

**Item No.****Application Reference Number** : P/21/2676/2**Application Type:** Full**Date Valid:** 07/03/2022**Applicant:****Proposal:** Erection of 8 detached houses with landscaping and associated works following demolition of existing dwelling.**Location:** 26E High Street, Quorn, Leicestershire, LE12 8DT**Parish:** Quorn**Ward:** Quorn**Case Officer:** Jim Worley**Tel No:** 07591 947043**1. Background**

1.1 This application is reported to Plans Committee following a 'call in' in by former Councillor Shepherd citing the following considerations:

- Over-development of the site
- Traffic issues
- Construction traffic issues
- Overbearing impact from the development
- Loss of privacy
- Permanent noise issues if granted

1.2 The call in is reiterated by Councillors Westley and Fox on similar grounds:

- Over development of site
- Traffic issues
- Construction traffic issues
- Effect on listed buildings
- Safety of residents and others
- Concerns with access to emergency services
- Overbearing impact of development.

**2. Introduction and Description of the Site**

2.1 The application site is the dwelling and garden associated with No. 26E High Street Quorn. The property is a bungalow erected in the 1980's (under planning permission P/81/0828/2) and which has subsequently been extended. It's curtilage amounts to 0.24 hectares and the property is accessed via a shared driveway from High Street which operates on a one-way system with a 3m wide access being to the south-east of Quorn Court alongside No. 26C High Street and egress being to the north-west alongside No. 30. The driveway is shared with the occupants of apartments within Quorn Court and a later bungalow built to the rear of the site on former Quorn Court garden land and which is now No. 26d High Street.

- 2.2 Quorn Court is now subdivided into 11 apartments and features an attractive lawned formal garden to its rear, flanked on 2 sides by rows of garages for use by its occupants. Former stables were also converted into 3 cottages and these are No's 26a, 26b and 26c High Street and these 3 properties have access to allocated garages within the grounds of Quorn Court.
- 2.3 The site lies wholly within Flood Zone 1. The access to the site lies within the Conservation Area but the land to be physically developed is outside the Conservation Area but shares a boundary with it.
- 2.4 Quorn Court is a Grade II Listed building described as: "House, now subdivided into flats. Late C18. Red brick with bands, C19 stone modillion cornice and balustrade and Welsh slate roof to wing. Red brick and stone ornamental ridge and end projecting stacks. Three storeys of five sash windows : 3/3 on 2nd floor otherwise 6/6. Gauged brick lintels. Central section projects slightly. Here porch, with two Roman Doric columns, pilasters behind, and flat top with entablature and blocking course. Two leaved part glazed door. Extending from right end a two storey wing of five 6/6 sashes both floors."
- 2.3 The site has no active road frontage and is surrounded to the south, east and west by more modern detached housing. Existing refuse collections are undertaken at the kerbside on High Street with staff walking to collect bins from 26d and 26e High Street.
- 2.4 The application site is well-screened from the formal garden to Quorn Court and tall hedges and trees on all boundaries provide a secluded setting for the existing bungalow which is already visually separated from the listed building and as such does not form part of its setting (which is well defined as its own grounds and associated outbuildings. 4-5 tall conifer hedges form the north-eastern and south-eastern boundaries, with a belt of relatively young trees forming an effective screen within the south-western and north-western boundaries with properties on Sanders Road and Wrights Close respectively (a mix of bungalows and two storey dwellings).

### **3. Description of the Application**

- 3.1 The proposal is to demolish the existing bungalow and erect 8 detached dwellings. This follows amendment to the application that originally proposed 9.
- 3.2 The dwellings would be a mix of 2 x 1 , 4 x 2 and 2 x 3 bedroomed homes providing downstairs open plan dining/living room, kitchen w.c and en-suite bedroom. 13 parking spaces would be provided across the scheme with a shared surface driveway leading off the existing vehicular access into the site from Quorn Court private driveway.
- 3.3 The ridge heights would be 6.2m with proposed chimneys to each dwelling not exceeding this. The ridge heights of lower sections would not exceed 3.9m. Eaves heights would be 2.2m with first floor levels typically set at 2.6m high.
- 3.5 Proposed materials are to be red brick walls and chimneys, diamond format clay roof tiles with conservation style roof lights. Metal gutters and downpipes would be used. Windows and doors would be soap washed natural oak.

3.6 The application is accompanied by the following documents:-

- Planning Statement
- Design and Access Statement
- Heritage Statement
- Arboricultural Survey and Impact Assessment (updated May 2023)
- Arboricultural Method Statement and Technical Note (revised May 2023)
- Flood Risk Assessment / Drainage Strategy
- Preliminary Ecological Appraisal
- Noise Assessment
- Air Quality Assessment.
- Transport Statement
- Highways Technical Note and additional information (September 2022)
- Environmental and Sustainability Strategy
- Biodiversity Impact Assessment (revised 5.5.2023)

#### **4.0 Development Plan Policies**

4.1 The Development Plan comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies) and the Minerals and Waste Local Plan (2019).

4.2 The policies applicable to this application are as follows:

##### 4.2.1 Charnwood Local Plan Core Strategy

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS3 - Strategic Housing Needs
- Policy CS13 – Biodiversity and Geodiversity
- Policy CS14 - Heritage
- Policy CS16 - Sustainable Construction and Energy
- Policy CS17 - Sustainable Travel
- Policy CS18 – The Local and Strategic Road Network
- Policy CS25 - Presumption in favour of sustainable development

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

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

- Policy ST/2 - Limits to Development
- Policy EV/1 – Design
- Policy TR/18 - Parking in New Development

##### 4.2.3 Minerals and Waste Local Plan (2019)

This 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.

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.

#### 4.2.4 Quorn Neighbourhood Plan (Made 6 June 2019)

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

- Policy S1 Settlement Boundary
- Policy S2 Design Guidance
- Policy H3 Housing Mix
- Policy H5 Windfall Development
- Policy ENV4: Trees, Woodland and Hedges
- Policy ENV6: Biodiversity

## 5. **Other material considerations**

### 5.1 [The National Planning Policy Framework \(NPPF 2023\)](#)

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

- Section 2: Achieving sustainable development
- Section 4: Decision making
- Section 5: Delivering a sufficient supply of homes
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving well-designed places.
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment
- Section 17: Facilitating the sustainable use of minerals

### 5.2 Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape,

contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

### 5.3 National Design Guide

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

### 5.4 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 known demographic changes.

### 5.5 Housing Supplementary Planning Document (SPD) (adopted May 2017 – updated December 2017)

The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

### 5.6 Design Supplementary Planning Document (SPD) (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.

### 5.7 Leicestershire Highways Design Guide

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 expected to be provided in new housing development.

### 5.8 Technical Housing Space Standards (2015)

Seeks to encourage minimum space standards for housing. This document has not been adopted for the purposes of Development Management at Charnwood Borough Council, but it is included in draft Policy H3 of the emerging local plan and is therefore a material consideration for which appropriate weight must be given.

### 5.9 Conservation of Habitat and Species Regulations 2010 (as amended)

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.

#### 5.10 Equality Act 2010

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

#### 5.11 [The Draft Charnwood Local Plan 2019-37](#)

This document sets out the Council's strategic and detailed policies for the Borough over the period 2019-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2023. It is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in early 2024.

In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The following policies are considered applicable to this application, and the weight they can be assigned is addressed in the 'Planning Considerations' part of this report.

