

Item No. 1

**Application Reference Number** P/20/1437/2

<b>Application Type:</b>	Full	<b>Date Valid:</b>	12.08.2020
<b>Applicant:</b>	Sandy Kay Ltd		
<b>Proposal:</b>	Erection of 3 no. dwellings and associated works		
<b>Location:</b>	Land to the West of Flanders Close, Quorn		
<b>Parish:</b>	Quorn	<b>Ward:</b>	Quorn
<b>Case Officer:</b>	Harry White	<b>Tel No:</b>	01509 634579

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This application is brought to Plans Committee at the request of Councillor Jane Hunt MP. The grounds for the request are based on loss of privacy and the overbearing impact of the new housing on a small site with restricted access and services to the properties, putting a strain on the facilities offered to the nearby properties.

**Description of the Proposal and application site**

This application seeks planning permission for the construction of three detached properties on land to the west of Flanders Close in Quorn.

Plot 1 would be a two storey three-bedroom detached dwellinghouse, and includes a single car detached garage. This plot would have an internal floor area of approximately 160m<sup>2</sup>, and a garden size of approximately 195m<sup>2</sup>.

Plot 2 would be a two storey cottage style three-bedroom dwellinghouse, and includes an integrated single car garage. This plot would have an internal floor area of approximately 126m<sup>2</sup>, and a garden size of approximately 185m<sup>2</sup>.

Plot 3 would be a two and a half storey five/six-bedroom dwellinghouse, with integrated annexe and garage for two cars. This plot would have an internal floor area of approximately 325m<sup>2</sup>, and a garden size of approximately 400m<sup>2</sup>.

Residential properties, nos. 18-32 (even) Loughborough Road, no. 16 Loughborough Road and nos. 10 and 12 Flanders Close, and no. 36 Loughborough Road adjoin the northern, eastern and western boundaries of the application site respectively. Adjoining the southern boundary of the application site is a wooded area of land adjacent to the Poultney Brook.

The application site has previously been used as allotments. The Quorn allotments have since relocated to the north of Quorn following the creation of the Flanders Close development.

The south-western corner of the application site is adjacent to trees which are protected by a Tree Preservation Order (reference 1 118 (exc.)), which was designated in March 1988.

The application site comprises of land which formed part an allotment area adjoining the residential development scheme at Flanders Close under Planning Permission reference

P/13/0911/2, as amended. To the west of the application site, on the opposite side of the Poultney Brook is Tom Long's Nature reserve, an LRWT Local Wildlife Site. The application site has an active Badger Settle within it.

Notwithstanding the site's riparian setting adjacent to the Poultney Brook, the application site itself falls within Flood Zone 1, where there is a low probability of flooding.

Access to the application site is achieved by an existing vehicular access on Flanders Close, which is a private road. This access is located between nos. 10 & 11 Flanders Close.

### **Development Plan Policies**

The Development Plan for Charnwood currently consists of the Charnwood Local Plan Core Strategy 2011-2028, Saved Policies of the Borough of Charnwood Local Plan (2004), the Leicestershire Minerals Core Strategy and Development Control Policies Document (2009), and the Leicestershire Waste Core Strategy and Development Control Policies document (2009). The Quorn Neighbourhood Plan (2019) also forms part of the Development Plan and is relevant to this application.

The Core Strategy was adopted on 9th November 2015 and set out the overarching aims and objectives for development in the Borough. This included provision for 13,940 dwellings over the plan period, equivalent to 820 dwellings per annum (dpa). As of 9th November 2020, the Core Strategy became more than 5 years old. As required by the National Planning Policy Framework paragraph 74, where Local Plans are more than 5 years old local housing need is to be assessed based on the standard methodology set out in national planning guidance. The standard methodology requires delivery of 1,111 dpa. On that basis, and as of March 2021, the Council has a 3.34-year housing land supply. The implications of the housing supply position on the planning balance to be applied to this planning decision, along with the weight to be given to Development Plan policies is set out within this report.

Development Plan policies relevant to the determination of this planning application are set out below.

#### Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Quorn as a “Service Centre” a settlement that has access to a good range of services or facilities compared to other settlements.

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

Policy CS3 Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

Policy CS13 Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

Policy CS16 Sustainable Construction and Energy – encourages sustainable design and construction, the use of brownfield land and land at low risk of flooding and provides suitable waste provision.

Policy CS17 Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS25 Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

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 – this policy sets out limits to development for settlements within Charnwood.

Policy EV/1 Design - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy TR/18 Parking in New Development - This seeks to set the maximum standards by which development should provide for off street car parking.

#### Quorn Neighbourhood Plan (2019)

POLICY S1: SETTLEMENT BOUNDARY - Development proposals within the Neighbourhood Plan area will be supported on sites wholly within the settlement boundary as defined in Figure 2 of the Plan where the proposal fully complies with all of the policies in this Neighbourhood Plan.

POLICY S2: DESIGN GUIDANCE - New development should reflect the guidance in the current Quorn Village Design Statement.

