



Appeal Decision

Site visit made on 15 December 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2021

Appeal Ref: APP/X2410/W/20/3259318

Radmoor House, Radmoor Road, Loughborough LE11 3BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Chamberlain of Harington Investments Ltd against the decision of Charnwood Borough Council.
 - The application Ref P/20/0155/2, dated 23 January 2020, was refused by notice dated 1 May 2020.
 - The development proposed is the erection of two managed student accommodation buildings comprising 31x studio flats and 9x one-bedroom apartments with associated access, parking and landscaping provision.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two managed student accommodation buildings comprising 31x studio flats and 9x one-bedroom apartments with associated access, parking and landscaping provision at Radmoor House, Radmoor Road, Loughborough LE11 3BS in accordance with the terms of the application, Ref P/20/0155/2, dated 23 January 2020, subject to the conditions in the attached schedule.

Procedural Matter

2. As part of the appeal submission, the appellant provided additional elevation plans which had not formed part of the original planning application. These gave information about the relative size of the buildings proposed in this case compared to the 2018 development proposal which was dismissed at appeal in 2019 (and which I explain further from paragraph 7 below). This did not amend the proposal itself, and while I have had regard to the submitted information in reaching my decision I am satisfied that no party's interests have been prejudiced by my having done so. As the scheme was not altered I have not referred to these plans in the schedule of conditions, instead retaining references to the plans the Council originally considered.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the Loughborough Ashby Road Conservation Area; and
 - Protected trees within the site.

Reasons

Character and appearance

4. The appeal site sits within the Loughborough Ashby Road Conservation Area (the Conservation Area). I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the National Planning Policy Framework ("the Framework") states that they should be conserved in a manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196).
5. The Conservation Area is principally residential in nature, with tightly-packed urban communities around Storer Road in the north-eastern part of the area, and around Radmoor Road next to the appeal site in the south-eastern part of the Area. These two areas of predominantly Victorian and Edwardian terraced dwellings are separated by Ashby Road itself, which has many large detached houses. The original imposing buildings of Loughborough University lie in a parkland setting at the western end of the Conservation Area. From the evidence before me and my observations on and around the appeal site, I consider that the significance of the Conservation Area is derived in part from its well-preserved Victorian and Edwardian character, which serves to illustrate the growth and development of the town of Loughborough.
6. The appeal site comprises Radmoor House, a large and relatively simple Victorian red brick building now used as student accommodation, and its grounds. Radmoor Road Park, which was recently added to the Conservation Area, lies south of the appeal site. True Lovers Walk, a public footpath, runs along the northern boundary of the appeal site, separating it from the rear of houses on York Road. Radmoor House is identified as a prominent local building in the 2005 Ashby Road Conservation Area Character Statement. Planning permission was granted in 2014 for a 1 and 2 storey building along the northern boundary of the site close to the main building providing further student accommodation, which was completed in 2015. The remaining grounds at the rear of the main building are a grassed garden, which is valued by those whose homes on York Road back on to the appeal site because of the open and green outlook it offers. Although the garden contains several mature trees which provide some visual interest, beyond that in my view its contribution to the quality and character of the Conservation Area is not of great significance.
7. The proposed development is the erection of two blocks of student accommodation on the rear garden space within the grounds of Radmoor House. The larger of these would be a T-shaped block set towards the southern boundary of the site next to Radmoor Road Park. The second would be a linear block aligned with the True Lovers Walk footpath close to the northern boundary of the site. Both buildings would be 2½ storeys, with their lowest floors below ground level opening into a new sunken courtyard connected to the existing garden level by flights of stairs. The upper floor accommodation would be contained within the roof space, and each building would contain a mix of studio flats and 1-bedroom apartments. There would also be a communal gym on the lower ground floor of the larger building. An earlier proposal for two managed student accommodation buildings on the site was

refused planning permission in 2018 and subsequently dismissed at appeal in 2019, and both main parties have drawn my attention to elements of the Inspector's decision in that case¹.

