

Item No. 2

Application Reference Number P/21/1093/2

Application Type:	Full	Date Valid:	08/06/2021
Applicant:	BHB Holdings Ltd		
Proposal:	Erection of two detached dwellings fronting Buddon Lane		
Location:	Wood Close Wyvernhoë Drive Quorn LE12 8AP		
Parish:	Quorn	Ward:	Quorn
Case Officer:	Nigel Wright	Tel No:	07895 200094

The application has been called in by Councillor Richard Shepherd, supported by Councillor Jane Hunt. Councillor Shepherd has concerns about traffic and access, design, the effect on the appearance of Buddon Lane and that the development would be in conflict with the Quorn Neighbourhood Plan.

Description of the Site

The application site is on the north eastern side of Buddon Lane within the settlement limits of Quorn and in a low density residential area which is sylvan in character. Dwellings in the area are varied in their age, form and design but are mainly large and detached. Some sit on very spacious plots.

The site forms part of the extended residential curtilage of the property known at Wood Close, which fronts on to Wyvernhoë Drive. It is visually separated from the gardens immediately surrounding the property itself, by a tree screen. The submitted Design Statement describes how the site was originally part of a larger orchard on Buddon Lane. Although adjoining land was subdivided, sold and developed as individual residential plots from the early 1900s onwards, the application site has remained undeveloped (although apparently allocated with postal numbers 13 to 19 Buddon Lane). Along Buddon Lane, the boundary consists of trees, low hedges, post and rail fencing and two secondary access points. One of the access points comprises a pair of ornate wrought iron gates and brick/stone piers. It is understood that from around late 2018, numerous trees have been removed from within the site; the stumps of which are still evident. However, trees do remain on and adjacent to the site boundaries and some of these are covered by Tree Preservation Orders, confirmed in October 2019. Buddon Lane itself is a narrow road with no footways and edged with narrow verges. It leads out from the village in a south-westerly direction and continues into the countryside as a public bridleway.

To the north-east side boundary is no.11 Buddon Lane, a large two-and-a-half storey render and tile property and adjacent to the south-east boundary is no. 21 Buddon Lane, a shallow-pitched and flat roofed red-brick bungalow. To the rear is Wood Close itself, the 'host' property, an early 20th century Arts & Crafts style building.

The site is located within the limits to development of Quorn and within a Sand and Gravel Mineral Consultation Area.

Description of the Application

The proposal relates to two large dwellings, one with a detached triple garage, on a rectangular shaped site. The originally submitted drawings proposed three dwellings, but this was reduced to two following concerns about potential overdevelopment of the site. Both dwellings are designed in a traditional Arts & Crafts style, incorporating chimneys. Plot 1 (House Type 3) is shown as a one-and-a-half storey dwelling with an attached garage to the front and with pitched-roof dormer windows within its roofslopes. Plot 2 (House Type 2) is shown as a two-storey dwelling orientated 'face on' to Buddon Lane, with two storey front gables and rooflights in the roofslopes. A pitch-roofed triple garage would be provided to the side. The two existing accesses off Buddon Lane would be re-used to provide a separate access for each dwelling.

External materials for both dwellings would be red facing bricks and plain red tiles.

Development Plan Policies

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 1991 - 2006 (saved policies) (LP)

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 -states that planning permission will not be granted for development, unless off-street parking for vehicles, including cycles, and servicing arrangements are included, to secure highway safety and minimise harm to visual and local amenities.

Quorn Neighbourhood Plan (June 2019) (NP)

Policy S1: Settlement Boundary – Development proposals within the neighbourhood Plan area will be supported on sites wholly within the settlement boundary where the proposal full complies with all of the policies on the Neighbourhood Plan.

Policy S2: Design Guidance – New development should reflect the guidance in the current Quorn Village design Statement and 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 - Any new housing development proposals should provide a mixture of housing types specifically to meet identified local needs in Quorn. Support will be given to dwellings of 1, 2 and 3 bedrooms and to homes suitable for older people and those with restricted mobility. 4-plus bedroom units may be included in the mix of dwellings and where they are included within the overall composition of the site, they should be in a clear minority to the number of 1, 2 and 3 bedroom houses.

