

Erection of one self build dwelling (outline - means access and layout for approval)

Report Item No
A1

Barn Farm Babelake Street Packington Ashby De La Zouch
Leicestershire LE65 1WD

Application Reference
17/00284/OUT

Applicant:
Mr & Mrs K Wathes

Date Registered:
14 March 2017

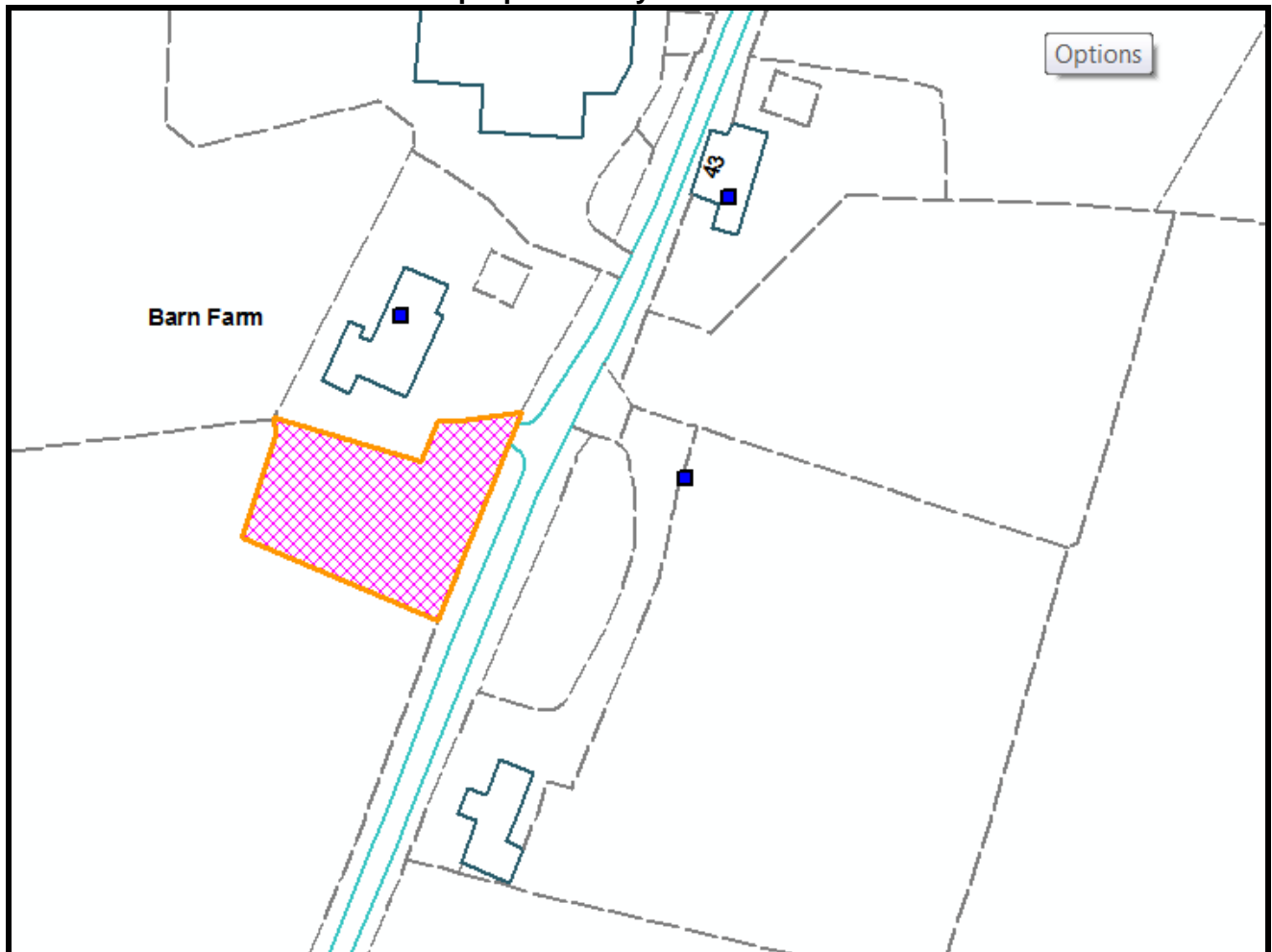
Case Officer:
Adam Mellor

Consultation Expiry:
20 April 2017
8 Week Date:
9 May 2017

Recommendation:
REFUSE

Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee at the request of Councillor Nigel Smith on the basis that permission has been granted for a dwelling on the opposite side of Babelake Street, that the family reside in the settlement and the extra accommodation obtained pursuant to the application is needed to help sustain the farm and permission has been granted for other sites outside the Limits to Development previously.

Proposal

Outline planning permission is sought for the erection of a self-build dwelling at Barn Farm, Babelake Street, Packington with means of access and layout for approval at this stage. The 0.05 hectare sized site is situated on the western side of Babelake Street and is outside the defined Limits to Development.