8. In his 2019 appeal decision the Inspector found that the sheer scale and size of the proposed larger building "would detract from the otherwise spacious grounds of Radmoor House and would harm the overall character of this prominent local building". The Council considers that although the scale of the proposed building has been reduced since the 2019 appeal, the overall size and mass of building now proposed would result in a substantial over-development of the site, and consequently invites me to draw the same conclusion in this appeal. The appellant, on the other hand, has highlighted the Inspector's comment that the proposed smaller building "would be of a scale and design which would respect the character of Radmoor House and the wider Conservation Area", and states that it has been the starting point for the scale and mass of the current scheme.
9. The appellant indicates that the built footprint of the current scheme would be around 25% less than proposed in 2018, and the highest roof ridge now proposed would be more than 4m lower than that proposed in 2018. While I do not have before me all of the details of the 2018 proposal, I have been provided with drawings showing the comparative footprints and heights of the two schemes, and there is no evidence before me which leads me to doubt the accuracy of the appellant's claims in these respects. In any case it is clear that the current proposal is significantly reduced in size and scale from that which my colleague considered in 2019. While I have had regard to the 2019 appeal decision in reaching my conclusions, and indeed many of the previous Inspector's comments remain relevant, nonetheless I am of the view that because of the changes in size and scale the proposal before me would have a different effect on the surrounding area.
10. In the current proposal, both blocks would measure around 3.6m to the eaves on the elevations facing out of the appeal site, with their principal roof ridges approximately 6.3m above the external ground level. Because one level of accommodation would be below the external ground level, from outside the site the new accommodation blocks would appear as 1½ storey buildings. The inward-facing elevations would, because of the excavated courtyard, rise to the full 2½ storeys in height. However, the ridge height of both new buildings would be just under 6m below that of Radmoor House, and around 1.8m lower than its eaves, and Radmoor House would remain the most prominent, and dominant, building on the site.
11. The proposal would approximately double the built footprint on the appeal site. Although the Council suggests that the proposal would "consume and dominate" the site, reasonably generous garden areas would be retained, including areas of grass and trees between the proposed new buildings and Radmoor House, and at the south-eastern end of the site. There would necessarily be a loss of private open space because of the scheme, and significant engineering works would be required to dig out the basement level and sunken courtyard. However, the provision of 40 units of student accommodation on what is a spacious urban site would not, in my view, amount to an unacceptable concentration of development, nor would it

¹ Ref: APP/X2410/W/19/3223313

represent a harmful over-development of the site. I am satisfied that the proposed buildings would be of an appropriate scale in relation to Radmoor House itself, the appeal site's setting between 2 storey terraced houses and the open space of Radmoor Road Park, and the wider Conservation Area.

12. Both buildings would be of red brickwork and natural slate roofs with white uPVC windows and painted composite doors, and in these respects would complement Radmoor House and the 2015 annexe, as well as the prevailing materials in the surrounding area. While Radmoor House itself does not have gable end walls, they are found on the 2015 annexe and throughout the surrounding area, including on the rear outriggers of the houses on York road overlooking the appeal site, and so would not be an alien or harmful feature.
13. The proposal would provide for a new access driveway for pedestrians and vehicles, which would require the demolition of part of the high brick wall to Radmoor Road. I agree with the observation of the Inspector in the 2019 appeal decision that although the wall does not appear to be original it makes a positive contribution to the street elevation of Radmoor House and to the character of the Conservation Area, and that its loss and replacement without any other significant replacement walling would be harmful to the character and appearance of Radmoor House and the Conservation Area. However, while the high wall would be removed to provide a driveway and low masonry-walled planters installed to allow visibility splays, there would also be a new 1.8m high masonry wall, set on the building line of Radmoor House itself. I am satisfied that this would ensure that the essential character of this part of the site and the Conservation Area would be retained.
14. Taking all of these points together, I consider that the siting, design, form and massing of the proposed development would be acceptable, and consequently I conclude that the character and appearance of the Loughborough Ashby Road Conservation Area would be preserved.
15. The proposal therefore complies with CS2 and CS14 of the 2015 Charnwood Local Plan Core Strategy ("the Core Strategy"), and saved Policy EV/1 of the 2004 Charnwood Local Plan ("the 2004 Local Plan"), which among other things require development proposals to respect and respond to local context, character and appearance, including in their scale, massing, layout and materials, and which seek to protect heritage assets such as Conservation Areas.
16. The proposal would also comply with the provisions of the Framework which seek to conserve and enhance the historic environment. As I do not find that the proposal would cause harm to or loss of the heritage assets, it is not necessary to apply the public benefit test set out in paragraph 196 of the Framework.