Policy H5: Windfall Development - 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 meets five criteria

Policy ENV 3: Sites of Natural Environment Significance - Development proposals that affect sites of natural environment significance will be expected to protect the identified

habitats and/or species, according to their status, and to give appropriate weight to the contribution they make to the wider ecological network. Development proposals should demonstrate that the need for, and benefits of, the development clearly outweigh the ecological loss.

Policy ENV 4: Trees, Woodland and Hedges – Development proposals that have an unacceptable adverse effect on trees, woodland and hedges of environmental (biodiversity, historical, arboricultural) significance, or of landscape or amenity value, will not be supported. New development should be designed to retain such trees and hedges wherever possible. Where the loss of trees and hedges cannot be avoided, developers will be required to plant replacement trees and/or hedges on site or to provide compensatory planting elsewhere in the Parish.

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.

Leicestershire Minerals and Waste Local Plan (Up to 2031)

This plan was adopted in 2019 and forms part of the Development Plan 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.

Material considerations

National Planning Policy Framework (NPPF)

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.

Leicester and 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. HENA outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following market housing mix:

Market housing	
1 bed	5%
2 bed	30%

3 bed	45%
4+ bed	20%

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.

The Draft Charnwood Local Plan 2019-37

This document was submitted for examination in December 2021. It sets out the Council's strategic and detailed policies for the plan period 2019-37. A number of hearing sessions have been held on some matters in June 2022. Further hearing sessions were held in October 2022 to address the specific matter of Leicester's unmet need. Following the further consideration of this issue by the Planning Inspectorate it is expected that hearing sessions will resume early next year. At this stage the emerging Local Plan is given limited weight in the assessment of this application.

Planning Guidance for Biodiversity June 2022

This planning guidance seeks to provide further clarification to Core Strategy Policy CS13 insofar as ensuring development proposals secure biodiversity net gain on-site to contribute towards the overall sustainability of development proposals.

Relevant Planning History

None relevant to this application.

Responses of Statutory Consultees

Councillor Richard Shepherd (supported by Councillor Jane Hunt) called in the application for the following reasons:

- Traffic issues

- Access
- Effect on the appearance of the Buddon Lane
- Design
- Conflict with Quorn Neighbourhood Plan

Quorn Parish Council has no objections but raises the following concerns:

- The Quorn Neighbourhood Plan (which incidentally is not rereferred to in the submitted Design Statement) refers to the site as one of 'natural environment significance'. The Council therefore would expect the retention of the existing important natural boundaries such as trees and hedges wherever possible. Also, that biodiversity measures such as bat and bird boxes and hedgehog ways be included in the development.
- Quorn Neighbourhood Plan Policy H5 requires that a safe vehicular and pedestrian access be provided to the site. This development is at the narrowest point of the Buddon Lane which is a Public Right of Way (Bridle Way) regularly used by horse riders and walkers. It is believed that there is a public safety risk in this area and therefore the design of the site should provide provision for pedestrians and passing vehicles and horses.
- Because of the restricted access, during construction the Buddon Lane may be obstructed with construction vehicles and that there will be excessive builders noise affecting the neighbours. It is therefore recommended that an appropriate planning condition be applied restricting the construction vehicles to a minimum with off road parking and that construction works take place only during normal working hours.

Eight representations have been received from neighbours in relation to the amended plans, which show a reduction from three dwellings to two (11 were received to the previous amendment and 48 to the originally submitted scheme, although a number of these were from general users of Buddon Lane (walkers, dog walkers etc) or from further afield). The following concerns have been derived and summarised from all representations received during the processing of the application, given that many neighbours state that, despite the reduction to two dwellings, their concerns have remained unchanged:

- Loss of a site of natural significance (as designated in the Quorn Neighbourhood Plan) that should be protected and with little benefit to overall housing needs
- Wood Close has never been used as an access and the proposal will generate additional vehicular activity at its narrowest point.
- There is an alternative, safer and more suitable, access off Wyvernhoe Drive
- Construction traffic could cause obstructions that harm public safety for users of the Close.
- It would result in an overbearing effect on the adjacent neighbouring property (no.11 Buddon Lane)
- It has not been demonstrated that there is a need for housing in this location and does not outweigh the biodiversity loss

In addition, a Transport Report was received, independently commissioned by the 'Buddon Lane Action Group', which concluded that the application should be refused as it would have a severe impact on highway users and users of the bridleway.

Further comments were received in relation to the most recent amendment, which was for a minor repositioning of Plot 2, but no new points were raised in addition to those above.

