

Item No. 01

Application Reference Number P/20/0642/2

Application Type:	Full	Date Valid:	17 th April 2020
Applicant:	Swithland Homes Ltd		
Proposal:	Proposed erection of 9 dwellings including access, parking and landscaping.		
Location:	Land to the rear of 43 Westfield Drive Loughborough Leicestershire LE11 3QJ		
Parish:	N/A	Ward:	Loughborough Southfields
Case Officer:	Lewis Marshall	Tel No:	01509 634691

This item has been called in to be determined by the Plans Committee at the request of Cllr Parton.

Description of the Application

The application site comprises a parcel of land to the rear and inclusive of 43 Westfield Drive. The site extends to 0.49 hectares and is undeveloped and bound by existing residential gardens and the grounds of Loughborough College. The site is located within the defined limits of Loughborough. A private right of way runs through the site and the site historically been in use as private allotment land. The site is currently in an overgrown state and is not thought to have been in use as an allotment for a number of years. Segments of adjoining land are still, however, in use as private allotments.

The application seeks full planning permission for the construction of nine dwellings that will consist of a mix of 22% two bed, 55% three bed and 22% 4 bed properties each with private garden and parking space. Seven of the proposed dwellings are bungalows with two 1.5 storey properties. Materials proposed are a mix of light render and red brick. The proposal also includes a wildlife corridor to the site's edge with landscaping to include an attenuation pond. The site would be accessed between 43 and 49 Westfield Drive. The proposal includes the provision of 2 car parking spaces to serve No. 43 and these would be located to the front of the site and perpendicular to the highway boundary with a low hedge being partially retained.

The application is supported by the following plans and documents:-

- Floor Plans and Elevations
- Site Layout Plan (Rev. A)
- Landscaping Proposals
- Topographical Survey
- Flood Risk Assessment
- Ecological assessment
- Biodiversity Impact Assessment
- Highways Statement

- Site Location Plan

Development Plan Policies

The Development Plan for Charnwood currently consists of the Charnwood Local Plan Core Strategy 2006-2028, Saved Policies of the Borough of Charnwood Local Plan (2004), the Leicestershire Minerals Core Strategy and Development Control Policies Document (2009), and the Leicestershire Waste Core Strategy and Development Control Policies document (2009).

Charnwood Local Plan 2011-2028 Core Strategy

The Core Strategy is less than five years old, is positively worded and consistent with the aims and objectives of the NPPF. The policies within the Core strategy are therefore considered to carry full weight.

CS1 – Development Strategy - sets out the development strategy and directions of growth for the Borough.

CS2 – High Quality Design – requires new developments to respect and enhance the character of the area, protect the amenity of people who live and work nearby and function well and add to the quality of the area.

CS3 – Strategic Housing Needs supports an appropriate housing mix for the Borough and sets targets for affordable homes provision. In Shepshed 20% affordable homes are sought on sites of 10 dwellings or more.

CS6 – Employment and Economic Development – supports development that will promote growth, job opportunities and prosperity.

CS12 - Green Infrastructure – states that we will protect and enhance our green infrastructure assets for their community, economic and environmental values.

CS13 – Biodiversity and Geodiversity – supports development that protects, enhances, restores or recreates bio-diversity.

CS16 – Sustainable Construction and Energy – encourages sustainable design and construction and the provision of renewable energy including supporting developments that reduce waste, provide for the suitable storage of waste and allow convenient waste collections.

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

Borough of Charnwood Local Plan

The saved policies of the Local Plan (2004) are more than five years old and therefore do not carry full weight. However, it is considered that those saved policies are still considered

to be consistent with the aims and objectives of the NPPF and the more recently adopted core strategy and therefore carry significant weight.

Policy ST/2 – Limits to Development – Aims to confine development to land located within the Limits to Development identified on the Proposals Map.

Policy EV/1 - deals with all new developments and states that the amenity of adjacent residential properties should be protected particularly in terms of privacy and light.

Policy TR/18 - indicates 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 minimize harm to visual and local amenities. The policy promotes standards that would require 3 parking spaces for a 4 or more bedroom dwelling, although it states that this will be used as the starting point in assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off -street parking; the current, or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

Other Material Considerations

The National Planning Policy Framework (2019)

The National Planning Policy Framework (chapter 7) sets out a presumption in favour of sustainable development. The framework identifies the economic and social roles of the planning system, both to build a strong responsive economy by ensuring land (and presumably buildings) are available in the right place at the right time, and supporting the health of the community by ensuring housing for present needs that has a high quality built environment, which encompasses social and cultural well-being. One of the principles of planning is to seek a good standard of amenity for all existing and future occupants of land and buildings. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

Section 5: Delivering a sufficient supply of homes

The NPPF requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 59). Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 61). The NPPF notes that the supply of new homes can sometimes be best achieved through planning for larger scale development such as new settlements or extensions to existing villages

Section 8: Promoting healthy and safe communities

Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs.

