

Erection of three dwellings and associated works (outline - access and layout included)

Report Item No
A3

Land At Spring Lane Packington Ashby De La Zouch
Leicestershire LE65 1WU

Application Reference
15/01064/OUT

Applicant:
Mrs M Mugglestone

Date Registered:
6 November 2015

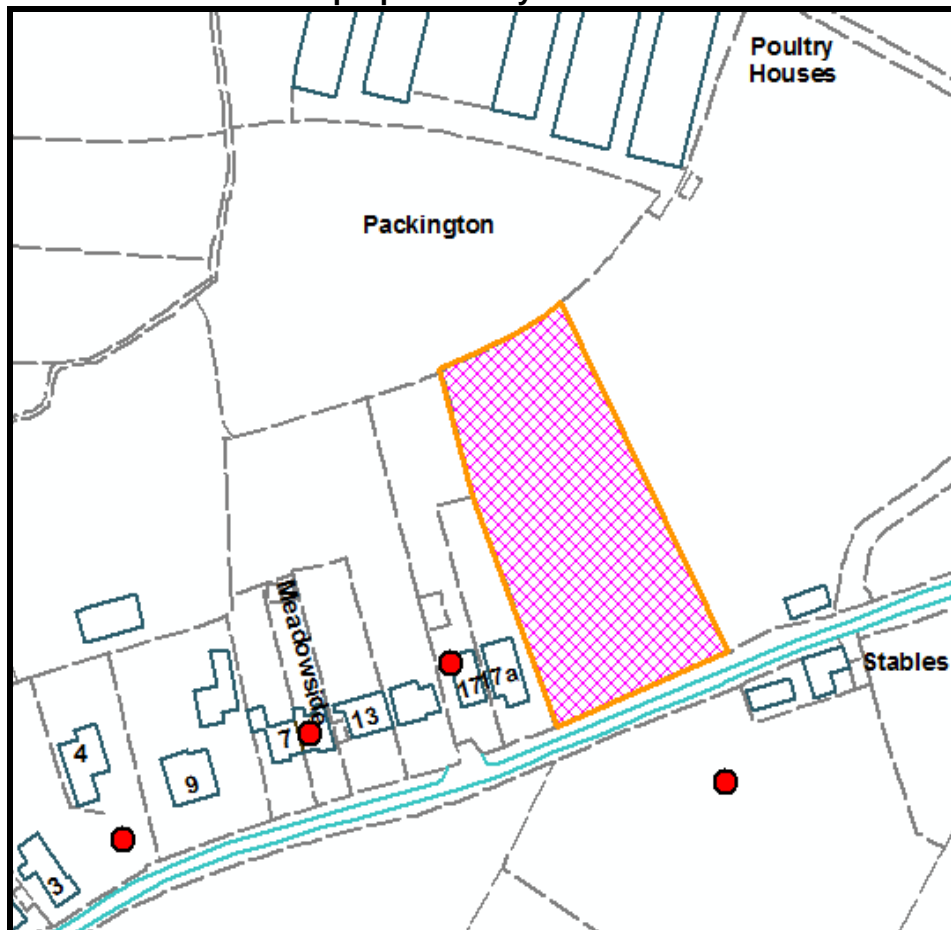
Case Officer:
Jenny Davies

Consultation Expiry:
9 December 2015

Recommendation:
REFUSE

8 Week Date:
1 January 2016
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

This application has been called to Planning Committee by Councillor Nigel Smith on the grounds that the site is outside the Limits to Development, the land is agricultural and that there are strong objections from Packington Parish Council and local residents.

Proposal

Outline planning permission (with access and layout included for determination) is sought for the erection of three detached dwellings on land at Spring Lane, Packington. The dwellings would front onto Spring Lane and the indicative plans show the dwellings to be two storey with their first floor of accommodation provided within the roofspace. Three new accesses would be provided onto Spring Lane.

Consultations

16 letters of objection have been received from members of the public and Packington Parish Council has raised objections. One letter of support has been received. The Lead Local Flood Authority (LLFA) initially recommended refusal on the basis of lack of assessment of flood risk but this matter has been addressed and the LLFA now recommends the imposition of conditions. No other objections have been received from statutory consultees.

Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and in the submitted North West Leicestershire Local Plan. The application has also been assessed against the relevant policies in the NPPF and the adopted and submitted Local Plans and other relevant guidance.

