

Plans Committee Extras Report 21 September 2023

Item No. 5a

Pages 8-33

Planning Application Number P/22/0126/2

Site Address: Rear of 149 Ashby Road, Loughborough

Updates

1. Cllr Goode has raised a point to correct the application is within Storer Ward, and not in Southfields Ward as stated on Page 8 of the Agenda Reports Pack. To confirm, the application site is within Storer Ward, and has been called in by Cllr Forrest, a Storer Ward Councillor. This is a typing error and does not affect the merits or the consideration of the application.

Recommendation

No change to the recommendation.

Item No. 5c

Planning Application Number: P/22/2229/2

Pages 79-114

Site Address: Land East of Iveshead Road

Updates

Two letters have been received, including one via the local MP, they:

1. highlighting an error in paragraph 5.9 regarding the Landscape Character Assessment for the Charnwood Forest Regional Park assessment, specifically that it describes the site as 'Landscape Area 7' as opposed to 'Landscape Area 3'; and
2. Paragraph 9.3.4 of the also cites the Landscape Character Assessment for the Charnwood Forest Regional Park (2021)

Officer Response

1. Delete para 5.9 and replace with:

'In the Landscape Character Assessment for the Charnwood Forest Regional Park (2019) the site lies with the Area 3: Charley Heath and Pasture Character Area. In the Charnwood Landscape Capacity and Sensitivity Assessment Addendum 2021

this site was assessed alongside the site West of Iveshead Road (both sites being considered similar and assessed as being of medium sensitivity to 2-3 storey residential housing.)

2. In relation to Paragraph 9.3.4:

Correct the reference to the 'Landscape Character Assessment for the Charnwood Forest Regional Park' from 2021 to its correct date of 2019.

It is considered the sites west and east of Iveshead Road which defines the boundaries between Landscape Areas 3 and 7 are similar despite being in different landscape character areas. Details of the assessment of landscape character, are addressed in sections 9.3.4 to 9.3.9 of the report, in which the correct 'Landscape Character Area' (Area 3) is recognised.

Recommendation

No change to the recommendation.

Item No. 5d

Planning Application Number: P/21/2676/2

Pages 115-146

Site Address: 26E High Street, Quorn, Leicestershire, LE12 8DT

Updates

Letter received on 19 September 2023 from the applicant addressing content of Committee report and its conclusions. Whilst reported in summary here, Members are strongly advised to inspect the complete document which is available under reference P/21/276/2 on the Council's Planning Portal at: [Documents for reference PLN611593: Public Access \(charnwood.gov.uk\)](#)

Issue 1: The comments of the Team Leader of the Built Environment, from Environmental Protection Manager and a local resident in support of the proposal

The respondent considers the summary of the Team Leader of the Natural & Built Environment's comments provided in the report, is an inaccurate reflection of the comments made, imprecise, misleading and erroneous and do not represent a true reflection of the comments. They believe there is clear potential for Members to be misled. This is compounded by the fact that the original comments remain private, are not on the public planning file meaning they are not available to members of the Plans Committee. Therefore, the original consultation comments should be published in full (within the extra report) for the benefit of Members. For ease of reference, they have appended them to their letter.

They consider Environmental Protection Manager's comments, have been summarised in a potentially misleading manner and should be provided in full. This consider this to be

particularly important given recommended refusal reason 1 relates to the impact on amenity including the potential 'disturbance from noise'.

They also identify that a letter of support from a local resident is not reported.

Issue 2: Inaccuracies, misrepresentation and omissions within the Committee report

They contest the view that "tall chimneys standing free of gable ends are an unusual feature". They assert chimneys are a common design feature within Quorn, many of which stand clear of the gables. Accordingly, they believe the inclusion of chimneys in the design is not an 'unusual feature'. They also argue that it is fact that the chimneys are not particularly tall, given they do not extend above the ridge lines of the bungalows which in themselves are very low. They cite the Village Design Statement, which specifically mentions chimneys and states: "Flue stacks with decorative pots are a distinctive element of Quorn 'Townscape'".

They say the report contradicts the comments of the Councils Urban Design expert in section 7, and in para 9.3.8. They consider the Council's Urban Design expert is correct in his views.

Paragraph 9.5.4 states that the parking provision is 'marginally' under the adopted standards. This is contested as the current adopted standards represent a maximum figure, not a minimum. As confirmed within the LHA comments the proposal is in full compliance with the current parking standards required within the adopted Development Plan.