Section 9: Promoting Sustainable Transport

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 111). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 103). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 104). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 109).

Section 12: Requiring well-designed places.

The NPPF recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively (paragraph 124).

Paragraph 127 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The role of design review arrangements that assess, support and ensure high standards of design are recognised (paragraph 129) and the NPPF notes that great weight should be given to innovative designs which help raise the standard of design (paragraph 131) and that poor design should be refused (paragraph 130).

Section 14: Meeting the challenge of climate change, flooding and coastal change

New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 149). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 153) and renewable and low carbon energy development should be maximised (paragraph 154).

This document sets out the Central Government's design guidance which is intended to encourage, promote and inspire a higher standard of design in respect of development proposals.

Leicestershire County Council Local Transport Plan (LTP)

This sets out Leicestershire County council's strategy for delivering improvement to accessibility, connectivity and for promoting social inclusion and equality.

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 the expected demographic changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

Charnwood Design SPD (2020)

The adopted in Design Supplementary Planning Document is a working document intended to encourage, promote and inspire higher design standards in development throughout Charnwood.

Housing Supplementary Planning Document

Adopted in May 2017, the SPD provides guidance to support the Local Plan Core Strategy and the saved policies of the Borough of Charnwood Local Plan.

The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

National Planning Practice Guidance (PPG)

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods

Conservation of Habitat and Species Regulations 2010 (as amended)

These Regulations contain certain prohibitions against activities affecting European Protected Species, such as bats.

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

The Draft Local Plan

The local planning authority is in the process of preparing a new local plan for the borough for the period up to 2036. The new local plan will include strategic and detailed policies and will be prepared to provide for a longer plan period than the adopted Charnwood Core Strategy which provides the strategy up to 2028. Taking into account its stage in the plan making process, at this time, the Draft Local Plan carries only very limited weight.

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

The Regulations set out the process and procedure relating to infrastructure requirements. Regulation 122 states that it must relate in scale and kind to the development. Regulation 123 precludes repeat requests for funding of the same items (pooling). The Community Infrastructure Levy (CIL) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

S106 Developer Contributions Supplementary Planning Document (2007)

This supplementary planning document (SPD) sets out the circumstances which might lead to the need for a contribution to the provision of infrastructure, community services or other facilities. However, recent appeal decisions have confirmed that Inspectors will not support obligations (even if agreed by the appellant) unless the planning authority can demonstrate

that they are specifically related to the proposed development. Regulation 122 of the CIL Regulations introduced on the 6 April 2010 prescribes the limitations on the use of planning obligations. Accordingly it is unlawful for a planning obligation to be taken into account when determining a planning application for a development that does not meet all Regulation 122 tests.

Relevant Planning History

Reference	Description	Decision & Date
P/18/2381/2	Erection of four detached dwellings and construction of associated vehicular access and parking facilities (Revised scheme P/18/0996/2 refers)	Refused
P/18/0996/2	Erection of 4 detached dwellings and construction of associated vehicular access and parking facilities	Refused
P/15/1080/2	Erection of bungalow and formation of new access road following demolition of existing extension	Withdrawn
P/90/1579/2	Site for the erection of a bungalow	Refused
P/88/2681/2	Site for the erection of one bungalow	Refused

Application P/18/2381/2 was the subject of an appeal determined by an Inspector appointed by the Secretary of State. Whilst the site area and quantum of development proposed was different to that of the current application, the conclusions of the Inspector in that case are a material consideration in the determination of this application. These are set out within the relevant sections of the report below.

Responses of Consultees

Leicestershire County Council as Highway Authority

The highway Authority raises no objection and advises that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework (NPPF), subject to a number of planning conditions be attached to any permission granted.

Leicestershire County Council as Lead Local Flood Authority (LLFA)

The Lead Flood Authority raises no objection and advises the Local Planning Authority that the proposals are considered against their standing advice.

The Environment Agency

The Environment Agency raises no objection to the proposals and confirms that the red line site boundary does cover a small area of flood zone 2. The attached flood risk assessment and site block plan confirm that all dwellings will be located within flood zone 1. Therefore The EA has no fluvial flood risk concerns associated with the site. It is also confirmed that there are no other environmental constraints associated with the site.

Severn Trent Water

Severn Trent raises no objection and suggests a condition requiring details of foul and surface water drainage.

Other Comments Received

Ward Cllr. Parton

Cllr Parton has raised an objection to the application on the following grounds:

- There is no unmet housing need for the development and the council has a 5 year supply of housing land.
- Impact on the character and appearance of the area.
- Loss of open space and biodiversity.
- Loss of greenfield land.
- Loss of allotments.
- Loss of amenity to existing residents due to noise from vehicular movements
- No affordable housing proposed nor does the development meet specific local need.
- The site is subject to a restrictive covenant.
- He requests that the application be determined by the Plans Committee

Charnwood Borough Council Open Spaces Planning Liaison Officer

The Open Spaces Study (2017) identifies a need for allotment land in Loughborough. The proposal would result in the loss of land previously used as allotments and therefore a contribution of £60,334.06 towards replacement allotment provision within Loughborough is requested. It is also confirmed that the development is a minor development and therefore is not subject to any other requests for on or off site open space provision. It is recommended that the design incorporate satisfactory outdoor amenity space and appropriate management of any public areas.

