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Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	6.00 pm on Thursday, 1 September 2022
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454529)

<b>AGENDA</b>		
<b>Item</b>		<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b>		
<b>2. DECLARATION OF INTERESTS</b>		
	Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
<b>3. MINUTES</b>		
	To confirm and sign the minutes of the meeting held on 2 August 2022.	<b>3 - 6</b>
<b>4. PLANNING APPLICATIONS AND OTHER MATTERS</b>		
	Report of the Head of Planning and Infrastructure.	<b>7 - 10</b>

## Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	<b>22/00546/OUT: Erection of up to seven dwellings (outline- access and layout only)</b>  Land West Of Ashby Road, Packington Ashby De La Zouch, LE65 1TD	Permit	11 - 24

INUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 2 August 2022

Present: Councillor R L Morris (Chair)

Councillors R Boam, D Bigby, D Everitt, J Hoult, J Legrys and J G Simmons

In Attendance: Councillors R Johnson, R Canny and T Eynon

Officers: Mr C Elston, Mr D Jones, Mrs C Hammond, Mr S Smith, Ms R Haynes and Mr J Knightley

## **8. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors A Bridgen, J Bridges and D Harrison.

## **9. DECLARATION OF INTERESTS**

In accordance with the Code of Conduct, Members declared the following interests:

Councillor J Legrys declared a non pecuniary interest in Item A1 as his spouse, Councillor Dr T Eynon would speak to the meeting as ward member.

## **10. MINUTES**

Consideration was given to the minutes of the meeting held on 5 July 2022.

It was moved by Councillor J Legrys, seconded by Councillor J Hoult and

RESOLVED THAT

The minutes of the meeting held on 5 July 2022 be approved and signed by the Chair as an accurate record.

## **11. PLANNING ENFORCEMENT UPDATE Q1 2022/23**

The Planning and Development Team Manager presented the report to members.

Members were informed that compared with the period last year, the team were dealing with similar amounts of work and officers confirmed that more detailed reports and comparisons would be available as the financial year progressed.

It was moved by Councillor R Boam, seconded by Councillor J Hoult and

RESOLVED THAT

The Planning Enforcement Update Q1 2022/23 be noted.

## **12. PLANNING APPLICATIONS AND OTHER MATTERS**

Consideration was given to the report of the Head of Planning and Infrastructure, as amended by the update sheet circulated at the meeting.

**13. A1**  
**22/00126/OUT: ERECTION OF THREE DWELLINGS (OUTLINE - ACCESS AND LAYOUT ONLY)**

Land To The Rear Of 68 And 70 Fairfield Road Hugglescote LE67 2HG

**Officer's Recommendation: Permit**

The Principal Planning Officer presented the report to members.

Mr Weeks, agent, addressed the committee highlighting that the development would not cause the loss of any existing buildings and stressed that the land was formerly garden land which had been abandoned. It was emphasised that full parking provision would be available on the site and a speed survey had been taken, in accordance with national requirements.

Councillor Dr T Eynon, ward member, addressed the committee expressing concerns that the development of the land would exacerbate problems arising from lack of parking in what was already a busy street. Concerns were also raised that children used the street to walk to and from school and whether visibility would be impaired with the exit and egress of more vehicles into the area. She voiced disappointment that the trees on the plot had been felled and disputed that the land was underutilised.

It was asserted that the development did not meet a housing need as required by the Hugglescote and Donington le Heath Neighbourhood Plan as there were already many developments with properties similar in nature being erected in Hugglescote and concerns about the loss of on street parking were reiterated by other members. It was clarified that there would not be a net loss of parking as 2 spaces would be created on the drives of each of the proposed new properties.

Members raised concerns that the visibility splay were very tight and also expressed the belief that the housing need would be better met by the development of bungalows and residencies for older people.

In determining the application, a Member questioned whether there may be sinkholes under the site proposed for development. Officers advised that it would be a matter for the developer to address and that an advisory note could be added, to remind the developer of the possibility.

The recommendation to permit the application in accordance with the officer's recommendation, along with the inclusion of an advisory note in relation to sinkholes was moved by Councillor J Hoult and seconded by Councillor R Boam.

The Chair put the motion to the vote. A recorded vote being required, the voting was as detailed below:

**RESOLVED THAT**

The application be permitted in accordance with the recommendations of the Head of Planning and Infrastructure with the inclusion of an advisory note in relation to sinkholes.

<b>Motion to permit the application in accordance with the officer's recommendation with the inclusion of an advisory note in relation to sinkholes (Motion)</b>	
Councillor Ray Morris	For
Councillor Russell Boam	For
Councillor Dave Bigby	For

Councillor David Everitt	Against
Councillor Jim Houlst	For
Councillor John Legrys	Against
Councillor Jenny Simmons	For
<b>Carried</b>	

14.

