaries.

The site benefits from a small informal parking area to the front of the building

Description of the Application

This amended application seeks consent for the demolition of the existing building and erection of a replacement 3 storey building for use as a 33 bedroom specialist dementia care facility.

The building would offer a flat roofed contemporary design and be constructed from contrasting materials of brick, metal sheet cladding and glazing. The replacement building would have a larger footprint and be set slightly back further into the site than the existing property.

The submitted application makes provision for a formalised parking area to the front of the site to provide 6 off-street parking spaces.

The local planning authority is also considering a separate application under ref. P/19/0877/2 for the provision of a link corridor to the rear of the site. This corridor would link the new building with the other Abbeyfield care home on the Westfield Drive side and would be used for the movement of items such as food and laundry between the facilities. This associated application has not been called into the Plans Committee for determination; however, it is relevant to this item presented to the Committee.

The following documents accompany the application:

- Drawing No. L1321 50 Rev A – Proposed Ground Floor Plan
- Drawing No. L1321 51 Rev A – Proposed First and Second Floor Plan
- Drawing No. L1321 52 Rev A – Proposed Elevations
- Drawing No. L1321 53 Rev A – Proposed Elevations
- Drawing No. 19.1420.002 Rev A – Tree Protection Plan
- Planning, Design & Access and Heritage Statement
- Supplementary Planning and Heritage Statement dated 19th August 2019
- Arboricultural Implication Assessment 19.1420.R1A

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS1 - Development Strategy –identifies Loughborough as a principle urban area for growth.

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access arrangements; protect the amenity of people who live or work nearby, provide attractive well-managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS3 – Strategic Housing Needs supports an appropriate housing mix for the Borough, including type, size and tenure

Policy CS11 – Landscape and Countryside - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

Policy CS13 – Biodiversity and Geodiversity seeks to conserve and enhance the natural environment and to ensure development takes into account impact on recognised features.

Policy CS16 – Sustainable Construction and Energy supports sustainable design and construction techniques. It also encourages the effective use of land by reusing land that has been previously developed.

Policy CS14 – Heritage – seeks to preserve and enhance the Borough's Heritage Assets.

Policy CS 25 – Presumption in Favour of Sustainable Development sets out a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

The saved policies relevant to this proposal include:

ST/2 - Limits to Development – sets out that built development will be confined to allocated sites and other land within identified Limits to Development.

Policy EV/1 – Design -seeks to ensure a high standard of design for developments, which, inter alia, respects and enhances the local environment, is of a design, layout, scale and mass compatible with the locality, and utilises materials appropriate to the locality.

Policy TR/18 - Parking Provision in New Development -states 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 (NPPF)

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The Framework contains a presumption in favour of sustainable development and defines 3 roles a development must fulfil in order to be sustainable:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future

generations, and by creating a high quality built development with accessible local services

- An environmental role – contributing to protecting and enhancing our natural, built and historic environment

National Planning Practice Guidance

This web-based resource provides supplemental guidance to the NPPF. It provides advice on a range of topics including: design, housing need, housing land availability and viability. The sections relating to housing need and viability have recently been updated to reflect the 2018 NPPF.

National Design Guide

This guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

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.
- 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 (2017)

The Housing SPD was adopted in May 2017 and provides guidance to support the Local Plan Core Policy CS3: Strategic Housing Needs. It provides advice relating to affordable housing and offers encouragement for specialist accommodation and extra care facilities where these address the needs of older people.

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 it is therefore not to be relied upon at the current time, the housing mix evidence can be accorded significant weight as it reflects known demographic changes. Section 9 of HEDNA provides evidence regarding the indicative need for specialist accommodation, which includes residential care housing,

The adopted Loughborough Ashby Road Conservation Area Character Appraisal

The appraisal sets out the special qualities of the Ashby Road Conservation Area and provides a framework for proposals for its preservation or enhancement.