Charnwood Borough Council Environmental Protection Officer

Given the extent of the backland development, a degree of amenity loss is inevitable due to the close proximity of the access road to existing habitable rooms. In relation to vehicle noise, this will be particularly so for service vehicle movements and refuse collection services.

Storer and Ashby area Residents Group (SARG)

SARG object to the application on the following grounds:

- The design of the dwellings do not respect the character and appearance of the Westfield Drive
- The access road will cause disturbance to residents at 43 and 49 Westfield Drive
- Loss of allotment land
- Harm and loss to biodiversity
- Requests that a legal age limit of occupants be imposed and secured by legal agreement to prevent occupation by undergraduate students

There have been 36 letters of objection received from 35 different people/addresses through the course of the application raising the following concerns:

- Loss of wildlife habitats
- Loss of allotment land
- Negative impact on health and well being
- Impact on the character and appearance of the area
- Overdevelopment of the site
- Negative impact on tranquility of the area
- Increase in pollution and global warming
- Impact on the enjoyment of the private right of way
- Noise from additional vehicular movements
- Noise during construction
- Additional danger to highway safety
- Additional Parking pressures
- Increased risk of surface water flooding
- Increased security risks
- Loss of privacy and increased overlooking
- Sets precedent for further development
- Loss of trees
- Lack of need for additional housing
- Lack of affordable housing as part of the application
- Restrictive covenants on the land
- Land not in applicants ownership

2 letters of support has been received with the following reasons:-

- The proposal would bring the land back into use
- The proposal would provide much needed bungalows for ageing population
- Highly sustainable location

Consideration of the Planning Issues

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

- Principle of development
- Loss of allotment land
- Housing mix
- Design and the Impact on the character of the area
- The Impact on Residential Amenity
- Impact on Ecology
- Highway Safety
- Other Matters

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 Development Plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Borough of Charnwood Local Plan are therefore the starting point for consideration.

The Core Strategy is the most up-to-date component of the development plan reflecting the NPPF's presumption in favour of sustainable development. Policy CS1 of the Core Strategy sets out a settlement hierarchy for the Borough and the criteria for considering proposals within individual tiers of settlements to deliver at least 13,940 new homes to 2028.

In the period between the base date of 2011 and the latest full monitoring period of 1st April 2020 there had been 5,440 commitments and completions within and adjoining Loughborough and Shepshed for the Plan period 2011-2028. The proposal for an additional 9 units would not therefore be adrift from the aims and objectives of Policy CS1 of the Core Strategy in respect of the number of units expected to be provided within and adjoining Loughborough and Shepshed over the plan period. Furthermore, the site is located in a highly sustainable location, close to the town centre within the settlement limits of Loughborough as defined by saved policy ST/2. The proposal would therefore accord with the overarching strategy of urban concentration and regeneration.

It is therefore concluded that the principle of development is acceptable in accordance with policies CS1 and ST/2. The application therefore falls to be considered in terms of its design, impact on amenity, ecology, and highway safety.

The Loss of Allotment Land

Policy CS15 of the Core Strategy seeks to retain open space and recreation facilities unless they are clearly surplus to requirements or replacement provision of at least equal quantity and quality will be made in a suitable location. Paragraph 97 of the NPPF states that existing open space should not be built on unless an assessment has been undertaken which demonstrates the open space is surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location.

The Councils' Open Spaces Study 2017 identifies that there is a shortfall of allotment land within Loughborough equating to over 9 hectares. The ward where the site lies is deemed to have an excess of provision. However, the potential demand from prospective allotment holders is unlikely to stop at ward boundaries, when the overall shortage in the town is considered. The Open Spaces Study, itself, considers the demand is best served in towns and service centres. That the site is not identified as such does not mean that it is not deemed to have this role, when its historical use and the lack of other intervening uses of the land are also considered. The same applies as regards that the site is not the subject of a similar designation under a development plan.

The proposal would result in the loss of the allotment land with the construction of the dwellings and the associated infrastructure on it. Hence, it would exacerbate this shortfall and, accordingly, the site is not surplus to requirements. With the lack of allotment land that the Open Spaces Study identifies, this shows that the site has a public value. There is also no compelling reason to differentiate between the function of private and public allotments because, in practice, they are typically let out on an individual basis. It is for this reason that in order for the loss of the allotment land to be acceptable, an offsite contribution towards enhancing and creating replacement provision elsewhere in the locality is requested in order to satisfy the requirements of Policy CS15 of the Core Strategy and the National Planning Policy Framework.