**A2**

**22/00311/FUL: PROPOSED FRONT AND REAR EXTENSIONS, RAISING OF EXISTING EAVES AND RIDGE HEIGHT. SINGLE STOREY REAR EXTENSION, NEW GARAGE WITH STUDIO OVER, NEW DORMER WINDOWS TO FRONT AND REAR OF PROPERTY**

2 The Toft Mill Lane Belton Loughborough Leicestershire LE12 9UL

**Officer's Recommendation: Permit**

The Principal Planning Officer presented the report to members.

Ms Lewis, objector, addressed the committee highlighting concerns that the proposed extension would result in a loss of privacy to neighbouring properties. Concerns were also expressed with regards to the lengthy construction process which was felt could pose a danger to other traffic, the general public and to neighbours and could also potentially cause damage to the shared access road. It was noted that the design and materials would not be in keeping with neighbouring properties nor match the wider area. It was felt that the application in its current form should be rejected.

Mr Mattley, agent, addressed the committee and stated that plans had been amended to address concerns throughout the process and the plans before the committee had only received one objection. It was confirmed that the applicant would limit the size of construction vehicles and the times that they would be able to access the property. He advised that the dimensions contained in the most recent plans were not as high as had previously been stated and were considered to be visually acceptable.

Members acknowledged that it was a difficult decision and questioned whether the site was in a conservation area, which it was not. It was also noted that it was not for Planning Committee to discuss the matter of the drive's ownership as this was not a material consideration.

The recommendation to permit the application in accordance with the officer's recommendation was moved by Councillor J Houlst and seconded by Councillor R Boam.

The Chair put the motion to the vote. A recorded vote being required, the voting was as detailed below:

**RESOLVED THAT**

The application be permitted in accordance with the recommendations of the Head of Planning and Infrastructure.

<b>Motion to permit the application in accordance with the officer's recommendation (Motion)</b>	
Councillor Ray Morris	For
Councillor Russell Boam	For
Councillor Dave Bigby	For
Councillor David Everitt	Against
Councillor Jim Houlst	For
Councillor John Legrys	For
Councillor Jenny Simmons	For
<b>Carried</b>	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 6.50 pm

## **APPENDIX B**

### **Report of the Head of Planning and Infrastructure to Planning Committee**

**1 September 2022**

### **PLANNING & DEVELOPMENT REPORT**

## **PLANNING COMMITTEE FRONT SHEET**

### **1. Background Papers**

For the purposes of Section 100(d) of the Local Government (Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

### **2. Late Information: Updates**

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

### **3. Expiry of Representation Periods**

In cases where recommendations are headed "Subject to no contrary representations being received by ..... [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Infrastructure are material planning considerations and relate to matters not previously raised.

### **4. Reasons for Grant**

Where the Head of Planning and Infrastructure report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before the a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Infrastructure.

### **5. Granting permission contrary to Officer Recommendation**

Where the Head of Planning and Infrastructure report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required



If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, e.g. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Planning and Infrastructure.

## **6. Refusal contrary to officer recommendation**

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Infrastructure.

## **7. Amendments to Motion**

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words

as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Head of Planning and Infrastructure/Planning and Development Team Manager present at the meeting. That advice may be sought during the course of the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

## **8. Delegation of wording of Conditions**

A list of the proposed planning conditions are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated to the Head of Planning and Infrastructure.

## **9. Decisions on Items of the Head of Planning and Infrastructure**

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

Erection of up to seven dwellings (outline- access and layout only)

Report Item No  
A1

Land West Of Ashby Road Packington Ashby De La Zouch  
LE65 1TD

Application Reference  
22/00546/OUT

Grid Reference (E) 436123  
Grid Reference (N) 314928

Date Registered:  
11 April 2022  
Consultation Expiry:  
17 August 2022  
8 Week Date:  
6 June 2022