One representation has been received in support of the proposal.

The Leicestershire Local Highway Authority (LHA) advises that, in its view, 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 number of planning conditions are recommended relating to visibility splays, parking and use of the public right of way during construction. The Highway Authority comments were based on the development of three dwellings. It is not considered necessary to reconsult further, since this is a reduced scheme and the recommended conditions remain relevant in terms of access and parking provision, and appropriate for any form of development of the site.

Leicestershire County Council (Minerals) advises that Policy M11 of the Leicestershire Minerals and Waste Plan aims to prevent potential mineral reserves from being sterilised by non-mineral development. In this case, due to the site being surrounded by built development on all sides, they consider that any mineral reserves present at the site could not be realistically worked. In addition, no safeguarded waste sites are impacted by the proposal. Therefore, there are no objections.

All representations are available to view in full on the council's website.

Consideration of the Planning Issues

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 listed above would be the most relevant ones to the determination this planning application.

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.

The 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 plan strategy remains a benefit of the proposal to be recognised in this balancing exercise.

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

- Principle of development
- Housing mix
- Impact on visual amenity
- Impact on residential amenity
- Impact on biodiversity
- Impact on highway safety

The Principle of Development

The application site is located within the Development Limits to the village of Quorn, as established under “saved” Local Plan Policy ST/2 of the Charnwood Local Plan 2004 and under Neighbourhood Plan Policy S1. Quorn is identified as a ‘Service Centre’ under the settlement hierarchy under Core Strategy Policy CS1. These are settlements with a good level of local services and transport links where a proportionate amount of growth is encouraged. “Saved” Local Plan Policy ST/2 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 saved Local Plan Policy ST/2 is within an older plan, Policy S1 of the Neighbourhood Plan, which is more recent, 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. Neighbourhood Plan 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 two additional dwellings 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 development is generally in accordance with development plan policies at Local Plan and Neighbourhood Plan levels and acceptable in principle.

Housing Mix

The site is within the development limits for Quorn and the proposal would provide a gain of two dwellings that would not exceed the threshold for requiring affordable housing provision under the relevant part of Core Strategy Policy CS3. As such, there is no requirement to provide this.

Core Strategy Policy CS3 and Neighbourhood Plan Policy H3 also both deal with housing mix and seek an appropriate mix having regard to identified housing needs and the character of the area. The supporting text to Policy CS3 (para 5.6) and the Council's Housing Needs Assessment (2020) (para.39), identify a likely continuing demand for medium-sized properties (2 and 3 bed dwellings)

In this case, the proposed residential development scheme comprises one 5-bedroom house and one 3-bedroom house, both of which would comprise market housing. This proposed housing mix would not fully meet the recommended housing needs for modest houses outlined within HENA 2022 or the full requirements of Neighbourhood Plan Policy H3. However, given that the surrounding area is characterised by large dwellings within large plots it is considered that the development would be in character with the area and so fully satisfy that second part of the policy requirement. Overall, therefore, it is considered that while the proposal is not in full compliance with Policy H3, it would meet with Policy CS3. This acceptability in principle weighs in favour of the application within the planning balance.

Impact on Visual Amenity

In respect of design and visual amenity, Core Strategy Policy CS2, saved Local Plan Policy EV/1. Neighbourhood Plan Policies S2, H5 and ENV4, the NPPF, the National Design Guide, the Council's adopted Design Supplementary Planning Document (SPD) and the Quorn Village Design Statement are considered to be particularly relevant. The NPPF 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.

Neighbourhood Plan Policy H5 refers to windfall development and advises that, with certain provisos, small residential proposals will be supported if the development 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. 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. 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 two dwellings commensurate in size to others in the immediate locality. The siting, density and pattern of the proposed development is considered to appropriately reflect that of the residential development on this north-western side of Buddon Lane. Whilst it is appreciated that the site provides some 'relief' from built development on this side of the lane, it remains, effectively, an 'infill' plot and a gap between existing residential development.

The loss of a number of trees within the site in recent years is regrettable, but the site is private land and it is not a Conservation Area, where trees are afforded protection. A number of the remaining trees have now been formally protected by means of a Tree Preservation Order. The submitted landscape plan shows the new buildings set back behind the existing mature trees along the Buddon Lane frontage, whilst the existing boundaries would be supplemented with additional planting. The new boundary between the plots is to be created in a native hedgerow species. Having regard, specifically, only to the trees currently occupying the land, it is considered that the development would cause no significant further detriment to their health and amenity value.