Conclusion

In conclusion, the proposal would be socially sustainable, would have limited economic benefits, would not result in a significant loss of BMV and would not result in any unacceptable impacts on the built or historic environment. However as the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the submitted Local Plan. Significant harm would also arise from impact on the rural character and visual amenities of the countryside, which would conflict with Policy S3 of the adopted Local Plan, Policy S3 of the submitted Local Plan and the NPPF. The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits, and therefore it is considered that, overall, the proposal does not constitute sustainable development.

RECOMMENDATION - THAT PLANNING PERMISSION BE REFUSED

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background:

Outline planning permission (with access and layout included for determination) is sought for the erection of three detached dwellings on land at Spring Lane, Packington. The site constitutes 0.24 hectares of pasture land located adjacent to No. 17A Spring Lane. Open fields lie to the north, south and east with residential development to the west. The site is fairly level with land levels across the site rising by approximately 0.3m from west to east and 0.1m from south to north.

The dwellings would front onto Spring Lane and the plans shows two storey dwellings with first floor accommodation provided within their roofspace, although their height and design are indicative only. Three accesses are proposed onto Spring Lane. Carriageway re-alignment is proposed to Spring Lane (in front of No. 3 Spring Lane in the form of a build out of the kerb by 0.75 metres. Three stretches of the site's frontage hedgerow and up to three frontage trees would be removed, with the remaining boundary hedgerows and trees shown to be retained. Amended plans and a Flood Risk Assessment have been submitted to address officer concerns regarding impact on trees and residential amenities and an objection relating to surface water flood risk, as well as proposing package treatment plants to deal with foul drainage discharge. The agent has subsequently advised that the application should be determined with a mains sewer connection to the site.

The site lies within the catchment area of the River Mease Special Area of Conservation. A tributary to the River Mease lies approximately 108 metres to the west of the site, and it appears that the ditch adjoining the site discharges into this tributary. The Packington Conservation Area lies approximately 205 metres to the north of the site and the nearest listed building is the Grade 2 listed Packington House lying approximately 107 metres to the north east.

Planning History

An application for three dwellings on the site was refused in March 1997 (97/0061) on the grounds of being outside the Limits to Development, being detrimental to visual amenities of the locality, difficult to resist other similar proposals and would set a precedent and due to conflicts between pedestrians and vehicles along Spring Lane. A subsequent appeal was dismissed in November 1997 on the grounds of harm to the character and appearance of the locality causing visual intrusion into the rural setting of the village and the difficulty of resisting other similar proposals which would have a detrimental impact.

2. Publicity

15 Neighbours notified (date of last notification) 09/12/2016.

Site Notice displayed 13 November 2015.

Press Notice 18 November 2015.

3. Summary of Consultations and Representations Received

Statutory Consultees

Packington Parish Council objects on the following grounds:

- that a precedent has been set by the Council when they turned down a small development on Ashby Road, stating that Ashby Road was refused based on the fact that it was development in the open countryside;

- the site is outside the proposed Limits to Development currently being consulted on by the District Council;
- the land is agricultural and therefore it cannot be built on;
- package treatment plants are unsuitable for the site due to water logged ground conditions;
- and
- previous applications for the site have been refused on appeal.

The Council's Environmental Protection team has no environmental observations.

The Lead Local Flood Authority (LLFA) initially recommended refusal on the grounds that the application did not include a Flood Risk Assessment (FRA) as required by government guidance and as such, flood risk including surface water flood risk for the site has not been assessed or the impact of the proposed development on any neighbouring flood risk. Following submission of an FRA, the LLFA recommends the imposition of conditions.

Severn Trent Water has no objection.

The Environment Agency does not raise any objections.

Natural England has no objections subject to conditions.

The County Ecologist has no objections subject to conditions.

The County Archaeologist requests the imposition of conditions.

The County Highway Authority has no objections subject to conditions.

Third Party Representations

15 letters of objection have been received (including the submission of photographs showing the outlook of the site from No. 17A Spring Lane, the holding of water on the site and water flowing along Spring Lane) which object on the following grounds:

- previous application for three dwellings on the site was refused and dismissed on appeal and this decision is still relevant as the site is still a green field in the countryside and there are no other material considerations to take into account;
- site is located outside the Limits to Development, including within the draft Local Plan, and therefore reason for refusal of the nearby 42 dwelling application still applies;
- no change to the Limits to Development proposed in the draft Local Plan;
- draft Local Plan recommends little growth in the District's villages;
- the Council is satisfied it has a five year housing land supply;
- sufficient houses are planned within the District and therefore this scheme is not necessary;
- no need for any more housing in the village as the 30 dwelling site is a reasonable number to allow and should satisfy the requirement for the village;
- approval would set a precedent for more applications outside the Limits to Development which would be difficult to refuse;
- the draft Local Plan states that development in Sustainable Villages should be infilling or physical extensions;
- development of a green field site should not be acceptable in the context of the 'environmental' thread of sustainability;
- no over-riding need to develop the site when balanced against need to protect the countryside;
- two schemes in South Derbyshire have been dismissed on appeal due to harmful impact on the countryside;
- loss of countryside;