Applicant:  
Keller Construction Ltd

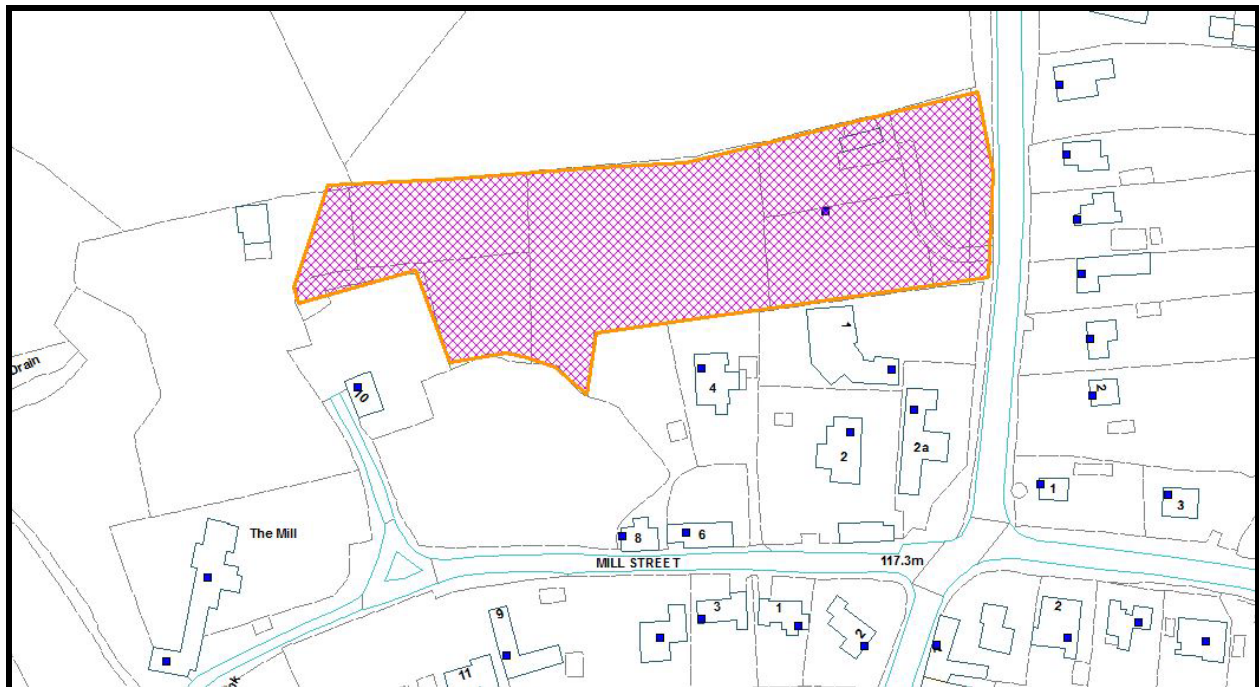
Extension of Time:  
None Agreed

Case Officer:  
Lewis Marshall

Recommendation:  
PERMIT

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Site Location - Plan for indicative purposes only



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**RECOMMENDATION - PERMIT, subject to the completion of a Section 106 agreement and the following condition(s):**

- 1 Standard time limit
- 2 Submission of Reserved matters (landscaping, scale and appearance)
- 3 Plans
- 4 Details of existing proposed ground levels
- 5 Details of all boundary treatments
- 6 Boundary treatment to be completed prior to occupation and retained as such
- 7 Provision of Access in accordance with Highways standards
- 8 Provision of Parking / turning
- 9 Provision of visibility splays
- 10 Contaminated land
- 11 Surface water drainage
- 12 Management details of shared areas and wildlife corridor
- 13 Details of external lighting
- 14 Details of on-site ecological mitigation measures
- 15 Details of off-site ecological mitigation scheme
- 16 Removal of PD rights for boundary treatments
- 17 Details of treatment and enclosure of PROW 071 (as applicable)
- 18 Management of surface water drainage scheme
- 19 Details of surface water drainage connection to water course
- 20 Details of surface water management during construction
- 21 Removal of PD rights for gates
- 22 Provision of means to prevent vehicles cutting through the site

## MAIN REPORT

### 1. Proposals and Background

The site lies on the edge of the village of Packington and within the limits of development. The site currently consists of grassland and a stable block. Boundaries are predominantly hedgerow, with arable fields bordering the north and existing housing bordering the south, west and east. The site is located outside of but within the setting of the Packington Conservation Area to the south and there are grade II listed buildings at Packington Mill 65m to the south west, 9 and 11 Mill Street 65m to the south and no 14 Ashby Road 35m to the north east. A public right of way is located to the western boundary and connects with Mill Street to the south.

The proposal is to erect seven detached dwellings with access from Ashby Road. The application is submitted in outline form with only access and layout for consideration at this time. The scale, appearance and landscaping scheme will be the subject of a separate reserved matters application should outline planning permission be granted.

The application is referred to Committee as the applicant/agent is related to a Councillor and at least one objection has been received against the proposal.

### Planning History

21/02092/OUTM - Erection of up to 11 dwellings and garaging, to include associated access alterations and parking provision (outline- access and layout only) - Withdrawn

### 2. Publicity

28 Neighbours have been notified.  
Site Notice displayed 21 April 2022.  
Press Notice published Leicester Mercury 27 April 2022.