There is a mix of housing styles on Buddon Lane. The height, proportion, mass and traditional Arts & Crafts style and design features of the proposed dwelling types reflect those of some of the properties in the area and these elements are considered to respond positively to the local character. It is considered, therefore, that the siting of the proposed development would not, therefore, be out of character with its surroundings.

Overall, it is considered that the dwellings are of a suitable design, can be comfortably accommodated within the site and would contribute to addressing the shortfall of housing land supply in the Borough. The principle of the proposed development in relation to visual amenity is therefore considered to be acceptable and in accordance with Core Strategy Policy CS2, saved Local Plan Policy EV/1, Neighbourhood Plan Policies ENV 3, ENV 4 and H5, the Council's Design SPD and the NPPF.

Impact on Residential Amenity

Core Strategy Policy CS2, saved Local Plan Policy EV/1 and Neighbourhood Plan Policy H5 seek to protect the amenity of surrounding residential properties. Policy CS2 and the NPPF (Paragraph 127) also seek ensure adequate standards of amenity for those who will live in the new development. The Design SPD provides guidance on how a high standard of design can be met and supplements adopted development plan policies covering high quality design which includes protecting the amenity of existing and future occupiers.

In order to objectively assess the impact of proposed development upon existing residential amenity, the adopted Design Supplementary Planning Document outlines that there are three main ways in which development can impact upon residential amenity: loss of light

(overshadowing), loss of privacy (overlooking) and the erection of an over dominant or overbearing structure (outlook).

In terms of the impact of the proposal on neighbouring properties, those opposite and to the rear (Wood Close itself) are all in excess of 50 metres away and are, therefore, considered to be sufficiently distant to not cause harm to residential amenity.

The submitted street scene drawings demonstrates that the new dwellings would be of similar height and scale to the neighbouring dwellings to which they would be sited closest. As such, Plot 1, which responds to the adjacent no. 21 Buddon Lane, a bungalow, is of one and a half storeys, whilst Plot 2 is larger in scale to respond to the larger mass of 11 Buddon Lane, a two and half storey house. Although Plot 2 would have a higher roof ridge than no.11, this is not by a significant amount and is considered acceptable given the variety of ridge heights in the area. On this basis, it is considered that the new dwellings would not be overbearing or overdominant in relation to the immediately neighbouring properties.

Plot 2 (House Type 3) would be set slightly further back in its plot than no.11 Buddon Lane, resulting in it projecting beyond the line of the main rear wall of that property. However, the 45 degree guideline, which is set out in the adopted Design SPD, would still be met in relation to the nearest rear windows of no.11. There are two first floor windows in the facing gable end of no.11, but these are to an en-suite room (not a habitable room) and the other is a secondary bedroom window, with the main source of light to that room being from a rear window. Notwithstanding this, the applicant's agent has acknowledged the concerns expressed by the occupiers of that neighbouring property and amended plans were subsequently submitted showing it repositioned slightly further away from the boundary.

The distance between the side elevations of proposed Plot 1 and of No 21 Buddon Lane, would be 17 metres and this, together with intervening boundary hedging and trees, would mean that there would no significant impact on the occupiers of that property in terms of loss of light, outlook or being over-dominant.

Concerns were raised about the impact of the retained trees on the site and their potential to block light to windows, particularly of Plot 2 and/or cause an overshadowing of the rear garden to Plot 1. The reduced light penetration and leaf/branch-fall can sometimes lead to future pressure for tree works, to improve the living environment of occupiers of the proposed dwellings. Similarly, their proximity can also make it difficult to provide suitable replacement trees as and when necessary. Whilst these potential issues are acknowledged, there are other parts of the dwellings and gardens that would receive adequate daylight and sunlight and as such, this is not considered sufficient an issue to refuse the application on this ground alone. In any case, such issues would remain to be considered on their own merits by the Local Planning Authority, on receipt of any application for works to any formally protected trees.

Notwithstanding the reservations about the retained trees, it is concluded that the proposal would not result in unacceptable harm to existing neighbouring amenity. Therefore, it is considered, on balance, that the proposal would comply with Core Strategy Policy CS 2, saved Local Plan Policy EV/1, Neighbourhood Plan Policy H5 and the Council's Design SPD.