- Policy DS1: Development Strategy
- Policy DS5: High Quality Design
- Policy SC1: Service Centres
- Policy H1: Housing Mix
- Policy CC4: Sustainable Construction
- Policy CC5: Sustainable Transport
- Policy EV6: Conserving and Enhancing Biodiversity and Geodiversity
- Policy EV7: Tree Planting
- Policy EV8: Heritage

- Policy INF1: Infrastructure and Developer Contribution

#### 5.12 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.

#### 5.13 Planning (Listed Building and Conservation Areas) Act 1990 (as amended)

This consolidates previous legislation relating to special controls in respect of buildings and areas of special architectural or historic merit and sets out what alterations can be carried out to listed buildings and within Conservation Areas without the formal consent of the Local Planning Authority. The legislation gives Local Planning Authorities a statutory duty to give special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and the setting of Listed Buildings.

### 6.0 Relevant Planning History

Reference	Description	Decision
P/79/3909/2	Use of land for the erection of two single storey dwellings with access via existing gyratory system	Granted conditionally 13/03/1980
P/80/3381/2 (28A)	Erection of detached dormer bungalow with gyratory access through Quorn Court	Granted conditionally 11/12/1980
P/81/0828/2 (26E)	Erection of detached bungalow with garage	Granted conditionally 09/09/1982
P/81/0829/2 (26D)	Erection of detached house and garage	Granted conditionally 09/04/1981
P/89/1924/2 (26E)	Double garage extension to side of detached bungalow	Granted conditionally 28/09/1989
P/00/2624/2 Rear of 26E	Site for the erection of 2 bungalows fronting Sanders Road (0.1ha)	Granted conditionally 10/05/2001
P/04/1021/2 Rear of 26E	Site for the erection of 2 bungalows fronting Sanders Road (renewal of outline planning permission P/00/2624/2)	Granted conditionally 05/05/2004
P/06/3228/2 Rear of 26E	Erection of 2 detached bungalows (reserved matters – planning permission P/04/1021/2 refers)	Granted conditionally 04/01/2007

### 7.0 Responses of Statutory Consultees

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

Consultee	Response
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<p>Charnwood Borough Council – Urban Design, Conservation &amp; Archaeology (Sept 2022)</p>	<p>No impact upon the Conservation Area or the setting of the listed building.</p> <p>The design is a modern interpretation</p> <p>With clear distinction between public and private space, that relates well to its surroundings, and utilises local traditional materials.</p> <p>Overall, this proposal should be considered high quality design as required by our design policy and the NPPF.</p>
<p>Charnwood Borough Council landscape (August 2023 following amendment to 8 dwellings and retention of trees)</p>	<p>The proposal does not take into account Core Strategy Policy CS11 Landscape as it fails to protect the verdant garden character of the site nor would it reinforce local distinctiveness.</p> <p>In terms of the emergent Local Plan, it fails to accord with parts of Policy SC1 Service Centres as the site is not an allocation; and would fail to adequately integrate with the landscape (Policy EV1 landscape) of the vicinity of the settlement which is characterised by garden spaces which support trees and shrubs.</p> <p>The proposal does not take the Quorn Neighbourhood Plan policies H5 (c.) into account. The effect of the development would be to directly “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”.</p> <p>It would fail H5 (e) as it would result in “an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy” and, “visual intrusion” as a consequence of the removal of the existing perimeter vegetation which provides substantial effective screening.</p> <p>The original proposal layout was not capable of fulfilling Neighbourhood Plan Policy ENV4 because it was not retaining sufficient trees and hedges nor of delivering replacement trees.</p> <p>Overall, the proposal would either require the loss of most of the screening vegetation or result in post completion pressure to remove or substantially prune. This could be resolved by affording greater clearance pulling built from away from perimeter vegetation and decline in surfacing.</p>



	<p>While compact garden/ yards can be laid out to a high design standard the small size of the plots, the shallow depth of the gardens could mean they would be predominantly in shade quality of the gardens may be excessively in shade to the detriment of usability</p> <p><u>Trees (following amendment to 8 dwellings)</u> The amended version of this application has allowed for the retention of trees and for new plantings to be located outside of private ownership, and thus unlikely to be felled at the whim of future occupants.</p> <p>The pruning works proposed to 3 trees and 1 hedge are reasonable and unlikely to significantly alter tree quality.</p> <p>The tree protection measures will provide adequate protection to the retained trees.</p> <p>No further arboricultural objections to the proposal and recommend conditions:</p> <ol style="list-style-type: none"> <li>1. Monitoring of works by an Arboricultural Supervisor.</li> <li>2. Tree Protection and Ground Protection measures during works</li> <li>3. Tree Planting prior to completion of the development and subsequent replacement</li> <li>4. Retained Trees shall not be cut down, uprooted, destroyed, pruned, cut or damaged in</li> </ol>
<p>Leicestershire County Council – Local Highway Authority (LHA) (7/8/23 regarding amended plans)</p>	<ul style="list-style-type: none"> <li>• the existing access would be satisfactory to cater for the proposed development in terms of effective width, gradient, and surfacing.</li> <li>• 2 metre by 2 metre pedestrian visibility splays are available at the existing site access.</li> <li>• vehicle speeds along High Street are likely to be lower than the maximum speed limit of 30 mph and consequently, the LHA has no concerns with v visibility</li> <li>• notes that the tracking profile for fire appliances is tight, and would involve vehicles overhanging the edge of the driveway, but would remain the same as existing. Consequently, the LHA does not consider that advice of refusal on this basis could be sustained.</li> </ul>

	<ul style="list-style-type: none"> <li>The LHA is satisfied that the off-street car parking would be acceptable for the proposed development. Spaces are shorter than the standards and some bound on one side by a wall. Nevertheless, considering the site would be a private drive, the LHA would not seek to resist the application on this basis</li> </ul> <p>Satisfied that, the proposed development would not have an unacceptable impact on highway safety, and that the residual cumulative impacts on the road network would not be severe, in the context of paragraph 111 of the National Planning Policy Framework (2021).</p> <p>The LHA recommends conditions as follows:</p> <ul style="list-style-type: none"> <li>Requirement for a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities etc.</li> <li>Provision of parking and turning facilities as specified in the plans being provided prior to occupation of the dwellings</li> </ul>
<p>Leicestershire County Council Mineral Planning Authority (20/9/21 and 26/8/20)</p>	<p><b>No objections</b> in respect of mineral safeguarding.</p>
<p>Charnwood Borough Council Environmental Health (3/6/21)</p>	<p><u>Noise Impact Assessment</u></p> <ul style="list-style-type: none"> <li>The noise assessment methodology is generally sound and is in line with appropriate technical guidance.</li> <li>The conclusions noise impact from the use of the access road is likely to give rise to a minor impact is accepted</li> </ul> <p><u>Air Quality Assessment</u></p> <ul style="list-style-type: none"> <li>The report by NRG Consulting provides a fair assessment of the potential impact on air quality</li> <li>The modelled NO<sup>2</sup> levels used appear to be a “worse case” and therefore would not alter the overall conclusions.</li> <li>The assessment methodology is generally sound and is in line with appropriate technical guidance. The overall conclusions are therefore reasonable</li> </ul>