- impact on positive rural character of Spring Lane and street scene;
- breaches requirement to protect attractive green fields and countryside;
- villages gradually lose their character and appeal if new housing allowed outside their boundaries;
- Spring Lane is single track with a narrow width and no footway and insufficient room for two cars to pass each other;
- site in a 60mph zone with no passing places;
- additional traffic would be hazardous along Spring Lane and at its junction with Normanton Road;
- Spring Lane already used by many pedestrians (including children), walkers, horse riders and cyclists and development would increase pedestrian use;
- existing conflicts between vehicles and non-car users would be exacerbated due to increased traffic including during construction;
- Spring Lane already struggles to cope with existing traffic levels from dwellings and agricultural uses;
- existing congestion and blockages caused by large vehicles and on-street parking;
- congestion could occur onto Normanton Road;
- poor access for bin lorries;
- poor visibility along Spring Lane;
- access onto Spring Lane from driveways has to be done with extreme care as narrow width of road prevents this from being done safely;
- lack of off-street parking;
- lack of comprehensive highways statement and site not visited by highways officer so application is incomplete;
- need for inclusion in process relating to the carriageway re-alignment;
- noise and disturbance from excessive traffic generation and use of garage and driveway;
- loss of light/overshadowing;
- loss of privacy/direct overlooking;
- oppressive outlook/overbearing impact;
- impact on quality of life and enjoyment of property;
- application incorrect as all windows in side of No. 17A Spring Lane serve habitable rooms;
- impact on setting of Packington House which is a Grade 2 listed building;
- newts are believed to be in the watercourse that borders the site;
- bats have been seen in the locality and a full bat survey needs to be undertaken to ensure no damage to their habitat;
- the site is extremely wet and floods every year and is the principal holding/attenuation area for water that prevents flooding of No. 17A Spring Lane and other dwellings on Spring Lane;
- overflowing from ditch that fronts Spring Lane has already caused flooding to No. 17A Spring Lane;
- rain water floods Spring Lane and drains and gullies overflow as they cannot cope with excess rainwater;
- increase in risk of flooding of existing dwellings and Spring Lane;
- unclear how proposed SuDS scheme would be equivalent to or better than attenuation provided by the site as survey has not tested it permeability and drainage efficiency;
- a comprehensive compensation scheme would need to be in place for existing residents to cover losses from flooding; and
- increased carbon footprint and fuel consumption.

One letter of support has been received which supports the application on the following grounds:

- limited infill development preferable to larger scale proposals; and
- will add vitality to village without harming character and appeal.

All responses from statutory consultees and third parties are available for Members to view on the planning file.

4. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 10 (Achieving sustainable development)
Paragraph 14 (Presumption in favour of sustainable development)
Paragraph 17 (Core planning principles)
Paragraphs 32 and 35 (Promoting sustainable transport)
Paragraphs 47, 49 and 55 (Delivering a wide choice of high quality homes)
Paragraphs 57, 58, 59, 60, 61 and 64 (Requiring good design)
Paragraph 69 (Promoting healthy communities)
Paragraphs 96, 99, 100 and 103 (Meeting the challenge of climate change, flooding and coastal change)
Paragraphs 109, 112, 118, 119 and 123 (Conserving and enhancing the natural environment)
Paragraphs 129, 131, 132, 133, 134, 137, 138, 139 and 141 (Conserving and enhancing the historic environment)
Paragraphs 203 and 204 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan:

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

Policy S1 - Overall Strategy
Policy S3 - Countryside
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy F1 - National Forest - General Policy
Policy F2 - Tree Planting
Policy F3 - Landscaping & Planting
Policy T3 - Highway Standards
Policy T8 - Parking
Policy H4/1 - Housing Land Release
Policy H6 - Housing Density
Policy H7 - Housing Design

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. Examination hearing sessions were held in January and March 2017 and the Council undertook a six week consultation on its Main Modifications from 12 June 2017. The comments received have been considered. The Council's position is that no further changes are required. All of the comments received, together with the Council's response, have been forwarded to the Inspector who will, in due course, advise of the next steps. The weight to be attached by the decision maker to this submitted version (as proposed to be modified) should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