Issue 3: Planning Balance:

The report addresses 'significance' is being derived by the perception of a 'basic requirement'. They consider this is not how significance is established and is not in accordance with the advice contained within the Framework and PPGs. When assessing the proposal, they believe it is important to establish whether any areas of harm can be demonstrated and to address their significance. This should be done for each area of harm based on a comparison with the current baseline and other factors of influence (material considerations etc). Addressing in turn, they consider:

Privacy

The existing drive which will be used by this development is already used by 19 dwellings and the level of privacy within the lawned area to the rear of Quorn Court is already minimal. This is recognised in the report para 9.4.8 were described as "limited privacy". Accordingly, the change from the current baseline is not viewed to be significant by the applicant.

Similarly, whilst the access road passes in close proximity to ground floor windows in Quorn Court, this is an existing access used by 19 residential dwellings and as such the privacy of these windows is already limited. People using the access are unlikely to dwell or stop in these locations and will be passing by momentarily.

The increased traffic will be minimal. This small increase in traffic is evidenced in the submitted Transport Assessment, which undertakes a very thorough assessment using

TRICS data and CCTV which the Highway Authority have also confirmed this Transport Assessment is accurate.

Given the already existing limited privacy and they consider the small increase in traffic will inevitably result in some impact, this will not be significantly detrimental when considered in context.

Noise

This noise report has been independently assessed by the Council's Environmental Health Officer, who confirmed they were happy to accept the validity of the report and the conclusions that the noise impact from the use of the access road is likely to give rise to a minor impact and is unlikely to change the prevailing character of the ambient noise. It is clear from the evidence contained within the planning file that the relatively minor increase in traffic using the road will be minor and will not change the prevailing character of the ambient noise or impact significantly on the amenity of residents in Quorn Hall. Accordingly, they assert there is no evidence that the impact on disturbance from noise would result in significant harm.

Outdoor amenity for future residents

It is accepted that the garden areas are small. The development offers fully accessible, single level living accommodation and potential occupiers (in that they have limited mobility) will want low maintenance, easily accessible outdoor space.

It is also important to recognise these are open market bungalows, and as such, if potential future occupiers wanted larger gardens then they would not buy here.

They note the Council has no adopted guidance on the design or size of outdoor amenity space, and there is no Development Plan or emerging Local Plan which sets standards.

The Council's Design expert has stated 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.

Finally, areas of the site will be shaded and may receive dappled light through both existing and new trees, The application is supported by a Daylight and Sunlight Report (2022), which clearly demonstrates the proposed bungalows would have good access to light. This report has not been reported to Members and is attached at Appendix 2.

It should also be noted that there is no objection to the design of the gardens from the Senior Landscape Officer or Senior Biodiversity Officer.

Accordingly, whilst small, the gardens would not in itself be harmful to future occupiers. The gardens provide a tranquil, landscaped setting providing accessible, and low maintenance patio areas and access to outdoor amenity space and this should be highlighted to Members.

This arrangement would not result in 'significant or demonstrable' harm to future residents, especially, when considering high quality living accommodation well above National space standards, with good access internally to daylight and sunlight.

Identified benefits to the development

The respondent considers that the report fails to identify all the benefits of the development and does not quantify the associated weight of the benefits it does identify:

- the provision of housing in an area where there is an acute need for additional houses,
- a housing mix which is identified within the Quorn Neighbourhood Plan as being in particular need, this being 1, 2 and 3 bedroom. This should be given significant positive weight in the planning balance.
- The proposal would also deliver 8 bungalows with all core facilities on the ground floor. The Quorn Neighbourhood plan identifies a specific need for homes which are 'suitable for older people and those with restricted mobility'. This development would specifically meet this and should be given significant positive weight in the planning balance.
- the site is within a highly sustainable area within easy walking distance of core services, shops and public transport and afford this positive weight within the planning balance.
- It is also identified by the Council's Urban Design expert, that the Development should be considered 'High Quality Design' and this should be considered as a benefit and given positive weight in the planning balance.
- The development would provide both employment opportunities and economic benefits both locally and more widely within the construction phase. However, it is the economic benefits following completion are the most significant. The proposal offers genuine tenure choice within the Housing Market area, allowing residents to purchase appropriate housing and freeing up larger family houses within the area. The proposal will also create jobs via the management company and provide increased economic activity for the services and businesses within the area. The economic benefits should be given positive weight within the planning balance.

Planning balance

The applicant considers benefits of the development are significant in that it would provide homes at a time when there is an acute need for new dwellings within the Borough. In addition, they would be fully accessible, ensuring they are suitable for older people and those with restricted mobility and of a size and type for which it has been identified there is a particular need in Quorn, within a sustainable village centre location, and would deliver a significant economic benefit, including offering genuine tenure choice.

Balanced against this, limited harm identified by the Local Planning Authority includes harm to the privacy of nearby residents is compromised and accepted as 'limited'. The Council's Environmental Protection Manager has confirmed the increase in noise will be minimal.

In addition, the council has identified some harm to the future residents due to the size and design of the proposed gardens, even though the site is in close proximity to public amenity and recreation areas.