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

Relevant Planning History

Ref.	Description	Decision	Date
P/76/1755/2	Use as Abbeyfield Home for elderly people with extra care	Granted	Sept 1976
P/89/2205/2	Two-storey extension to side of home for four bedsits and two bathrooms and staff room, store and WC extension to front	Granted	Feb 1989
P/05/0528/2	Raising of canopies and removal of secondary growth on 3 Lime and 2 Pine trees	Granted	Apr 2016
P/15/1800/2	Re-pollarding of 1 lime tree	Granted	Sept 2015
P/16/0099/2	Demolition of existing 2 storey 4 bedroom extension and construction of a new 3 storey 12 bedroom extension to care home. Alterations to existing building including new fire escape staircase and a covered walkway to 44 Westfield Drive.	Refused	Apr 2016
P/17/0422/2	Replacement of existing 2 storey annex with new 3 storey 18 bedroom annex with communal facilities, erection of fire escape and fenestration alterations.	Granted	May 2017

Responses of Consultees

The table below sets out a summary of the responses received from the Consultees and local organisations.

Response From	Comments
Leicestershire Highway Authority	The Local Highway Authority advises that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

Leicestershire Lead Local Flood Authority	Advises that the application documents are insufficient and requests further information is submitted in relation to the drainage proposals for the site.
Storer and Ashby Road Residents Association	Object due to design concerns. The building would not make a positive contribution to the Conservation Area.
Haydon Residents Association	Object on design grounds, the building should reflect the Victorian style of the street scene.

Full copies of all the correspondence received is available on the planning file.

Consideration of the Planning Issues

The key issues in considering this application are considered to be:

- The Principle of the Development
- Heritage
- Design and the Impact on Visual Amenity
- The Impact on Trees and Landscape
- The Impact on Neighbouring Amenity
- Highways
- Ecology
- Drainage

The Principle of the Development

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 development plan for Charnwood comprises the Core Strategy and those saved policies within the Local Plan which have not been superseded by the Core Strategy.

The vision for the Borough as set out in the Charnwood Local Plan 2011-2028 Core Strategy (2015) confirms that by the end of the plan period Charnwood will be one of the most desirable places to live, work and visit in the East Midlands. To achieve this development will have been managed to improve the economy, quality of life and the environment.

Policy CS1 is an expression of a sustainable growth pattern for the Borough. It takes the form of a hierarchical, sequential approach guiding development first to the northern edge of Leicester, then to Loughborough and Shepshed before directing development to Service Centres and then Other Settlements.

Saved policy ST/2 of the Local Plan acts as a counterpart to policy CS/1. This policy identifies the settlement boundaries and therefore carries weight as a policy to control the supply of development land. This is a brownfield site within the defined limits for Loughborough as set out in policy ST/2. Accordingly, development for housing is in accordance with the spatial strategy defined by CS1 and ST/2.

Policy CS3 intends to meet the strategic housing needs of the Borough. The supporting text for policy CS3 recognises that there is a growing need for housing for older people (paragraphs 5.3 and 5.4) and that specialist provision is needed once people require more support (paragraph 5.5).

HEDNA 2017 has examined the housing needs of people in Charnwood, identifying significant growth in the over 65's (78% between 2011 and 2036). HEDNA identifies that a combination of this ageing population and the associated higher levels of disability and health problems will result in an increased demand for specialist housing. HEDNA looks at housing for older people under two Use Class categories; C3 and C2. In terms of C2, it is recommended, that 4,542 units would need to be provided in Charnwood between 2011 and 2036. This equates to 182 units per annum.

Leicestershire County Council has published an accommodation Strategy for Older People 2016-2026. The strategy supports the findings of HEDNA and includes a "toolkit" endorsed by the Department of Health, which seeks to identify potential demand for different types of specialist housing for older people and models the future range of housing and care provision. The toolkit suggests that per 1000 people over 75 years old there should be 25 extra care spaces.