	<p>- The predicted concentrations of PM10 in all modelled years are below the relevant air quality objectives.</p> <ul style="list-style-type: none"> <li>• The predictions for = NO<sup>2</sup> would not be exceeded along any of the façades of the new development.</li> </ul>
<p>Charnwood Biodiversity (responding to revised plans and amended ecological information accompanying)</p>	<p>Concern regarding the conclusion of the BIA and its approach regarding the reliance on gardens, small open spaces, use of hard surfaces, reliability of swap features and reliance on planting in shaded areas, and the values attributed to some aspects.</p> <p>In the interests of expediting a resolution the following calculation is provided:</p> <p>a) that the areas proposed for enhancement (rain gardens, semi-improved grassland shrub planting) could provide an element of enhancement if constructed and managed appropriately.</p> <p>b) that the aforementioned areas do contribute to the overall green infrastructure but do not deliver any biodiversity enhancement beyond what would normally be expected from a garden. This is the most likely outcome.</p> <p>In the case of a) net loss would just be avoided and the proposal would be acceptable. In the case of b) a small net loss would result requiring an offsetting payment of £3,129.00.</p> <p>On this basis it is recommended that either;</p> <p>a) landscaping and management is sought by condition. Details of the rain gardens prior to determination showing how they will intercept runoff in order to contribute to attenuation and in order that they remain wetter for longer. It is important that details are finalised prior to determination to ensure compatibility with approved plans.</p> <p>b) that the aforementioned areas do contribute to the overall green infrastructure but do not deliver any biodiversity enhancement beyond what would normally be expected from a garden. This is the most likely outcome.</p> <p>In the case of a) net loss would just be avoided and the proposal would be acceptable. In the case of b) a small net loss would result requiring an offsetting payment of</p>

	£3,129.00. On this basis my recommendation is that we either; a) seek to secure landscaping and management by condition. Details of the rain gardens prior to determination showing how they will intercept runoff in order to contribute to attenuation and in order that they remain wetter for longer. It is important that details are finalised prior to determination to ensure compatibility with approved plans.
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**Ward Councillor and Parish Council Response**

Rt. Hon. Jane Hunt MP	<p>Forwards letters from residents raising the following concerns:</p> <ul style="list-style-type: none"> <li>• Loss of Privacy and Permanent Noise issues</li> <li>• Disturbance Issues and Safety</li> <li>• Effect on Grade 2 listed building Quorn Court</li> <li>• Drainage and flood risk</li> <li>• Design and Overbearing Impact of Development</li> <li>• Quorn Neighbourhood Plan Windfall Sites Guidance</li> </ul>
Cllr L Westley	<p>Concerns regarding the following issues:</p> <ul style="list-style-type: none"> <li>• Over development of site</li> <li>• Traffic issues</li> <li>• Construction traffic issues</li> <li>• Effect on listed buildings</li> <li>• Safety of residents and others</li> <li>• Concerns with access to emergency services</li> <li>• Overbearing impact of development.</li> </ul>
Cllr Fox	Supports all of Cllr Westley's concerns.
<p>Quorn Parish Council (to amended plans for 8 houses)</p>	<p>Consider that this proposal does not comply sufficiently closely to criteria and policies:</p> <ul style="list-style-type: none"> <li>• pedestrian and vehicle safety will be compromised by the increased amount of traffic both within the grounds of Quorn Court and on to High Street itself, especially during construction and will continue thereafter. Access to the development is via the narrow one-way system passing Quorn Court.</li> <li>• The increased traffic will have a detrimental impact on Quorn Court residents in terms of safety, noise and air quality. It is difficult to imagine how large emergency vehicles would access the site.</li> <li>• The development will have an overbearing impact on the residents of Quorn Court and parts of Sanders Road and Wrights Close. Although it has been noted that skylights have been angled to now point away from existing properties, there is no doubt that the impact will remain significant.</li> <li>• While the proposed properties are well-designed and attractive, the environmental impact of the development is not sufficiently considered or mitigated. The homes will have gas boilers not heat pumps, and each will have a tall (6.2 metre) feature chimney which the developers believe will host wood-burning or solid fuel stoves. This would be</li> </ul>

	<p>detrimental to local air quality and long-term efforts to reduce carbon emissions.</p> <ul style="list-style-type: none"> <li>• The application comprises 8 dwellings with car parking for up to 13 vehicles in total on the whole site. This is inadequate, and that lack of sufficient parking on the development will lead to further pressure on the already difficult parking situation in Quorn. There already appears to be insufficient parking allocation for the residents of Quorn Court and this development will only exacerbate the issue.</li> <li>• LCC Highways make comments that seek to minimise the impact this development will have on an already difficult parking and traffic situation in Quorn and lack of understanding of the reality of the situation.</li> </ul>
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**Responses to publicity**

<b>From</b>	<b>Comments</b>
<p>137 letters of objection received from 38 addresses, including 12 from the Quorn Court Managment Co.</p> <p>Many residents have submitted letters at each stage of the application process (up to a maximum of 22 letters from one resident).</p>	<p><b>Principle of Development</b></p> <ul style="list-style-type: none"> <li>• The principle of residential development of this site for 8 dwellings is unacceptable because:</li> <li>• The allocation in the Quorn NP makes sufficient provision for growth and there is no case made for additional compelling need.</li> <li>• The development does not qualify as windfall under Policy H5 of the Neighbourhood Plan as it is not a “small residential development”. The policy is aimed at the provision of one or two dwelling.</li> </ul> <p><b>Flood Risk and Surface Water Drainage</b></p> <ul style="list-style-type: none"> <li>• The site is at risk from flooding</li> <li>• This location is in flood zone 3</li> <li>• The undeveloped site assist with run off and it is unclear how drainage will be dealt with</li> </ul> <p><b>Biodiversity</b></p> <ul style="list-style-type: none"> <li>• It is clear that the proposal will lead to an impact on trees.</li> <li>• The will result in an increased level of lighting emanating from the site that will impact on bats</li> </ul> <p><b>Trees and hedges</b></p> <ul style="list-style-type: none"> <li>• The loss of trees and wildlife would be the very things that give Quorn its identity as a village.</li> </ul> <p><b>Impact on existing properties (residential amenity):</b></p> <ul style="list-style-type: none"> <li>• The extra noise from increased traffic flow will be very noticeable in the ground floor flats, which have bedrooms adjacent to the drive, and 26C.</li> <li>• Disturbance by additional residents passing windows and the amenity are of Quorn Court with direct lines of sight in to private areas</li> <li>• Light pollution from cars using access road;</li> </ul>

- Increase noise from users at the site including from vehicles entering and leaving the site, the opening and closing of car doors and boots at all times of day and night;
- Being awakened by maintenance and delivery vehicles servicing the site;
- A significant increase in vehicles entering and leaving the site during the morning and evening;
- No details are provided on the security and management measures that will be in place.
- Reduced air quality
- These impacts would affect resident amenities and mental health.
- The intensification in the use of the access will allow direct overlooking into private areas of neighbouring properties
- There is a window on the gable end of unit 6 that faces 3 Wrights Close