POLICY H3: HOUSING MIX – Any new housing development proposals should provide a mixture of housing types specifically to meet identified local needs in Quorn. Support will be given to dwellings of 1, 2 and 3 bedrooms and to homes suitable for older people and those with restricted mobility. 4-plus bedroom units may be included in the mix of dwellings and where they are included within the overall composition of the site, they should be in a clear minority to the number of 1,2 and 3 bedroom houses.

**POLICY H5: WINDFALL DEVELOPMENT** - Small residential development proposals within the Settlement Boundary will be supported where they are well-designed, and comply with the relevant requirements set out in other policies in the Development Plan and where such development:

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

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

### **Other material considerations**

#### The Charnwood Local Plan: Pre-submission Draft (July 2021)

The local planning authority is in the process of preparing a new local plan for the borough for the period up to 2037. The new local plan will include strategic and detailed policies for the period 2019-2037 and was approved by Council on 21 June 2021 for consultation and then submission to the Secretary of State for an Examination in Public. The Draft Charnwood Local Plan underwent a six-week pre-submission consultation period that ran from 12<sup>th</sup> July to 23<sup>rd</sup> August 2021.

This document sets out the Council's draft strategic and detailed policies for the period 2019-37. The Plan was submitted for Examination on December 3<sup>rd</sup> 2021 although its policies carry limited weight at the current time.

The Pre-submission Draft Local Plan proposes site allocations for development to meet the strategic aims of the Borough. This includes the allocation of residential development sites based on an assessment including housing need, availability of services and facilities, landscape impact and deliverability. The Draft Plan proposes to allocate one site at Quorn at East of Loughborough Road (HA50) for 75 dwellings.

As noted above, the emerging Local Plan carries limited weight at the current time.

#### The National Planning Policy Framework (NPPF 2021)

The NPPF is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to this;

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of an environmental objective – contributing to protecting and enhancing our natural, built and historic environment.

Paragraph 10 states at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and makes it clear that where there is an under-supply of housing land, the most important policies for the determination of housing proposals would be considered out of date.

Paragraphs 15-33 set out that the planning system should be genuinely plan-led and that succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities and a platform for local people to shape their surroundings. Paragraph 31 states that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence.

Paragraph 38 indicates that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 55 sets out that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 56 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 60 states that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 62 sets out that the size, type and tenure of housing need for difference groups in the community should be assessed and reflected in planning policies.

Paragraph 69 explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out quickly. The paragraph then goes on to explain how such sites might be promoted.

Paragraph 71 sets out that plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example, where development would cause harm to the local area.

Paragraph 74 sets out that local planning authorities are expected to maintain a 5 year housing land supply and should identify and annually update their supply of specific deliverable sites as measured against the overall housing requirement for the plan period. This should include a buffer and in Charnwood this is an additional 5% in order to ensure choice and competition in the market for land.

Chapter 8 of the NPPF relates to the promotion of healthy and safe communities and sets out how planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Chapter 12 (Paras 126-136) of the NPPF concerns itself with achieving well-designed places and sets out that good design is a key aspect of sustainable development. The use of visual tools and design codes is encouraged as is the development of design policies alongside local communities and neighbourhood plans.

Paragraph 134 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished

between the permission and completion, as a result of changes being made to the permitted scheme.

Paragraph 135 states that, in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 174 states that the planning system should contribute to and enhance the natural and local environment and sets out how this might be achieved.

Paragraph 180 states that in determining applications for planning permission, local planning authorities should aim to conserve and enhance biodiversity by applying the principles it then sets out.

Paragraph 185 requires that decisions on planning applications should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment and the sensitivity of the site.

### The Equality Act 2010

This Act requires local planning authorities, when making strategic decisions about the exercise of their functions to have regard to the desirability of reducing socio-economic inequalities in society. It consolidates 7 Acts including the Disability Discrimination Act. Whilst the accessible design of buildings is regulated by Part M of the Building Regulations, the Equality Act does require 'reasonable adjustments' to be made when providing access to goods, facilities, services and premises and this also applies to the design of proposed development. In terms of planning decisions, there is a need to have 'due regard' to the impact of planning application decisions and policies on anyone with a Protected Characteristic who may be affected by the decision.

### National Planning Practice Guidance (PPG)

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.

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

### National Design Guide (2019)

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve.

This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

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

### Housing and Economic Development Needs Assessment (HEDNA) 2017

The Housing and Economic Development Needs Assessment (HEDNA) has looked at a wealth of evidence, including population, household and economic growth projections, to assess the need for housing and employment land over the next 20 years. The study is an important part of the evidence base for the Strategic Growth Plan. It will also form part of the evidence base for Local Plans and will feed into the Strategic Economic Plan being revised by the LLEP.

The HEDNA looks at projections based on past population and demographic trends, with adjustments made (where necessary) for higher migration to support economic growth, and/or to address affordability issues, responding to an analysis of market signals and evidence of the need for affordable housing. The HEDNA also identifies the appropriate mix of homes of different sizes needed in the market and affordable sectors and concludes that the ideal mix of market housing in Charnwood should be as follows:

- 1 bed – 0-10%
- 2 bed – 25-35%
- 3 bed – 45-55%
- 4 bed – 10-20%

### The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council and provides information to developers and local planning authorities to assist in the design of road layouts. 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; and help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

### The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

### Supplementary Planning Document - Charnwood Design (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life. The document is a material consideration in the determination of planning applications.