S1 - Future Housing and Economic Development Needs

S2 - Settlement Hierarchy

S3 - Countryside

D1 - Design of New Development

D2 - Amenity

H6 - House Types and Mix

IF4 - Transport Infrastructure and New Development

IF7 - Parking Provision and New Development

En1 - Nature Conservation

En2 - River Mease Special Area of Conservation

En3 - The National Forest

He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

Cc2 - Water - Flood Risk

Cc3 - Water - Sustainable Drainage Systems

Other Guidance

Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

The Community Infrastructure Levy Regulations 2010

The Conservation of Habitats and Species Regulations 2010

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

National Planning Practice Guidance - March 2014

River Mease Water Quality Management Plan - August 2011

The River Mease Developer Contributions Scheme (DCS) - September 2016

6Cs Design Guide (Leicestershire County Council)

Good Design for North West Leicestershire SPD - April 2017

Packington Conservation Area Study and Appraisal - September 2001

5. Assessment

The main considerations in the determination of this application relate to the principle of development, its design/layout and impacts on the character of the area, historic environment, archaeology, residential amenities, highway safety, trees/hedgerows, drainage and flood risk, the River Mease SAC/SSSI and protected species/ecology.

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

The application site lies outside the defined Limits to Development within the adopted Local Plan and the submitted North West Leicestershire Local Plan, with new dwellings not being a form of development permitted in the countryside by Policy S3 of both Plans. Policy S2 of the submitted Local Plan also advises that in villages such as Packington a limited amount of growth will take place within the Limits to Development. The agent makes reference to the appeal decision at Swepstone Road, Heather, where 36 dwellings were allowed. However the most recent appeal for new housing in the countryside in the District relates to that for eight dwellings at Normanton Road, Packington (15/01051/OUT refers). The Packington Inspector agreed with the Heather Inspector and took the view that Policy S3 of the adopted Local Plan would attract limited weight as it relates to planning requirements for the District up to 2006 and it takes a very restricted approach to housing in the countryside when compared with the NPPF. The Packington Inspector, whilst acknowledging that the Heather Inspector had given submitted Policy S3 limited weight, afforded the submitted Local Plan moderate weight, given its current stage in the examination process being at main modifications stage (with public consultation having now ended) and it being subject to some unresolved objections. Having regard to the close proximity of this site to the appeal site, it is considered appropriate to adopt a similar approach. On this basis it is necessary to consider the proposal against paragraph 14 of the NPPF, including the 'tilted balance', which indicates that where relevant policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) as set out in the NPPF.

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Council is able to demonstrate a five year supply of housing (with 20% buffer) against the housing requirement contained in the submitted Local Plan.

It is acknowledged that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006). However in the recent Normanton Road appeal decision the Inspector did not consider there was a current or pressing need for the Council to review the Limits to Development for Packington proposed in the submitted Local Plan.

In terms of social sustainability Packington provides a range of day to day facilities, e.g. a primary school, shop, church, village hall, a public house, play area/recreation ground and some small-scale employment sites, along with a limited hourly public transport service. These services/facilities are within 800 metres to one km (preferred maximum walking distance) of the site. Whilst there is no footway along Spring Lane, it has a low traffic flow and footways are available from its junction with Normanton Road some 190 metres away. The centre of Ashby-de-la-Zouch is also located approximately 2.3km from the site, where a wider range of services can be found and is considered to be accessible on foot or by cycling. Therefore, it is considered that occupiers of the dwellings would not necessarily be dependent on the private car. Taking all of these matters into account it is considered that the site is socially sustainable in terms of access to services/facilities.

Given the scale of the development, and when taking into account other sites that have been granted planning permission since 2014 or are currently proposed in the village (totalling 54 dwellings), it is considered that the proposal would not result in unsustainable demands on local services and facilities. The proposal would also have limited economic benefits which would

include local construction jobs and helping to maintain local services in the area.

In terms of environmental sustainability the proposal would result in the loss of agricultural land. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). It is not clear what class of agricultural land the site falls within. Whilst the NPPF does not suggest that the release of smaller BMV sites is acceptable, the magnitude of loss of agricultural land is considered to be low where less than 20 hectares of BMV would be lost. Therefore given the relatively limited extent of the potential loss of the site, at 0.24 hectares, it is considered that this is not sufficient to sustain a reason for refusal in this case.