### 3. Summary of Consultations and Representations Received

#### Packington Parish Council

Objects to the application on the following grounds:

- Impact on the setting of two grade II listed buildings on Mill Street (Mill Cottage and Croft Cottage).
- Will result in overlooking due to the elevated position of the cottages relative to the proposed development
- Impact on the setting of the conservation area
- Harm to the open character and appearance of the area
- Highway safety - concern over position of access on to busy road
- Infrastructure - the local primary school is over capacity and questions the capacity of other local schools and services
- There is no requirement for this type of development in Pakington
- Packington is a settlement with limited services and facilities and has exceeded the levels of planned growth envisaged by the Local Plan.
- Limited capacity for and concern over sewage and surface water disposal

- Dangerous proximity to the quarry
- Mature trees, hedgerows and habitats should be protected
- Requests that if planning permission is approved, the heights of the dwellings be restricted and provision is made for single storey dwellings.

**Leicestershire County Council Local Highway Authority** has no objections subject to conditions.

**Leicestershire County Council Local Lead Flood Authority** notes that the 0.87ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding. Advises the LPA that the proposed development is considered a minor application and therefore the LLFA is not a statutory consultee for this development and refers to standing advice.

**Leicestershire County Council Ecology** no objection is raised and advises that, the biodiversity metric and biodiversity enhancement plan submitted should be accepted and the proposed enhancements made subject to conditions/obligation as deemed appropriate.

**National Forest Company** requires that in accordance with the National Forest Strategy and policy En3 of the North West Leicestershire Local Plan, 20% of the site area (0.17ha) should be provided as dedicated woodland planting and landscaping. Where there is no opportunity to incorporate this within the development, the policy allows for the woodland planting to be met by way of a financial contribution calculated at £35,000 per hectare. For this proposal, the requirement would be £5,950 (0.17ha x £35,000) and should be secured by a S106 legal agreement.

**HS2 Ltd** confirms that the site is not within the limits of land subject to current Safeguarding Directions for HS2. The site does however lie in close proximity to the un-published HS2 Phase 2b Eastern Leg route and could potentially be impacted by the construction boundary associated with emerging HS2 design requirements in respect of utilities works. If permission is granted, an informative is recommended.

**Natural England** raises no objection subject to appropriate mitigation being secured. It is advised that the LPA, as competent Authority, should undertake a Habitat Regulations Assessment (HRA) for this development and in doing so ensure that there will be no harmful discharges of foul or surface water from the application site into the River Mease or its tributaries. Natural England have reviewed the Local Planning Authorities HRA contained within this report and raise no objections.

**North West Leicestershire District Council Conservation Officer** raises no objection to the application and confirms that the development will result in "no harm" to heritage assets. It is suggested that an assessment is made as to the potential for future pressure to fell trees within the domestic gardens and if this would have an impact on the setting of the Conservation area or wider character of the area.

**North West Leicestershire District Council Urban Design Officer** No objection is raised, albeit suggests that additional information in terms of the house types and boundary treatments would assist in making a thorough assessment. It is suggested that the bin collection point at the front of the site is removed from the scheme to improve the appearance and arrival at the site.

**North West Leicestershire District Council Tree Officer** has raised concerns that the main access road and proposed underground services will encounter the root protection area of a single tree on the sites southern boundary which exceeds the 20% threshold.

**North West Leicestershire District Council Waste Services** originally raised concerns that the bin presentation area was located too far from a number of the proposed properties. It is suggested that the internal road layout be designed to an adoptable standard so that refuse collection vehicles can enter and turn within the site for the purposes of household waste collections. It is advised that the developer would need to indemnify NWLDC against any damage to the road and its collection vehicles.

### **Third Party Representations**

10 letters of representation have been received from 7 surrounding neighbouring properties in relation to the initial and amended scheme, which make the following points:-

- The design of the proposed houses are very nice and would seem to fit within the landscape
- Small scale addition to the village is supported as the site is within the limits of development
- The village is already expanding with other committed and completed developments
- The current application does not address the concerns with the previously withdrawn application
- The boundaries of the village continue to expand
- The village does not need another gated community
- The development would not be easily accessible
- Out of character with the village
- The proposals do not provide homes for lower income or younger home owners
- Access issues and additional traffic
- Lack of drainage information submitted as part of the application
- Additional discharge into the water course
- Flood risk
- Impact on trees and hedgerows
- Impact on the Conservation Area and listed buildings
- Impact on neighbour amenity
- Impact on future amenity in respect of units proposed adjacent to the access
- Location of bin store
- Lack of bungalows
- Impact on local bat populations from additional lighting
- The proposed density is too high
- Impact on use of public footpath
- The amended scheme does not address many concerns raised

The following non-material matters have been raised:

- The applicant is a well-respected builder
- The applicant has intentions to develop further land adjacent to the site
- Detailed design should be determined at this stage and not at reserved matters
- The application should be submitted as a full application, not outline