### Quorn Village Design Statement (2008)

This Statement seeks to ensure that future developments preserve the essential character of Quorn and to suggest opportunities for appropriate restoration or enhancement. Its aim is to safeguard the integrity and independence of the village so that succeeding generations will continue to enjoy, understand and defend its historic foundation.

### The Community Infrastructure Levy Regulations 2010 (CIL) (as amended)

The Regulations set out the process and procedure relating to infrastructure requirements. Regulation 122 states that it must relate in scale and kind to the development. Regulation 123 precludes repeat requests for funding of the same items (pooling). The Community Infrastructure Levy (CIL) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests: 1. necessary to make the development acceptable in planning terms; 2. directly related to the development; and 3. fairly and reasonably related in scale and kind to the development

### Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development. As this application is for a site of less than 5 hectares and is for less than 150 dwellings it does not stand to be screened for an Environmental Impact Assessment.

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

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

### Relevant Planning History

<b>Reference</b>	<b>Description</b>	<b>Decision &amp; Date</b>
<b>P/09/2032/2</b>	Demolition of no.8 Loughborough Road and the construction of access road to serve 21 dwellings (Outline)	Refusal – 11/02/2010

<b>P/10/2834/2</b>	Demolition of no.10 Loughborough Road and the construction of access road to serve 13 dwellings.	Refusal – 18/08/2011
<b>P/11/1576/2</b>	Demolition of no.10 Loughborough Road and the construction of access road to serve 13 dwellings.	Permission – 13-08/2012
<b>P/13/0911/2</b>	Variation of condition 14 of P/11/1576/2 to amend plots 2 to 12	Permission – 01/08/2013
<b>P/13/2234/2</b>	Variation of condition 14 to application P/13/0911/2 to amend plots 1, 5, 10 and 13	Permission – 04/02/2014
<b>P/14/0013/2</b>	Variation of condition 14 of P/13/2234/2 to allow amendments to garage on plot 7.	Permission – 02/04/2014
<b>P/14/1521/2</b>	Variation of condition 14 on application P/13/0911/2 to allow amendments to plot 9	Permission – 11/11/2014
<b>P/19/1784/2</b>	Erection of 4 no. dwellings (Advice)	Advised - 24/09/2019

### Consultation responses

The table below sets out a summary of 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.

<b>Consultee</b>	<b>Responses</b>
Ward Councillors	<p>Cllr Jane Hunt has requested the application be called in to the Plans Committee. The grounds for the request are based on loss of privacy and the overbearing impact of the new housing on small site with restricted access and services to the properties, putting a strain on the facilities offered to the nearby properties.</p> <p>Cllr Richard Shepherd supports the call-in request.</p>
Charnwood Borough Council – Ecology	No objections, subject to the provision of a S106 Agreement to secure funding of £66,345 for wildlife projects in the surrounding area.
Charnwood Borough Council – Trees	No comments have been received
Charnwood Borough Council – Open Spaces	No comments have been received
Charnwood Borough Council – Environmental Health	No objections.
Quorn Parish Council	Supports the calling in of this application and agrees with the concerns raised by Cllr Jane Hunt. It also asks that the possible ecological impact of the proposed development on the Tom Long's Meadow nature reserve be taken into account as well as the likely extra traffic that the additional

	housing would generate for the site's junction with Loughborough Road
The Local Highway Authority	No objections.
Leicestershire County Council Minerals Planning Authority	No objections.

### Other comments received

Objection letters have been received from 16 addresses in Quorn. One objection was received from an anonymous address. The list below summarises the areas of concern that have been raised by residents with regard to the application. Please note that resident's comments can be read in full on the Council's website at:

<https://portal.charnwood.gov.uk/Northgate/PlanningExplorerAA/ApplicationSearch.aspx>

- The principle of developing a greenfield site
- Design, layout and impact upon the character of the area
- Impact on neighbouring amenity
- Impact upon the highway network
- Biodiversity
- Refuse collection
- Other matters

### Non-planning matters that have been raised:-

- Covenants
- Ownership of the land
- Upkeep of private road
- Sewerage requirements
- Pressure on village services

### Consideration of the Planning Issues

- Principle of the Proposed development
- Design
- Amenity impacts
- Highway Impact
- Ecology and Biodiversity

#### Principle of the Proposed development

The vision for the Borough as set out in the Charnwood Local Plan 2011-2028 Core Strategy (2015) sets out that by the end of the plan period Charnwood will be one of the most desirable places to live, work and visit in the East Midlands. To achieve this, development will have been managed to improve the economy, quality of life and the environment.

The starting point for decision making on all planning 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 Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy and the Quorn Neighbourhood Plan (2019). It is acknowledged that the Core Strategy and the Local Plan are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

Policy CS1 of the Core Strategy represents the strategic vision of the Borough and is an expression of a sustainable growth pattern. It takes the form of a hierarchical, sequential approach guiding development first to the northern edge of Leicester, then to Loughborough and Shepshed before directing development to the smaller towns and villages. In doing so, it provides for at least 3,000 new homes within or adjoining the 7 Service Centres, including Quorn.