Protected trees

17. There are a number of mature trees in the grounds of the building which are protected either by a Tree Preservation Order² ("TPO") or by virtue of their location within the Conservation Area. The appeal proposal would result in the removal of a pair of sycamore trees, identified as part of the G3 group in the

² Borough of Charnwood (Radmoor House, Radmoor Road, Loughborough) Tree Preservation Order 1999

TPO and as G8 in the submitted Arboricultural Impact Assessment and Method Statement ("the AIAMS") along the south-western site boundary.

18. The AIAMS describes the G8 pair as being "unremarkable", though in a good physical condition. They are very close to the boundary with Radmoor Road Park, with several other trees (including other sycamores) nearby. The more northerly of the pair (which is itself double-stemmed) is crowded by other trees and not therefore a significant feature from public vantage points. The other, larger G8 tree is visible from the Park, but largely seen as a background tree among others along the Park boundary. The Inspector in the 2019 appeal considered that the loss of these two trees would not have any significant impact on tree coverage or on the character and appearance of the area. None of the evidence before me leads me to a different view. Other protected trees on the site would remain in place.
19. The Council has expressed concern that the proposed development, and in particular the creation of the basement level for the accommodation blocks, would lead to severe root disturbance and consequently would be harmful to the trees. It also commented that the tree survey which was prepared for the 2018 proposal is outdated and does not adequately reflect the impact on protected trees of the current scheme. I recognise that, although the AIAMS is dated January 2020, the Arboricultural Survey Report section dates from April 2018. However, as the appellant points out, the majority of trees on the appeal site are in the mature or early mature age class, and that any growth since 2018 (and the consequent need for larger root protection areas) would be negligible. At the same time, the method statement plan reflects the current proposed layout, and the supporting text in the AIAMS describes both how the buildings would relate to, and allow for future growth of, protected trees on the site, and how work would be carried out in line with relevant British Standards.
20. Subject to the imposition of a condition requiring all works to and near protected trees on the site to be carried out in line with the submitted AIAMS, I am satisfied that the development would not have unacceptable effects on protected trees either during the construction phase or in the longer term. The proposal would therefore comply with Policy CS2 of the Core Strategy and saved Policy EV/1 of the 2004 Local Plan, which seek to ensure that development is of a high quality and designed to make good use of existing landforms and features such as trees and hedges. The Council's decision notice indicated conflict with Policy CS11 of the Core Strategy, which seeks to protect the character of the landscape and countryside, but principally appears to address the rural areas of the borough; I also find no conflict with that policy.