## 4. Relevant Planning Policy

### National Policies

#### *National Planning Policy Framework*

Paragraph 11 (Achieving sustainable development)  
 Paragraphs 55, 56 (Planning conditions and obligations);  
 Paragraphs 78, 79, 80 (Delivering a sufficient supply of homes)  
 Paragraphs 109 (Promoting sustainable transport);  
 Paragraph 111 (Promoting sustainable transport)  
 Paragraphs 124, 127, 130, 135 (Requiring good design);  
 Paragraphs 170, 175, 177, 178, 179 and 180 (Conserving and enhancing the natural environment)  
 Paragraphs 189, 190, 192, 193, 199, 202 (Conserving and enhancing the historic environment)

### **Adopted North West Leicestershire Local Plan (2021)**

The following policies of the adopted Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

S1 - Future housing and economic development needs  
 S2 - Settlement Hierarchy  
 D1 - Design of New Development  
 D2 - Amenity  
 H6 - House types and mix  
 IF1 - Development and Infrastructure  
 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 - Sustainable Drainage Systems

### **Other Policies/Guidance**

National Planning Practice Guidance  
 Leicestershire Highways Design Guide  
 Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990  
 Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)



## 5. Assessment

### 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 (2021).

The application site is located within Packington and within the defined limits to development where the principle of residential development is supported under policy S2 subject to all other planning considerations being adequately addressed. Policy S2 of the adopted Local Plan identifies Packington as a sustainable village which has a limited range of services and facilities where a limited amount of growth will take place within the defined Limits to Development.

The small scale development proposed is therefore considered to accord with policy S2 of the Local Plan and is acceptable in principle. The application therefore falls to be considered in terms of design, impact on the character of the area, impact on heritage, amenity, flooding and drainage, ecology, highway safety, and any other matters.

### Design and Impact upon Character

Policy D1 of the Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. It also requires that new residential developments must positively perform against Building for Life 12 and that developments will be assessed against the Council's adopted Good Design SPD. The site is also located within the national Forest and therefore the design and landscaping should reflect the characteristics of the built environment and landscape of the National Forest.

The character of the surrounding area is defined by a mix of building styles and ages, although built development within the immediate locality is predominantly consists of larger detached properties set within spacious plots and laid out in linear form fronting onto the surrounding road network.

The proposal seeks outline planning permission for access and layout only and therefore the scope of the considerations are limited to these matters having regard for the impact on the character and appearance of the area. The proposed layout includes a plot that fronts onto Ashby Road therefore continuing the linear forms of development seen within this part of the village. Beyond the proposed frontage plot, the layout is defined by the access road with the majority of the dwellings positioned to the north of the access road with rear gardens backing onto open countryside. Existing hedgerows and vegetation to the northern boundary are proposed for retention with a post and rail fence set within the site to provide security, enclosure and a wildlife buffer between the residential curtilages and hedgerows along the northern boundary. It is recommended that permitted development rights are removed for boundary treatments to ensure the post and rail fencing along this boundary is retained in order to protect the boundary vegetation from encroachment by future occupiers of the development thus limiting the visual impact of the development on approach into the village from the north. Furthermore, the corridor will be subject to a condition that requires details of its long-term management and management responsibilities to ensure of its retention and management of the hedgerows and vegetation in both the interests of biodiversity and respecting the character of the settlement edge.

The proposed access point is to be taken from the existing point of access onto Ashby Road, albeit widened and repositioned to meet the Highway authority's standards and therefore will result in some removal of existing hedgerow. Additional replacement planting is shown indicatively on the site layout plan and subject to exact details to be considered as a part of the reserved matters application, the access proposals would not result in unacceptable harm to the character and appearance of the area of the Ashby Road street scene.

The submitted Arboricultural Impact Assessment states that the proposed layout will necessitate the removal of 6 trees. However, this can be compensated for as part of the landscaping scheme to be agreed as part of any reserved matters application. The applicant has suggested that the scheme has the potential to provide an additional 18 trees on site in order to mitigate against the proposed losses. Subject to the exact location and specification of the additional tree planning, it is not considered that tree losses would result in unacceptable harm to the character and appearance of the area and such losses are accepted by virtue of its fundamental character evolving from a greenfield site to a residential development on the edge of the settlement.

Overall, it is considered that the proposed layout and access respect the character and appearance of the area and accords with Policy D1 of the Local Plan, the NPPF and the Good Design SPD. Subject to conditions and the details submitted as part of the reserved matters application, it is considered that the landscaping, scale and appearance are capable of respecting and preserving the character and appearance of the area.

## **Heritage**

Policy He1 of the adopted Local Plan and the advice in the NPPF requires heritage assets to be preserved and enhanced. Where development results in harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposed development must also be considered against sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The application is also adjacent to and therefore within the setting of the Packington Conservation Area.

The application has been considered by the Council's Conservation Officer who has confirmed that the proposal would result in "no harm" to heritage assets or their settings thus the proposals do not fall to be weighed against the public benefits.