There is a clear need for further residential care facilities for sufferers of conditions such as dementia within the Borough and it is acknowledged that some of this need could be met on a site, such as this, which complies with the special strategy set out by CS1. It is important to temper this, however, with the fact that there are also other CS1 compliant sites which could meet this need. Nevertheless, given national guidance and the aims of the Core Strategy the weight that should be attributed to contributing to meeting this need is significant.

In conclusion, there is clear evidence of the need for specialist dementia care facilities in the Borough. The proposal would comply with the provisions of policy CS3 in this regard and meets an identified need that weighs in favour of the proposal. The site, within the defined limits of Loughborough would also comply with the provisions of policies CS1 and ST/2. It is therefore considered that the use of the site as a dementia care facility is acceptable in principle. This is subject to the application complying with the provision of the Development Plan in all other regards.

Heritage

Due to the location of the site within Ashby Road Conservation Area, an assessment as to the potential impact on this designated heritage asset must be made. Additionally, the building itself is considered to be a non designated heritage asset due to its identification in the character appraisal.

When considering any development which affects the setting of a conservation area, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area and Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The NPPF requires local planning authorities to take into account the desirability of new development making a positive contribution to local character and distinctiveness and to seek positive improvements to the historic environment, advising that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area.

Paragraph 193 of the NPPF specifically states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation 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. In considering applications within conservation areas, the local authority should pay special attention to carefully considering the appropriateness of the proposal and details such as height, design and siting in order to seek to preserve or enhance the character and appearance of the conservation area. Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Further to this, the National Design Guidance requires new development proposals to satisfy the following criteria:

- Integrate into their surroundings so they relate well to them; influenced by and influence their context positively; and respond to local history, culture and heritage.
- Have a positive and coherent identity; have a character that suits the context and are visually attractive, to delight their occupants and other users.

The significance of the conservation area includes the following description from the Conservation area Appraisal:

“Along Ashby Road, the mature trees and parkland settings of the large detached houses in their gardens create a fascinating evolution as one progresses along this gently curving gateway route into the town. The style of the houses is more varied but red brick, sometimes rendered and painted, white painted joinery, tiled and slate roofs dominate. There are superb examples of decoration.”

The significance of 190 Ashby Road itself can be attributed to its being a ‘Prominent local Building’, that is one of a number of bespoke buildings that, “reflect the use of locally available building materials and craftsmanship in their brick banding detail, stained glass windows and ironwork.”

It is considered that the development would have an impact on the significance of the heritage assets, that of the Conservation Area, and the existing building, a non-designated heritage asset, in the following ways:

- The total loss of a non-designated heritage asset
- Harm to the conservation area
- Failure to protect and enhance the character and appearance of the Conservation Area

As required by paragraphs 193-196 of the NPPF, when considering developments which impact heritage assets, an assessment as the level of harm to the asset must be made.

It is considered that the total loss of a non-designated asset, No.190 Ashby Road, can only result in substantial harm to that asset. This must weigh heavily within the final planning balance for determining the application. This weight must, however, remain proportionate to the value of the asset itself. As the asset is a non-designated heritage asset the substantial harm is significant but not determinant.

The demolition of a prominent building with historic and architectural significance within the Conservation Area is also considered to result in less than substantial harm to the character and appearance of the designated Loughborough Ashby Road Conservation Area however this harm is still considerable.

Additionally, the site boasts a significant stand of mature trees and a mature garden typical of the area. These trees are visible from the public areas to the north and east and make a valuable contribution to the Conservation Areas character by way of urban landscape. The proposal will significantly increase the built form footprint and reduce the garden space to a minor residual edge of landscape on the periphery of the plot and a courtyard. Again this is considered to contribute to less than substantial harm to this asset.