It is concluded that the proposal would have an acceptable effect on the provision of open space in relation to allotments taking into account the applicants offer of an offsite financial contribution of £60,334.06p. This contribution would be used to enhance or create new allotment facility elsewhere within Loughborough. As such, it would comply with Policy CS15 of the Charnwood Local Plan 2011 to 2028 Core Strategy (2015), which seeks to meet strategic open space needs, including by way of retaining open space, sport and recreation facilities unless they are clearly surplus to requirements or that replacement provision of at least equal quantity and quality will be made in a suitable location. It is on this basis the principle of development and loss of much of the site as open space is acceptable.

In order to be CIL regulation compliant, a specific project will need to be identified. The project is required to be within Loughborough and should improve capacity at an alternative allotment site to be identified. It is suggested that the sum is paid on commencement of development. Subject to the above being identified and agreed, the planning obligation is considered to be Regulation 122 compliant and the applicant has confirmed they are acceptable. The contribution will therefore need to be secured in a S106 Legal Agreement if members are minded to grant planning permission.

Housing Mix

Policy CS3 seeks to deliver an appropriate mix of housing in order to provide for the needs of the borough. The HEDNA indicates there is a need for a greater proportion of smaller two and three bedroom dwellings which should account for approximately 75% of all new homes with the remainder being 1 and 4+ bedroom properties. There is also an identified need for bungalows across the borough. Policy CS3 also requires that the mix has regard for development viability and the character of the area.

The mix proposed in the application consists of 22% two bed, 55% three bed and 22% 4 bed properties.

Given the size of the site, the relatively small number of dwellings and the low density character of the surrounding area, it is considered that the housing mix proposed broadly complies with Policy CS3 of the Core Strategy and the Housing Supplementary Planning Document and therefore no objection is raised to the application on this basis. The provision of bungalows is a positive aspect of the application and is given significant positive weight.

Design and the Impact on the Character of the Area

Policies CS2 of the Charnwood Local Plan 2011-2028 Core Strategy, "saved" Policy EV/1 of the Charnwood Local Plan 2004 seek to ensure high quality design and layout, which respects the character and appearance of the local area and is compatible with the streetscene and the wider built and natural context. In the determination of the previous appeal, Inspector Hendley concluded that the development of four dwellings would have an unacceptable impact on the character and appearance of the area.

Westfield Drive comprises a mix of traditional and more modern dwellings that are set out, for the most part, in a linear arrangement along each side of the road. They are positioned towards their site frontages and have expansive rear gardens. The plot sizes are fairly large. The vegetation and trees in the gardens, and in the allotment and the undeveloped land to

the rear, contribute towards a pleasingly verdant character, whether they are maintained or have been left to become somewhat overgrown. The southern and eastern edges of the site more closely relate to development along Radmoor Road, which is defined by bungalows of more modern construction, and larger buildings associated with Loughborough College. Existing forms of backland development are evident within the locality of the site at 57 Radmoor Road and a development of five detached two storey dwellings at Brockington Place which is accessed from Westfield Drive.

Policy EV/1 of the Charnwood Local Plan 2004 seeks to preserve existing landscaping features on-site, such as hedgerows and trees, and use them as the focus around which new development is to be designed. The site had been partially cleared of trees prior to the submission of the application. The site clearance that has taken place is outside of the control of the local planning authority. However a number of large trees along the site boundaries are to be retained which would assist with assimilating the proposed development into its surroundings. The basic principles of the site layout and landscaping are considered acceptable although a condition requiring precise details of landscaping features; species, densities, boundary treatments and hard surface materials is recommended.

It is considered that the current proposal addresses the concerns of Inspector Hendley in that it does not propose any development within the rear garden of 43 Westfield Drive and would not therefore form part of Westfield Drive or erode the spacious and verdant pattern of development along Westfield Drive. Instead it proposes a more comprehensive, contained and less fragmented form of development that merges with existing development along Radmoor Road to the south east and Brockington Place to the north east. Seven of the nine dwellings proposed would be single storey thus limiting their visual impact from the surrounding roads of Westfield Drive and Radmoor Road. Two 1.5 storey dwellings are proposed at plots 7 and 8, which are considered appropriate given the distance of these plots from the site boundaries and the two storey scale of adjoining properties within Brockington Place.

It is therefore considered that, on balance, the design of the proposed development in terms of its scale appearance, layout, and landscaping is acceptable and in accordance with policies CS2, EV/1, the Charnwood Design SPD, the NPPF and the National Design Guide.

Residential Amenity

Core Strategy Policy CS2 and saved local plan policies EV/1 promote high quality design and layouts to preserve residential amenity for both occupiers of existing neighbouring properties and the future occupiers of proposed development. Further guidance on residential amenity is set out in the Design supplementary planning document (SPD).

The Design SPD contains guidance on separation distances between existing and proposed dwellings in order to preserve privacy and avoid over dominance or unacceptable loss of light. It states that where main ground floor habitable rooms face two storey flank elevations, there should be a minimum of 12.5m to avoid over dominance. There should be an additional 1m for every 1m increase in ground level.