The proposal is not in conflict with policies which seek to restrict the supply of housing. The site is within the settlement boundary of Quorn, as defined in the Neighbourhood Plan policy S1. The provision of housing within the settlement boundary of a sustainable settlement and at a time when new homes are most needed, is considered to be a significant benefit of the scheme. The proposal is considered to comply with policy CS1.

Policy S1 of the Quorn Neighbourhood Plan (QNP) sets out that development proposals within the settlement boundary that fully comply with all policies of the QNP will be supported. Therefore, provided the proposal meets all policies in the QNP it is acceptable in principle.

Policy H3 of the Quorn Neighbourhood Plan outlines that proposals should provide a mixture of house types to meet a localised identified need. In this case, it is understood that there is a need for smaller-sized dwellings of up to 3-bedrooms within Quorn, which are suitable for residents wishing to downsize, providing homes for small families and those entering the housing market and providing homes suitable for older people. Dwellings of 4 or more bedrooms should represent a clear minority in any residential scheme proposed in line with the requirements of Policy H3. In this case, 2 no. 3-bedroom and 1 no. 5/6-bedroom dwellings are proposed. Therefore, the proposed housing mix would meet this housing need and comply with policy H3.

In summary, the Development Plan is supportive of the proposal as it is windfall development within the defined limits to development of Quorn, and proposes an appropriate mix of housing. To meet policy S1 of the QNP, all policies of the QNP will need to be met, and this is discussed in the following sections.

The NPPF is a material consideration. The Council is currently unable to demonstrate a 5 year supply of housing land (3.34 years at 31/3/21) and some of the key policies relating to the provision of housing are more than 5 years old and considered out of date, and attract reduced weight in terms of decision making on proposals. Accordingly, Policy CS1 carries only moderate 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 of the NPPF), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits for planning permission to be refused and the 'tilted balance' is engaged (paragraph 11d)ii).

Part i) of Paragraph 11d sets out that there are NPPF policies which protect areas or assets, this can be a clear reason to refuse an application and these are generally nationally designated areas such as SSSI's, although local green space and areas of archaeological interest equivalent to ancient monuments can be included. In this case, the land benefits from no special designations which would be lost as a result of the proposal and so part i) of paragraph 11d does not apply.

Therefore, it is concluded that the proposal is acceptable in principle in accordance with Policy CS1 of the Core Strategy and policies S1 and H3 of the Quorn Neighbourhood Plan, subject to the proposal complying with all other relevant policy requirements. The provision of housing is a positive of the scheme to be weighed in the overall planning balance.

### Design

Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved Policy EV/1 supports development that is of a design, scale, layout and mass compatible with the locality and uses materials appropriate to the locality.

Policy S2 of the Quorn Neighbourhood Plan sets out that new development will be supported where it respects the character or appearance of the neighbourhood area, and where appropriate, incorporates vernacular building materials.

Policy H5 of the Quorn Neighbourhood Plan states that small residential developments 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 the development:

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

The Charnwood Design SPD sets out what the Council considers to be high quality design in Charnwood and, in doing so, provides applicants greater clarity on how their proposals can meet the policy requirements in the adopted Charnwood Local Plan Core Strategy.

The principles of Good Design are based around the six principles outlined below:

- 1) Respecting and enhancing local character
- 2) Providing attractive public and private spaces
- 3) Well connected and legible streets and spaces

- 4) Creating multi-functional, safe and inclusive places
- 5) Adapting to climate change
- 6) Protecting the amenity of existing and future occupiers

The proposed trio of new dwellings on this site to the west of Flanders Close would represent an eclectic mix of architectural styles. The proposed variation in design is considered to reflect the character of the wider area, notably Loughborough Road, where significant variation in scale, layout, materials can be found. It is considered that this variation to the design would provide an attractive and high-quality appearance that would complement the rest of Flanders Close. Flanders Close itself is composed of varying large, two and a half storey detached dwellings of a mock-Georgian style. Plot 3 follows the same mock-Georgian architectural style as many of the properties within Flanders Close. The diversity of built form throughout Loughborough Road is a strong feature of this part of Quorn, the incorporation of varying traditional designs throughout the development site help to ensure that the local vernacular architectural style is maintained. There is a mixture of facing red brickwork and render to the elevations, pitched roofs, plain tiles, slate roofs, gable projections, bay windows, chimneys and porches. The overall result in distinctive and visually rich.

The layout of the proposed scheme is such that it would be dominated by open space. The western side of the site would be dominated by an area of wildflower grassland abutting scrubland with large mixed deciduous trees. A Beech tree would form the principal arboricultural feature of the site.

The density of the proposed development would be akin to that of Flanders Close and Loughborough Road. Flanders Close is a dense housing development with a strong sense of enclosure brought about by the relatively tall dwellings. This sense of enclosure cannot be replicated here, however the space between buildings and arrangement of built form across the site is broadly consistent throughout Flanders Close that is considered to result in a well-proportioned layout. The layout also results in a good degree of natural surveillance, to limit the prevalence of anti-social behaviour or crime from proliferating.