In such cases, the NPPF advises that permission should be refused unless it can be demonstrated that the harm is necessary to achieve public benefits that would outweigh that harm. Consideration should also be given to securing the asset's optimum viable use. It is acknowledged that there would be considerable public benefit in the provision of a dementia care facility. As discussed earlier in this report, there is an identified need through HEDNA for the provision of C2 care facilities in the Borough. However, this need could be delivered in other areas of the Borough on a more suitable site without the constraints present here. Whilst it is desirable for the applicant to site the development on land already within their ownership this alone does not constitute a reason to support the application. The application has not been supported by a clear and convincing justification as to why the facility can only be provided on this site and not elsewhere in the Borough. The creation of short-term jobs during the construction process and long-term jobs when staffing the facility would add further public benefits of the scheme.

Furthermore, the existing building, whilst it may not be appropriate for use as dementia care facility, could be retained and used for another purpose, potentially bringing equal levels of public benefit, subject to the appropriate planning consent being granted.

The test within the NPPF also requires, where appropriate, consideration of the optimum viable use as a public benefit to be weighed against the harm. The reasoning behind this is to ensure that the use is not just viable for the owner, but also for the future conservation of the asset. It therefore involves finding a balance between a realistic use that secures the retention of the asset whilst preserving the maximum significance possible. If there is only one viable use that represents the optimum viable use, this can be weighed in favour of a development proposal as a public benefit. However, in this case, there are several plausible alternative uses for the building including C3 residential, B1 offices or student accommodation. Where there is a range of alternative economically viable uses, the optimum viable use is that which causes the least loss of significance, and therefore must be selected. In this case the proposal, bringing as it does, the

complete loss of a prominent building within the conservation area, cannot be considered its optimum viable use.

In this case, a carefully considered balanced judgement is therefore required. On balance, whilst it is noted that the proposal would give rise to some public benefit, it is considered that the public benefits in providing a C2 care facility on this site and providing small scale employment is insufficient to override the harm identified particularly if the optimum viable use of the building is also factored in. The development therefore fails to comply with the provisions of policies CS14 and the NPPF in this regard.

Additionally, the proposal, for the reasons given, does not conserve the Conservation area heritage asset and this in itself must weigh against it in the planning balance.

To conclude on heritage overall the proposal would lead to substantial harm to the non designated heritage asset and less than substantial harm to the conservation area as a designated asset. The latter would not be outweighed by the public benefits of the scheme particularly when considering optimum viable use.

Additionally, the complete loss of a non designated asset and failure to conserve the conservation area as a designated heritage asset must weigh against the proposal in the planning balance.

Design

Notwithstanding the harm to the heritage assets identified, it is acknowledged that in visual terms the replacement building will be a contemporary contrast to the traditional 19th and early 20th century buildings forming the street scene. The development would appear as an individual built form of modern design rather than a pastiche building, which would be less appropriate and fit poorly into the town scape.

The design of the current proposal uses a similar architectural language to the extant scheme for an extension to the building under reference P/17/0442/2. The design approach utilises red brick with a distinctive brick banding which is evident on other buildings throughout this part of the conservation area. This is complemented by the grey cladding to the upper stories of the building, reflecting the grey slate which is present in the locality. The provision of vertically incised window surrounds and setback of parts of the façade adds an architectural expression to the building. Furthermore, the façade is visually broken into two unequal halves by a glazed link which helps to maintain the architectural rhythm of the street scene.

The specific design detailing and samples of the proposed materials could be secured via planning conditions in the interests of visual amenity if the application was to be viewed favourably.

Overall, with regards to design, it is considered that this scheme, whilst a large modern building, is a carefully conceived design that utilises characteristics found within the conservation area in a contemporary way. A well-designed building within a Conservation Area does not need to replicate or continue the existing style of the area for the visual amenity of the area to be retained. Given the above context and notwithstanding the identified harm to the Conservation Area, it is considered that the design approach is

acceptable and accords with the relevant provisions of the Development Plan set out in policies CS2, EV/1 and national design guidance.

Impact on Trees and Landscape

There are significant trees within the site and immediately adjacent which are afforded some protection as they are located in the Conservation Area.