Objections have been raised on the grounds of the noise and disturbance caused by passing vehicles between 43 and 49 Westfield Drive. This issue was considered by

Inspector Hendley in the determination of the previous appeal for 4 dwellings on the site. The inspector was satisfied that with adequate mitigation in the form of acoustic screening, the noise of vehicles passing in close proximity to the side boundaries of the neighbouring properties would not be sufficient to refuse planning permission. It is acknowledged that the proposed development does propose an increased number of dwellings; however, the number of regular vehicular movements generated by the development would be minimal and would not be so harmful as to conflict with policies CS2 and EV/1 in respect of residential amenity. The Environmental Protection Officer has raised concerns that noise of delivery and refuse vehicles will be of more concern. However, it is considered the number of occurrences is likely to be minimal and would not amount to unacceptable harm to the amenity of existing nearby occupiers that would justify a refusal of planning permission on such grounds.

In terms of the scale and positioning of the proposed development and the impact on light and privacy, the majority of the proposed dwellings are single storey in scale and are not therefore cause for concern because by virtue of their scale they would comply with the guidance contained within the Design Supplementary Planning Document. The height and position of plot 8 and its relationship with neighbouring properties along Brockington Place has been considered and the distances proposed exceed those suggested by the Design SPD. Furthermore, taking into account the drop in ground levels of approximately 1m, the distance exceeds the guidance contained within the design SPD in terms of overbearing and loss of light.

Furthermore, it is considered that the proposal would provide a high standard of amenity for the future occupiers of the development due to the adequate garden sizes proposed and the physical relationship with existing nearby properties.

It is therefore considered that the proposal would not result in unacceptable adverse impact on amenity of residential properties within the sites locality and therefore does not conflict with policies CS2 and EV/1 in respect of residential amenity. Furthermore, the proposal is acceptable having regard for the guidance and separation distances contained within the Design SPD.

Ecology

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The application is supported by an Ecological Appraisal and a Biodiversity Impact Assessment.

The proposal is offset on-site by the provision of a wildlife corridor along the southern edge of the site, an attenuation feature and landscape planting. The Councils Senior Ecologist advises the proposal, by virtue of the amount of proposed on site mitigation contributes towards reducing a biodiversity net loss when taking into account the ecological value of the land prior to site clearance. The submitted Ecological appraisal makes a series of recommendations that require additional survey work and relevant mitigation is carried out prior to the commencement of development and incorporated as part of the development.

However, the submitted Biodiversity Impact Assessment identifies that the development would still result in a biodiversity net loss. This would therefore be contrary to the provisions of policy CS13 of the Core Strategy and paragraph 175 of the NPPF. The NPPF goes on to require that where no further mitigation can be provided on site, off site mitigation can be considered. The applicant therefore proposes to pay an offsite contribution of £52,800 towards improving and enhancing biodiversity offsite elsewhere within Loughborough. This sum can be secured by a Section 106 agreement or Unilateral Undertaking. In order to be CIL regulation compliant, a specific project will need to be identified. It is suggested that the sum is paid on commencement of development. Subject to the above being identified and agreed, the planning obligation is considered to be Regulation 122 compliant and the applicant has confirmed they are acceptable. The contribution will therefore need to be secured in a S106 Legal Agreement if members are minded to grant planning permission.

Subject to the imposition of a planning condition requiring an ecological mitigation strategy to be submitted and approved, and completion of a legal agreement to secure the offsite contribution above, it is considered that the proposal accords with policy CS13 in respect of biodiversity and ecology.

Highway Safety, Parking and Access

“Saved” Policy TR/18 of the Charnwood Local Plan sets out parking standards in respect of development proposals. Paragraph 108 of the National Planning Policy Framework outlines that development proposals should ensure that safe and suitable access to the site can be achieved for all users. Paragraph 109 of the National Planning Policy Framework outlines 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 site is located approximately 400 metres from bus stops serving regular bus services to the town centre and railway station and is within walking distance of Loughborough College and Loughborough University. The site is also located on good cycling routes leading to the town centre and surrounding areas of Loughborough.

Leicestershire County Council (Local Highway Authority) were consulted in connection with this planning application. The consultation response received outlines that the Local Highways Authority raises no objection in respect of the proposed development, although they have recommended a number of planning conditions.

Saved local plan Policy TR/18 requires new development to provide off-street parking for vehicles and promotes standards that requires a maximum of 2 parking spaces for two and three bedroom dwellings and 3 parking spaces for a 4 bedroom dwelling in the interests of highway safety. Notwithstanding the site’s sustainable location in walking distance of the town centre, the proposed development provides for the maximum number of parking spaces required by policy TR/18 and the minimum number of spaces required the Leicestershire Highways Design Guide, (LHDG). The Leicestershire Highway Design Guide does discourage the use of tandem on plot parking, however in this case is considered to be acceptable as it is unlikely to result in additional on street parking within Westfield Drive due to the nature of the site and the distance of the dwellings from Westfield Drive.