Consultations

One individual representation has been received which neither objects to nor supports the development proposals. Packington Parish Council objects to the application. All other statutory consultees, with the exception of the Environment Agency, Council's Environmental Protection Team and Severn Trent Water whose comments are awaited, have raised no objections subject to the imposition of conditions on any consent granted.

Planning Policy

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

Conclusion

The application site is a greenfield site situated outside the defined Limits to Development with the proposed development adversely affecting and diminishing the present open character of the environment in which it would be set, and would represent an incongruous encroachment of development into the rural environment which should be protected for its own sake. As a result of this the development would fail to protect or enhance the natural environment contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan. Policy S2 of the submitted Local Plan also identifies that in Packington the limited amount of growth which would take place will be within the Limits to Development.

The layout of the proposal as submitted would result in a density of development which would be significantly higher than that established in the immediate area. On this basis the form of development would be discordant and incongruous with the local pattern of development and create a proposal which is cramped and constrained in the context of the spaciousness afforded to dwellings. This is compounded by the sites prominence. As a result of this there would be significant harm to the character and appearance of the streetscape. On this basis the development would fail to integrate into the environment in which it is set contrary to the environmental strand of sustainability, in particular the aims of Paragraphs 57, 61 and 64 of the

NPPF, as well as Policies E4 and H7 of the adopted Local Plan and Policy D1 of the submitted Local Plan. As the development would be partly on residential garden and would result in harm to the visual amenities of the local area it is also considered that the development would conflict with Paragraph 53 of the NPPF.

RECOMMENDATION - REFUSE.

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 recommendations, 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 is sought for the erection of one self-build dwelling with means of access and layout for approval at Barn Farm, Babelake Street, Packington. The 0.05 hectare sized site is situated on the western side of Babelake Street and is outside the defined Limits to Development. The surrounding area is predominately rural in nature, being defined by open countryside and paddocks, with the main settlement of Packington being to the north east.

It is proposed that a detached dwelling would be created to the south of Barn Farm on land currently utilised for agriculture, as well as being a residential garden to Barn Farm, and which would cover a ground area of 94.32 square metres. Whilst scale is not for approval at this stage the indicative elevations suggest that the dwelling would be two-storey in height by providing habitable accommodation in the roof slope.

In terms of vehicular access this would be gained via an existing access off Babelake Street with two off-street parking places being provided externally. Manoeuvring facilities would also be accommodated within the site.

Within the planning statement it is specified that the proposed dwelling is for the applicants with their son (Matt Wathes) and his family occupying Barn Farm due to him being required to assist in the day to day running of the current agricultural operation on a more permanent basis.

A highway statement, River Mease SAC statement and planning statement have been submitted in support of the application.

The only other recent application was associated with an agricultural prior notification for the erection of an agricultural storage building where no objections were raised on the 23rd April 2014.

2. Publicity

Two neighbours notified 30 March 2017.

Press Notice published Leicester Mercury 5 April 2017.

Site Notice posted 05 April 2017

3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

Environment Agency no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

Leicestershire County Council - Archaeology has no objections.

Leicestershire County Council - Ecology has no objections subject to conditions.

Leicestershire County Council - Highways Authority has no objections subject to their standing advice being considered.

Natural England has no objections subject to conditions.

NWLDC - Environmental Protection no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

Packington Parish Council object to the application as the proposal "*represents inappropriate ribbon development and is outside the defined Limits to Development.*"

Severn Trent Water no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

Third Party Representations

One representation has been received which appears to provide a character reference for the applicant's son and is therefore considered to neither support nor object to the development proposals given that it has no planning basis.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

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 NPPF. The closer the policies in the development plan to the policies in the NPPF, the greater weight they may be given.

Save where stated otherwise, the policies of the adopted 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.

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);
Paragraph 28 (Supporting a prosperous rural economy);
Paragraphs 32, 34 and 39 (Promoting sustainable transport);
Paragraphs 49 and 55 (Delivering a wide choice of high quality homes);
Paragraphs 57, 60, 61 and 64 (Requiring good design);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 118, 120 and 121 (Conserving and enhancing the natural environment);
Paragraph 141 (Conserving and enhancing the historic environment); and
Paragraphs 203 and 206 (Planning conditions and obligations).

Adopted North West Leicestershire Local Plan (2002)

The application site is outside the Limits to Development as defined in the adopted Local Plan. The following adopted Local Plan policies are relevant to this application: -

Policy S3 - Countryside;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy F1 - General Policy;
Policy F2 - Tree Planting;

Policy F3 - Landscaping and Planting;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy H6 - Housing Density; and
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. The weight to be attached by the decision maker to this submitted version should be commensurate to the stage reached towards adoption: -

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy S3 - Countryside;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En2 - River Mease Special Area of Conservation;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The NPPG does not change national policy but offers practical guidance as to how such policy is to be applied.

