

Item No. 3

Application Reference Number P/22/0967/2

Application Type:	Outline	Date Valid:	17/05/2022
Applicant:	Mr Gavin Smith		
Proposal:	Site for the erection of a detached two storey dwelling and a triple garage/car port block to the rear of No. 88 Chaveney Road and formation of associated access (Outline planning permission).		
Location:	Land to the rear of 88 - 90 Chaveney Road Quorn LE12 8AD		
Parish:	Quorn	Ward:	Quorn and Mountsorrel Castle
Case Officer:	Joe Davies	Tel No:	07714 846497

Background

This item has been referred to Plans Committee by Councillor Shepherd who has concerns about the overbearing impact and the design of the proposed dwelling. He considers the proposal will result in the loss of residential amenity (in terms of privacy, daylight and sunlight), it would be development not in character with the area, and it would be in conflict with the Quorn Neighbourhood Plan.

Description of the Site

The application site is within the settlement limits of Quorn and relates to garden land to the rear of No. 90 Chaveney Road and to the side of No. 88 Chaveney Road where access to it is proposed to be formed. The properties lie on the southern side of the street where existing dwellings are typically large, detached homes set within spacious plots with road facing frontages and mature planting. The carriageway and street scene is relatively spacious with verges on the southern side of the street and properties set back from the road with relatively deep frontages and some featuring forward garages.

To the south-western boundary, the site adjoins an area of woodland on land between Wyvernhoel Drive (private road) and Buddon Lane (private road) which is the subject of a Tree Preservation Order. There are no statutorily protected trees within the application site itself.

The existing dwelling at No, 88 Chaveney Road is a relatively large, modernized and extended dwelling with parking the front, including a triple garage. The neighbouring property at No. 90 Chaveney Road is a large rendered and slate detached dwelling set back from the highway with a vehicular access and front boundary hedge and this property occupies a smaller plot than No. 88.

Properties in the surrounding area, including on Buddon Lane to the south-east, and Wyvernhoel Drive to the north-west are generally large detached dwellings set in spacious plots.

The application site is adjoined by residential properties as described below:

Boundary	Adjacent land use
South east	No. 88 Chaveney Road – a large rendered and tiled extended dwelling occupying a large plot – an expanse of its rear garden forms part of the application site.
South East	3 Buddon Lane – a large detached render and slate dwelling with integral garage
South	5 Buddon Lane – a large detached and previously extended render and slate dwelling
South	7 Buddon Lane – a large detached and previously extended render and slate dwelling
South	7a Buddon Lane – hipped roof brick and tile bungalow with integral garage
South west	9 Buddon Lane – render and slate chalet bungalow with elongated footprint and detached garage to side.
South west	11 Buddon Lane – a 2.5 storey render and tile dwelling.
West	Woodland and residential curtilage associated with Wood Close, Wyvernhoe Drive
North	4 Wyvernhoe Drive

Description of the Application

The application seeks outline planning permission for the construction of a dwelling and detached garage at the site. The full details of access, layout and scale have been submitted. However, matters regarding appearance and landscaping are reserved for later determination. The submitted layout shows the site being accessed from Chaveney Road between numbers 88 and 90, extending the existing driveway for number 90, with a new driveway being provided to the front of number 90, to serve this property. The indicative elevations show the proposed dwelling as having a double gable to the front and a hipped roof. There would also be a dormer to the front of the dwelling, although no fenestration details have been submitted of the side or rear elevations of the dwelling and these would be submitted at the reserved matters stage, were outline planning permission to be granted.

The elevations show that the proposed dwelling would have a width of approximately 21.35 metres, a length of a approximately 21.37 metres, a maximum eaves height of approximately 5 metres and a maximum ridge height of approximately 8.65 metres. No details of the materials of the dwelling have been submitted and these would also be submitted at the reserved matters stage, were outline planning permission to be granted. The size and layout of the proposed dwelling would be definitive but the exact appearance would be dealt with at the reserved matters process.

Development Plan Policies

S38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material planning considerations indicate otherwise. The relevant aspects of the development plan for Charnwood in this location currently comprises the Charnwood Local Plan (2011-2028) Core Strategy, the saved policies of the Borough of Charnwood Local Plan, the Mineral and Waste Local Plan (2019) and the Quorn

Neighbourhood Plan. The policies below would be the most relevant ones to the determination this planning application.

Charnwood Local Plan 2011-2028 Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS1 – Development Strategy - sets out the development strategy for the Borough and places emphasis on Loughborough and Shepshed for delivering much of the Borough's growth in the plan period. Quorn is identified as a Service Centre because of its good access to services and facilities, employment and educational establishments. Approximately 3,000 homes are expected to be provided within Service Centres within the plan period.