The development appears to have scant regard to the setting of the existing trees, and, instead 'shoehorns' the new building in and around the trees rather than establishing a harmonious balance between the built form and natural environment. Placing a substantial building in proximity to substantial trees should be avoided. The default position of the British Standard is to avoid encroachment into root area (BS para 5.3.1), crown spread and future growth of trees. It is considered that the proposal, being positioned so close to the trees fails to adequately take into account the future growth needs of the trees. Furthermore, the proposal would necessitate works to a number of the trees which involve significant reductions in the crown spread. These works would significantly reduce the amenity value of the trees. A number of trees are also identified for removal, which, whilst are mainly classed as category C trees in the submitted arboricultural assessment, add to the visual amenity of the conservation area.

Overall, it is considered that there would be a loss of significant urban landscape features as a result of the development that would cause harm in its own right to the character and appearance of the area. This would fail to comply with policies CS2 and CS11.

Impact on Neighbouring Amenity

The properties immediately to the east and west of the site are in use as student halls of residence. To the rear (southern) edge of the site is the Westfield Care Home. To the north, on the opposite side of Ashby Road there are a number of C3 residential dwellings.

The impact on residential amenity has been considered carefully. The use of the site is to be remain unchanged, and, therefore the development is unlikely to give rise to an unacceptable level of additional noise and disturbance to nearby residents. Given the nature of the existing use it is considered that any noise and disturbance is likely to be minimal in any case. The replacement building, given its design and position, complies with the provisions set out in the Leading in Design SPD to prevent a loss of privacy, outlook or light and is therefore unlikely to result in a substantial loss amenity in these regards.

As such, it is considered that the development would not be detrimental to neighbouring amenity and therefore accords with the provisions of policies CS2, EV/1, the NPPF and the Leading in Design Supplementary Planning Document in this regard.

Highways

The Leicestershire County Highway Authority has reviewed the amended plans and does not object to the principle of the development. It considers that the residual cumulative impacts of the development are not severe in accordance with Paragraph 109 of the NPPF. Its response covers the following areas:

Site Access: - The access arrangements to the site are to remain the same as the extant planning permission reference P/17/0422/2 which is considered to be acceptable.

Internal Layout: Whilst there is a shortfall in the required number of parking spaces to be provided on the site, given the nature of the existing and future use, it is not anticipated that the demand for on-site parking will increase a significant amount. The scheme makes provision for some additional parking within the site, and given its location there are alternative sustainable transport options available. On this basis, the level of parking provision shown is acceptable.

Given the above position it is considered that the proposal would not result in harm in terms of highway safety and that an accessible development can be achieved by attaching suitable conditions. The proposal therefore complies with policy TR/18, the NPPF and the Leicestershire County Highway Authority Standing Advice.

Ecology

Policy CS13 of the Core Strategy along with the provisions of the National Planning Policy Framework requires new development proposals to consider and mitigate any impacts on biodiversity.

The application is not supported by a protected species survey. A bat survey would need to be completed prior to the demolition of the building. The presence of any protected species would then need to be mitigated as part of the development proposal. To date a bat survey has not been submitted, and therefore it is considered that the proposal fails to comply with policy CS13 in that it fails to preserve or enhance biodiversity in this location. However, this could be secured via a planning condition if members were mindful to approve the application upon consideration of the planning balance.

Drainage

The site is situated within Flood Zone 1, meaning there is a low risk of flooding on the site.

The application is accompanied by a drainage strategy which has been reviewed by the Leicestershire Lead Local Flood Authority. It has been advised that the application documents are insufficient for the drainage of the site to be adequately assessed. It is therefore considered that the development fails to demonstrate that the site will have suitable drainage facilities and therefore fails to comply with the provisions of policy CS16 and the NPPF.

However, this issue could be resolved through the use of planning conditions if members were minded to approve the application upon consideration of the planning balance.

Conclusion and the Planning Balance

The consideration of this application requires a carefully balanced judgement to be taken on the individual merits of the case.