Other matters

21. Interested parties have raised a number of concerns about the proposed development, many of which relate to the main issue of effects on the character and appearance of the Conservation Area and which are addressed above. The principal other matters raised related to the need for and general impact of student accommodation in the area; noise and other disturbance; traffic and car parking; and effects on neighbours' living conditions in respect of privacy, daylight, sunlight and outlook.
22. The appeal site is close to Loughborough town centre and the campuses of both Loughborough University and Loughborough College. It has good access to both campuses and the facilities in and around the town centre on foot, by

cycle, and by public transport. The Council has indicated that in such areas saved Policy H/12 of the 2004 Local Plan, further supported by advice in policy HSPD 16 of its 2017 Housing Supplementary Planning Document, seeks to encourage the provision of new student housing development. It therefore considers that in principle the proposal is acceptable. I agree, and note that many local residents' concerns relate to the loss of family housing and impact of students living in poorly-managed Houses in Multiple Occupation (HMOs). It seems to me that demand for student housing is more likely to be led by numbers at the town's various educational institutions rather than by the availability of such housing. The provision of purpose-built accommodation would, albeit in a relatively small way in this case, help to reduce the pressure on the general housing stock.

23. Concern has been raised regarding noise and other disturbance to local residents which may be caused by future occupiers of the accommodation. While I have not been provided with evidence of specific incidents in respect of Radmoor House, based on the comments of local residents and my general experience elsewhere I agree that there may be some increased noise disturbance arising from high concentrations of students living in an area. However, unlike accommodation in HMOs, managed accommodation provides some oversight of occupiers by on-site wardens, as are already in place at Radmoor House. Furthermore, the appellant has proposed that a site management plan which would, among other things, address noise and disturbance issues could be secured by an appropriate condition. I note also that the Council considered this an acceptable solution.
24. Concerns were raised over highway safety and parking, though these matters did not form part of the reasons for refusal and have not been referred to in detail in the Council's appeal evidence. No new vehicle parking spaces would be provided, so clearly any future occupiers with a car would increase the demand for on-street parking in the area. Both main parties referred to there being a "no car" agreement in place for students renting the flats within the development, although no information on how such an agreement would work is before me. However, I consider that this, along with matters dealing with the management of the arrival and departure of students each academic year, are matters which could be secured by being wrapped into the "management plan" condition already mentioned.
25. In respect privacy, daylight, sunlight and outlook for nearby residents, the separation distance between the smaller proposed block (next to True Lovers Walk) and the rear elevation of dwellings on York Road is within parameters which the Council considered would ensure that the new development would not be overbearing or detrimental to outlook. Based on all the evidence before me I agree. There may be some loss of daylight and sunlight reaching the rear of York Road, but given the south-west facing aspect of the dwellings on York Road and the relative heights of the buildings the impact would be very limited and would not amount to significant harm to neighbouring occupiers. Again, I agree with the Council's initial view that the proposal is acceptable in this respect. Finally, there may be some very limited potential for overlooking from the single rooflight proposed for the side of the smaller building backing on to York Road, with a consequent impact on neighbouring residents' privacy. However, I agree with the Council that a condition requiring the use of obscure glazing in this window would address this matter satisfactorily.

26. Other matters raised by interested parties included flood risk and the landscaping of the site. These are matters which I consider can be satisfactorily addressed by conditions. None of these other matters raised alter or outweigh my overall conclusion below.

Conditions

27. I have considered the conditions suggested by the Council, and comments by the appellant, having regard to the tests in the Framework and the advice in the Planning Practice Guidance. Where necessary I have altered the ordering and proposed wording in the interests of clarity and effectiveness.
28. In addition to the standard time limit condition (1) I have specified the approved plans so as to provide certainty (2).
29. A condition requiring a Construction Management Plan to be submitted and approved (3) is necessary in the interests of highway safety and the living conditions of nearby residents (including those in the other accommodation within the Radmoor House site), and a surface water drainage scheme (4) is necessary to secure proper drainage and to manage the risk of flooding and pollution. Although the appellant has submitted a plan setting out landscape proposals which forms part of the approved drawings, further information in respect of planting schedules, ground levels, and maintenance is necessary to protect the character and appearance of the site and the area. I have therefore imposed a further condition (5) in this respect, although I have amended the Council's suggested wording. These are pre-commencement conditions, and accordingly I note that the appellant has indicated their agreement to their being imposed.
30. I have also imposed three further conditions which were referred to in both main parties' evidence, but where neither had suggested specific wording. Firstly, a condition requiring the development to comply with the submitted Arboricultural Impact Assessment and Method Statement is necessary to ensure the continued protection and well-being of the trees on and around the site (6). Secondly, a condition requiring the rooflight on the north-eastern side of the smaller building next to True Lovers Walk to be obscure glazed (7) is necessary to protect the privacy of residents of York Road. Finally, a condition requiring a Student Management Plan (8), including details of site management, incident reporting, car parking and servicing, security, and tenant behaviour, is necessary and reasonable to ensure that the development would not have an adverse effect on living conditions of nearby residents.