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; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS3 – Strategic Housing Needs – seeks to manage the delivery of the Borough's housing need and ensure a good mix of house types, tenures and size of properties, having regard to identified housing needs and the character of the area.

Policy CS13 – Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and seeks to ensure development protects, enhances or restores biodiversity.

Policy 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.

Policy CS25 – Presumption in Favour of Sustainable Development – sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It pledges to work proactively with applicants to jointly find solutions to approve development wherever possible to secure improvements to the economic, social and environmental conditions in an area. Planning applications that accord with the policies in the Core Strategy will be approved without delay unless material considerations indicate otherwise.

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 policies are:

Policy ST/2 – Limits to Development seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests. The Limits to Development distinguish between areas of development and development potential, and areas of restraint.

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

Policy TR/18 – Parking Provision in New Development - 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 2 parking spaces for a dwelling with 3 or less bedrooms and 3 spaces for a dwelling with 4 or more bedrooms 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.

Leicestershire Minerals and Waste Local Plan (Up to 2031)

This plan was adopted in 2019 and forms part of the Development Framework for Charnwood. The document includes the County Council's spatial vision, spatial strategy, strategic objectives, and core policies which set out the key principles to guide the future winning and working of minerals and the form of waste management development in the County of Leicestershire over the period to the end of 2031. The Development Management Policies set out the criteria against which planning applications for minerals and waste development will be considered and a monitoring framework is included to examine the efficacy and effects of those policies.

In terms of Charnwood, Policy M11 seeks to safeguard mineral resources including sand, gravel, limestone, igneous rock, surface coal, fireclay, brick clay and gypsum. The policy sets out that planning permission will be granted for development that is incompatible with safeguarding minerals within a Mineral Safeguarding Area provided certain criteria are met.

Planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.

Quorn Neighbourhood Plan 2018-2036

This document has now been 'made' and its policies form part of the Development Plan. Relevant policies comprise:

Policy S1 Settlement Boundary - states that development proposals within the Neighbourhood Plan area will be supported on sites wholly within the settlement boundary where the proposal fully complies with all of the policies in the Neighbourhood Plan.

Policy S2 Design Guidance - states that new development should reflect the guidance of the Quorn Village Design Statement (Appendix E) and that new

development will be supported where it respects the character or appearance of the neighbourhood area and, where appropriate, incorporates vernacular building materials.

Policy H3 Housing Mix – states that any new housing development should provide a mixture of house types specifically to meet identified local needs in Quorn. Support will be given to dwellings of 1, 2, or 3 bedrooms and to homes suitable for older people and those with restricted mobility. Dwellings with 4+ bedrooms may be included in the mix of dwellings and where they are included they should be a clear minority to the number of smaller home

Policy H5 Windfall Development - sets out how windfall developments should be considered and states that small residential development proposals within the Settlement Boundary will be supported where they are well-designed, and comply with the relevant requirements set out in other policies in the Development Plan and where such development:

- a) Comprises a restricted gap in the continuity of existing frontage buildings or on other sites within the built-up area of Quorn or where the site is closely surrounded by existing buildings;
- b) Retains existing important natural boundaries such as trees, hedges and streams;
- c) Does not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the occupiers of the dwelling;
- d) It provides for a safe vehicular and pedestrian access to the site; and
- e) Does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise

Policy ENV4: Trees, Woodland and Hedges - states that developments which result in unacceptable adverse impact on trees, woodland and hedges of environmental (biodiversity, historical, arboricultural) significance or of landscape or amenity value will not be supported.

Policy ENV6: Biodiversity. Development proposals should not damage or adversely affect sites designated for their nature conservation importance (SSSI, RIGS, LWS), or Priority Habitats, Species of Principal Importance (species of conservation concern) or their key habitats, or other statutorily protected species.

Policy TT1: Traffic Management: Development proposals that would result in an increase in vehicular traffic on the rural highway network should:

- a) Be designed to minimise additional traffic generation and movement;
- b) Incorporate sufficient off- road parking;
- c) Provide any necessary improvements to site access and the highway network either directly or by financial contributions.
- d) Provide any necessary improvements to site access and the highway network either directly or by financial contributions.

Development Plan Policy Weighting

The policies contained within the Core Strategy and Local Plan are over 5 years old, therefore there is a need to take account of changing circumstances affecting the

area, or any relevant changes in national policy. With the exception of policies for the supply of housing, the relevant policies listed above are considered compliant with the NPPF and up to date meaning there is no reason to reduce the weight to be given to them in this regard.