Further additions to the dwellings could affect this conclusion and as a result it is recommended that Permitted Development rights are removed in order that further scrutiny can be applied to any future changes.

Impact on Biodiversity

Core Strategy Policy CS13 and Neighbourhood Plan Policies H5, ENV3 and ENV4, along with the provisions of the National Planning Policy Framework, require (amongst other things) new development proposals to consider and mitigate or, as a last resort, compensate for any impacts on biodiversity.

Whilst numerous trees have been removed from the site, it still has significant ecological value and the current management represents a temporary and reversible intervention. Changes resulting from residential development would be permanent and irreversible and so are materially different and more harmful than works permissible under permitted development rights that could be carried out by the owner of Wood Close. In the circumstances it is likely that the proposal would result in a significant biodiversity net loss and therefore on-site or off-site compensation is required. As the applicant has not proposed a suitable offsetting site, and there is limited scope for on-site offsetting, the delivery of offsite mitigation would need to be sought instead, by way of an offsetting compensation payment. A Biodiversity Impact Assessment (BIA) has been submitted and this includes a calculation for an offsetting payment for the amount of £44,944. This calculation accords with the Biodiversity Guidance and can be secured by way of a Unilateral Undertaking. However, it should be noted that, at the time of writing this report, officers are of the view that a further specific assessment of hedgerow impact may be necessary and so the offsetting payment may need to be slightly increased. The outcome of any discussions on this matter will be reported to Members subsequent to the publication of this report. The use of a Unilateral Undertaking under s106 of the Act would be necessary for a clear planning purpose, the policy requirement to secure biodiversity net gain, and would be directly related to the site and the development proposed through its calculation based on site characteristics and impact upon them. It is therefore considered to be compliant with the requirements of the Community Infrastructure Levy Regulations (Regulation 122).

Overall, Core Strategy Policy CS13 supports development which protects biodiversity or enhances, restores or creates biodiversity, and which does not harm ecological networks. It is concluded that the proposal, through the provision of the biodiversity offsetting payment to be secured via a Unilateral Undertaking, could be made acceptable with regards to biodiversity, in compliance with Policy CS13 and the provisions of the NPPF.

The application site forms part of a larger site (the whole of the garden to Wood Close) that is designated as a Site of Natural Environment Significance in the Quorn Neighbourhood Plan. Neighbourhood Plan Policy ENV 3 requires development proposals to demonstrate that the need and benefits of the development clearly outweigh the ecological loss. In this regard, it is noted, firstly, that the majority of the designation would remain unaffected by the proposed development; secondly, that significant Protected trees would be retained; and, thirdly, that the applicant has provided for a compensatory payment to offset any biodiversity loss as a result of the development. On this basis, officers consider that it would be difficult to resist the proposal solely on the grounds of the loss of part of the designated site of natural environment significance or biodiversity. With the Council unable to

demonstrate a five-year supply of housing and the biodiversity provision proposed, the contribution towards housing supply would, it is considered, outweigh the partial loss of this garden land.

In light of all the above, it is considered that with the biodiversity contribution, the proposal accords with Core Strategy Policy CS13, Neighbourhood Plan Policies ENV 3, ENV 4 and H5 and Paragraph 180 of the NPPF, which seek to minimise the impact of development on biodiversity.

Impact on Highway Safety

Local Plan Policy TR/18 relates to on-site parking provision and Neighbourhood Plan Policy H5, requires the provision of a safe vehicular and pedestrian access to the development. The NPPF requires safe and suitable access to the site be achieved for all users and says to refuse a planning application on highway safety grounds it must be demonstrated that there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site access arrangements would accord with the Local Highway Authority's (LHA) standards. In addition, each plot would have a minimum of three car parking spaces and 1m by 1m pedestrian visibility splays would be provided in either direction of each access. It is noted that the existing piers to the metal gated access are to be moved and rebuilt to meet the required standard in terms of its width.

The Local Highways Authority concludes that, subject to planning conditions relating to visibility, access and parking, it cannot sustain a Highway objection to the proposal. Given this position it is considered that a refusal on Highway grounds cannot be justified or robustly defended on appeal.