Conclusion

31. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

M Cryan

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - WA222 - 01 rev A Site Location Plan
 - WA89 - 02 Existing Site Plan
 - WA89a - 05 Proposed Site Plan and Imagery
 - WA89a - 06 rev A Lower Ground Floor and Ground Floor Plans
 - WA89a - 07 Proposed First Floor Plans and Sections
 - WA89a - 10 Proposed Elevations
 - WA89a - 11 Proposed Elevations
 - GL0924 06 – Soft Landscape Proposals (Golby & Luck)
- 3) No development shall commence until such time as a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the local planning authority. The CTMP shall include measures to ensure that the surfacing of the existing vehicular access is improved and then so maintained throughout the duration of the construction period, how deliveries are to be managed and how the highway is to be kept clear of any mud, stones or other deleterious material during the construction phase. The development shall then be carried out strictly in accordance with the approved CTMP.
- 4) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- details of how the scheme shall be maintained and managed after completion; and
 - SUDS elements with attenuation, storage and treatment capacities incorporated as detailed in the CIRIA SUDS Manual (C697).
- 5) Landscaping works shall be carried out in accordance with drawing GL0924 06. No development, including site works, shall begin until further details have been submitted to and agreed in writing by the local planning authority. The scheme shall set out the following:
 - i) any structures to be erected or constructed;
 - ii) functional services, existing or to be provided, above and below ground;
 - iii) finished levels or contours;
 - iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed;

- v) planting schedules, noting the species, sizes, numbers and densities of plants; and
 - vi) a management and maintenance schedule, and provisions for replacing any trees, shrubs, hedges or other planting which are removed, die, or become severely damaged or seriously diseased within five years of planting.
- 6) No development or other operations shall take place except in complete accordance with the tree protection measures identified in the *Arboricultural Impact Assessment and Method Statement* by Golby & Luck Ref: GL0924 with measures to be implemented under Arboricultural supervision in accordance with BS 5837:2012 *Trees in Relation to Design, Demolition and Construction (Recommendations)*.
- i) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
 - ii) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
 - iii) Protective fencing shall be retained intact for the full duration of the construction phase, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- 7) The smaller accommodation block hereby permitted shall not be occupied until the rooflight on its north-eastern elevation facing the rear of York Road has been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 8) No part of the accommodation hereby permitted shall be brought into use until a Student Management Plan (SMP) has been submitted to and approved in writing by the local planning authority. The SMP shall include, but not be limited to:
- i) Arrangements for the provision of security and warden management of the premises, including a contact telephone number and email address in the event of any complaint or other incident;
 - ii) Arrangements for maintaining a record of all complaints received by the warden in relation to any incidents of alleged anti-social behaviour caused by occupiers of the site, together with arrangements for inspection by the local planning authority;
 - iii) Details of the "no car" agreement to be signed by tenants, and how the accommodation operator will manage and enforce such agreements.
 - iv) Arrangements for the handling of student arrivals and departures at the start and end of the academic year, including the delivery and removal of personal possessions; and

v) Details of student behaviour contracts which are to form part of all occupiers' tenancy agreements.

The development shall be operated in accordance with the approved SMP at all times.

--End of schedule of conditions--