As the Core strategy is now five years old, the Authority must now use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (3.04 years), and as a result, any policies which directly relate to the supply of housing are no longer considered up to date and cannot be afforded full weight if they restrict the provision of this supply.

As the Quorn Neighbourhood Plan was made in June 2019 it is more than 2 years old and cannot rely on the provisions of para 14 of the NPPF. Therefore its policies relating to the provision of housing are not considered to be up to date. Given the shortfall in housing land supply the provisions of para 11 (d) of the NPPF apply.

Other Material Considerations

This shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d) of the National Planning policy Framework, any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. The compliance with policy CS1 and S1 of the development strategy remains a benefit of the proposal to be recognised in this balancing exercise.

The National Planning Policy Framework (NPPF 2021)

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 74). 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 62).

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 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). 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 106). 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 111).

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 126).

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 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

Department for Communities and Local Government – Technical Housing Standards – nationally described space standard (March 2015)

These standards deal with internal spaces within new dwellings and sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling heights. The standard sets out the minimum space requirements dependent on different combinations of single and double/twin bedrooms. These standards are incorporated in policy H3 of the draft local plan and, given the status of the plan at this stage, have weight in the planning balance.

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.

National Design Guide (2019)

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

As well as helping to inform development proposals and their assessment by local planning authorities, it supports paragraph 130 of the National Planning Policy Framework, which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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, landscape setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.

ID 26 - Paragraphs 001-003 states that good design matters and what this can achieve through good plan making. Paragraph 004 notes that weight can be given to outstanding or innovative design and developments of poor quality design should be refused. Paragraph 007 states that planning should promote local character. New development should be integrated within existing surroundings.

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.

Quorn Village Design Statement (2008)

This document seeks to record the natural and built features of Quorn that are valued by its residents with the purpose of safeguarding and enhancing the village with appropriate and contextually sympathetic development. This document states that new development should respect the diverse origins of the village and avoid uniformity. Variety and innovative contemporary design is encouraged subject to harmonizing with the scale and character of the immediate locality and the village as a whole. The document seeks to ensure that future developments preserve the essential character of Quorn and to suggest opportunities for appropriate restoration or enhancement. The aim of the document is to safeguard the integrity and independence of the village so that succeeding generations will continue to enjoy, understand and defend its historic foundation.

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.

Leicestershire Housing and Economic Needs Assessment (HENA) – 2022

HENA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure 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 the most up to date analysis of demographic changes

Housing Supplementary Planning Document (July 2018)

This document sets out the Council's goals for the delivery of housing and how it will deal with applications for new development. The document seeks to provide clarity for those who live in the Borough and for the developers who deliver the new homes. It includes guidance on affordable housing, houses in multiple occupation and purpose built and campus student accommodation. The SPD will be a material consideration in the determination of planning applications in the Borough. It should be noted that the SPD cannot and does not propose new policy; rather it explains how Policies CS3, CS4, H/12 and CS23 will be used.

Supplementary Planning Document - Design (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. The document is a material consideration in the determination of planning applications.

Draft Charnwood Local Plan 2019-2036

The Draft Local Plan sets out the Council's preferred options for draft policies which are currently undergoing an Examination in Public before they can become part of the development plan for Charnwood. The policies therefore carry limited weight at the current time. These include policies which would seek to make provision for at least 19,716 homes between 2019 and 2036 and require these to be delivered to a high standard of design quality.

Relevant Planning History

- P/16/0395/2 – Alterations to dwelling and erection of triple garage – Granted conditionally (18/03/2016)
- P/14/1775/2 – Erection of single and two storey extensions to dwelling and detached garage to front of dwelling following demolition of garage – Granted conditionally (07/10/2014)
- P/94/1619/2 – Extensions for lobby to front of detached house, for detached garage/WC to side and for conservatory to rear. Alterations to vehicular access and erection of front boundary wall – Granted conditionally (18/08/1994)
- P/93/3015/2 – Erection of detached dwelling and garage (reserved matters) – Granted conditionally (24/01/1994)
- P/93/2367/2 – Erection of detached dwelling and garage (reserved matters) – Granted conditionally (28/10/1993)
- P/93/1090/2 – Erection of detached dwelling between 82 and 88 Chaveney Road (outline) – Granted conditionally (08/07/1993)
- P/78/0430/2 – Use of land for erection of dwelling (outline) – Granted conditionally (08/06/78)
- P/77/0278/2 – Use of land for erection of one dwelling (outline) – Granted conditionally (07/04/1977)

Responses of Statutory Consultees

Councillor Richard Shepherd

Called in the application for the following reasons:

- Overbearing impact
- Design
- Loss of residential amenity
- Not in accordance with the character of the area
- Loss of daylight/sunlight
- Loss of privacy
- In conflict with Quorn Neighbourhood Plan

Quorn Parish Council

Quorn Parish Council adheres to the principles set out in the Quorn Neighbourhood Plan and will support small residential development proposals within the Settlement Boundary where they are well-designed, and comply with the relevant requirements set out in other policies in the Development Plan and in particular Policy H5.