The proposed development would not be seen from the street scene of Loughborough Road, and only a limited view of the built form of the application site would be achieved from Flanders Close. The development would establish a new street scene at the rear of Flanders Close, although key traits of both Flanders Close and Loughborough Road would be carried across into the proposed development. As such, it is considered that the proposed development would be in accordance with Policies S2 and H5 of the Quorn Neighbourhood Plan.

Final details of external materials, hard and soft landscaping and boundary treatment details can be secured by condition to ensure appropriate finishes to the development.

It is therefore considered that the proposal would represent high quality design that reflects the character of the context and the street scene and would accord with Policies CS2 and EV/1 and policies S2 and H5 of the QNP and the adopted SPD on Design.

#### Amenity impacts

Policy CS2 of the Core Strategy requires new developments to protect the amenity of people who live or work nearby and those who will live in the new development. Policy

EV/1 of the Local Plan states that the Council will seek to ensure a high standard of design in all new developments. Planning permission will be granted for new development which safeguards the amenities of adjoining properties, particularly the privacy and light enjoyed by adjoining residential areas.

Policy H5, supports development that does not reduce garden space or the amenity of neighbours, of which is it considered that the development would achieve. Policy H5 supports developments that do not result in a loss of amenity through loss of privacy, loss of daylight, visual intrusion or noise, of which the development would be in accordance with.

The site access is bound by nos. 10 & 11 Flanders Close, both large detached two and a half storey dwellings. No. 11 Flanders Close has a ground floor window within the side elevation adjacent to the site entrance which serves a bathroom. No. 10 Flanders Close has a window within the second floor facing towards the site entrance. The Local Highway Authority note that the access to the site would be roughly 5.0m wide and are satisfied that the access can suitably accommodate the applicant's development proposal. Concern has been raised for the noise and pollution from cars using the proposed access in future. The access to the proposed dwellings is existing but the proposed three dwellings would intensify the use of the access. The privacy of numbers 10 and 11 will not be harmed by the access and no main habitable room ground floor windows face the access and so noise or disturbance from car movements will be minimal. Also, the proposed dwellings include charging points for electric vehicles and the site is also closely located to the village centre where parks, leisure facilities, and local amenities are a short walk or cycle ride away, thereby limiting the use of the private car.

Plot 1 would be positioned behind no. 11 Flanders Close, at a distance of approximately 15.5m from the rear of number 11 to the 2 storey flank wall, which is in excess of the required separation distance of 9.5m as set out in the Design SPD. There is one side facing window within the first floor of plot 1, which would serve an en-suite bathroom. This window would be frosted and top opening above 1.7m, in order to ensure that the privacy of both the occupants of plot 1, and that of the adjacent neighbours at no. 11 Flanders Close is maintained. This can be secured by condition.

The garage at plot 1 would be positioned directly behind no. 12 Flanders Close, at a distance of approximately 11.5m, which is also in excess of the required separation distance as set out in the Design SPD. As such, it is considered that there would not be any significant loss of outlook from these neighbouring properties.

The windows within the rear elevation of plot 1 would allow for a small degree of additional overlooking to the residents of no. 12 Flanders Close. However, the two sites are separated by a proposed single car garage which would limit views into the private amenity space at the rear of no. 12. As the plots are laid out perpendicular to one another, there is a reduced amount of overlooking. Furthermore, a separation distance of roughly 20m would separate the nearest upper floor windows.

Furthermore, plot 1 of the development site is located to the north-west of these neighbouring dwellings. This means that there would be no additional loss of sunlight to these neighbouring properties than the existing layout.

The application site is located south-west of the properties on Loughborough Road and would be separated from these neighbouring properties by various trees and shrubs located within the proposed 'badger area'. The proposed dwellings would be located between 50 to 90 metres away from the rear of the nearest properties on Loughborough Road. As such, it is considered that the proposed development would not cause any significant adverse impact to the amenity of these neighbouring occupants.

In regard to the amenity of the future occupants of the development site, each of the properties would fulfil the nationally prescribed space standards, and each property would be provided with a large private garden area. The level of overlooking from no.12 Flanders Close upon plot 1 is not considered to be unacceptable due to the separation distance and siting of the garage, which would ensure that the area of garden closest to the dwelling would remain private. Direct views from window to window would be at an oblique angle. Plots 2 and 3 would not be overlooked by each other or any neighbouring dwellings due to their design and layout. There is not considered to be any significant overshadowing across the development site, with each dwelling benefitting from an east facing garden, with a relatively open aspect across neighbouring gardens.

In summary, it is considered that the proposal accords with Policies CS2 of the Core Strategy, EV/1 of the Local Plan and policy H5 of the QNP and meets the standards within the Design SPD in terms of amenity impact.

### Transport and Highway Impact

Policy TR/18 of the Local Plan states that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimise harm to visual and local amenities. The adopted standards included as Appendix 1 will be used as the starting point in assessing the level of provision and represent the maximum level.

In the Central areas of Loughborough and Shepshed, District Centres, primarily employment areas and other areas of significant trip generation the quantity of parking within new development will be determined through negotiation based on containing car parking provision. The quantity of parking allowed will reflect the proposed use and the location of development, the availability of public off-street parking; the current, or potential accessibility by non-car modes; the feasibility for commuted payments; the scope for practical measures to significantly reduce the use of private car trips to and from a site; and the need to reduce existing levels of private non-residential (PNR) car parking.