#### **Highway safety (including internal roads)**

- The LHA do not comment on the internal road layout but it poses dangers. The access past Quorn Court is only 3.2 m wide against a standard, if it was a public highway, of 4.5m. The access into the site itself is a 90° turn with no visibility due to planting; visiting vehicles often exceed 20 mph within the site.
- The assessment for the fire appliance admits an overhang but fails to say this would result in collision with a boundary fence.
- Residents have approach LFRS and they declined to try to enter the site due to its constraints.
- Similarly, refuse collection vehicles will not be able to navigate the access.
- There is very little parking space in Quorn, the car park is always full. Sanders Road is used by many as a parking area for people picking up children from school or when they are at work,
- Parking provision in the scheme is inadequate
- Many home owners will have more than one vehicle, there are only 3 visitor spaces
- Delivery vehicles will not be able to navigate to the site and will have to park on High St, which will pose dangers.
- The Ardent access report is incorrect in the following ways:
  - (i) It shows a wide access to the site when it is only 3.2m which cannot be altered;
  - (ii) The traffic count is out of date, relating to 2019 surveys. More recent surveys by residents have shown greater traffic flows and new traffic would represent a 50% increase.
  - (iii) The access for the fire tender as show is not feasible

#### **Impact on the listed building**

- Resident may refuse to pay service charges as a result of the development, or may leave altogether, and the building would deteriorate as a result of lack of maintenance
- The basement of Quorn Court suffers water ingress and is constantly pumped. The development will add to this problem.

#### **Conservation Area**

- development of this site will result in a loss of spaciousness within the street scene and given the substantial mass of the dwellings proposed, the development will dominate and break the skyline. This would result in substantial harm on the character of the area. This is contrary to national and local policies.
- The design, size, scale and mass of the dwellings is completely at odds with neighbouring properties and will be extremely prominent. The intensification in the use of the access/egress on to the highway will inflict further harm. The development will appear incongruous, and would have a detrimental impact on the character and appearance of the area and inflict harm on the setting of nearby designated heritage assets, including the grade II listed Quorn Court, as well as the Quorn Conservation Area.

#### **Increased risk of fear of crime**

- The opening of the site for eight dwellings opens up the site and increases the risk of crime and fear of crime. Large areas of housing and associated parking can attract significant attention that raises legitimate concerns.

#### **Low Carbon and energy efficiency issues**

- The 6.2m tall chimneys and wood burning stoves or other fossil fuels would result in pollution and release of carbon
- The carbon footprint implications of demolition of 1 and construction of 8 new dwellings
- Environmental risk of fire, if fire appliances cannot reach the site to stop fires
- Construction will require small vehicles due to restricted access, adding to the number of trips and the resultant pollution;
- Absence of any "green" energy provision such as heat pumps, solar, ground, water etc
- Pollution will be contrary to Charnwood Environmental Plan 2018 / 2030, The National Air Quality standards and Environment Acts.
- 26e proposes chopping down mature trees, there is no wind or solar energy infrastructure or an increase in electric vehicle charging points
- The development does not take account of solar design, energy efficient appliances and lighting, or renewable energy and is at odds with the national Green Deal.

	<p><b>Other</b></p> <ul style="list-style-type: none"> <li>• S106 funds accrued from other developments, for other purposes. Should be diverted to buy the site under Compulsory Purchase</li> <li>• Insufficient time to make comments on amended plans</li> <li>• There has been no consultation and residents do not seem to exist</li> <li>• Disruption caused by all the builders</li> <li>• It is impossible to imagine how construction could be managed in a way which did not seriously impact the residents of Quorn Court very negatively.</li> <li>• Capacity of schools and doctors</li> <li>• No 26E has access rights only over the road in Quorn Court, it remains in the ownership of Quorn Court</li> </ul>
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## 9. Consideration of the Planning Issues

The key issues in considering this application are:

- Principle of Development
- Housing Mix
- Design & Layout
- Impact on Residential Amenity
- Ecology and Biodiversity
- Impact on Trees
- Highway Matters
- Impact on Listed Building, Quorn Court

### 9.1 The Principle of the Development

9.1.1 The starting point for decision making on all applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for this part of Charnwood which comprises the Quorn Neighbourhood Plan 2019, Charnwood Local Plan (2011-2028) Core Strategy, and those 'saved' policies of the Borough of Charnwood Local Plan which have not been superseded by the Core Strategy.

9.1.2 The Core Strategy and Borough of Charnwood Local Plan are over 5 years old and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of policies which relate to the supply of housing, the relevant policies listed above are considered to be up-to-date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

9.1.3 The application site is located within the Development Limits to the settlement of Quorn, as established under "saved" Policy ST/2 of the Borough of Charnwood Local



Plan 1991-2026. Policy CS1 of the Core Strategy outlines a development strategy for the Borough, including a settlement hierarchy. Policy DS1 of the Draft Charnwood Local Plan (2021-2037) adopts a similar approach. Within the settlement hierarchy, Quorn is identified as an “service centre” where housing growth is acceptable. Policy SC1: Service Centres supports development in Service Centres that is in accordance with the pattern of development outlined in Policy DS1 (and subject to meeting a range of criteria).

9.146 Quorn Neighbourhood Plan Policy S1: ‘Settlement Boundary’ supports development proposals within the defined settlement boundary where the proposal fully complies with all of the policies in this Neighbourhood Plan.

9.1.5 Being located in Quorn, and close to a wide range of facilities, it is considered that the principle of development, to the extent of its general location, is acceptable and in accordance with the relevant policies as referred to above. The site lies within the defined settlement boundary of the adopted Local Plan, Neighbourhood Plan and emerging Local Plan, within an Identified Service Centre. The development, in principle, is therefore considered to comply with Neighbourhood Plan Policy S1, Policies ST/2 of the adopted Local Plan, CS1 of the Core Strategy and DS1 and SC1 of the emerging Charnwood Local Plan.

9.1.6 As the Core strategy is now five years old, the Planning Authority cannot currently demonstrate a 5-year supply of housing land (4.27 years) and therefore, as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. 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 ii), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, when assessed against the policies of the Framework taken as a whole, for planning permission to be refused.

9.1.7 Part i) of NPPF paragraph 11d) sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application paragraph 11dii) does not apply. These are generally nationally designated areas such as SSSI’s, designated Local Green Space, AONBs and designated heritage assets (impact on heritage assets is addressed below). In this case, whilst the access is within the Conservation Area, no works are proposed to it or along its length that might give rise to adverse impact and the area subject to physical works site is not in an area specifically protected by the NPPF (i.e the proposed built development is outside the Conservation Area) such that the NPPF’s presumption in favour of sustainable development and the ‘tilted balance’ applies.

## 9.2 Housing Mix

9.2.1 Core Strategy Policy CS3 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs. As the site is only seven additional dwellings, no affordable homes are required under either existing or emerging policies. This policy generally accords with the NPPF and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that it should be given.