In addition, the Parish Council does not support applications that fail to meet Future Homes Standards in full. Services and amenities in Quorn, such as medical services and parking availability in the village centre, are under great pressure and we cannot support any application that fails to explain how it will ameliorate such problems.

Local Highway Authority

The Local Highway Authority (LHA) refers the Local Planning Authority (LPA) to current standing advice provided by the LHA dated September 2011. It says consideration should be given to the following:

- Car parking provision should be provided as three spaces for a dwelling with four or more bedrooms located in a rural area.
- Parking spaces should measure a minimum of 2.4 metres by 5.5 metres with an additional 0.5 metre strip were bound by a wall/hedge/fence or other similar obstruction.
- For the garage to count as two off-street car parking spaces, it should have minimum internal dimensions of 6 metres by 6 metres, with minimum door widths of 2.3 metres.
- The proposed access must comprise of a bound material for at least the first 5 metres behind the highway boundary. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit deleterious material on the public highway and therefore every effort should be made to prevent this from occurring.
- Vehicular visibility splays of 2.4 metres (X-distance) by 43 metres (Y-distance) should be available in either direction of the site access in accordance with the speed limit of Chaveney Road. These should not cross into any third-party land, and should be kept free from obstructions of over 0.6 metres in height within the splay envelope.
- Pedestrian visibility splays of 1 metre by 1 metre should be available in either direction of the site access, which should be kept free from obstructions of over 0.6 metres in height above the level of the back of the footway.

Other Comments Received

Comments have been received from neighbours:

Concerns raised by these neighbours comprise:

- Loss of amenity specifically loss of light, loss of privacy and visual intrusion;
- The development conflicts with Policy H5 of the Neighbourhood Plan specifically paragraphs A, C and D and E;
- The proposal would conflict with Policy CS2 as it would be overly dominant, over-bearing and out of character, especially being a tandem development;
- The proposal is excessive in height;
- Tandem development has been resisted in the past on Chaveney Road which is characterised by large, road frontage dwellings with exceptionally large gardens;
- The derogation of large spaces such as these gardens would be detrimental to the village as a whole;
- Whilst the Borough has a shortage of housing land-supply, the difference made by small developments such as this is negligible;
- The ridge of the dwelling, given the topography of the site would be taller than the properties fronting Chaveney Road;
- The proposal would be too big, being bigger than most other dwellings in the immediate locality;
- The proposed garage would be too large and would result in unnecessary over-dominance, noise and intrusion of private gardens;
- There would be too much hard-standing at the site following the proposed development;
- The dwelling proposed at 57 Chaveney Road is different, being of a much smaller scale, with different access arrangements;
- The window to window distances are too small for the area and would be out of keeping;

- Although the Borough has a shortage of housing land supply under currently adopted planning policy, it has a surplus against emerging planning policy, as the emerging local plan is currently undergoing examination, this should have significant weight;
- If planning permission is granted, it should be on the basis that all trees and hedges surrounding the development are maintained in their current state, as the site is surrounded by an area of 'broadleaf woodland' in the National Forest inventory;
- Trees have already been lost at the development site and these should be replaced;
- The garage block should be reduced in size and moved further into the site away from the boundaries with neighbouring properties;
- Insufficient time to comment on the application, with the Council's website being down;
- Loss of view;
- Loss of daylight; and
- Overlooking from roof lights.

Full copies of representations are available to view on the Council's website

Consideration of the Planning Issues

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

- Principle of the Development
- Housing Mix
- Design
- Residential Amenity
- Highway Considerations
- Flood Risk
- Biodiversity and Landscape
- Other Matters

Principle of the Development

The application site is located within the Development Limits to the village of Quorn, as established under "saved" Policy ST/2 of the Charnwood Local Plan 2004 and under Policy S1 of the Quorn Neighbourhood Plan. Quorn is identified as a 'Service Centre' under the settlement hierarchy established under Policy CS1 of the Charnwood Local Plan (Core Strategy). These are settlements with a good level of local services and transport links where a proportionate amount of growth is encouraged. "Saved" Policy ST/2 of the Charnwood Local Plan 2004 states: "Built development will be confined to allocated sites and other land within the Limits to Development identified on the Proposals Map, subject to the specific exceptions set out in this Plan."