Policy TT1 of the QNP requires that development incorporate sufficient off-road parking, but does not include parking standards. Policy H5 supports developments which provide a safe vehicular and pedestrian access to the site.

Paragraph 111 of the NPPF (2021) sets out that planning permission should only be refused on highway grounds if there would be an unacceptable highway safety impacts or severe; residual cumulative impacts to the highway network.

The access will be approximately 5m wide and will be bound at both sides by dwellings number 10 and 11 of Flanders Close. In accordance to Figure DG20 of part 3 of the Leicestershire Highway Design Guide (LHDG) the access is required to be 5.25m

however the Local Highways Authority (LHA) note the proposed development would remain in private ownership therefore the LHA would not seek to refuse the application due to this shortfall in access width. The LHA are satisfied that the access to Flanders Close can suitably accommodate the development proposal.

There have been two Personal Injury Collisions (PIC's) recorded within 500m of the site along Loughborough Road within the last five years. Both PIC's were recorded 'slight' in severity and occurred in February 2017 and October 2018. The development is not considered to be significantly detrimental to highway safety in this regard.

The development includes seven off-road parking spaces and 4 garage spaces. The parking proposal is considered to be acceptable and in accordance to the parking standards detailed within the Leicestershire Highway Design Guide (LHDG).

There are no concerns regarding access to the proposed development for emergency vehicles from the Local Highway Authority.

The proposal therefore accords with Policy TR/18 and policies TT1 and H5 of the QNP and the Leicestershire Highways Design Guidance.

### Ecology and Biodiversity

Policy CS13 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.

Policy H5 of the QNP supports windfall development within the settlement boundary where they retain important natural boundaries, such as trees, hedges and streams.

Policy ENV4 of the Quorn Neighbourhood Plan seeks to ensure that new development should be designed to retain such trees and hedges wherever possible.

Policy ENV6 of the Quorn Neighbourhood Plan states that development proposals should not damage or adversely affect sites designated for their nature conservation importance (SSSI, RIGS, LWS), or Priority Habitats, Species of Principal Importance (species of conservation concern) or their key habitats, or other statutorily protected species.

The site is a greenfield site but it is not identified within the Quorn Neighbourhood Plan or Charnwood Local Plan as an area of designated Local Green Space. Furthermore, the application site is not identified as an Important Open Space in the Quorn Neighbourhood Plan. The application site is not identified as a Site Important to Nature Conservation, or a Site of local biodiversity importance, as designated by Charnwood Borough Council and Natural England. The application site is also not a designated site of historic environmental significance.

The application is supported by an Ecological Appraisal, Biodiversity Impact Assessment and an Arboricultural Impact Assessment. The ecological survey summarises that the proposals sought to minimise impacts and a number of appropriate avoidance, mitigation, compensation and enhancement measures are proposed. A separate exercise had been carried out to determine whether the development can deliver net gains for biodiversity. The results are set out in a separate Technical Note which finds that the development can deliver a net gain for habitats, whilst a number of tangible and nontangible gains can also be delivered. The Biodiversity Impact Assessment summarises in considering that the quantitative assessment using the DEFRA metric has demonstrated the site will deliver a biodiversity net gain in relation to habitats. A qualitative assessment has been carried out which finds that a number of tangible and non-tangible qualitative gains can also be realised at the site such as the delivery of faunal enhancements targeted to national and local Priority Species.

The Arboricultural Impact Assessment states that to minimise necessary tree removals, the footprint of the proposed built form is set centrally within the site; the unavoidable removals are all of low quality, and consist of three self-set Sycamore, establishing scrub and understorey only. The development would retain the key trees found on and adjacent the site, those of category A or B status. The site is adjacent to 2 TPO trees to the west; a beech and sycamore (T22 and T23). It is considered that the proposed scheme would have no impact upon the health of the adjacent TPO protected trees. On site, the Silver Birch (T20) to the north-west of the site, and two Category 'B' Oak trees (T11 and T15) located within the proposed badger protection area will all be retained. The only trees to be removed would be three poor examples of self-set sycamores category 'C' (T10, T13 and T14). Conditions are suggested to protect the retained trees during construction and retain them thereafter for their amenity and biodiversity value.

The proposed development will be accompanied by a scheme of landscaping, and provide the opportunity to secure betterment to the tree stock. The proposed replacement plantings can both reinforce and complement the retained tree stock, whilst also providing betterment in terms of amenity and seasonal interest. Subject to ongoing arboricultural input during detailed design of the proposals, including levels, drainage and services, and the implementation of safeguards for protecting retained trees during construction, the development can be introduced whilst ensuring the confident protection of retained trees. The proposed development allows for the confident retention of all the site's moderate and high quality trees and does not impact on any trees afforded protection within a TPO. The scheme allows for the introduction of a scheme of landscaping to reinforce retained tree cover.

The site contains a badger sett and badgers are protected species. The protected species that are located within the north of the application site, would be protected during construction through the use of a suitably worded condition requiring a badger mitigation strategy. The badger areas and corridors within the proposed site layout are considered to be adequate to maintain the provision of habitat for the protected species.