Officers are aware of the concerns from neighbours and from the users of Buddon Lane about the narrowness of the lane and the impact on pedestrian safety. However, there are already many residential properties on Buddon Lane and the development of two additional dwellings is unlikely to make the existing situation so demonstrably worse, in terms of a significant intensification in vehicular activity, as to warrant a refusal of planning permission. As with any other residential property on Buddon Lane, responsibility for safe access and passage along the lane rests with the car users themselves and with other users of the lane. Notwithstanding this, given the nature of the lane, it is recommended that a planning condition be included requiring a Construction Management Plan to be submitted for approval, to ensure any disturbance during construction is minimised, if members are minded to approve the application.

Given all the above, and subject to the planning conditions recommended by the Local Highway Authority, the impact of the proposed development on highway safety and parking provision is considered to be acceptable and would be in accordance with saved Local Plan Policy TR/18, the access criteria (d) of Neighbourhood Plan Policy H5 and with paragraph 111 of the NPPF.

Conclusion

The NPPF makes it clear that there is a presumption in favour of sustainable development. All proposals are required to be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal provides two new homes within the limits to development which conforms with Core Strategy Policy CS1 in terms of the growth pattern planned for the Borough. It also benefits from support, in principle, from Neighbourhood Plan Policies S1, and H5.

Overall, it is considered that the design of the development is acceptable and that there would be no harm to the visual amenity of the street scene or the area, or to neighbouring residential amenity. The proposed development is for two dwellings and, given the size of dwellings in the locality, would not harm the existing pattern of development within the street scene. The resultant plot sizes of both the application site and the existing (or 'donor') dwelling would remain generous and commensurate in size with those nearby, comparing favourably to them. Accordingly, it is considered the criteria (b) and (c) of Policy H5 are met. No protected natural boundaries are lost as a result of the proposal and it is considered sufficient garden space and amenity is both provided and retained.

With regard to highway safety the proposal would not result in so significant an intensification in the use of Buddon Lane, that it would cause unacceptable detriment to users of the Lane or the surrounding road network.

Mitigation in the form of a compensatory offset payment will minimise any net loss in biodiversity and it is considered that this would also satisfy the requirements of Neighbourhood Plan Policy ENV 3.

Core Strategy Policy CS3 and Neighbourhood Plan Policy H3 both deal with housing mix. Policy CS3 seeks an appropriate mix of homes, having regard to identified housing needs and the character of the area. Notwithstanding a Borough-wide need for more 'modest' properties, the context and pattern of development here means that the proposed dwellings would be much more appropriate than smaller units, which could be incongruous and out of keeping. Furthermore, requiring the dwellings to contain only 2 or 3 bedrooms would be unreasonably restrictive. As such, it is considered that the terms of Policy CS3 would be met. Neighbourhood Plan Policy H3 advises that support would be given to, among other things, homes with up to 3 bedrooms, it does not preclude those with more. On the basis of all the above and given that one of the two dwellings does, in fact, comply with Neighbourhood Plan Policy H3, it is considered that the scheme would provide an appropriate and acceptable housing mix and it is considered compliant with Policy CS3.

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, it is considered that the development is acceptable in respect of visual amenity, residential amenity, biodiversity and highway safety and represents sustainable development. Thus, the proposal accords with Core Strategy Policies CS1, CS2, CS3, CS13, CS16 and CS25, Saved Local Plan Policies ST/2, EV/1 and TR/18,

Neighbourhood Plan Policies S1, S2, H3, H5, TT1, ENV 3, ENV 4 and ENV 6, as well as the Council's Design SPD and the relevant provisions of the NPPF.

RECOMMENDATION A

That authority is given to the Head of Planning and Growth and the Head of Strategic Support to consider the adequacy of the undertaking to be provided by the applicant under section 106 of the Town and Country Planning Act 1990 to secure a Biodiversity Impact off-setting contribution of £44,944.00, to be used towards compensatory biodiversity scheme in the vicinity of the site.

RECOMMENDATION B

That, subject to the adequate completion of a s106 Unilateral Undertaking referred to in recommendation A, planning permission is granted subject to the following conditions:

1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development, hereby permitted, shall be carried out in accordance with the following approved plans:
 - Dwg no. 3658-01 Rev O – Site Location Plan
 - Dwg no. 3658-02 Rev O – Site Layout Plan (amended plan received 03.10.2022)
 - Dwg no. 3658-03 Rev J – Boundary and Hard Landscaping Plan (amended plan received 02.11.2022)
 - Dwg no. edp6931_d004e – Detailed Landscaping Plan (amended plan received 05.07.2022)
 - Dwg no. 3658-11 Rev D – Floor Plans and Elevations House Type 2 (amended plan received 05.07.2022)
 - Dwg no. 3658-13 – Triple Garage House Type 2 (amended plan received 05.07.2022)
 - Dwg no. 3658-12 Rev H – Floor Plans and Elevations House Type 3 (amended plan received 05.07.2022)
 - Dwg no. 3658-08 Rev B – Street Scene (amended plan received 05.08.2022)

REASON: To define the terms of the planning permission.

