

Item No. 2

Application Reference Number P/20/0650/2

Application Type:	Full	Date Valid:	31/3/2020
Applicant:	Future Generation Ltd		
Proposal:	Redevelopment to provide student accommodation ranging from 3-7 storeys in a range of purpose built accommodation and approximately 1,702 sq. m. of associated reception area, and flexible commercial space in use classes A1, B1, and D1, (retail, offices, communal areas, community space), together with public realm, landscaping with associated green roofs, plant rooms, cycle storage, with servicing, refuse and recycling areas and car parking spaces with new vehicular access from Aumberry Gap following demolition of existing buildings and associated works - Variation of condition 2 (approved plans) of application P/18/2067/2 to remove the green wall and replace with installation of public art and associated lighting		
Location:	Land west of Aumberry Gap Loughborough LE11 1BG		
	Ward:	Loughborough Hastings	
Case Officer:	Lewis Marshall	Tel No:	07714 846497

Background

This application has been brought to plans committee as it seeks to vary a planning condition, relating to a scheme of public art, on a planning permission determined by the Plans Committee.

Description of the Application Site

The application site is bounded to the northwest by Pinfold Gate, which includes a row of Grade II listed, two storey, terraced cottages, with the retail core of Loughborough Town Centre beyond with its range of facilities including shops, market stalls, cafes, and other uses. To the northeast the site is bounded by Aumberry Gap, which includes a two storey building (Co-op Funeral care) and car park; to the southeast by Barrow Street / A6, which is a key route to the edge of the town centre connecting north and south Loughborough. Adjacent is a three storey block of apartments and residential area beyond. The residential development comprises terraced properties in the Moor Lane area. There is also a traffic light controlled junction with pedestrian crossing point at the junction of Barrow Street and Leicester Road.

The application site lies within the Town Centre. There are two Conservation Areas close to the site, including Loughborough Church Gate Conservation Area to the northwest, and Leicester Road Conservation Area, immediately to the south of the site.

Description of the Proposal

The application seeks a minor material amendment (under Section 73) of planning permission P/18/2067/2, which relates to the redevelopment of land bounded by Aumberry Gap, Leicester Road, Pinfold Gate and Barrow Street in Loughborough town centre. The application specifically seeks to vary condition 2 in respect of the approved drawings. The application as originally submitted proposed removal of the green wall and provide a blank red brick façade. However following discussion and negotiation with Officers, the application has been amended and now proposes to remove a previously approved green wall and replace it with a scheme of public art and associated lighting. The scheme has been designed in association with the Loughborough University Arts Faculty with the artist chosen following a competition judged by the applicant with input from faculty leaders and councillors Bokor, Draycott and Hamilton from Charnwood Borough Council.

In line with the original application, the permission would provide student accommodation (subject to the above amendment) ranging from 3-7 storeys in a range of purpose built accommodation, associated reception area, and flexible commercial space in use classes A1, B1, and D1, (retail, offices, communal areas, community space), together with public realm, landscaping, green roofs, plant rooms, cycle storage, with servicing, refuse and recycling areas and car parking spaces with new vehicular access from Aumberry Gap, following demolition of existing buildings and associated works.

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Burton on the Wolds as an “other” settlement, (4th in a hierarchy of 5) where small scale development within limits to development is supported.

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, and protect the amenity of people who live or work nearby.

Policy CS3 Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

Policy CS13 Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

Policy CS14 - Heritage - sets out to conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make.

Policy CS16 Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS17 Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS 18 – The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

Policy CS 24 Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

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

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

Policy ST/2 Limits to Development – this policy sets out limits to development for settlements within Charnwood.

Policy CT/1 General Principles for areas of countryside... - This policy defines which types of development are acceptable in principle within areas of countryside.

Policy CT/2 – Development in the Countryside – Sets out how development that is within the countryside will be assessed to ensure there is no harm to the rural character of the area.

Policy EV/1 Design - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

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

Other material considerations

The National Planning Policy Framework (NPPF 2019)

The NPPF sets out the government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the

Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

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 73). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, (paragraph 11d). Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies. 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).

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).

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).

Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework.

National Design Guide

This document sets out the Government's design guidance to support the NPPF.