- 9.2.2 Emerging policy H1 seeks a mix of house types and sizes to meet the overall needs of the Borough in line with up to date evidence. The policy is at an advanced stage, was considered in the hearing sessions in February and is consistent with the NPPF and it is considered can currently be given limited weight due to the existence of representations in opposition to the Policy. Emerging Policy H3 requires compliance with the Nationally Described Space Standards and carries limited weight for the same reasons as Policy H1'
- 9.2.3 Neighbourhood Plan Policy H3: Housing Mix states that any new housing development 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
- 9.2.4 The latest evidence of need is provided by the Leicestershire Housing and Economic Needs Assessment (HENA) 2022 outlines a recommended housing mix for the Borough in respect of market housing. This includes the following housing mix:

<b>Market</b>	
1 bed	5%
2 bed	30%
3 bed	45%
4+ bed	20%

- 9.2.5 The proposal provides high quality living accommodation in excess of the Government's 'Technical housing standards- nationally described space standards' and therefore satisfies emerging Local Plan Policy H3..
- 9.2.6 The proposal provides a mix of 1,2 and 3 bedroomed properties for which there is identified need. The mix provides follows that advocated by the Neighbourhood Plan and the houses would be suitable for those with limited mobility offering flat access and readily accessible to services. It is therefore considered to comply with the expectation of Core Strategy Policy CS3, Quorn Neighbourhood Plan Policy H3 and emerging Local Plan policy H1

### 9.3 Design and Layout

- 9.3.1 Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 of the Local Plan supports development that is of a design, scale, layout and mass compatible with the locality and which uses materials appropriate to the locality. These policies generally accord with the NPPF and National Design Guide and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.
- 9.3.2 Neighbourhood Plan Policy H5 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:

- 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
- Retains existing important natural boundaries such as trees, hedges and streams;
- Does not reduce garden space to an extent where it adversely impacts on the character of the area
- It provides for a safe vehicular and pedestrian access to the site; and
- Does not result in an unacceptable loss of amenity for neighbouring occupiers

Policy S2 states that new development should reflect the guidance in the current Quorn Village Design Statement and be sympathetic to its surroundings.

- 9.3.3 Emerging Local Plan Policy DS5 requires development to make a positive contribution to Charnwood by responding positively to local distinctiveness. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight. This is complemented by Policy S1 'Service Centres' which, amongst other criteria, requires that development is carefully planned to integrate with the unique settlement pattern and landscape setting of Service Centres, which also carries moderate weight.
- 9.3.5 The application was submitted with a Design and Access statement that looked into the surrounding forms of development in terms of its historic tradition, materials, density and scale (height). It explains that the area is of mixed architecture and whilst there are some buildings of note, including Quorn Court, there is also a large proportion of unremarkable architecture and higher densities in both the immediate and wider surroundings, including immediately at Sanders Road.
- 9.3.6 The site layout is of a 'courtyard' approach with the dwellings inward facing around a central courtyard dedicated to vehicular movements and parking. It appears dense in terms of plot coverage, but evidence provided suggests this is to a similar level and other developments including examples nearby. The self contained property of the site mean that it will not be experienced alongside other developments and therefore it is considered it will not have a 'jarring' or incongruent effect. The site's location is such that it makes little contribution to the individual character or distinctiveness of Quorn, the boundary trees making the greatest contribution when viewed from outside the site and these are proposed to be largely retained.
- 9.3.7 The dwelling designs are bespoke and in particular tall chimneys standing free of gable ends are an unusual feature. However, owing again to the self contained nature of the site and extremely limited opportunity to view it externally, this is considered acceptable. The comments of the Councils Design advisor are informative in this regard (see paragraph 7.1 above). He considers that the design concept is a modern interpretation of traditional buildings from the surrounding area, i.e. use of red brick, pitched roofs, chimneys, rhythmic built form, etc. The layout provides for, clear distinction between public and private space, a public realm that provides a mix of hard and soft landscaping that creates a good balance between natural surveillance and privacy. It would result in a built form that relates well to its

surroundings, has a distinctive architectural character and utilises local traditional materials.

- 9.3.8 The Design advisor concludes that, overall, this proposal should be considered high quality design as required by our design policy and the NPPF. It also successfully follows guidance set out in the National Design Guide and our own design SPD, but it will be necessary to ensure the design quality is delivered, therefore detailed conditions will need to be included in any approval of planning permission.
- 9.3.9 It is considered that the design approach to the site introduces a design which is not harmonious and sympathetic to its surroundings, notwithstanding that there is a variety in the surrounding area and does not meet these strands of the applicable Development Plan and Policies EV1, Core Strategy Policy CS2 and emerging Local Plan Policy DS5 respectively.
- 9.3.10 However, the design when taken in isolation is not considered to be of a poor standard (note comments referred to above) and the development is in a location surrounded by other development and, following amendment, proposes to retain and augment the boundary trees and hedges. Due to its containment the site would not impact on other properties (in layout and architectural terms) and as such the harm arising from its differences in style to its surroundings are limited.
- 9.3.11 With regard to the Neighbourhood Plan, it is considered that the proposal is well designed and the site is certainly “within the built-up area of Quorn or where the site is closely surrounded by existing buildings” and as such satisfies the criteria of the Neighbourhood Plan Policy H5. However, in common with the comments made with regard to Policies EV1, Core Strategy Policy CS2 and emerging Local Plan Policy DS5 above, it is not considered to be sympathetic with its surroundings and as a result does not satisfy Neighbourhood Plan Policy S1, but also for the same reasons deviation from this policy is considered to give rise to limited harm.
- 9.3.12 On this basis it is considered the proposal would give rise to limited harm and is at variance in this respect with the NPPF, National Design Guide, policies CS2 and of Charnwood Core Strategy, EV/1 of Local Plan and the Charnwood Design SPD, Neighbourhood Plan Policy H5 and S2, and emerging Local Plan policies DS5 and SC1.

#### 9.4 Impact on Residential Amenity

- 9.4.1 Policies CS2 of the Core Strategy and EV/1 of the Local Plan seek to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity. Saved policy EV/1 of Local Plan and policy CS2 of Core Strategy require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity is achieved.
- 9.4.2 Neighbourhood Plan Policy H5 also addresses residential amenity and requires that new development 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; or result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise.

- 9.4.3 Emerging Local Plan policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight.

*Existing properties*

- 9.4.4 Objections have been received concerning overbearing, overlooking and overshadowing of existing properties, and in relation to traffic flow in close proximity to Quorn Court, its amenity areas and other properties on High Street.
- 9.4.5 With regard to existing properties to the rear and side of the site on Sanders Road and Wrights Close, it is considered that the low profile of the houses (6.2m high) and positioning from the boundaries would not result in overshadowing or in them becoming overbearing.
- 9.4.6 Rooflights are positioned such that they do not provide a source of overlooking and windows can be required to be obscurely glazed if required, by means of a condition.
- 9.4.7 The boundary treatment of the site is consistent and strong, and would be an effective barrier to overlooking from ground floor apertures. The site is bordered by many trees, which are to be retained, and this assist further with obstructing visibility to and from adjacent properties to the rear and side.
- 9.4.8 The route to and from the site passes through the garden area of Quorn Court which is a shared facility for its residents. It is at present semi-private in that no residents have exclusive use, but nor is it open for wider public use (other than by invitation). It has limited privacy but that would be diminished by the prospect of vehicles visiting the site, which would include non-resident vehicles. Furthermore, traffic associated with the site would pass in very close proximity to the garden area (on 3 of its 4 sides) and would be a source of noise and disturbance significantly diminishing the qualities of the space and as a result the amenities of the residents of Quorn Court. This is also referenced in the context of the route required for refuse vehicles, which is addressed in section 9.5 below, 'Highways Matters'.
- 9.4.9 Similarly, the access to the site would require vehicles to pass in the immediate vicinity of Quorn Court, travelling adjacent to its side elevations and close to its front elevation for access and egress. All of these elevations contain windows serving habitable rooms and the north west elevation, in particular, contains 3 ground floor windows which open directly on to the access road to be used as the sole point of exit for the development. These routes would facilitate views directly into the internal spaces of the flats by passing pedestrians and drivers at very close proximity and it is considered that this would significantly and adversely affect residential amenities of the ground floor flats of Quorn Court by reason of increased noise and disturbance and loss of privacy.