Whilst policy ST/2 is within an older plan, Policy S1 of the Neighbourhood Plan, which is up to date, states that: "Development proposals within the Neighbourhood Plan area will be supported on sites wholly within the settlement boundary where the proposal fully complies with all the policies in this Neighbourhood Plan". The site is within the defined settlement boundary and is therefore acceptable in principle with the other impacts and policies considered in turn. Policy H5 provides greater detail

and states that development will be supported “on [other] sites within the built-up area of Quorn or where the site is closely surrounded by existing Buildings.”

In this case, the proposed development would contribute one additional dwelling towards the Council’s overall housing provision target within a ‘Service Centre’, and in general, over the Plan period (2011-2028).

It is therefore considered that the dwelling is in accordance, in principle, with development plan policies at Local Plan and Neighbourhood Plan levels.

House size and mix

The site is within the development limits for Quorn and the proposal would provide a gain of one dwelling and would not exceed the threshold for affordable housing under Policy CS3 and as such there is no requirement to provide this. Policy CS3 of the Core Strategy and policy H3 of Quorn Neighbourhood Plan both deal with housing mix and seek a mix that includes smaller dwellings. As the site is for a single dwelling, Policy 3 is not considered to be applicable in this instance. It should, however, be noted that policy CS3 seeks an appropriate mix having regard to the character of the area. Given the surrounding area is characterised by large dwellings within large plots it is considered that the proposal meets with policy CS3.

Policy H5 of the Neighbourhood Plan relates to windfall sites such as this one and sets out that small residential development proposals within the settlement boundary will be supported where they meet all the relevant criteria including in particular that a scheme is well-designed, retains natural boundaries and does not reduce garden land to the extent local character or neighbouring residential amenity is adversely affected.

The proposed development is for one dwelling and given the size of dwellings in the locality would not harm the existing pattern of development within the street. The existing dwelling at 88 Chaveney Road has a garage of a similar floor area and the dwelling itself at number 88, also has a similar floor area. As does the dwelling at 82 Chaveney Road. The resultant plot sizes of both the application site and the ‘donor’ dwelling would remain generous and commensurate in size with those nearby, comparing favourably to some. No protected natural boundaries are lost as a result of the proposal and it is considered sufficient garden space and amenity is provided. Accordingly it is considered the criteria (b) and (c) of Policy H5 are met. The exact appearance and landscaping details of the proposed dwelling and garage would be dealt with at the reserved matters stage.

On balance, it is considered that the proposal provides a satisfactory mix in terms of the size of development and its location. The principle of the proposal is therefore considered acceptable. This acceptability in principle weighs in favour of the application within the planning balance.

Design

Policies CS2, EV/1, H/17 and Neighbourhood Plan policy H5 require developments of this type to be in keeping with the local area. The National Planning Policy Framework attaches great importance to good design and seeks to promote development, which is appropriate in terms of overall scale, massing, height, landscaping, layout, materials and access in relation to neighbouring buildings and

the local area more generally. It further states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 130 then follows this by stating: "...where design of a development accords with clear expectations in plan policies, design should not be used by the decision maker to object to a development.

The Quorn Village Design Statement was published in 2008 and is appended to the adopted Quorn Neighbourhood Plan. The Design Statement details the history of the development of the village and lists certain zones. This document has several guidelines that are relevant. Guidelines 4 and 5.3 discuss the importance of materials local to the area and features such as stone lintels. Guideline 5.4 states that planning applications should respond to their immediate setting and guidelines 5.1 and 5.2 state that the village is characterised by a pleasing jumble of roof types and a variety of architectural styles. The document also makes several mentions of the addition of chimneys. The materials and design reflect the aims of the guidance.

The proposed development would be for a large dwelling and a large garage. Chaveney Road and the immediate vicinity is characterized by large dwellings on large plots and although there is little in the way of backland development on the southern side, there are examples of backland development to the north of Chaveney Road, so the siting of the proposed development would not be entirely out of character. The design of the proposed development at this stage is indicative, with little in the way of detail submitted regarding the side and rear elevations. Furthermore, as this application is for outline planning permission, with appearance being a reserved matter, it is considered that a refusal of the application on design grounds could not be justified.

It is considered that a dwelling of a suitable design could be accommodated on the plot that would contribute to addressing the shortfall of housing land supply in the Borough. The principle of the proposed development in relation to design and visual amenity is therefore considered to be acceptable and in accordance with Policy CS2 of the Charnwood Local Plan Core Strategy 2015, Policy H5 of the Quorn Neighbourhood Plan and the Council's Design Supplementary Planning Document 2020, subject to the specific details regarding design and scale being acceptable at the reserved matters stage.