The Senior Ecology Officer did not accept the results of the original Biodiversity Impact Assessment submitted with the application. The Officer has worked with the applicant to agree a position on the current biodiversity value of the site and the impact of the development. It is considered that a loss of -1.23 habitat biodiversity value would result from the proposals. To mitigate this impact a sum of £66,345 towards off-site habitat

enhancement has been agreed with the applicant and is considered to be adequate to offset this loss of biodiversity. This can be secured through a Unilateral Undertaking pursuant to S106 in order to deliver habitat enhancement in the Quorn/Mountsorrel area. This compensation to secure replacement provision of biodiversity is considered to be in accordance with Policy CS13 of the Core Strategy and is CIL compliant.

Conditions are suggested to secure a Construction Environmental Management Plan, badger mitigation strategy and Natural England licence details, landscaping details and on-site mitigation measures recommended in the submitted Ecological Assessment.

Subject to the conditions suggested and subject to appropriate off-site mitigation being secured by a Unilateral Undertaking it is considered that the proposal would accord with Policy CS16 of the Core Strategy and H5, ENV4 and ENV6 of the QNP and paragraph 174 of the NPPF.

### Other matters

Policy E6 of QNP states that all new developments should have access to superfast broadband, this can be secured by a suitably worded planning condition.

Policy CS16 of the Core Strategy requires development to provide for suitable storage of waste and allow convenient waste collection. The application is supported by a bin storage and collection plan. The bins would be stored at the rear and side of each property. The bins would be collected from a central point, adjacent to the roadway and close to the site access within 25m of the rear of the refuse collection vehicle. Consequently, the development accords with Policy CS16.

### **Conclusion and the Planning Balance**

The adopted Core Strategy and saved Policies of the Local Plan and the Quorn Neighbourhood Plan are the starting point for the consideration of these proposals. The proposal for 3 dwellings is within the limits to development of Quorn and the mix of dwellings proposed is appropriate, therefore the principle of the development is acceptable. The housing policies of the Development Plan are out of date, but compliance with them is given moderate weight as they direct development to within Quorn as a sustainable settlement. The layout and design of the scheme reflects the context of the site and the amenity impacts on neighbouring properties are acceptable. The parking provision is sufficient and the highways impact is acceptable.

The development will result in a net loss of biodiversity on site and to mitigate this and ensure no net loss an off-site commuted sum for local biodiversity enhancement is to be secured. The proposed development is considered to accord with all relevant policies of the Development Plan, including the Quorn Neighbourhood Plan and the Design SPD and Leicestershire Highways Design Guidance are material considerations in favour of the development.

The housing policies most important for determining the application are out of date and the Council cannot currently demonstrate a 5 year supply of housing and as such, the presumption in favour of sustainable development of NPPF paragraph 11(d)(ii) is applied.

Applying the tilted balance, the provision of 3 dwellings in an accessible location would make a useful contribution to housing supply within the Borough and would support the Government's objective of significantly boosting the supply of homes. At a time where there is a Borough wide housing shortfall and the Council can demonstrate only 3.34 years supply, the benefits of such housing provision are afforded significant positive weight.

The proposal would provide some economic benefit in terms of construction, local spend, council tax and home bonus but the scale is limited by the small size of the proposal and such economic benefits are standard for all development proposals and are afforded only limited weight.

It has been demonstrated that the development is acceptable in respect of highway safety and capacity. This is afforded neutral weight as all proposals are required to be safe and not have any severe impact on highway safety.

Development proposals are required to provide biodiversity benefits and therefore only moderate weight can be given to this as it is required to mitigate the effects of the development.

Overall, the adverse effect on biodiversity can be mitigated no other adverse impacts have been identified. Therefore, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits of the development, when assessed against the NPPF as a whole. The proposal would therefore amount to sustainable development as sought by the NPPF.

#### **RECOMMENDATION A:-**

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure contributions, as set out below:

	Contribution
Biodiversity enhancement within the Quorn/Mountsorrel area	£66,345

#### **RECOMMENDATION B:-**

That subject to the completion of the agreement in A above, planning permission be granted subject to the following conditions and notes:

#### **RECOMMENDATION:-**

Grant Conditionally

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Application form – received 07 January 2022

Site Location Plan – received 12 August 2020

Site Plan – Drg. No. 3489 – 02 Rev. B – received 21 January 2022

Plot 1 Plans and Elevations – Drg. No. 3489-03 Rev. B – received 21 January 2022

Plot 1 Garage Plans and Elevations – Drg. No. 3489- 07 – received 21 January 2022

Plot 2 Plans and Elevations – Drg. No. 3489 -04 – received 12 August 2020

Plot 3 Plans and Elevations – Drg. No. 3489-05 - received 12 August 2020

Tree Constraints Plan - Drg. No. 10478 TCP 01 – received 18 September 2020

Tree Protection Plan Drg. No. 10478 TPP 01 – received 18 September 2020

Fire Tender Tracking – Drg. No. 23387\_08\_010\_02 – received 12 August 2020

Bin Store & Collection Plan – Drg. No. 3489-08 – received 12 August 2020

REASON: To define the terms of the planning permission.