### *Future occupants*

- 9.4.10 The applicant has explained that the development is targeted at people wishing to downsize and will not be family accommodation. The gardens are smaller than those found on larger family housing, it is important to recognise the type of future occupiers likely to be using this development and there are no adopted minimum garden or amenity standards. Accordingly, the proposal provides low maintenance gardens which offer a range of private, semi-private and public spaces to aid the creation of a community 'courtyard' style development, within the centre of Quorn where occupiers will have easy access to outdoor recreation spaces.
- 9.4.11 The gardens are particularly small and their practical useability is compromised by the existence of boundary features, trees (which are to be retained) and their orientation. In particular, Plot 3 is impacted by the adjacent boundary and building immediately south, and plots 7 and 8 have north facing gardens in close proximity to substantial trees such that the provision is not regarded as adequate useable space.
- 9.4.12 In addition, there is little in the way of shared open space within the site because the courtyard within the housing layout, around which the proposed houses are grouped, is dedicated to parking and turning.
- 9.4.13 In respect of future occupants, the proposal is considered to be unacceptable as a result of the proposed garden provision. Furthermore, the 'backland' nature of the site and the approach to it through the grounds of Quorn Court would give rise to impacts upon existing residents that are not considered to be acceptable. Overall, therefore, it would not comply with the provisions of policies CS2 of Charnwood Core Strategy and EV/1 of Local Plan along with NPPF, National Design Guidance, Emerging Local Plan Policy EV5 and the guidance set out in the Design SPD to protect residential amenity.

### 9.5 Highway Matters

- 9.5.1 Policy CS2 of the Core Strategy requires new development to provide well defined and legible streets and spaces that are easy to get around for all. Policy CS18 of the Core Strategy requires network improvements where they are identified in Transport Assessments. Policy TR/18 of the Saved Local Plan requires off-street parking to be provided for vehicles and cycles to secure highway safety and minimise harm to visual and local amenities. Adopted standards as set out in the saved Local Plan are provided as a starting point to assess the level of provision. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them. Policy H5d) of the Quorn Neighbourhood Plan states development is supported where it provides a safe vehicular and pedestrian access to the site.
- 9.5.2 The NPPF promotes sustainable travel choices and states development should ensure safe and suitable access, reflection of national guidance and mitigation of any significant impacts. It states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe (paragraphs 110-112).

- 9.5.3 Emerging local plan policy T3 requires new development to provide car parking in accordance with the latest published guidance of the County and Borough Councils. Emerging policies INF1 and INF2 seek to secure appropriate infrastructure to mitigate the impacts of development.
- 9.5.4 The application proposes 14 spaces for the 8 dwellings. This is marginally below the adopted standards and provides no additional capacity for visitors. However, any 'overspill' is unlikely to result in a hazard as it will either result in parking in Quorn Court (with issues arising due to the differences in ownership and absence of permission which would require resolution privately with the owners) and as such not impact on highway safety, or wider afield. The development is located in an accessible location whereby services can easily be reached by walking, cycling or public transport. Surrounding the site access and along High Street is a comprehensive package of parking restrictions and well-used parking spaces which would prevent inappropriate parking within the highway such that 'overspill' from the site is unlikely to affect the highway.
- 9.5.5 The Local Highways Authority (LHA) has commented on the number of spaces and their dimensions (see section 7 above) but do not resist the development on the basis that although deficient, it would not give rise to a road safety hazard, as the proposal is not to be adopted highway. The LHA are content that the proposed site access is acceptable for the development.
- 9.5.6 On this basis it is considered that the relevant adopted and emerging policies referred to at 9.5.1 – 9.5.3 above are satisfied and the development would not cross the threshold set by NPPF paragraph 11 regarding 'severe impact'. The small scale of the development means that there are no wider highways infrastructure issues.
- 9.5.7 Following the raising of concerns regarding access for fire appliances, vehicle tracking assessments were provided and the comments of the Local Highways Authority sought on these. The applicant reiterates that the arrangements for the entry of appliances would be no different from at present. The details are disputed by some existing residents who believe that that the vehicles would overhang the access drive and would conflict with planting and the boundary treatment of the property (a fence supported by concrete supports) and point out no changes to the access arrangements are possible as the land does not fall within the applicant's control. As reported in section 7 above, the LHA noted that the route is tight, and would involve vehicles overhanging the edge of the driveway, but also proposed access arrangements for emergency vehicles would remain the same as existing, and consequently the LHA does not consider that advice of refusal on this basis could be sustained. Whilst clearly the introduction of more dwellings would increase the risk of requiring the assistance of the Fire and Rescue Service, the accessibility would not differ from the current layout and it is not considered that there are grounds to depart from the advice of the LHA as statutory consultee on such matters.
- 9.5.8 Similarly, refuse vehicles would need to use this route in order to obtain close proximity to the proposed dwellings for operational purposes. At present the accommodation in Quorn Court is serviced by the public service from in front of the premises, but this is too distant from the proposed dwellings in terms of hauling distances, and residents of the new dwellings joining this arrangement would be a

further source of disturbance and impact on privacy.

9.5.9 There is no guarantee that refuse vehicles operated by the Council could achieve this owing to their size (and potential sizes in future) and therefore the applicants propose a private arrangement whereby the size of vehicles can be controlled. This comprises:

- The bins for the development will be located near the entrance to the site and would be screened so as to mitigate any impact on visual amenity.
- Residents will drop off their waste and recycling in 4no 1100l bins at the bin store
- These bins would be moved to the High Street, by a private company, to be collected by their waste disposal vehicle. Collection would be 'just in time' fashion so the refuse vehicle would only remain at the kerbside for a short period, in common with current collections.
- This would be arranged such that it does not coincide with other collections and would not be at peak or busy times.

9.5.10 The Local Highways Authority have reviewed the proposals and their findings are similar to those regarding the fire appliances reported above. Importantly, they conclude that cumulative impacts on the road network would not be severe, in the context of paragraph 111 of the National Planning Policy Framework (2023).

## 9.6 Air Quality and Noise

9.6.1 Core Strategy Policy CS 16 supporting new development that protects environmental resources including local air quality.

9.6.2 Policy EV11 of the emerging Charnwood Local Plan requires that development does not lead to a significant impact upon, and deterioration of, local air quality. This Policy is considered to carry moderate weight owing to its progression through the Examination process and low level of opposition. An Assessment has been submitted as part of the supporting information and concludes that neither noise nor air quality would be reduced below acceptable standards.

9.6.3 This has been reviewed by the Council's Environmental Protection team who advise that the methodology is robust and the conclusions are reasonable (see comments at section 7 above). The development is therefore considered acceptable in these respects, and satisfies Core Strategy Policy CS 16 and Policy EV11 of the emerging Charnwood Local Plan.

## 9.7 Flood risk and drainage

9.7.1 Policy CS16 of the Core Strategy and the NPPF direct development away from areas at highest risk of flooding. The policy requires development to manage surface water run off with no net increase in the rate of surface water run off for green field sites. This policy generally accords with the NPPF and does not frustrate the supply of



housing. It is therefore not considered there is a need to reduce the weight afforded to this policy.