Residential Amenity

Policies CS2, EV/1 and Neighbourhood Plan Policy H5 require that the amenity of adjacent and future occupiers is considered. The Council's adopted design guidance explains how elements of this are assessed.

The dwellings on Chaveney Road and Buddon Lane are characterized by large gardens. The minimum separation distances for dwellings backing onto each other to prevent overlooking in the Council's Design Supplementary Planning Document are 21 metres for 2 storey dwellings and 27.5 metres for 3 storey dwellings.

Due to the large gardens serving neighbouring properties, although the proposed development would be close to the boundaries with some of these properties, the closest main dwellings to the proposed development are:

- 88 Chaveney Road, which would be over 30 metres away from the proposed dwelling:

- 90 Chaveney Road which would be over 30 metres away from the proposed dwelling;
- 94 Chaveney Road, which would be approximately 28 metres away at its nearest point and would be off-set reducing the impact;
- 3 Buddon Lane, which would be approximately 22 metres away from the proposed garage block;
- 84 Chaveney Road which would be approximately 24.5 metres away from the proposed garage block; and
- 4 Wyvernhoef Road which would be approximately 24 metres away from the proposed dwelling.

All of the above dwellings would be a sufficient distance away from the proposed development that the distance would far exceed any adopted minimum standards regarding loss of light and over-dominance outlined in the Design SPD. Furthermore, there would be no rear windows in the garage block facing 3 Buddon Lane that would lead to overlooking of this property, there would also be no side windows in the garage block overlooking any neighbouring properties and the proposed dormers would face into the site, away from any neighbouring dwellings. No fenestration details of the side and rear elevations of the main dwelling have been submitted. However, the dwelling could easily be designed so that any side or rear windows have an acceptable impact in relation to overlooking of neighbouring properties and this would be considered at the reserved matters stage.

The only dwellings that could potentially be directly overlooked by the proposed front windows would be those at 88 and 90 Chaveney Road, which would both be over 30 metres away and would therefore easily exceed the minimum separation distances stated in the Design SPD by some margin. Whilst it is acknowledged that it would be the front windows of the proposed dwelling facing these properties, rather than rear windows, there are no minimum standards for the distance between front and rear windows and the impact in relation to overlooking is considered to be similar. The distance of the front elevation of the proposed dwelling and the rear elevations of 88 and 90 Chaveney Road, would be of a similar distance to the distance between the front elevations of dwellings on the opposing sides of Chaveney Road and the impact in relation to overlooking is therefore considered to be similar. The impact of the proposed development in relation to loss of light, overlooking and over-dominance is therefore considered to be acceptable.

In terms of the impact on noise and disturbance, given that the proposed dwelling would be in C3 residential use, there is considered to be no significant disturbance from the dwelling itself, given that this is in keeping with the surrounding land uses. In terms of the impact on noise and disturbance relating to the access, although this would pass closely to the dwellings at both 88 and 90 Chaveney Road, given that the proposal is only for one dwelling, there would not be significant vehicle movements associated with the proposed development. Furthermore, the impact in relation to noise and disturbance arising from the use of this access could be mitigated based on the surfacing materials used, details of these materials could either be conditioned or dealt with as part of the landscaping at the reserved matters stage.

Although several neighbours have raised concerns regarding the loss of a view as a result of the proposed development, this is not a material planning consideration that can be taken into account or used to justify a refusal of planning permission.

In terms of the standard of amenity of future occupiers of the proposed dwelling, there would be sufficient provision of outdoor amenity space provided for the proposed

dwelling. Whilst no detailed internal layout of the proposed dwelling has been provided, given its size, the internal configuration could be designed so that it would comply with National Space Standards. Specific details regarding this would be agreed under appearance at the reserved matters stage. The impact on the amenity of future occupiers is therefore considered to be acceptable.

The impact of the proposed development on residential amenity is therefore considered to be acceptable and in accordance with Policy CS2 of the Charnwood Local Plan Core Strategy, the Council's Design Supplementary Planning Document and Policy H5 of the Quorn Neighbourhood Plan.

Highway Considerations

The National Planning Policy requires that safe and suitable access to the site can be achieved for all users and that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe (NPPF para 111).

No details have been provided regarding the internal dimensions of the proposed garage block. However, the indicative plans show the proposed dwelling having a large driveway which could easily accommodate parking to comply with minimum standards for residential properties, regardless of the size of the dwelling and regardless of the internal dimensions of the proposed garage block. The impact on parking provision is therefore considered to be acceptable.

In terms of the access to the site, this is provided from Chaveney Road between the two properties at numbers 88 and 90. The Local Highway Authority have raised no objection to this access and sufficient visibility could be achieved. The Local Highway Authority have however stated that the access should be hardbound for the first 5 metres from the highway boundary. This could be conditioned or dealt with under landscaping at the reserved matters stage and the Local Planning Authority would also seek a hardbound material in the interests of neighbour amenity, due to the proximity of the access to numbers 88 and 90 Chaveney Road.