The application site is located on a 30mph section of road within the built up area of Loughborough. The submitted Highway Statement confirms that the minimum 43m visibility splays in either direction along Westfield Drive can be achieved in accordance with the Leicestershire Highways Design Guide. No objection has been raised by the Local Highway Authority on these grounds.

The site is located approximately 400 metres from bus stops serving regular bus services to the town centre and railway station and is within walking distance of Loughborough College and Loughborough University. The site is also located on good cycling routes leading to the town centre and surrounding areas of Loughborough.

Overall, given the site specific circumstances outlined above, and the low volume of traffic that would be generated by the use, the Local Highway Authority do not consider the proposals would lead to a 'severe' impact on the safe operation of the highway in accordance with the NPPF. Therefore, subject to the imposition of conditions recommended by the Local Highway Authority, the Local Planning Authority does not consider this development will have a severe impact on the highway in accordance with Paragraph 109 of the NPPF and therefore a reason for refusal on such grounds could not be sustained.

Flooding and Drainage

Policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy seeks to ensure that development proposals reduce their impacts upon and be resilient to the effects of climate change in this context in accordance with Policy CS16. Policy CS16 of the Charnwood Local Plan 2011-2028 Core Strategy encourages sustainable design and construction and directing development to locations within the Borough at the lowest risk of flooding, supporting developments which reduce flood risk elsewhere, and requiring new developments to manage surface water run off with no net increase in the rate of surface water runoff for Greenfield sites. This would be in line with Paragraphs 155 and 163 of the National Planning Policy Framework.

According to the Government's Flood Map for Planning, the vast majority of application site is identified as being within an area (Flood Zone 1) at risk of suffering a 1 in 1000 year (0.1% chance) flood event from rivers. This is supported by the Council's own mapping data and confirmed by the Environment Agency.

This type of proposed development within Flood Zone 1 is considered to be acceptable in principle in line with Paragraph 155 of the National Planning Policy Framework and Policy CS16 of the Charnwood Local Plan (Core Strategy).

The application has not been supported by a drainage strategy; however the site layout and landscaping plans show provision for an attenuation feature adjacent to plot 6. Whilst no calculations have been submitted to evidence the exact quantum of surface water attenuation required, it is considered that the site layout shows sufficient scope to sustainably manage excess surface water created by the development on site.

Leicestershire County Council (Lead Local Flood Authority) has been consulted in connection with this application. Whilst no objection was raised, they have referred the Local Planning Authority to their Standing Advice. Severn Trent Water has also been consulted

and it is recommended that a condition that requires details of foul and surface water management be imposed should planning permission be granted.

In view of the above, it is suggested that appropriate planning conditions should be imposed in the event that the Local Planning Authority are minded to grant planning permission in order to ensure an appropriate method of foul and surface water drainage can be achieved.

In view of the above, and subject to planning conditions and informative notes, it is considered that the proposed development would be in compliance with the relevant provisions of Policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy, and the relevant provisions of the National Planning Policy Framework.

Other matters

Concerns have been raised that the granting of planning permission would set an undesirable precedent for further development between Radmoor Road and Epinal Way. Each application must be determined on its individual merits at the time that it is submitted. It is not considered that should planning permission be granted, a precedent will be set for further development within the locality of the site.

An objection has been received that the proposal does not provide any affordable housing as part of the application. It is well established within national and local planning policy that affordable housing is a policy requirement of major development proposals of 10 units or more. The application proposes nine dwellings and is not therefore liable for affordable housing contributions.

An objection has been received citing concerns that the development would cause increased security risks. It is considered that the occupation of the proposed dwellings would reduce potential security risks associated with the application site due to the increased level of surveillance over the site and surrounding footpath networks.

Concerns have been raised regarding noise during construction. Given the distance from residential properties, and the fact that construction would take place during normal working hours, it is not considered that disturbance during construction is a material consideration in this case. In any event, it is recommended that a construction management plan be required by condition, which shall include hours of construction to be agreed with the local planning authority.

Concerns have been raised that the site is subject to a restrictive covenant. Such matters are not material to the planning considerations of the case and are a private civil matter. Furthermore, concerns have been raised that the applicant is not the owner of the application site. The applicant has served the requisite notice in order for the planning application to be validated and determined. The granting of planning permission does not alter any private legal rights to the land.

Conclusion

Decisions on applications need to be made in accordance with the adopted development plan policies unless material considerations indicate otherwise. Overall, the proposals have

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

The proposals are in a sustainable location, within walking distance of Loughborough town centre and are supported by policy CS1 of the Core Strategy. Whilst the Council can currently demonstrate 5.52 years housing land supply, the benefit of additional housing in this sustainable location should nevertheless be attributed significant positive weight. The provision of bungalows, of which there is an identified borough wide need, should also be given significant positive weight.