Furthermore, as set out in more detail below, the proposal would not result in any unacceptable impacts on the built or historic environment. However as the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the submitted Local Plan. Furthermore as set out below, significant harm would arise from impact on the rural character and visual amenities of the countryside which would conflict with Policy S3 of the adopted Local Plan, Policy S3 of the submitted Local Plan and the NPPF. The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits, and therefore it is considered that, overall, the proposal does not constitute sustainable development.

Design

The proposal results in a density of 12.5 dwellings per hectare. The NPPF states that authorities should set their own approach to housing density to reflect local circumstances. This density is considered appropriate having regard to the location of the site on the edge of a village adjoining the countryside and the character of the area.

Based on the proposed footprints, the proposal would provide large detached dwellings. Whilst it would be preferable to have a mix of dwelling sizes, these footprints largely reflect those of existing dwellings along Spring Lane. The number of storeys and bedrooms for each dwelling is not fixed at this stage. There is a mix of dwelling designs along Spring Lane, with some dwellings set back from the road. The footprint and scale of the dwellings would give opportunities to reflect local character and distinctiveness. The site can accommodate all of the necessary requirements (private gardens, parking/turning space) without being too cramped. As such it is considered that the design and layout of the scheme is acceptable and would not conflict with Policies E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Character of the Area and Visual Impact

The site is outside the Limits to Development under the adopted and submitted Local Plans. On this basis the proposal would be assessed against the context of Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan, and paragraph 17 of the NPPF which requires the planning system to recognise the intrinsic character and beauty of the countryside. As noted earlier in the report in the 'Principle' section, Policy S3 of the adopted Local Plan is considered to have limited weight, and Policy S3 of the submitted Local Plan is considered to have moderate weight.

A previous appeal for the erection of three dwellings on the site (97/0061) was dismissed on the grounds of harm to the character and appearance of the locality causing visual intrusion into the rural setting of the village, and the difficulty of resisting other similar proposals which would have a detrimental impact.

The site is an undeveloped grass field bordered on three sides by mature hedgerows

interspersed with trees, with fencing on the boundary with No. 17A, and, therefore, is afforded some existing natural screening and appears as a self-contained field. The area is characterised by open fields with trees and hedgerows forming the boundaries, including the site, with housing located immediately to the south west and separate from the site to the north. Four dwellings are located further to the east along Spring Lane in a more isolated cluster and beyond this development is more sporadic. As such the area is rural in character and provides the rural setting for the village when travelling along Spring Lane. The site is closely associated with the rural landscape to the east and south. As a consequence it contributes positively to the undeveloped nature of the area, which would be its defining characteristic, on the approach to the village along Spring Lane.

Development on the site would be most immediately visible from Spring Lane which abuts the site. Longer distance views of the site are available from a public footpath to the north east of the village which in part is located at a higher land level.

Whilst the external appearance of the dwellings is not included at this outline stage, regardless of the scale of the dwellings, they would be visible above and through the boundary hedgerows, in particular in the winter months. Furthermore three new accesses would be formed in the frontage hedgerow, therefore opening up views into the site of the dwellings and three large areas of hardsurfacing required to provide parking and turning space.

Whilst it is considered that the proposed development will impact adversely on the character and visual amenities of the rural environment, it is considered that the dwellings would not be isolated. However, the dwellings and their associated ancillary development would extend development into the open countryside, resulting in the urbanisation of the site which would diminish its present open and rural character and contribution to the character and visual amenities of the area, in particular along Spring Lane, and would be an incongruous encroachment into the rural environment.

The widening of Spring Lane to 4.1 metres (as required by the Highway Authority) may result in the removal of approximately one metre of verge (combined across the verges on both sides of the road) but this would not necessitate their complete removal.

Therefore it is considered that the proposal would result in significant harm to the character and rural appearance of the locality and the proposal would appear as an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment and would be contrary to the environmental strand of sustainability set out within the NPPF. As such the development would be contrary to Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.

Historic Environment

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting or a Conservation Area, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess and to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 131 of the NPPF requires, amongst other things, new development to make a positive contribution to local character and distinctiveness. Paragraph 132 of the NPPF stipulates 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.

In terms of designated heritage assets, Packington House on Spring Lane, which is a Grade 2 listed building, lies around 107 metres to the north east of the site. The Packington Conservation Area lies approximately 205 metres to the north of the site. Therefore the impact of the development on the listed building, its features and setting and the character and appearance of the Conservation Area should be given special regard as required by the 1990 Act.

Part of Packington House's significance is its age, dating from the late 18th and early 19th centuries, that its scale, design and original features have retained its country house appearance and that it still retains its historic relationship with the village as an outlying dwelling within the rural landscape. The significance of the nearest part of the Conservation Area comes from it forming the entrance to the core of the village where many medieval buildings and historic non-residential uses (blacksmiths, shops, Post Office, pub) were concentrated.