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.

Town Centre Masterplan 2018

Successive local plans and planning policy documents have promoted the redevelopment of the Aumberry Gap site. The recently adopted Town Centre Masterplan endorses that policy commitment in reaffirming the sites as a major redevelopment opportunity, providing guidance to assist in the application of policies CS7 and CS 9 of the Core Strategy.

Design Supplementary Planning Document (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life. Section 3.67 of the design SPD states that the best public art is reflective of local context, easy to maintain, designed to minimise risk from vandalism but promote interaction. It is considered to be safe to passers-by and is illuminated to help improve its status at night.

Leicestershire Highways Design Guide

The Leicestershire Highways Design Guide deals with highways and transportation infrastructure for new developments. It replaces the former 6C's Guidance.

Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

The Draft Charnwood Local Plan 2019-36

This document has reached the Preferred Options Consultation stage, and went out for public consultation between 4 November 2019 and 16th December 2019. This document sets out the Council's draft strategic and detailed policies for the plan period 2019-36. This document carries very limited weight at the current time.

Consultation Responses

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response
Environmental Protection - CBC	Does not raise any objections to the application.
Leicestershire County Council, (LCC) - Highways	Does not object to the proposal. 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. A condition is recommended.
Ward Councillor Draycott	<p>Accepts the justification for the green wall to be removed on account of fire safety but suggests alternative design to assist in softening the appearance of the building.</p> <p>When re-consulted on the proposal for a public scheme of art, raised the following questions/comments;</p> <ul style="list-style-type: none"> • Queried how will the art work be produced and displayed and states that the scheme needs to look like art not a poster or a banner. • States that the art work needs to be relevant as it will be prominent and needs to be timeless, able to catch the eye clearly and be a positive conversation point. The building will be a landmark in Loughborough and needs to take the town in to the future covering all changes to come. It also needs to be relevant and have meaning to all the diversity in the Borough, to the people, families, businesses, and the voluntary sector. • Queries the shelf life of the art work, how will it be maintained in the short and long term and by whom.
Environment Agency	Confirmed that they did not wish to make any formal comment on the application
Lead Local Flood Authority	Have considered the proposal and raise no objection

Other Comments Received

Cllr. Boker as the cabinet member for Loughborough gives support to the application. She states that she had the privilege of being on the selection panel which chose the piece of public art from three well deserved finalists from the Art Department of Loughborough University. She thinks it will add vibrancy to the red brick of the building and will be a talking point on entering the town centre along Leicester Road - An example of good partnership working between the Council, the community & the developer.

Planning History

The following planning history is that which is most recent and relevant to the proposal:

Reference	Description	Decision & Date
P/18/2067/2	Redevelopment to provide student accommodation ranging from 3-7 storeys in a range of purpose built accommodation and approximately 1,702 sq. m. of associated reception area, and flexible commercial space in use classes A1, B1, and D1, (retail, offices, communal areas, community space), together with public realm, landscaping, roof terraces and football pitch with associated green roofs, plant rooms, cycle storage, with servicing, refuse and recycling areas and car parking spaces with new vehicular access from Aumberry Gap following demolition of existing buildings and associated works	Approved 22/3/2019
P/19/1420/2	Amendment to permission P/18/2067/2 comprising 18 additional bedrooms; alterations to ground floor windows and reduction in volume of townhouse roofs.	Agreed 3/9/2019
P/19/2315/2	Discharge of conditions 4 and 16 of application P/18/2067/2 (Construction Method Statement and Construction Traffic Management Plan)	Discharged 3/12/2019
P/20/0243/2	Non-material amendments to application P/18/2067/2 - design alterations to Leicester Road elevations	Agreed 5/3/2020
P/20/0268/2	Non-material amendment to P/18/2067/2 - Removal of parapet walls	Agreed 5/3/2020
P/20/0651/2	Variation of condition 2 of P/18/2067/2 to amend the green roofs.	Approved 08/09/2020
P/20/0159/2	Variation of conditions 18 and 19 of approved planning application P/18/2067/2	Approved 25/8/2020

Consideration of the Planning Issues

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy.