The proposal includes a scheme of off-site ecological mitigation on adjacent land that falls within the boundary of the conservation area. Although exact details of the off-site mitigation scheme have not been submitted at this time, it is considered that a scheme of planting, improvement and long-term management would not result in harm to the significance of the conservation area and has the potential to provide some additional screening in the long term between the application site and the conservation area. Exact details of the mitigation proposals will be required by condition and secured in perpetuity by Section 106 legal agreement. The Council's Conservation Officer has also requested that consideration be had for the potential pressure to fell trees that are outside of the site but along the site's southern boundary which have the potential to overshadow the rear garden of plot 6. Notwithstanding that any prospective purchaser will be aware of the trees as they exist, the land in question that the trees are located on falls within the applicant's control and, as set out above is proposed for ecological enhancement to offset the impacts of the development. It is considered that the adjacent trees could form part of the ongoing management of the enhancement proposals which could include

regular maintenance of the adjacent trees to prevent the crowns from undue encroachment which in turn would limit the pressure to fell such trees in the future, and thus preserves their importance as the backdrop to the Conservation Area as seen from Mill Street.

Overall, and subject to conditions and detailed consideration of the scale, appearance and landscaping at the reserved matters application stage, the proposal accords with Policy He1 of the Local Plan (2021) and the NPPF.

### **Impact upon residential amenity**

Policy D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it.

Given that the submitted house type plans provided are indicative, it is not possible to assess the impacts upon the residential amenity of surrounding dwellings in detail. Impacts, particularly in terms of privacy, loss of sunlight and daylight and overbearing impacts would be a primary consideration at the reserved matters stage, when details of the scale and appearance of the proposal are presented for approval. How the proposed landscaping, including details of proposed ground levels and boundary treatments will impact or preserve amenity will also be considered carefully at the reserved matters application stage. However, the submitted layout and indicative plans provide a high degree of confidence that a scheme is capable of being delivered that would accord with policy D2. This is considered further below.

Concerns have been raised that the site levels will result in overbearing impacts. It should be noted that the closest properties at number 1 Ashby Road and number 4 Mill Street are located beyond the site's southern boundary adjacent to the proposed access road. Given the distances between the front elevations of the proposed dwellings and the boundary with neighbouring gardens or flank walls exceed 12m, it is not considered that the development would result in unacceptable overbearing impacts. Furthermore, the orientation of existing properties to the south prevent undue overlooking between respective dwellings and existing and proposed landscaping along this boundary will further limit any impacts.

Concerns have been raised that the proximity of proposed plot 1 and number 1 Ashby Road to the access road would give rise to unacceptable noise and vibration to existing and future occupiers. However, given the distances proposed, the level of intervening curtilage and vegetation, and the relatively low number of vehicular movements generated by a development of this size, it is not considered that there would be an unacceptable impact that would justify a refusal of planning permission.

Overall, it is considered that the proposal would not result in unacceptable harm to the amenity of existing or future occupiers and accords with Policy D2 of the Local Plan, the NPPF and the Good Design SPD.

### **Highway Considerations**

Policy IF4 of the Local Plan (2021) requires that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses and employees. Policy IF7 of the Local Plan (2021) requires that development incorporate adequate parking provision for vehicles and cycles in order to avoid highway safety problems and to minimise the impact upon the local environment.

The application proposes 7 dwellings and is therefore a minor application and is not required to be supported by a Transport Assessment or Travel Plan. The number of vehicular movements that are generated by a development of seven dwellings would not result in severe cumulative impacts on the network in accordance with paragraph 111 of the NPPF. Furthermore, subject to conditions, the highway authority has raised no objection to the access proposals and the quantum of parking spaces and garaging reflects the size and number of units proposed, with each dwelling having at least three parking spaces.

The access road has been amended since first submission to address concerns raised by the North West Leicestershire District Council Waste Services Team. There was concern that the bin collection point was too far from some proposed units. The internal road layout has therefore been designed to adoptable standard so that a refuse collection vehicle is able to access, turn and leave the site thus removing the need for a single collection point adjacent to the highway.

Overall, the application is considered to be in accordance with the guidance set out within the Leicestershire Highway Design Guide and the application is considered to be acceptable when having regard to Local Plan Policies IF4 and IF7 as well as the guidance set out within the NPPF.

## Ecology

Policy EN1 of the Local Plan supports proposals that conserve, restore or enhance the biodiversity of the district. The application is supported by an Ecological Appraisal and Biodiversity Impact Assessment. Leicestershire County Council Ecologists have been consulted in connection with the proposal and advise that the submitted information and mitigation measures should be accepted.

The proposed site is permanent semi-improved grassland which has historically been managed for the purposes of keeping horses with associated grazing and stabling and was therefore as grass land, considered to be of low ecological value. Over the last 3 - 4 years the site has been unused / unmanaged allowing the grassland to become overgrown with the dominant species now being Creeping Thistle, Ribwort Plantain and Dock resulting in any herb species which may have been present being smothered out. The current site is considered to offer Low Ecological Value. No evidence was identified of the site being used by protected species for any purpose.