Significant weight is given to preserving the Grade 2 listed building and its setting, and the character and appearance of the Conservation Area. The site is well separated from the Conservation Area by intervening fields, a poultry farm and residential development. The site would not be highly visible within views of or from the Conservation Area, although it is acknowledged that some glimpses of the site could be available within views from dwellings and their gardens on Normanton Road. When having regard to the distances involved and the intervening uses and screening, it is considered that the development of the site for housing would not adversely affect the setting of the Packington Conservation Area.

The built fabric of Packington House and any of its special features would not be affected by the proposed development which lies beyond its curtilage. However consideration needs to be given to the impact of the proposed development on the setting of Packington House. The setting of Packington House is somewhat compromised to the immediate north by the presence of a modern two-storey dwelling but its rural setting survives predominantly to the south and south east, but also to some extent to the west and south west due to the buffer of fields between the listed building and existing development on the edge of the village. Views of Packington House from the site are limited due to existing screening along Spring Lane and at Packington House itself and its adjacent dwellings. The Conservation Officer has no objections. Given its distance from Packington House, the intervening screening from vegetation and topography and the potential for additional landscaping within the site, it is considered that the proposal would not adversely impact on the setting of the listed building and would not be harmful to its significance. Therefore the proposal would comply with the NPPF and Policy HE1 of the submitted Local Plan.

Archaeology

The Leicestershire and Rutland Historic Environment Record (HER) indicates that the development area lies in an area of archaeological interest, immediately adjacent to the medieval and post-medieval historic settlement core of Packington. Appraisal of the HER indicates that little or no previous archaeological investigation has been undertaken within the development area or in its vicinity. Therefore in the absence of site specific information, the County Archaeologist advises that it is difficult to evaluate the archaeological potential of the development site.

An appraisal of available aerial photographs suggests the presence or former presence of ridge and furrow earthworks within the site, indicating the site lies within the former extent of the openfield system that would have surrounded Packington through much of the medieval and post-medieval periods. The County Archaeologist advises that this indicates that the area has a

low potential for significant medieval or later archaeological remains.

Buried archaeological evidence spanning the period from the prehistoric to the earliest evolution of the village (potential yet unidentified heritage assets) could be present within the development area. Paragraph 141 of the NPPF states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development.

Therefore, the County Archaeologist has no objections to the proposal subject to the imposition of conditions for an appropriate programme of archaeological mitigation in order to safeguard any important archaeological remains potentially present on the site. Subject to these conditions, it is considered that the proposal would comply with the provisions of the NPPF.

Residential Amenities

Given the scale of development and the location of the new accesses, garages and parking/turning areas, it is considered that the increase in traffic would not be so significant to lead to an adverse impact from noise and disturbance. It is not unusual for dwellings and their driveways, garages and parking/turning areas to be located adjacent to or close to other dwellings. It is also noted that the Council's Environmental Protection Team raise no objections.

No. 17A Spring Lane has a rear conservatory with windows facing the site and several windows in its side elevation serving habitable rooms, some of which are the main window to these rooms (to a kitchen and two bedrooms) and some of which are secondary windows (to a dining room and bedroom). Other side windows serve non-habitable rooms (a utility room and ensuite). Plot 1 would be 7.5-7.8 metres from No. 17A's side elevation which is well below the 12 metre distance sought under the Council's Good Design SPD for distances between habitable room windows and blank elevations. However, as noted above, some of the side windows are secondary windows to habitable rooms or serve non-habitable rooms. The two bedrooms with principal windows are located in the first and second floors of No. 17A. The conservatory would be 10.2 metres from Plot 1 and has windows in other elevations, with Plot 1 also being set further forward than the conservatory. Plot 1 would not extend for the full length of No. 17A, and its maximum eaves and ridge height could be secured by condition so that it would not be a full two storeys in height, meaning some form of open aspect would be retained to No. 17A's side windows. The garage to Plot 1 has been repositioned further back into the site, to the north of No. 17A, so it would not immediately adjoin the whole of No. 17A's patio. Furthermore No. 17A has a large private rear garden area. Plot 1 could be designed so there is no impact in terms of loss of privacy to No. 17A, e.g. position of windows/rooflights, which would require careful consideration at the reserved matters stage. Whilst it is acknowledged that there would be some loss of light and impact on outlook, in particular to No. 17A's kitchen window, given the above circumstances it is considered that a reason for refusal on the basis of significantly detrimental impact on the residential amenities of occupiers of No. 17A from loss of light, loss of privacy and oppressive outlook and conflict with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan could not be justified in this case.