The main issues are considered to be:

- The principle of the proposed development;
- Design & Visual Amenity
- Residential Amenity
- Highway Impact and public safety
- Other matters
- Planning conditions

Principle of the proposed development

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. The principle of the proposed development is acceptable by virtue of the previously approved application for the wider development. The key considerations in the determination of this application are therefore the design of the art work and the impact on the appearance of the area, the amenity of nearby residents, highway and public safety and the conditions to be re-applied to any consent.

Design and Visual Amenity

Local Plan Policies CS2 and EV/1 require new developments to make a positive contribution to the Borough where people would wish to live through high quality, inclusive design and, where appropriate, architectural excellence. . There are no specific policies that relate to the assessment of public art.

In terms of the proposed development, there will be two recessed panels in the gable end of the central block which will receive the proposed artwork. The recessed nature of these panels allows the brickwork surrounding the panels to act as a frame for the art. The material of the recess areas will be render to match the developments courtyard facades. This would create a finished and weathertight façade for the art to then be applied. The chosen method of applying the artwork is via a digitally printed image supported by a perimeter frame which in turn is supported back to the structure of the building.

The submitted information states that the digitally printed image is expected to last for up to 7 years. However, in the case of the application site, the elevation faces south, it is directly exposed to sunlight and accordingly the lifespan of any image is expected to be reduced and will therefore need to be periodically replaced. A planning condition is recommended to ensure the artwork is retained and maintained, and where necessary replaced in the event of periodic weathering. The applicant states that ensuring like for like replacement is an advantage of proposing a digitally printed rather than applying artwork via painting directly to the building façade.

In terms of the artwork itself, the artist has described the rationale behind the piece;

“My artwork illustrates the community in Loughborough amongst illustrations that make up the town's identity, conveying how Loughborough's rich cultural history is energising future generations”.

Whilst the subject matter of the artwork is not strictly a planning matter, the scale, proportions, method of fixing and the longevity of the artwork are material matters to be considered in the assessment of the planning application. Having regard for the above, it is considered that the scheme represents an appropriate response to the scale and design of the building that will enhance the façade and contribute positively to the street scene. It is therefore concluded that the application accords with policies CS2 EV/1 and the Design SPD.

Residential Amenity

Policy CS2 of the Core strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance in order to ensure an adequate level of amenity.

It is not considered that the artwork itself will have any impact on residential amenity in terms of outlook, loss of light or be overbearing. The proposed lighting will be situated at the top of and at the base of the panels where it will be seen obliquely from living room windows of nearby student accommodation flats. However, the proposed lighting is specifically designed to graze walls and is fitted with anti-glare louvres which will limit overspill beyond the face of the artwork installation. Notwithstanding this, the rooms to be affected are shared living rooms and not bedrooms which otherwise might be more impacted by any minor levels of lighting overspill. A planning condition is recommended to require details of hours of use for the lighting to ensure an appropriate balance between ensuring the artwork is on and can be appreciated by users of the night-time economy but not on unnecessarily and excessively throughout the night.

Overall, it is considered that the development would comply with policy CS2 of the Core Strategy and would not have a detrimental impact on residential amenity in terms of loss of light, over dominance or loss of privacy.

Highway Impact and Public Safety

In accordance with Policies CS17 and CS18 of the Core Strategy and Policy TR/18 of the Local Plan, applicants need to demonstrate sustainable travel options and demonstrate that a safe and suitable access can be provided. Paragraph 108 and 109 of the NPPF seeks to ensure that development will not have an unacceptable or impact on highway safety and that the cumulative impacts are not severe.

The local Highway authority have been consulted on the application and have not raised an objection. The submitted information on lighting levels have been provided in Lux (rather than the preferred candelas) so the Local highway authority has advised they were unable to comment specifically on the proposed lighting levels and make an assessment as to any impact on the safe functioning of the highway. However, the local highway authority has recommended a planning condition to ensure that the lighting levels are maintained at a level that is in accordance with their Highway Design Guide having regard for the urban location of the site.

It is considered that subject to appropriately worded conditions the proposal would accord with Paragraphs 108 and 109 of the NPPF, policy CS17 of the CS and saved policy TR/18 of the Local Plan in respect of parking, access and highway safety. Financial contributions requested by the local highway authority to mitigate the impacts of the development are considered below.