- 9.7.2 Emerging policy CC1 of the Draft Local Plan encourages minor development to incorporate Sustainable Urban Drainage Systems (SuDS). Emerging policy CC2 states development will include appropriate measures to manage flood risk. This policy is at an advanced stage and was discussed at the hearing sessions in June 2022 and is consistent with the NPPF so can be given moderate weight.
- 9.7.3 The development is situated within Flood Zone 1 and being at low risk of fluvial flooding as identified by the Environment Agency flood maps and is not vulnerable to other forms of flooding.
- 9.7.4 The application is supported by a drainage strategy that explains that although a soakaway is currently used to manage the surface water runoff from the site, this is not considered a feasible method of discharge under current requirements considering the underlying geology. It is therefore proposed that connection is made to mains drainage facilities and would include attenuation in the form of geo-cellular attenuation tanks, to prevent excessive flows during periods of high rainfall. It has been established that the main sewer has capacity for this addition and that the utility company does not oppose this connection.
- 9.7.5 Consequently, the proposal is considered acceptable having regard to Policy CS16 of Charnwood Core Strategy, emerging Local Plan policies CC1 and CC2 and the NPPF.
- 9.7.6 Residents and the Management Company of Quorn Court have reported how flooding to the basement of the property has developed in recent years such that it is continuously pumped, which they attribute to a rising water table. They are concerned this will be exacerbated by the loss of further natural drainage as a result of the development. Ultimately, they report damage to the building arising from damp.
- 9.7.7 However, the approach to drainage described above will result in removal of water that currently enters the ground from the existing soakaway and its diversion to main sewers, and no addition to groundwater. In this situation there is considerable hard surface being introduced on land which is currently garden and it is considered that the scale of the diversion to the sewerage system can only be of benefit to this concern. Therefore it is considered it could not be demonstrated that the development will exacerbate this situation and as such it is considered not to be a sound reason for refusal.

## 9.8 Impact on Mineral Resources

- 9.8.1 The site is located within a sand and gravel Mineral Safeguarding Area. Policy M11 of the Leicestershire County Council Mineral and Waste Local Plan aims to prevent non-mineral related development from potentially sterilising any mineral present within a Mineral Safeguarding Area.
- 9.8.2 The Minerals Planning Authority has advised that any deposits would be unlikely to be extracted due to the proximity of housing and raise no objection as a result.

Consequently, the proposed development would not be in conflict with Policy M11 of the Leicestershire County Council Minerals and Waste Local Plan (2019). Furthermore, it is considered that the proposed development would not be in conflict with the relevant provisions of the National Planning Policy Framework, notably Paragraph 210.

## 9.9 Heritage

- 9.9.1 Policy CS14 seeks development to conserve and enhance historic assets in the Borough for their own value and the community, environmental and economic contribution they make, developments are expected to not only protect the assets, but also their setting.
- 9.9.2 Emerging Local Plan policy EV8 Heritage seeks to protect and enhance heritage assets, including non-designated heritage assets, and prevents harm to their significance and setting. Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. Policy EV8 is largely uncontested and can therefore be afforded moderate weight.
- 9.9.3 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 9.9.4 The site does not lie in Quorn Conservation Area but the site access is immediately adjacent to it. Quorn Court is a Grade II listed building immediately adjacent and access to the site would be taken through its grounds, though no physical works are proposed.
- 9.9.5 The site that is to contain the proposed dwellings is self contained with boundaries defined by trees, walls and fencing. These form a strong boundary both physically and perceptively and it is considered development on it would have very limited impact on either the Conservation Area or the setting of the Listed Building. The impact would be so limited that it would have would not result in harm to the character or appearance of the Conservation Area or the special architectural or historic interest of the Listed Building or its setting, and as such would accord with the above policies. The comments of the Council's Urban Design, Conservation & Archaeology advisor, as reported at section 7 above, express a clear view that this is the case.
- 9.9.6 Concerns has been raised by residents of Quorn Court (and its Management Company) that the additional traffic and construction traffic in particular, may affect the physical fabric of the Listed Building by vibration and collisions (examples of damage to the corners of the building have been illustrated), particularly as larger vehicles would be attracted to the site to serve the new dwellings such as delivery vehicles.
- 9.9.7 The potential for this is evident arising from the narrowness of the access and sharpness of the steering manoeuvres required. However, vehicles would be travelling at very low speeds and it is considered unlikely that significant structural impacts would arise. Matters of repair of damage would fall to the parties concerned.

9.9.8 The impact of the proposed development in relation to heritage is therefore considered to be acceptable and would be in compliance with Policy CS14 of the Charnwood Local Plan Core Strategy 2015 and Policy EV8 of the Draft Charnwood Local Plan.

#### 9.10 Impact on Trees

9.10.1 Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy requires new development to make a positive contribution to Charnwood, resulting in places where people would wish to live through high quality, inclusive design. New developments are required to (inter alia) respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials and access arrangements. This is considered to include landscape features such as trees. Neighbourhood Plan Policy ENV4 states that development proposals that have an unacceptable adverse effect on trees, woodland and hedges will not be supported, and H5 includes a criterion requiring existing important natural boundaries such as trees, hedges and streams to be retained

9.10.2 Policy EV7 of the Draft Charnwood Local Plan (2021-2037) seeks to protect and enhance our natural environment by increasing the number of trees in Charnwood and supports development that retains existing trees, where appropriate.

9.10.3 The application attracted adverse comments from neighbours and the Council's landscape officer (see section 7 above) when proposed for 9 dwellings with significant tree removal. It is supported by a Arboricultural Report and revised Technical Note which has been updated following the amendment of the application from 9 units to 8 in May 2023. This explains that the new layout has responded positively to those comments and allows for retention of trees, less requirement for pruning and more space for new planting. A total of 18 new trees are proposed allowing for a continuous soft landscape buffer along the southwestern and north western boundaries.

9.10.4 The report also explains the impact on the root systems of trees and identifies 4 areas where sensitive excavation methods will be required. These are in relation to the hedge forming the south boundary of the site, and intrusion into root protection areas arising from a bin store and a small quantity of hard surface for parking. The report is supported by a Arboricultural Method Statement (AMS) setting out the protection and excavation measures required.

9.10.5 The Council's Landscape Officer expressed great concern regarding the loss of trees associated with the former layout, and recommended amendments to facilitate retention of trees and shrubs to perimeter. The amended plans achieve this as described above.

9.10.6 The Landscape Officer also recommended conditions be applied for arboricultural supervision of implementation of the Arboricultural Method Statement with Arboriculturist certification and that the Method Statement (ref: 13405/R03a) and Tree Protection Plan (Ref: 13405/P03) be named documents if permission were to be granted. It is considered that this can be achieved by means of a condition.

9.10.7 It is considered that the imposition of such a condition would ensure that the proposal accorded with Policy CS2 of the Charnwood Local Plan (2011-2028) Core, Strategy, saved Policy EV/1 of the Borough of Charnwood Local Plan, ENV 4 of the Neighbourhood Plan and Policy EV7 of the Draft Charnwood Local Plan.

## 9.11 Biodiversity

9.11.1 Policy CS13 of the Core Strategy seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The policy supports development that protects biodiversity and geodiversity and those that enhance, restore or re-create biodiversity. The loss of features of biodiversity and geodiversity will only be supported in exceptional circumstances where the benefit of the development clearly outweighs the impact. Where there are impacts, the policy requires mitigation or compensation of equal or greater value, likely to result in a net gain in biodiversity. The NPPF states that planning decisions should minimise impacts upon and provide net gains for biodiversity.