The proposals would result in the loss of currently unused private allotment land of which there is an identified need in Loughborough. However, this loss can be mitigated in accordance with policy CS15 and the National Planning Policy Framework with the payment of an offsite contribution towards creating or enhancing allotment land elsewhere in Loughborough.

It is considered that the proposals relate to the built form and settlement character of this area of Loughborough and would preserve amenity for existing residents and create a high quality environment for future residents. The highway impact of this development both on a stand-alone basis and cumulatively is considered acceptable. The ecological assessment has also been carefully considered along with opportunity to mitigate impacts both on site and off site through securing a financial contribution. Concerns with regard to flooding and drainage can be managed and controlled through appropriate conditions.

The determination of previous planning applications and the appeal is a material consideration. However, on balance, it is considered that the larger scale, more comprehensive form of development now proposed adequately addresses the previous concerns of the local planning authority.

Accordingly it is recommended having regard to the above considerations that planning permission is granted conditionally.

RECOMMENDATION A:

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into a legal agreement under S106 of the Town and Country Planning Act 1990, on terms to be finalised by them, to secure the following infrastructure improvements:

- A contribution of £52,800.00 towards offsite ecological mitigation
- A contribution of £60,334.06 towards offsite allotment creation/enhancement

RECOMMENDATION B:

That subject to the completion of the S106 legal agreement in Recommendation A above, planning permission be granted for the development subject to the following Conditions and Reasons why they have been imposed:

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 and the use operated only in accordance with the details and specifications included in the submitted application and as shown on the drawings below;

Approved Drawings:-

18.3529.17A

GL0925 05A

18.3529.16

18.3529.18

18.3529.20

18.3529.21

18.3529.22

18.3529.23

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18.3529.25

18.3529.26

18.3529.27

18.3529.28

18.3529.19A

Ecological Appraisal - 1246_02_rpt_mw_v2.docx

Site Location Plan at scale 1:1250 ref. 18.3529

REASON: For clarity and the avoidance of doubt and to define the terms of the permission

3. Only those materials specified in the application shall be used in carrying out the development hereby permitted.

REASON: To make sure that the appearance of the completed development is satisfactory in accordance with Policy CS2.

4. No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:

i) the treatment proposed for all ground surfaces, including hard areas;

ii) full details of tree planting;

iii) planting schedules, noting the species, sizes, numbers and densities of plants;

iv) finished levels or contours;

v) any structures to be erected or constructed (including areas for bin presentation)

vi) functional services above and below ground; and

vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed in accordance with policy CS2 and CS13

5. No development, including site works, shall begin until the trees to be retained within the application site have been protected, in a manner previously agreed in writing by the local planning authority. The trees shall be protected in the agreed manner for the duration of building operations on the application site.

REASON: The hedgerows are an important feature in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site in accordance with policies CS2, CS11 and CS13.

6. The landscaping scheme shall be fully completed, in accordance with the approved details, in the first planting and seeding seasons following the issue of this decision or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory, to mitigate the impacts on biodiversity and to help assimilate the development into its surroundings in accordance with Policy CS2 and CS13 of the Core Strategy.

7. No dwelling or building on the site shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, has been submitted to and agreed in writing by the local planning authority. The agreed landscape management plan shall then be fully implemented.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

8. No development, including site works, shall start on the site until details of existing and proposed levels, including ground levels, finished floor levels of all dwellings and a number of sections across the site (these sections to extend to land and buildings adjoining the application site), have been submitted to and agreed in writing by the local planning authority

REASON: To make sure that the development is carried out in a way which is in character with its surroundings.

9. Notwithstanding what is shown on the approved plans, within three months of commencement of development, exact details of the location, scale, appearance and material of all boundary treatments and fencing shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and completed prior to the occupation of any dwelling and maintained thereafter in the approved form.

REASON: To ensure the satisfactory appearance of the development and to protect the amenity of existing and future residents in accordance with policy CS2

10. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 5.0 metres and shall be surfaced in a bound material with a 5.5 metre dropped crossing. The access once provided shall be so maintained at all times.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2019.

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

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019)

12. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2019)

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

REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2019)

14. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number Drawing 8.3529.17. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

15. No development shall commence on the site until such time as a construction and environmental management plan, including as a minimum details of wheel cleansing facilities, methods to prevent the spreading of dust, storage of materials, vehicle parking facilities, a timetable for their provision, and construction working hours has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area and to protect the amenity of nearby residents.

16. No development approved by this planning permission shall commence until an Ecological Mitigation Strategy is submitted that accords with the recommendations contained within the submitted and approved Ecological Appraisal by Baker Consultants (Section 6: Recommendations). As a minimum these details shall include;

- 1) Bat Survey and mitigating recommendations
- 2) Badger Survey and mitigating recommendations
- 3) Reptile and amphibian survey and mitigating recommendations
- 4) Bird Survey and mitigating recommendations
- 5) Construction Ecological Management Plan (CEMP) to protect features during the construction phase.
- 6) Post-construction, a Biodiversity Management Plan (BMP) will be prepared and implemented.