Other Matters

There are two Conservation Areas close to the site, including Loughborough Church Gate Conservation Area to the northwest, and Leicester Road Conservation Area, immediately to the south of the site. There is also a group of grade II listed buildings along Pinfold Gate to the north of the site.

Given the scope and nature of the proposals it is not considered that the proposals would have any impact on the setting of the nearby conservation areas. Furthermore, due to the south facing façade subject to the application not being visible from the nearby listed buildings within Pinfold Gate, there would be no harm or impact on the setting of the listed buildings. In these regards, it is considered that the proposal would accord with policy CS14 of the Core Strategy and section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Whilst the proposal would result in the loss of the green wall, it should also be noted that mitigation has been secured elsewhere on the site with additional provision for biodiversity in the form of log piles on the areas of green roof. Accordingly the impact on ecology has been reassessed and it is considered the proposal would result in no net loss.

The original planning permission was granted subject to a Section 106 agreement which secured contributions towards open space, healthcare and the student street support scheme. The amended proposals do not trigger the requirement for any new or amended planning obligations and the previously varied Section 106 agreement shall continue to apply to this Section 73 permission, in the event that it be granted.

Planning Conditions

Any new permission granted will sit alongside permission granted under P/18/2067/2 but shall supersede it once implemented. Ongoing conditions or conditions which have not yet been discharged will therefore need to be re-applied to any new permission pursuant to Section 73 of the Act. Planning conditions which have been discharged through the submission of approved details will make reference to any such approved details within the new permission. It is not necessary to re-apply condition 1 (timescale for implementation) as the development has already commenced. All other conditions that are ongoing conditions or those that have not yet been discharged will be re-applied as per the original consent. Conditions which have been previously discharged will be applied with reference to the approved details. Reference to the details of the green living wall within condition 18 will be removed and new condition imposed to require details of the long term maintenance and management of the public art, details of the lighting scheme and maximum lighting levels are recommended. Condition two will be re-applied with the insertion of new drawing numbers that show the revised elevations and additional documents that relate to the proposed scheme of public art.

Planning Balance and Conclusion

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

The application would result in the loss of a living green wall which would have provided an attractive high quality design solution to an otherwise blank public façade of the approved building. However, its replacement with a scheme of public art that seeks to reinforce the distinctive attributes of Loughborough will also serve to provide an appropriate response to the appearance of the building and instil a sense of civic pride. It is therefore considered on balance that the proposal accords with key policies CS2 and EV/1.

The proposal will not result in any adverse impact on the amenity of those that will live in the development or those that live nearby in accordance with policies CS2 and EV/1.

Subject to the imposition of conditions limiting the luminosity levels of the proposed lighting, the proposal will not result in any unacceptable or severe impact on highway or public safety.

The application is therefore recommended for approval subject to planning conditions and continuity of the obligations within the Section 106 agreement.

RECOMMENDATION A:

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 carried out in accordance with the following approved plans and documents:

0310 RIO 00 00 DR A 90700 Proposed Site Plan
 0310 RIO 00 00 DR A 90100 01 Site Location Plan
 0310 RIO 00 00 DR A 90101 01 Existing Site Plan
 0310 RIO 00 00 DR A 90102 01 Demolition Plan
 0310-RIO-00-00-DR-A-01900 Ground Floor Plan
 0310-RIO-00-00-DR-A-01901 First Floor Plan
 0310-RIO-00-00-DR-A-01902 Second Floor Plan
 0310-RIO-00-00-DR-A-01903 Third Floor Plan
 0310-RIO-00-00-DR-A-01904 Fourth Floor Plan
 0310-RIO-00-00-DR-A-01905 Fifth Floor Plan
 0310-RIO-00-00-DR-A-01906 Sixth Floor Plan
 0310 RIO 00 07 DR A 01707-01 GA Plan Roof Plan.
 0310-RIO-00-00-DR-A-01908 Upper ground Floor Plan
 0310 RIO 00 ZZ DR A 02000 Barrow Street Elevation Rev 4
 0310-RIO-00-00-DR-A-02902 Pinfold Gate Elevation
 0310 RIO 00 ZZ DR A 02003 Aumberry Gap Elevation Rev 4
 0310 RIO 00 ZZ DR A 02904 Courtyard Elevations_MCA
 0310 RIO 00 ZZ DR A 02905 Courtyard Elevations_MCA
 0310 RIO 00 ZZ DR A 02906 Courtyard Elevations_MCA
 0310 RIO 00 ZZ DR A 02907 Courtyard Elevations_MCA
 0310 RIO 00 ZZ DR A 02100 Existing Elevations A, B, C and D Rev /
 0310-RIO-00-00-DR-A-03900 Proposed. Context Section
 0310 RIO 00 ZZ DR A 03002 Proposed Section B Rev 4
 0310-RIO-00-00-DR-A-03903 Proposed Section C
 0310 RIO 00 ZZ DR A 02001 rev 9 GA Elevation Leicester Road (planning)
 0310 RIO 00 ZZ DR A 02008 rev 6 GA Elevation Central Block (planning)
 0310 RIO 00 ZZ DR A 03001 rev 7 Proposed Section A (planning)
 Note from Eagle Signs (as submitted on 22nd Feb. 2021)
 Ultra-Flex Europe Technical Data Sheet (as submitted on 22nd Feb. 2021)
 0310 RIO XX XX RP A 06073 Design Document prepared by Rio Architects
 (submitted 02.3.21);
 Lumino V36S Optic / IP50|IP64 (submitted 02.03.21)
 0310 00 ZZ DR A 03100 Existing Context Section A, B & C Rev /
 And those plans subsequently amended and approved by the granting of Non-
 Material Amendments under application references P/19/1420/2, P/20/0268/2,
 P/20/0243/2, P/20/0919/2 and P/21/0037/2

REASON: To define the terms of the planning permission.

2. The development hereby permitted shall take place only in accordance with details of proposed ground levels and the finished floor levels of all the buildings approved in writing by the Local Planning Authority under discharge of condition application P/19/2589/2. The approved levels details shall be fully implemented.

REASON: To ensure that the development integrates satisfactorily into the landscape and surrounding area.

3. The development shall be carried out only in accordance with the Construction Method Statement approved under discharge of condition application P/19/2315/2.

REASON: To ensure harm to the amenity of adjacent residents is minimised and for reasons of highway safety.

4. Except with the prior written agreement of the local planning authority (a) no construction work shall be carried out or construction plant operated other than between the following hours: 08.00 hours to 17.00 hours Monday to Friday, 09.00 hours to 13.00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, and (b) there shall be no collection or deliveries to the site during the construction period outside the hours of 09.00 hours and 16:00 hours on Monday to Saturday and at any time on Sundays, Bank or Public holidays.

REASON: To ensure harm to the amenity of adjacent residents is minimised

5. The landscaping scheme approved under discharge of condition application P/20/2371/2 shall be provided in the first planting and seeding season following approval of the details 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 a satisfactory landscaping scheme for the development is provided

6. The management of the landscaped areas shall be carried out in accordance with the details approved under discharge of condition application P/20/2371/2.

REASON: To make sure the appearance of the completed development is satisfactory.

7. No occupation of any student accommodation shall take place until a scheme for external lighting on the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these agreed details.

REASON: To ensure that any outdoor lighting is in accordance with the approved planning application.

8. The acoustic protection measures hereby permitted shall be implemented in accordance with the approved acoustic assessment prepared by RBA Acoustics dated 4th October 2018. The measures shall be carried out in accordance with the approved details

REASON: To safeguard residential amenity.

9. The development hereby permitted shall not be occupied until a noise insulation scheme has been carried out in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve internal noise levels in accordance with the recommendations of BS

8233:2014, Guidance on sound insulation and noise reduction in buildings (or any successor document), taking account of traffic and other ambient noise levels in the locality.

REASON: To safeguard the amenity of prospective residents.

10. The development hereby permitted shall take place only in accordance with details of proposed foul and surface water drainage scheme approved in writing by the Local Planning Authority under discharge of condition application P/19/2589/2. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

11. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres in a north-westerly direction and 2.4 metres by 27 metres in a south-easterly direction 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).

12. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Richard Jackson drawing number 4891-PP-01 have been implemented in full.

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

13. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Richard Jackson drawing number 4891-PP-01. 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).

14. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with Rio drawing number 01000 Rev 10. Thereafter the cycle parking shall be maintained and kept available for use.

REASON: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2019).

15. The development shall be carried out only in accordance with the Construction Traffic Management Plan approved under discharge of condition application P/19/2315/2.

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.

16. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on Aumberry Gap/ Pinfold Gate/ A6 Barrow Street that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

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

17. Prior to construction of each element of the development (as listed) drawings at 1:10 scale (including sections) or at another scale agreed by the Local Planning Authority showing external construction detailing of all key elements shall be submitted to and approved by the Local Planning Authority in writing, unless otherwise agreed in writing by the Local Planning Authority. All elements relating to the student accommodation (elements (a) to (o)) shall be completed before the occupation by the 1st student. The drawings shall include details of:

- a) windows, cills, reveals and doors;
- b) wall vents;
- c) copings, parapets, soffits and upstands;
- d) decorative brick detailing;
- e) roof structure (including decorative features)
- f) rain water goods;
- g) balconies/terrace balustrades (including soffits and railings);
- h) canopies;
- i) lighting of communal spaces and buildings;
- j) building signage;
- k) art installations;
- l) mail boxes;
- m) air conditioning or ventilation;
- n) cladding;
- o) shop/non-residential use fascia's and signage; and
- p) shop security."

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

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area along with setting

of the adjoining conservation and listed buildings. (Policies CS2, CS14 and CS16 of the Charnwood Core Strategy, adopted November 2015)

18. Prior to construction of each element of the development, sample panels of all external materials shall be submitted to or provided on site for inspection by a council officer and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

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

19. Prior to the occupation of any part of the ground floor of the building, the window glass shall be clear glass and shall not be mirrored, tinted or otherwise obscured. The development shall be permanently maintained in this form. No external security roller shutters or roller blinds shall be attached to the ground floor windows hereby permitted, without planning permission having first been granted by the Council.

REASON: In order to prevent visual clutter, and to ensure a satisfactory external appearance to the design of the building. (Policies CS2, CS14 and CS16 of the Charnwood Core Strategy, adopted November 2015).

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that Order, with or without modifications, no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles.

REASON: To ensure alterations are not carried out that would result in the loss of parking facilities within the site and to ensure that there is no overlooking of adjacent gardens if garages are converted to living spaces.

21. The artwork hereby approved will be provided within 3 months of the use commencing and an approved artwork maintained in situ for the duration and lifespan of the building. The artwork hereby approved will be replaced like for like, or if agreed by the local planning authority replaced with a new artwork following a design competition, every 7 years (or sooner if required by the local planning authority). Any proposed new artwork will first be submitted to and agreed in writing by the local planning authority. An approved artwork will not be removed for any reason (save safety and security) unless otherwise agreed by the local planning authority in writing.

REASON: To ensure that the artwork is retained and maintained in good condition in accordance with policies CS2 and EV/1.

22. Within 3 months of the of the use commencing, a scheme to ensure the continued operation of the lighting approved as part of the artwork installation shall be submitted to and approved by the local planning authority. The scheme shall include the hours of use for the approved lighting throughout the calendar year and the method of how they lighting will be controlled.

REASON: To ensure that the artwork is visible throughout the year and during night time hours in accordance with policy CS2 and EV/1.

23. Notwithstanding what is shown on the approved documents, the maximum luminance of the light source used as part of the public art shall not exceed 600 cd/m²

REASON: In the interests of general highway safety in accordance with the National Planning Policy Framework (2019).

Informative Note(s):

1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24, CS25, ST/2, EV/1 and TR/18. Because the benefits of the proposal are not significantly and demonstrably outweighed by the harm identified. There are no other issues arising that would indicate that planning permission should be refused.
2. The Local Planning Authority has acted pro-actively through early engagement with the Applicant at the pre-application stage and throughout the consideration of this planning application. This has led to improvements with regards the development scheme in order to secure a sustainable form of development in line with the requirements of Paragraph 38 of the National Planning Policy Framework (2019), and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. 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>
4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001). All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