The Local Highway Authority have also stated that sufficient visibility splays should also be provided, these can also be secured by condition and there is sufficient space at the site for these to be accommodated.

The impact of the proposed development on highway safety and parking provision is therefore considered to be acceptable and would be in accordance with Policy TR/18 of the Borough of Charnwood Local Plan 2004 and the access criteria (d) of Neighbourhood Plan Policy H5.

Flood Risk

Policy CS16 of the 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.

Paragraph 163 of the NPPF requires local planning authorities to ensure that, when determining planning applications, flood risk is not increased elsewhere and to only consider development in areas of flood risk where, informed by a site-specific flood risk assessment, will not put the users of the development at risk.

The site is located within Flood Zone 1 being at low risk of fluvial flooding and at a very low risk of surface water flooding - land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).

It is not considered that the development would have an unacceptable impact on flood risk and therefore accords with the requirements of Policy CS16 of the Core Strategy and the aims and objectives of the NPPF.

Biodiversity and Landscape

Policy CS 11 sets out to ensure that the development proposals should respond to, and mitigate, the landscape impact of the development proposals, with appropriate landscaping throughout the development. Policy CS13 states that development will be supported where biodiversity and geodiversity is protected, enhanced, restored or recreated. Where there are impacts on biodiversity it is expected that this will be mitigated or as a last resort, compensated for.

The existing site is a residential site with limited biodiversity. The existing trees at the site and surrounding it would be retained and protection measures for these trees could be conditioned as part of any planning permission.

It is considered that the landscape and ecology impacts would be minimal and when the development and the proposed planting (to be agreed by planning condition) are established, the development would be readily assimilated into its surroundings. As such, the proposal accords with the requirements of Policies CS11 and CS13 of the adopted Core Strategy and Neighbourhood Plan Policy H5 (b).

Other Matters

In terms of the issue raised by neighbours regarding insufficient time to comment on the application. The consultation period was in excess of the statutory minimum of 21 days legally required. Whilst there was a technical issue during this consultation period with the Council's website meaning, that for a period of time, the plans weren't visible, the consultation period was extended to reflect this, ensuring all neighbours and other consultees had the statutorily required 21 days to comment. Furthermore, this consultation period expired over 2 months ago and any comments subsequently received prior to the application attending Plans Committee have been documented and taken into account. As a result, it is considered that there are no procedural issues that would prevent this application being determined.

Conclusion

The proposal provides a new home within the limits to development which conforms with Policy CS1 in terms of the growth pattern planned for the Borough. It also benefits from support, in principle, from the policies S1, and H5 of the Quorn Neighbourhood Plan. The proposed development would contribute modestly towards the Council's 5 year land supply, providing a new dwelling, that depending on the specific details received at the reserved matters stage, could be of an acceptable design and siting and would not harm the amenities of neighbouring occupiers, the appearance of the street scene and the development is acceptable in highway safety terms. These are considered to be positives in the planning balance.

The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d, any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. At a time when the 'tilted balance' under paragraph 11d of the National Planning Policy Framework is engaged, NPPF Paragraph 14 sets out criteria that must all be met for the adverse impact of conflict with the Neighbourhood Plan to be regarded as significant or demonstrable harm which would outweigh the benefits of the scheme. This paragraph is not engaged in this case as the Neighbourhood Plan is more than 2 years old.

The principle of development in terms of the use proposed on the site is considered and deemed acceptable. While the Core Strategy and Neighbourhood Plan seek to secure homes with less than 4 bedrooms to meet identified needs, Neighbourhood Plan Policy H3 cannot logically be applied to single units and Policy CS3 enables wider consideration of mix in light of the character of the area. It is not therefore considered reasonable that additional control should be applied in this context. Nor is it considered that the proposal of a larger dwelling on this site contrary to identified needs would have such an adverse impact that it would significantly and demonstrably outweigh the benefit that an additional unit would make to the Borough's housing supply.

It is considered that the proposal relates well to the built form and settlement character of this area of Quorn and would preserve adequate amenity for existing residents and create a high-quality environment for future residents.

In conclusion, therefore, the proposal would not lead to harm that would significantly and demonstrably outweigh the benefits of the scheme. The development is considered to accord with Policies CS1, CS2, CS3, CS13, CS16 and CS25 of the Charnwood Core Strategy and Saved Policies ST/2, EV/1, H/17 and TR/18 of the Borough of Charnwood Local Plan 2004, and Policies S1, S2, H5, TT1, ENV4 and ENV6 of the Quorn Neighbourhood Plan.