Clearly none of these areas of harm would be demonstrably significant either in isolation or together.

The weight of harm and benefits should be clearly set out and documented for Members by means of an accurate and fully evidenced assessment.

The applicants consider that the identified harm would not outweigh the benefits of the development, let alone, significantly and demonstrably outweigh the benefits

Officer Response

Issue 1: The comments of the Team Leader of the Built Environment, from Environmental Protection Manager and a local resident in support of the proposal

The content of section 7 of the report are in summary. With regard to the Team Leader of the Built Environment's comments further reference is made within paragraphs 9.3.7, 9.3.8 and in respect of Heritage at 9.9.5, adding greater detail. The applicant has provided the comments in full for Members reference and it can be viewed at: [Documents for reference PLN611593: Public Access \(charnwood.gov.uk\)](#)

The Environmental Protection Manager's comments are similarly summarised in a manner that expressing the key point that the noise report is adequate and positive in its conclusions. For the avoidance of doubt the full text (regarding noise) is as follows:

"This report assess the impact of noise at a site due to the predicted changes in road traffic levels along the proposed access road together with an assessment of change to the existing ambient noise climate.

Perceived changes in noise levels have the potential to trigger strong reactions and there can be considerable variation between what some people deem unacceptable and what materially affects their quality of life. Similarly, unwanted sound can intrude upon and distract people from either their work, sleep or recreation regardless of its loudness, especially if it is perceived as having been imposed upon them.

The report provides a quantification and assessment of the likely change in noise levels at sensitive receptors based on measured noise levels and assumed traffic flows. The assessment methodology is generally sound and is in line with appropriate technical guidance. Therefore happy to accept the validity of the report and the conclusions detailed in section 6.0 that: the noise impact from the use of the access road is likely to give rise to a minor impact and is unlikely to change the prevailing character of the ambient noise as this is already dominated by road traffic on the main road."

A letter of support from a local resident was not reported. It is available to read in full on the website but can be summarised as follows:

- the area is in critical demand for property which would enable local people to down-size. Many people desperately want to stay here as they get older, due to proximity to amenities,
- The proposed plan allows for little disruption and massive upside, with 9 people able to stay within the catchment.
- The proposal is a good benefit to the local community and, subject to it being done correctly and meeting the needs of the community, the new dwellings would enhance the local community rather than have a negative impact.

Issue 2: Inaccuracies, misrepresentation and omissions within the Committee report

Design

It is not considered that the report's conclusion that the design is 'unusual' is misplaced and it is important to note that despite this view, the report is clear that limited adverse impact (harm) arises as a result of its contrast in style to immediate surroundings rather than quality overall. The application describes the proposal as being inspired by 'courtyard houses and almshouses' which are not found nearby. Paragraphs 9.3.7 and 9.3.8 of the Committee report the Team Leader of the Natural & Built Environment's comments including that the proposal is regarded as "high quality design as required by our design policy and the NPPF" and "not considered to be of a poor standard" (9.3.10).

The referenced Sunlight and Daylight report has been on the public file since 14 December 2022 and has been considered by officers in the reaching their recommendations to committee.

Parking Standards

The highway standards are expressed as a maximum. The report is clear (para. 9.5.6) that the requirements of the development plan (and emerging Local Plan) are met: *"On this basis it is considered that the relevant adopted and emerging policies referred to at 9.5.1 – 9.5.3 are satisfied."*

Issue 3: Planning Balance

It is not considered that approaching 'harm' and 'benefit' on a topic-based approach is inappropriate and indeed considered helpful to the Committee to advise what issues generate harm, which benefit, and a comment on their respective weights (i.e significant, limited, neutral etc). It is however agreed that the final adjudication requires that all issues are brought together 'as a whole' and this is the purpose of the concluding paragraph of the report in paragraph 10.9.

Section 10 of the report is a summary bringing together the findings of the preceding paragraphs addressing individual topics. By cross reference, the detail behind the findings of 'benefit' and 'harm', for example para. 10.8 describes the proposal as being for "a type for which there is identified need, should be considered positive in the overall planning balance" but the detail of what factors contribute to this and how this conclusion is reached is found in the preceding section 9.2 of the report. This pattern is repeated over all of the subject matter.

Issues of concluding the position of applicable material considerations (both positive and negative: 'harm' and 'benefit'), and the weight they should respectively be assigned are inherently matters of judgement of the decision maker(s) and it entirely respected that other stakeholders and indeed the decision makers themselves may deviate from that concluded in the report, a point generously conceded by the applicant.

It is considered the information provided within the report, complemented by the content of this 'extras report', provides sufficient information (which includes differences in judgement between various stakeholders, including those of the applicant) for the Committee to make that adjudication on an adequately informed basis.

Recommendation

No change to the recommendation.