9.11.2 Emerging policy EV6 of the Draft Local Plan seeks 10% biodiversity net gain and the protection and enhancement of habitats, species and networks. Emerging policy EV7 supports the retention of existing trees and new tree planting. Although the Environment Act 2021 makes provision for 10% biodiversity net gain, the relevant sections of the Act have not yet been brought into force to make it a legal requirement and is not currently required by national policy. Therefore, emerging Local Plan policy EV6 can be given moderate weight, but its 10% net gain can be given only limited weight until the emerging policy is further progressed towards adoption. The site is not within a wildlife corridor which are the subject of Neighbourhood Plan Policy ENV6.

9.11.3 The application is supported by a BioDiversity Impact Assessment , which has been revised following the amendment of the plans to 8 dwellings. This states that the biodiversity interest in the site is limited (reflecting that it is at present a manicured garden and contains a sizeable house) and that a series of measures will be introduced to deliver a modest net gain. These are reported in the Council's Senior Ecology Advisor's comment in section 7 above .

9.11.4 However, the Senior Ecological Advisor is not persuaded by the details in respect of both the efficacy of several of the measures proposed and the value they have been ascribed in the evaluation. Specifically:

- this development proposal takes an area of private residential garden and proposes a number of private dwellings leading to changes in the distribution of vegetated habitat and hard standing. The opportunities for on site mitigation are very limited. In some cases the enhancements would normally only be encountered in the wider countryside and on sites designated for nature conservation. Proposed enhancements are located in private gardens or small areas of open space adjacent to parking bays and heavily shaded by existing vegetation. The BIA is not accompanied by a plan that shows the distribution of the habitats proposed across the site.

- The areas of retained garden as being enhanced by wildflower planting would form new private gardens and would not be amenable to appropriate management.
- The two areas of hardstanding are identified as being “vegetated garden” on the basis that they have a porous surface and so contribute runoff attenuation.
- Rain gardens are proposed as “swamp” habitat. These are described elsewhere in plans as being constructed of topsoil over a free draining substrate and finished with wildflower turf. These are presented as “pass conditions” without saying what the conditions are. “Swamp” is a high distinctiveness habitat type that depends upon the retention of water at or near the soil surface. Notwithstanding, it will not be created in these conditions. There is no explanation of how the rain gardens will fulfil their intended function of intercepting runoff and so at this point there is no basis for describing them as rain gardens.
- Areas proposed as semi-improved neutral grassland are confined to a small and heavily shaded areas adjacent to parking bays. The area is likely to be subject to disturbance , informal management or inappropriate management and the landscape masterplan appears to show an area of this habitat within private gardens.
- A small area of shrub planting (48m2) Is proposed to meet a range of criteria including that of having “clearings glades or rides present”.

9.11.5 It is calculated that there would be a modest net deficit and therefore conditions are recommended to ensure the delivery of the measures proposed, and a financial contribution of £3,129 secured within a S106 Planning Obligation for off-site compensation to ensure a balance is achieved. This approach has been agreed by the applicant. The planning obligation is considered to be necessary, related to the development and for planning purposes (Biodiversity compensation in accordance with NPPF paragraph 174 and the above referenced Policies) and therefore compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010 .

9.11.6 Subject to these provisions, and conditions to ensure compliance with landscaping details and retention of boundary features, it is considered that the proposal could accord with Policy CS13 of the Core Strategy and Policy EV6 of the Draft Charnwood Local Plan (2021-2037).

## 10. Conclusion

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

10.2 As the Core strategy is now five years old and the Local Planning Authority cannot currently demonstrate a 5-year supply of housing land (4.27 years), any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. The shortfall in the supply of deliverable housing sites also means that,

in accordance with the presumption in favour of sustainable development (at paragraph 11dii), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits for planning permission to be refused.

- 10.3 The scale and appearance of the proposed dwellings are considered acceptable in architectural and townscape impact terms arising from the self contained nature of the site and the extent of non compliance with Policy EV/1 of the Borough of Charnwood Local Plan, Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy, Neighbourhood Plan Policies S1 and H5 and emerging Policies DS5 and DS1 of the Draft Charnwood Local Plan would not give rise to significant harm.
- 10.4 The proposal would be served by the existing access which is considered to be a safe and suitable vehicular access and would be provided with an adequate quantum of off-street parking, without giving rise to a severe impact on road safety.
- 10.5 However, with regard to neighbouring amenity, the development is not considered to comply with the provisions of the above policies as a result of the means of access and its impact on privacy and disturbance from noise. This is considered to be a basic requirement of all development and is viewed as a significant harmful consequence within the planning balance. Also, the small garden provision, in combination with the orientation of some houses and the boundary trees intended to be retained would result in inadequate outdoor amenity provision for future residents.
- 10.6 The existing trees within the site are to be retained and protected during construction. It is concluded that the proposal would be acceptable in terms of biodiversity impact and that the proposal would generally accord with the requirements of the NPPF and policy CS13 of the adopted Core Strategy and policy EV6 of the Draft Charnwood Local Plan (2021-2037), subject to conditions and the S106 Planning Obligations to secure a net gain contribution. Because all developments are required to demonstrate no net losses of biodiversity and actively pursue net gains, this is considered to be neutral in the planning balance.
- 10.7 in Heritage terms, the self-contained nature of the site prevents harm to heritage interests and this is also considered to be neutral in the planning balance.
- 10.8 The proposal would make a small contribution to the overall housing shortfall (a deficiency of some 839 dwellings), the benefits of this limited housing provision albeit of a type for which there is identified need, should be considered positive in the overall planning balance. The proposal would also be likely to generate some economic activity during construction and upon occupation, a further positive impact, but all developments of this nature are likely to result in such effects.
- 10.9 Applying the presumption in favour of sustainable development through application of the tilted balance in paragraph 11dii), it is considered that the identified adverse impacts (the conflict with the requirement to protect and provide residential amenities at acceptable levels) would significantly and demonstrably outweigh the benefits of the development (addition of eight dwellings to Charnwood's supply of housing and economic impacts) when assessed against the NPPF taken as a whole.

## **11. RECOMMENDATION**

11.1 It is recommended that permission is refused for the following reasons:

1. The proposed development, by virtue of the route followed by its access and egress, would result in an unacceptable reduction in the standards of amenity of the residents of Quorn Court. It would unavoidably result in significantly more vehicles passing in close proximity to the private amenity area of Quorn Court, resulting in a reduction in privacy and amenity levels of existing residents, and would result in increased noise and disturbance to the ground floor units within the building itself. It would therefore be contrary to Policy CS2 of the Charnwood Core Strategy 2015 and emerging Policy DS5 of the Charnwood Local Plan 2021-37 and policy H5e) of the Quorn Neighbourhood Plan 2019.
2. The proposed layout, by virtue of the size and positioning of gardens in relation to the boundaries of the site and features within it, would result in inadequate amenity provision for future residents. It would therefore be contrary to policies CS2 of Charnwood Core Strategy and EV/1 of Local Plan along with NPPF, National Design Guidance, Emerging Local Plan Policy EV5 and the guidance set out in the Design SPD to secure adequate levels of residential amenity.

## **SITE LOCATION PLAN**