The development shall be carried out and retained thereafter in accordance with the approved details.

REASON: to mitigate the impacts of the development during the construction phase and over the lifetime of the development in accordance with Policy CS13 of the Core Strategy

17. No development approved by this planning permission shall take place until such time as a surface and foul 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 foul and surface water from the site.

18. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008 or any order revoking or re-enacting that Order, with or without modifications, no enlargement, improvement or other alteration of the dwellings, including conversion of the garage to living accommodation, shall be carried out.

REASON: The dwellings are located close to existing properties and the carrying out of development of this type may create difficulties in terms of impact on the amenity of nearby residents. The enlargement of the dwellings may result in additional parking pressures that cannot be met on site. Additionally, to ensure that the approved bungalows remain as bungalows in order to meet identified housing need.

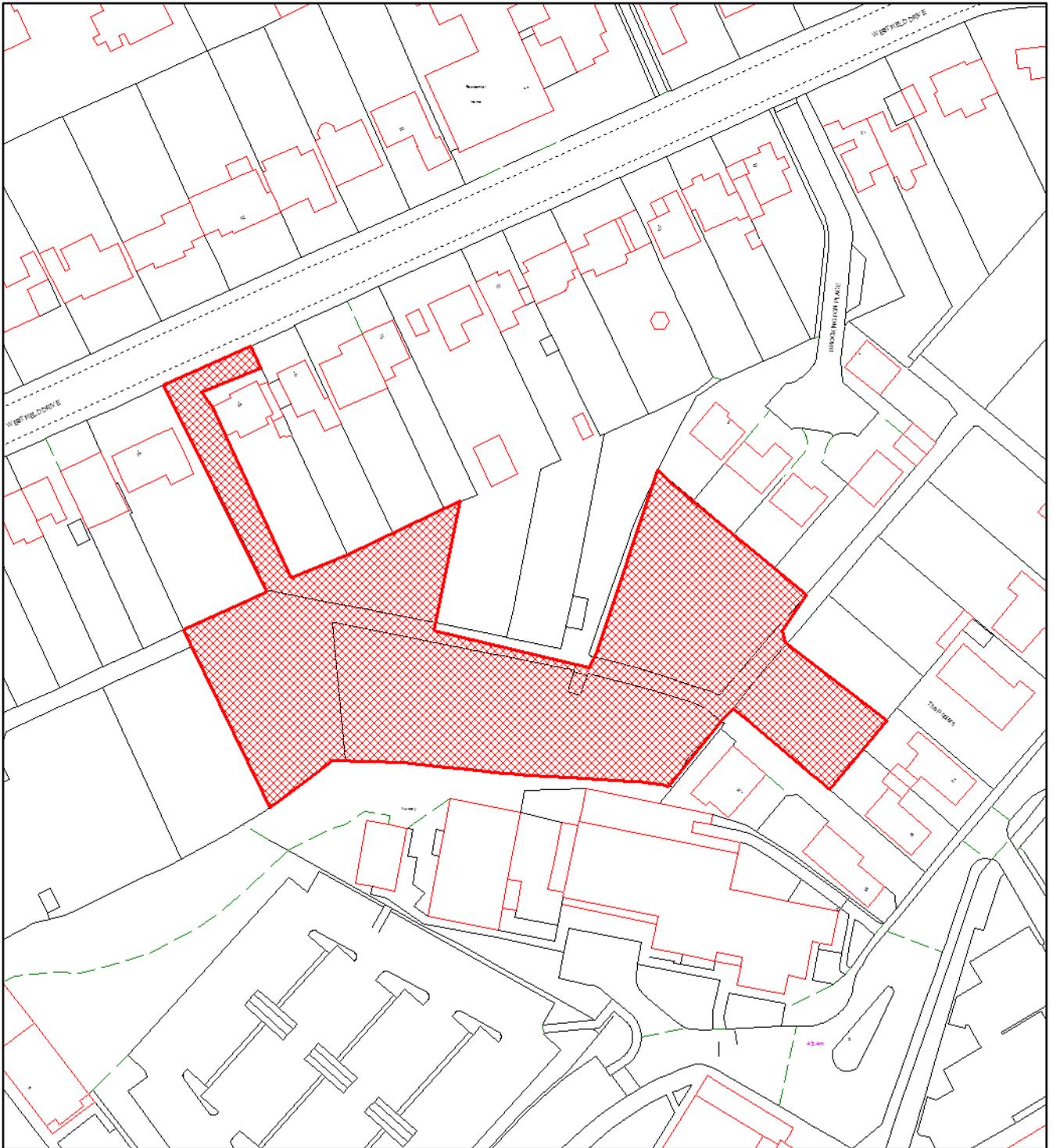
The following advice notes will be attached to a decision

- 1 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and, therefore, no harm would arise such as to warrant refusal of planning permission.
2. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
3. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.
4. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections,

headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

5. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

6. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.



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