The proposal would provide a specialist C2 dementia care facility close to the centre of Loughborough to meet the needs of a growing sector of the population, contributing to an identified need in HEDNA. This should be given weight in the planning balance and is a clear positive aspect in the planning balance for the proposal. Additionally, there would be limited economic benefits from jobs created during construction and later in providing care staff.

The design of the replacement building is of good quality when assessed against appropriate design guidance and policy. The specific design details and proposed materials can be secured via planning conditions. There is no identified harm to neighbouring amenity or highway safety.

There is currently considered to be the potential for harm to Ecology. However, these impacts could be mitigated through the use of planning conditions if members are mindful to support the application. These issues are therefore neutral in the planning balance. There are also drainage concerns raised by the flood authority that require further work from the applicant. As the application is recommended for refusal this work has not been undertaken but should members uphold officer recommendation it would be possible for the applicants to seek to address this issue in the event of an appeal. If members chose to permit the application conditions securing this further work will be needed.

However, with regards to Heritage, it is considered that the development would result in substantial harm to a non-designated heritage asset, that being No.190 Ashby Road, and less than substantial harm to the character and appearance of the designated heritage asset, that being the Conservation Area. In accordance with the provisions of paragraphs 193-197 of the NPPF, the public benefits of providing a specialist C2 dementia care facility have been balanced against this identified harm.

On balance, the public benefits of the scheme are not considered to outweigh the identified harm particularly when the optimum viable use is considered. Additionally, the proposal fails to conserve both the non designated heritage asset of the building and the designated asset of the conservation area. Adjusting this weight as per the value of these assets nevertheless means that significant weight must be concluded, particularly given that two assets are impacted.

Furthermore, it is considered that the loss and erosion of trees on and around the site would lead to harm to visual amenity by way of loss of urban landscape.

Accordingly, the proposal is considered to be contrary to the relevant Development Plan policies. It is therefore recommended that planning permission is refused.

RECOMMENDATION:

Refuse

- 1 No.190 Ashby Road is situated within the designated Loughborough Ashby Road Conservation Area and is itself considered to be a non-designated heritage asset. It is considered that the total loss of the building would result in substantial harm to the significance of a non-designated heritage asset, (that of No.190 Ashby Road), and that

this combined with the loss and reduction of green urban landscape in and around the site would lead to less than substantial harm to a designated heritage asset, (that of the Loughborough Ashby Road Conservation Area). This less than substantial harm would not be outweighed by public benefits having regard to the optimum viable use of the site. Additionally, the proposal would fail to preserve or enhance the identified heritage assets. As a result, the proposal conflicts with policies CS2, CS11 and CS14 of the Charnwood Local Plan 2011-2028 Core Strategy, saved policy EV/1 of the Borough of Charnwood Local Plan, Paragraphs 190 - 197 of the National Planning Policy Framework, the Leading in Design Supplementary Planning Document, the National Design Guide and the advice contained within the Loughborough Ashby Road Conservation Area Character Appraisal.

- 2 Policy CS13 of the adopted Charnwood Local Plan 2011- 2028 Core Strategy seeks to conserve and enhance the natural environment. In accordance with this policy the impact of development proposals on biodiversity will require mitigation. The applicant has failed to provide evidence that that the development would not adversely impact on potential bats at the site and this is considered to be contrary to the Policy CS 13 of the adopted Charnwood 2011-2028 Local Plan Core Strategy and the provisions of the amended National Planning Policy Framework.
- 3 The proposal fails to incorporate suitable drainage facilities to ensure the site can be adequately drained and to demonstrate the proposal would not increase the likelihood of surface water flooding in the locality. The proposal is thereby contrary to policy CS16 of the Charnwood Local Plan 2011-2028 Core Strategy and 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 in an attempt to narrow down the reasons for refusal, but fundamental objections could not be overcome. The decision was therefore made in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. The provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been taken into account in the consideration of this application.