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

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policy TR18 of the Local Plan.

4. No materials shall be placed on the site until such time as details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development have been submitted to and agreed in writing by the Local Planning Authority. Only materials agreed in writing by the Local Planning Authority shall be used in carrying out the development.

REASON: To make sure that the appearance of the completed development is satisfactory in accordance with Policy CS2 of the Core Strategy.

5. No development, including site works, shall begin until each tree shown to be retained on plan 10478 TPP01 Tree Protection Plan (Appendix C of the Arboricultural Impact Assessment, Aspect Arboriculture, Sept 2020) has been protected, in a manner which shall have first been submitted to and agreed in writing by the local planning authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. The tree protection within the curtilage of plot 3 shall only be removed once the dwelling is

erected, to allow for the erection of the curtilage boundaries. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

REASON: To ensure the continued health of the retained trees and to ensure they are not adversely affected by the construction works trees, in the interests of visual amenity and biodiversity value of the area in accordance with policies CS2, CS11 and CS13 of the Core Strategy.

6. The trees shown to be retained on plan 10478 TPP01 Tree Protection Plan (Appendix C of the Arboricultural Impact Assessment, Aspect Arboriculture, Sept 2020) shall be retained and not be felled or harmed without the written consent of the Local Planning Authority.

REASON: In the interests of visual amenity and biodiversity value of the area in accordance with policies CS2, CS11 and CS13 of the Core Strategy.

7. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Highway Alterations, drawing number Site Plan – Drg. No. 3489 – 02 Rev. B – received 21 January 2022 have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

8. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Layout drawing number Site Plan – Drg. No. 3489 – 02 Rev. B – received 21 January 2022. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

9. Notwithstanding the submitted details, prior to the construction of the dwellings above slab level, a scheme for the treatment of the application site boundaries and the boundary treatment for each dwelling shall be submitted in writing to the local planning authority for approval.

REASON: To ensure the satisfactory, overall appearance of the completed development in accordance with policy CS2 of the Core Strategy and policy EV/1 of the Charnwood Local Plan.

10. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: To ensure that the development does not cause harm to any protected species or their habitats and in the interests of retaining the landscape and ecological value of the site in accordance with Policy CS13 of the Core Strategy and the NPPF.

11. Prior to the commencement of development, a landscaping scheme for the site, to include those details specified below, shall be submitted to and approved in writing by the local planning authority:
- i) the treatment proposed for all ground surfaces, including hard areas;
  - ii) full details of tree planting;
  - iii) planting schedules, noting the species, sizes, numbers and densities of plants;
  - iv) finished levels or contours;
  - v) any fences to be erected or constructed;
  - vi) badger areas
  - vii) buffer zones

The landscaping scheme shall be in accordance with the details approved under condition 10 and shall be implemented in full following the first planting season of the approval.

REASON: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development, visual amenity and biodiversity enhancement in accordance with policies CS2 and CS13 of the Core Strategy.

12. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include measures to prevent harm to protected species and accord with the recommendations in section 6 of the Ecological Appraisal (Aspect Ecology, August 2020). The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development does not cause harm to any protected species or their habitats and in the interests of retaining the landscape and ecological value of the site in accordance with Policy CS13 of the Core Strategy and then NPPF.

13. Prior to commencement of development, full details of a scheme for the location of bat roosting and bird nesting features to be integrated into buildings and suitable hedgehog gaps in boundary features shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any

dwelling hereby permitted features shall be installed on the site in accordance with the approved details.

REASON: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy CS13 of the Core Strategy and the NPPF.

14. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order) the window within the south west elevation of Plot 1 at first floor window level shall be fitted with obscure glass, and shall be maintained in perpetuity.

REASON: To prevent undue overlooking of nearby dwellings, in the interests of the privacy of nearby residents in accordance with Policy CS2 of the Core Strategy.

15. Prior to the first occupation of the hereby approved dwellings, each shall be fitted with a domestic home charging unit for electric vehicles (EVs).

REASON: In the interests of delivering low carbon development, in line with Paragraph 152 of the NPPF.

16. Prior to the first occupation of the hereby approved dwellings, each dwelling shall be fitted with the appropriate infrastructure to provide superfast broadband (of at least 30Mbps). The broadband shall be available for use upon the first occupation of the hereby approved dwellings.

REASON: In order to improve access to a superfast broadband service in accordance with Policy E6 of the Quorn Neighbourhood Plan.

The following advice notes will be attached to a decision.

1. The decision has been reached taking into account paragraph 38 of the National Planning Policy Framework and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. The County Director of Highways, Transportation and Waste Management states that all roads, footpaths and verges together with all drainage works must be constructed in accordance with the Leicestershire County Council current document "Highway Requirements for Development" for adoption purposes. Details of longitudinal and cross sections of roadways and of surface water drainage must be submitted to and approved by the highway authority before development commences. This is to ensure that the roads to be constructed are to adoptable standards and appropriate for a Section 38 Agreement between the developer and the highway authority.
3. This permission does not give any legal right for any work affecting neighbouring property, including buildings, walls, fences and vegetation within that property. The

responsibility for meeting any claims for damage to such features lies with the applicant.