3. No materials shall be placed on the site until such time as samples of the facing bricks and any other materials to be used on the external walls and of the roofing tiles have been submitted for the agreement of the Local Planning Authority. Only materials agreed in writing by the Local Planning Authority shall be used in carrying out the development.

REASON: To make sure that the appearance of the completed development is satisfactory to accord with Policies CS2 Charnwood Local Plan (2011-2028) Core Strategy, EV/1 Borough of Charnwood Local Plan 2004 and S2 of the Quorn Neighbourhood Plan.

4. No dwelling hereby permitted shall be occupied until such time as the hedgerows and/or railings on its boundaries have been completed in accordance with the details shown on approved drawing nos. 3658-02 Rev O, 3658-03 Rev J and edp6931_d004e.

REASON: To provide a satisfactory level of privacy for nearby residents and the occupiers of the new dwellings and to ensure the satisfactory appearance of the completed development, to accord with Policies CS2 Charnwood Local Plan (2011-2028) Core Strategy and EV/1 of the Borough of Charnwood Local Plan 2004.

5. Other than the requirements for boundary treatments as set out above in Condition 4, the landscaping scheme shown on approved drawing nos. 3658-02 Rev O, 3658-03 Rev J and edp6931_d004e shall be fully completed in the first planting and seeding seasons following first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees, hedges, shrubs or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings, to accord with Policies CS2 Charnwood Local Plan (2011-2028) Core Strategy and EV/1 of the Borough of Charnwood Local Plan 2004.

6. The first-floor bathroom and ensuite windows in the side elevation of Plot 2 (House Type 2) shall be glazed with obscure glass to level 3 or higher on the Pilkington scale of privacy, or its equivalent. This form of glazing shall, thereafter, be retained at all times. No changes shall be made to these windows nor shall any additional windows be inserted in this elevation thereafter.

REASON: To minimise the effect of the development on the privacy and amenities of nearby residents, to accord with Policies CS/2 Charnwood Local Plan (2011-2028) Core Strategy and EV/1 of the Borough of Charnwood Local Plan 2004.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or, as amended, or any order revoking or re-enacting that Order, with or without modifications, no enlargement, improvement or other alteration of the dwelling shall be carried out and no building, enclosure or other structure shall be erected within its curtilage.

REASON: The carrying out of development of this type may create difficulties in terms of the overall appearance and character of the area and in relation to the

potential impacts on the root protection areas of established trees, to accord with Policies CS/2, CS13 Charnwood Local Plan (2011-2028) Core Strategy and EV/1 of the Borough of Charnwood Local Plan 2004.

8. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Brownhill Hayward Brown drawing number 3658-02 Rev O have been implemented in full. Pedestrian visibility splays 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 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 to accord with Policy TR/18 of the Borough of Charnwood Local Plan 2004 and with the National Planning Policy Framework (2021).

9. No dwelling hereby permitted shall be occupied until such time as the parking and turning facilities for the property have been implemented in accordance with Brownhill Hayward Brown drawing number 3658-02 Rev O. 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 to accord with Policy TR/18 of the Borough of Charnwood Local Plan 2004 with the National Planning Policy Framework (2021).

10. The development shall be carried out in accordance with the details set out in the submitted Arboricultural Method Statement, ref. edp6931_r003b by edp dated September 2021 and all existing trees, shrubs or hedges to be retained on the site shall, whilst the development hereby permitted is being carried out, be protected in accordance with the details therein. No materials shall be stored, rubbish dumped, fires lit or buildings erected within the protected areas and the existing ground level shall be neither raised or lowered (except as may be agreed in writing by the Local Planning Authority as part of this development). If any trenches or services are required in the fenced off areas, they shall be excavated and back filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

REASON: To ensure that the development is carried out with due regard to the existing hedgerows and trees and their root protection areas during the construction of the development, to accord with Policies CS/2, CS13 Charnwood Local Plan (2011-2028) Core Strategy and EV/1 of the Borough of Charnwood Local Plan 2004.

11. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, including pedestrians, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking or pedestrian safety problems in the area, to accord with Policies CS/2 Charnwood Local Plan (2011-2028) Core Strategy and EV/1 of the Borough of Charnwood Local Plan 2004.

The following advice notes will be attached to the decision:

1. The decision has been reached taking into account paragraph 38 of the National Planning Policy Framework and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
2. 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 2004 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 H5, 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.
3. 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.
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.
6. The adjacent Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.

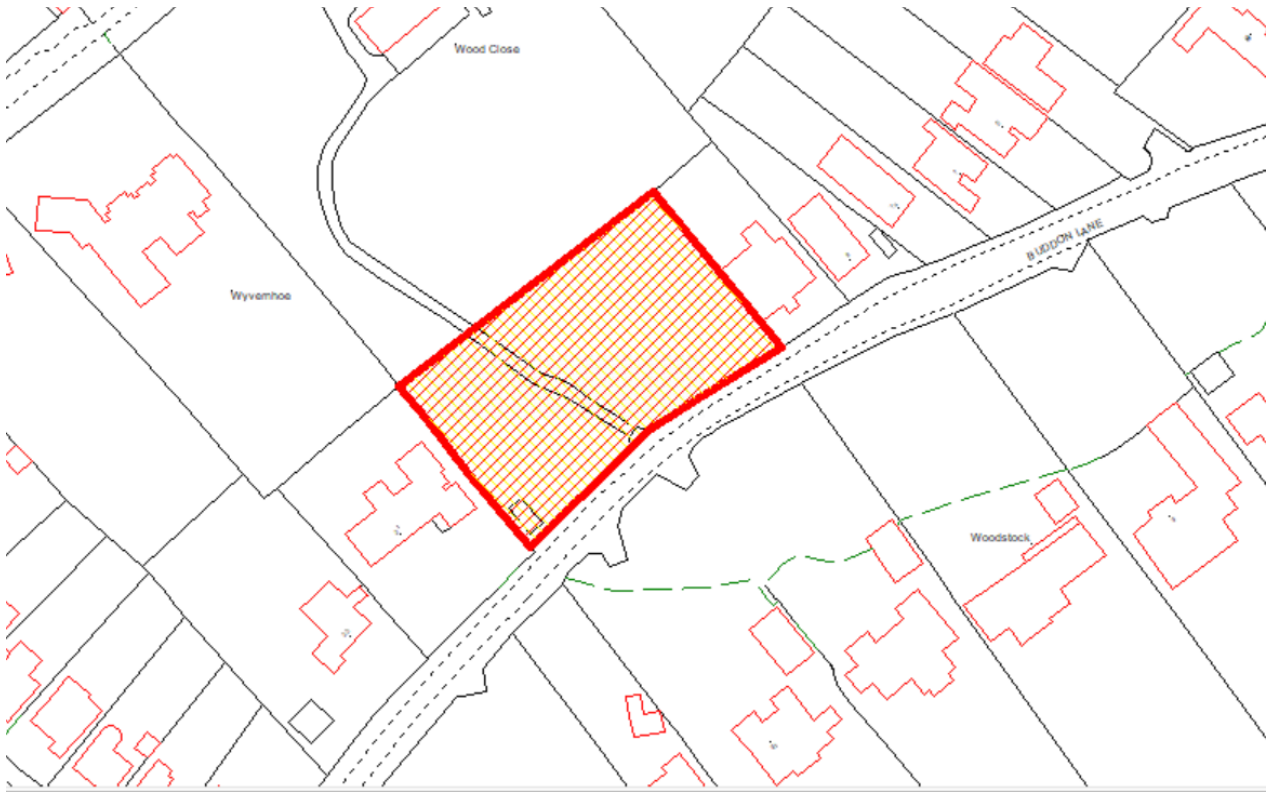
Prior to construction, any changes to the existing boundary treatment currently separating the application site from the Public Right of Way, shall be approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

No trees or shrubs should be planted within 1 metre of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species. This is to prevent overgrowth in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework (2021).

If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

7. To improve the biodiversity of the site, you are encouraged to consider providing bird nesting, bat roost boxes and hedgehog holes and/or houses in appropriate locations within each plot.



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