Highway Safety

Access is included for determination at this stage. Concerns have been raised by local residents predominantly relating to Spring Lane; its narrow width, its popularity with pedestrians (including children), walkers, cyclists and horse riders, existing conflicts between vehicles and non-car users, difficulties for larger vehicles to gain access and poor visibility and manoeuvrability both along the road and exiting from driveways, all of which would be exacerbated by the proposal.

The County Highway Authority has not raised any objections to the proposal subject to conditions, including securing the carriageway realignment outside No. 3 Spring Lane by building out the kerb, and widening the road that fronts the site to 4.1 metres. On the basis of these measures the Highway Authority advises that Spring Lane will be satisfactory in its width and design to cater for the proposed increase in traffic resulting from the development. The Highway Authority also considers that the proposal would not lead to an unacceptable increase in conflict between vehicles and non-car users and that it has no concerns regarding the increase in traffic using the junction with Normanton Road as its visibility splays and width are acceptable.

The Highway Authority advises that the residual cumulative impact of the development can be mitigated and are not considered severe. On this basis it is considered that a reason for refusal on the basis of severe impact on highway safety and conflict with Policies T3 and T8 of the adopted Local Plan, Policies IF4 and IF7 of the submitted Local Plan and paragraph 32 of the NPPF could not be justified in this case.

Trees/Hedgerows

The County Ecologist advises that the northern and southern hedgerows are species rich and likely to meet Local Wildlife Site criteria, and that the retention of the eastern hedgerow as a garden boundary is acceptable given the size of Plot 3's garden. The County Ecologist raised concern regarding the loss of parts of the southern hedgerow but concludes that the three gaps would not be significant and recommends the conservation management of the remainder of this hedgerow and restoration and management of the eastern and northern hedgerows to compensate for these gaps. The provision of visibility splays may require some trimming back of the frontage hedgerow and trees but would not necessitate their removal. The Tree Officer is satisfied that the larger frontage trees would not be affected and also raises no objection to the potential removal of three smaller frontage trees as they are not considered to be worthy of retention. Plot 3 has been set further back into the site away from trees within the eastern hedgerow to address the Tree Officer's concerns regarding future impact. As such the proposal would comply with the provisions of Policies E2 and E7 of the adopted Local Plan.

Drainage and Flood Risk

Concerns have been raised by residents regarding the increased risk of flooding from surface water runoff. The site lies within Flood Zone 1 which is the lowest risk area for flooding from watercourses and parts of the site are identified by the Environment Agency to be at medium to low risk from surface water flooding. The Lead Local Flood Authority (LLFA) initially recommended refusal on the grounds that the application did not include a Flood Risk Assessment (FRA) as required by government guidance and as such flood risk, including surface water flood risk, for the site or the impact of the proposed development on any neighbouring flood risk has not been assessed.

An FRA has been submitted which sets out that surface water would discharge into an attenuation tank and then to a nearby existing combined sewer via a new pipe, as outfall into the frontage ditch would not be suitable in this case. Surface water discharge into the watercourse would be restricted to greenfield runoff rates (i.e. the rate at which surface water currently discharges from the site when undeveloped) which could be required by condition. The LLFA has subsequently advised that the proposal would be acceptable if planning conditions relating to submission of a detailed scheme for surface water drainage from the site and its future maintenance are imposed. Severn Trent Water has no objections and does not request the imposition of any conditions. The Environment Agency is not a statutory consultee in respect of such applications, and within comments received in respect of another matter, it makes no comments in respect of flood risk. On this basis it is considered that a reason for

refusal on the basis of significant impacts to drainage and flood risk and conflict with Policies CC2 and CC3 of the submitted Local Plan and the NPPF could not be justified in this case.

River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). A tributary to the River Mease lies approximately 108 metres to the west of the site, and it appears that the ditch adjoining the site discharges into this tributary. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 are considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF. There is no capacity available under DCS1 and so DCS2 was adopted by the Council on 20 September 2016.

The application initially suggested connection to the mains sewer. However subsequently due to issues relating to capacity under DCS2, the application was amended to propose package treatment plants. However following the recent appeal decision relating to Normanton Road, Packington, the Council has changed its approach to utilising capacity within DCS2, and as such the application has been amended to connect to the mains sewer system. The applicant has indicated they are willing to pay the required DCS2 contribution and the Council's solicitors have been instructed. The Environment Agency and Natural England have both issued Standing Advice relating to the River Mease SAC under which they do not need to be consulted if the proposal connects to the mains sewer and the applicant is agreeable to payment of the DCS contribution.