It is recommended, therefore, that planning permission be granted subject to planning conditions.

RECOMMENDATION:

Grant Conditionally

1. An application for the approval of reserved matters shall be made within 3 years of the date of this permission and the development shall be begun not later than 2 years from the final approval of the last of the reserved matters.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall commence until details of the appearance and landscaping, of the proposed dwelling, ("the reserved matters"), have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The details submitted pursuant to condition 2 above shall include details of boundary treatments, tree protection measures and the surfacing of the access, which shall be implemented prior to first occupation of the development.

REASON: In the interests of preserving the amenity of existing and future occupiers and in the interests of highway safety in accordance with Policy CS2 of the Charnwood Local Plan Core Strategy 2015 and Saved Policy TR/18 of the Borough of Charnwood Local Plan 2004.

4. The details submitted pursuant to condition 2 above shall include details of parking provision. The approved access and parking layout shall be implemented prior to first occupation of the development and retained thereafter.

REASON: To make sure that sufficient parking and turning space is provided for the dwelling in a satisfactory way in accordance with Saved Policy TR/18 of the Borough of Charnwood Local Plan 2004.

5. The new dwelling hereby permitted shall not be occupied until such drainage works as are needed for that dwelling have been implemented, in accordance with the details agreed at the reserved matters stage of the development

REASON: To ensure that sufficient drainage is provided for the dwelling in accordance with Policy CS16 of the Charnwood Local Plan Core Strategy 2015.

5. 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.

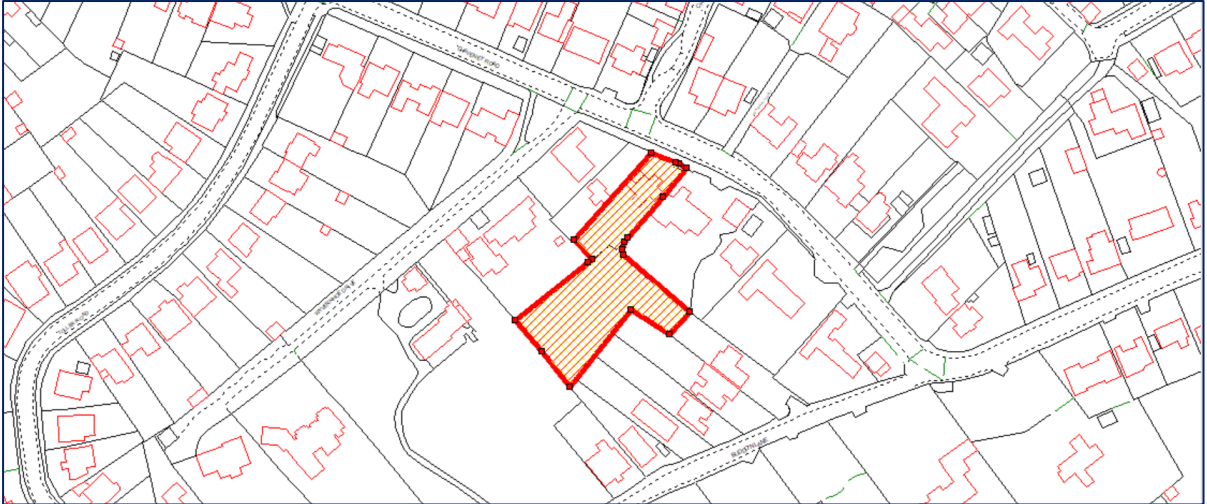
REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

6. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 6 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).

The following advice notes will be attached to a decision:

1. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, CS3, CS13, CS16 and CS25 of the Charnwood Local Plan (2011-2028) Core Strategy, Policies ST/2, EV/1, H/17 and TR/18 of the Borough of Charnwood Local Plan and Policies S1, S2, TT1, H3, H5, ENV4 and ENV6 of the Quorn Neighbourhood Plan have been taken into account in the determination of this application. With the exception of H3, the proposed development complies with the requirements of these Development Plan policies and there are no other material considerations which would outweigh the provisions of the Development Plan in reaching a decision on this application.
2. Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and the Council's adopted Supplementary Planning Document 'Design' (adopted 2020), and, therefore, no harm would arise such as to warrant refusal of planning permission.
3. Discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
4. In order to arrange for the delivery of the necessary equipment for participation in the refuse and recycling service and to ensure that the properties receive a collection service as appropriate, please contact Environmental Services on 01509 634538 or recycle@charnwood.gov.uk, before the first property is completed.
5. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of His Majesty's Stationery Office, © Crown Copyright.