Having regard for the impacts of the proposed development and the on-site mitigation measures that can be secured, the submitted Biodiversity Impact Assessment as submitted would result in an overall net-loss of biodiversity. The applicant has proposed to mitigate this loss by off-site mitigation in the form of enhancements and management of two land parcels under the applicants control adjacent to the application site. Subject to a condition that requires exact details of the mitigation proposals and how the land parcels and site feature be managed over the long term, and the completion of a section 106 agreement that secures the land parcels to managed in accordance with the approved details in perpetuity, it is considered that the proposal is capable of avoiding an overall net loss in biodiversity.

The Council's Tree Officer has raised concerns that the main access road and proposed underground services will encounter the root protection area of a tree on the sites southern boundary which exceeds the 20% threshold and is marked for retention. The development is therefore likely to result in harm to and potential loss of the tree over the longer term. The loss of the additional tree has therefore been accounted for within the submitted biodiversity metric and therefore contributes towards the overall biodiversity loss and subsequent level of mitigation

required.

The submitted survey proposes a number of permanent mitigation proposals, to include the use of bat bricks or bat boxes, the creation of hedgehog openings within boundary treatments and the use of sensitive external lighting. Provided that a condition is imposed on any consent that requires the development to be carried out in accordance with detailed mitigation measures, together with the securing of off site enhancements and management of the adjacent site under the applicants control the development will accord with policy Ne1 and the NPPF.

### **Flood Risk and Surface Water Drainage**

The site is situated within Flood Zone 1, an area at lowest risk from fluvial flooding, and the site is identified as an area of low risk of surface water flooding, as defined by the Environment Agency's Surface Water Flood Maps.

Subject to conditions, it is considered that the proposal would not result in flooding or surface water drainage issues and consequently would accord with the aims of Policies Cc2 of the adopted Local Plan, as well as the guidance set out within the NPPF.

### **River Mease Special Area of Conservation/SSSI**

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). The Gilwiskaw Brook, one of its tributaries, lies around 100 metres to the west. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river.

As a result of the proposed development there could be an impact on the River Mease SAC, which may undermine its conservation objectives, from an increase in foul and surface water drainage discharge as well as due to its proximity to a tributary of the River Mease. Therefore an appropriate assessment of the proposal and its impacts on the SAC is required.

As the site is currently greenfield with no associated foul drainage discharge, there would be an increase in occupancy of the site, resulting in an increase in foul drainage discharge from the site. Additional foul drainage discharge from the site would therefore adversely impact on the SAC as it would pass through the sewage treatment works within the catchment area of the River Mease SAC and contribute to the raised phosphate levels in the river.

Discharge into the river from surface water disposal via a sustainable drainage system or via the mains sewer system can also result in an adverse impact on the SAC, including in relation to water quality and flow levels.

The site is also located close to a watercourse which is a tributary of the River Mease and therefore could be affected by construction works and activity associated with the proposal.

### ***Foul Drainage***

Natural England has advised that connection to the public sewer is the preferred drainage option for the disposal of foul water. There is an existing public foul sewer to the south-west of the site within Mill Street.

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 182 of the NPPF.

In March 2022 Natural England also published advice in respect of the nutrient neutrality methodology which can be used to mitigate against the impacts of additional phosphate entering the SAC from foul drainage associated with new development. The River Mease DCS is a mitigation scheme to mitigate against additional phosphate entering the SAC, and there is still capacity within the DCS for this proposed development. Therefore an assessment under the nutrient neutrality methodology is not required in this case.

The applicant has indicated they are willing to pay the required DCS contribution and a legal agreement has been drafted to secure the contribution.

The flows from the seven dwellings need to be taken into account against the existing headroom at Packington Treatment Works. 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 other developments which have subsequently been granted permission or have a resolution to permit in place, and so there is currently capacity for over 1200 dwellings. As such it is considered that capacity is available at the relevant treatment works for the foul drainage from the site.

On the above basis, compliance with the proposed legal agreement would ensure that foul drainage discharge from the site would not adversely impact on the integrity of the River Mease SAC.

### *Surface Water Drainage*

Natural England has indicated that the applicant should carry out percolation testing to assess the suitability of the site for the proposed method of surface water drainage. It is recommended that subject to mitigation measures to be secured by way of planning conditions and/or S106 agreement, the proposal would not result in harm to the water environment.

The proposed surface water drainage strategy includes storage of surface water in underground attenuation crates which will then discharge at greenfield rate into the watercourse to the west of the site. The required attenuation has been calculated for the 1 in 30 year plus climate change (30%) event and is to be at least 215 m<sup>3</sup>. This will be provided within attenuation crates located within the site and in particular in the turning area between Unit 6 and 7, and will have the capacity to store all rainwater falling on all roads, driveways, roofs, etc. The site does not provide the required space to deliver sustainable drainage system such as an above ground attenuation feature. The submitted drainage strategy for this development includes the attenuation crates discharging into the watercourse with a controlled flow rate of 5 l/s.