Surface water discharge using a sustainable drainage system is usually sought on sites within the SAC catchment, in order to reduce the level of surface water treated by Severn Trent Water. However in this case surface water is likely to discharge to the mains sewer system at greenfield runoff rates as use of the nearby ditch is unsuitable, which Natural England has advised is acceptable in this case.

The flows from the three dwellings need to be taken into account against the existing headroom at Packington Treatment Works, which serves this area. At March 2016 capacity was available for 3368 dwellings but this is reduced by the number of dwellings that already have consent or are under construction at March 2016 (1444) and a further 390 which have subsequently been granted permission or have a resolution to permit in place, giving capacity for 1534 dwellings. As such it is considered that capacity is available at the relevant treatment works for the foul drainage from the site.

The site is 108 metres from the nearest tributary to the River Mease and there is unlikely to be any direct impact on its channel and banks as it is separate from the site. Given that the adjacent ditch appears to connect to this tributary, a condition would need to be imposed for a construction management plan to prevent adverse impacts on the watercourse during construction.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI and would comply with the Habitat Regulations, the NPPF and Policies S2, EN1

and EN2 of the submitted Local Plan.

Protected Species/Ecology

There are trees, hedgerows, grassland and a ditch on or close to the site along with large gardens being in close proximity, which are all features that could be used by European Protected Species (EPS) or national protected species. Therefore the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions and to the requirements of the Wildlife and Countryside Act 1981 (as amended).

The submitted Ecology Survey states that it is highly likely that bats use the site for foraging and commuting but the trees and hedgerows have limited potential for bat roosts, although they do have potential for use by breeding birds. No evidence of other protected species, including the use of the adjacent ditches by great crested newts, was found.

The County Ecologist advises that whilst the grassland on the site is fairly species rich, there is no objection to its loss as it does not meet the criteria for a Local Wildlife Site. Some grassland is likely to be retained due to the size of the rear gardens. Whilst stretches of hedgerow and trees would be lost (which is considered in more detail earlier in this report), there would not be a significant loss and other similar vegetation is available on the site and within the locality that could be used by bats and breeding birds, along with additional landscaping. The ditches are shown to be retained and the County Ecologist has not raised any concerns in relation to impact on great crested newts. A condition could be imposed relating to works to provide the new accesses which would cross the ditch. The County Ecologist has no objections subject to conditions. On this basis it is considered that the proposal would not adversely impact on protected species or ecological features and the proposal complies with the Habitats Regulations 2010 and Policy EN1 of the submitted Local Plan.

Other Matters

The site is below the 1000 square metre floorspace / 11 or more dwellings threshold for developer contributions to be sought for services/facilities.

In respect of the concerns raised in the letters of representation that have not been addressed above, if any applications are submitted for nearby land then they will be considered on their own merits. In respect of the concerns raised regarding erroneous information in the application submission, the submitted information together with all of the information gathered when undertaking the site visit and assessing the application have allowed for the application to be fully and adequately assessed.

Conclusion

In conclusion, the proposal would be socially sustainable, would have limited economic benefits, would not result in a significant loss of BMV and would not result in any unacceptable impacts on the built or historic environment. However as the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the submitted Local Plan. Significant harm would also arise from impact on the rural character and visual amenities of the countryside, which would conflict with Policy S3 of the adopted Local Plan, Policy S3 of the submitted Local Plan and the NPPF. The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits, and therefore it is considered that, overall, the proposal does not constitute sustainable development.

RECOMMENDATION, REFUSE for the following reason(s):

- 1 Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development which includes that the planning system needs to perform an environmental role, including protecting and enhancing our natural environment and using natural resources prudently. Paragraph 17 of the NPPF states that planning decisions should recognise the intrinsic value of the countryside. Policy S3 of the adopted North West Leicestershire Local Plan and Policy S3 of the submitted North West Leicestershire Local Plan provide a presumption against non-essential residential development outside the Limits to Development. Policy S3 of the submitted Local Plan states that land identified as countryside will be protected for the sake of its intrinsic character and beauty. Policy S2 of the submitted Local Plan advises that in villages such as Packington a limited amount of growth will take place within the Limits to Development. As the site is outside the Limits to Development it would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the submitted Local Plan. The proposal would also result in significant harm to the character and rural appearance of the locality and the proposal would appear as an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment, and would be contrary to Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan. The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits, and therefore it is considered that, overall, the proposal does not constitute sustainable development.