Due to the location of the proposed development, which falls within a Special Area of Conservation (River Mease Catchment), an extra treatment to the surface water should be provided before discharging it into the open water course to reduce the pollution hazard level. The proposed permeable paving system allows water to pass through the surface, between the paving units and the permeable laying course, into the underlying permeable construction where it is stored and treated against pollutants before being dispersed into the soil or into the attenuation tank.

The above solution will treat most of the rainwater falling on the road, based on the proposed layout and on the topography and levels of the site. A soil infiltration test has also been carried

out as requested by Natural England. The result has shown that the site cannot be drained by infiltration alone confirming that the proposed drainage solution is the best preferred option for this site. The drainage strategy also proposes that catch pits be provided within each property boundary to catch debris carried by the rainwater falling on the roofs before entering the main drainage system.

On the above basis, compliance with the proposed condition(s) would ensure that surface water run-off from the site would not adversely impact on the integrity of the River Mease SAC.

#### *Gilwiskaw Brook*

The site is 100 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 and so there is no need for a SAC construction management plan to be in place. It is suggested that details of how the surface water drainage system will connect with the drain to the west of the site, which subsequently discharges into the Gilwiskaw Brook should be secured by way of a condition prior to the commencement of development.

On the above basis, it is considered that construction works on the site would not adversely impact on the integrity of the River Mease SAC.

#### *Conclusion*

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no adverse effect on the integrity 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 2017, the NPPF and Policies En1 and En2 of the Local Plan.

#### **Developer Contributions**

Paragraph 57 of the NPPF sets out the Government's policy in respect of planning obligations and provides that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

#### **National Forest Planting:**

Under the relevant National Forest planting standards, 20% of the site is required to be provided as woodland planting and landscaping. The National Forest Company advises that, as the application area requires 0.17ha of woodland planting and landscaping within the development site or, if the required National Forest habitats cannot be accommodated, a Section 106 agreement should secure a financial contribution in lieu of on-site planting at £35,000 per hectare. As such, for a scheme of this size, this would equate to a contribution towards woodland creation elsewhere in the district of £5,950. The applicant is agreeable to making this contribution.

#### **Ecological Mitigation:**

Under Policy En1 of the Local Plan and the NPPF, the provision of off-site ecological compensation can be provided in where on-site mitigation cannot be delivered. The applicant is

proposing to enhance and manage two adjacent land parcels for the purposes of ecological mitigation. The exact scheme of mitigation measures and ongoing management proposals have not been agreed at this stage and it is therefore recommended that the scheme for both sites be agreed by way of a condition with the long-term retention and management in accordance with the approved scheme secured by way of a planning obligation within a Section 106 agreement. The off-site mitigation makes the development acceptable in planning terms and is informed by the submitted Biodiversity Impact Assessment which confirms the extent of mitigation required to offset the developments own impact and secure a net gain in biodiversity.

### **Other Matters**

It is noted that neighbour objections have suggested that the site is close to a former quarry (to the south) and concerns are raised over the stability of the land for development. Whilst any development would be subject to the usual requirements in respect of seeking approval under the Building Regulations at the appropriate time, the principle set out in Paragraph 184 of the NPPF (i.e. that responsibility for securing a safe development in respect of sites affected by contamination or land stability issues rests with the developer / landowner) would apply. To this end, it is noted that the site does not lie within a Coal Authority referral area, and that conditions are recommended to be imposed in respect of assessment (and, where required, remediation) of any contamination affecting the site in accordance with the advice of the District Council's Environmental Protection team.

Objections have been received on the basis that the proposed development will not meet needs of lower income or young homeowners. Policy H6 of the Local Plan seeks a mix of housing types, sizes and tenures in order to meet housing needs on development sites of 10 or more, and therefore it is not considered that this policy can be strictly applied in relation to this application. Notwithstanding this, the application seeks outline planning permission and therefore the scale and appearance of the house types are not for consideration at this stage.

### **Conclusions**

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.

In conclusion, the proposal complies with policy S2 due to the site's location in within the defined settlement limits of Packington, a settlement which can support some growth and development.

Furthermore, the proposal is not considered to have any significant detrimental heritage, design, residential amenity, arboriculture, flood risk, drainage or highway impacts that cannot be overcome by way of planning conditions or obligations.

There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the Council's Good Design SPD and the overarching guidance in the NPPF. Accordingly, the application is recommended for planning permission, subject to the imposition of planning conditions and the completion of a Section 106 agreement to secure off site biodiversity enhancements and natural forest planting.