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

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

Circular 06/2005 sets out that local planning authorities should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system.

River Mease Water Quality Management Plan - August 2011.

The River Mease Developer Contributions Scheme (DCS).

The Community Infrastructure Levy Regulations.

5. Assessment

Principle of Development

In accordance with the provision 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 Local Plan (2002 (as amended)).

The application site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan, or Policy S3 of the submitted Local Plan. Policy S2 of the submitted Local Plan advises that Packington is a Sustainable Village where a limited amount of growth will take place within the defined Limits to Development.

The NPPF requires that the District 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 Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the submitted Local Plan.

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

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. Ashby De La Zouch is also located around 1.7km from the site, where a wider range of services can be found. Whilst there is no footway along this part of Babelake Street, it has a relatively low traffic flow with verges and footways being available further along the road. Furthermore, there are several public footpaths leading off the road linking to the village and National Forest plantations, and the road is used by cyclists, walkers and horse riders from the nearby Champneys spa and stables. On this basis there are opportunities to walk to the village from the site along a route which is already in use by pedestrians and other non-car users. Therefore, it is considered that occupiers of the dwelling would not necessarily be dependent on the private car in order to access basic services with the proposed dwelling assisting in sustaining the available services in the village which is a key intention of Paragraphs 28 and 55 of the NPPF.

From an environmental sustainability perspective it is noted that the application site is mainly agricultural land, with part of the garden associated with Barn Farm also being included in the application site area, both of which would be classed as greenfield land. The site is also outside the defined Limits to Development on both the Proposals Map to the adopted and submitted Local Plans, and would therefore be assessed against the criteria of Policy S3 of the submitted Local Plan and Policy S3 of the submitted Local Plan, particularly as the Local Authority is able to demonstrate a five year supply of housing. Such policies are considered to be supported by the principles of the NPPF and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

It is, however, recognised that the NPPF does not necessarily preclude development on greenfield land and therefore a determination is also made as to whether the dwelling would be 'isolated' in the context of Paragraph 55, or impact adversely on the rural environment as

specified at Paragraph 17 of the NPPF.

The supporting statement specifies that the proposed dwelling is not an "agriculturally tied dwelling" with limited information provided on why the dwelling is proposed in the location which has been selected. If a dwelling is required to support a farm the Annex, previously associated with the now cancelled Planning Practice Guidance (PPG) 7, is still considered to provide a reasonable basis for an assessment in respect of the issues to be considered for such dwellings. In such a scenario it would be expected that an application for such a dwelling would be accompanied by information setting out the functional and financial case for the need for a dwelling on the site. As no such information has been submitted, and the application has not been made wholly on this basis, limited weight is attached to dwelling being essential to the agricultural use undertaken.

The application site is detached from the Limits to Development and partly comprises residential garden as well part of an agricultural field, which is visually linked with further agricultural land beyond its southern, western and north-western boundaries, and which are defined by low level hedges and post and wire fencing. This open and undeveloped environment is considered to be its defining characteristic and therefore contributes positively to the character and appearance of the local landscape. A residential development, combined with its associated infrastructure, would diminish this present open character by urbanising the site and would represent an incongruous encroachment into the rural environment particularly given that the western side of Babelake Street remains largely undeveloped, and there is no overriding need for this type of proposal to come forward on the site. The development would also extend the extent of the built environment in a southern direction and, in a way, represents an inappropriate form of ribbon development which conflicts with the aims of Policy S3 of the submitted Local Plan. There is also no justification provided as to why the dwelling is required to be positioned in this particular location, rather than elsewhere on land within the ownership of the applicant which may have less implications to the rural environment.

Whilst it is acknowledged that permission has been granted for a dwelling on the eastern side of Babelake Street, under application references 16/00612/OUT and 17/00174/REM, it is considered that the circumstances of that site are somewhat different to the application site as this proposal would result in an unwarranted extension of residential development further southwards than that which currently exists on Babelake Street with Barn Farm currently defining the furthest extent of dwellings on this part of the highway. In addition, the recently approved dwelling on the eastern side of Babelake Street is located on a site where mature landscaping visually screens the property and reduces its integration with the wider rural environment.

It is also considered that the proposal would have design implications to this part of Packington, which are discussed in more detail below, and it remains a fundamental tenet of the planning system that each application be assessed on its own merits.

On the basis of the above the proposal would conflict with a fundamental principle of the NPPF by virtue of its failure to protect or enhance the natural environment. As the development site is also outside the defined Limits to Development it would conflict with Policy S3 of the adopted Local Plan and Policy S3 of the submitted Local Plan.

Although it is considered that the proposed development will impact adversely on the 'openness' of the rural environment, it would be difficult to determine that the dwelling would be isolated given its association with the existing dwelling at Barn Farm.

To conclude, any support warranted to the economic benefits, which would be simply limited to the construction of the dwelling, and limited social benefits, given that only one property would be created, would be significantly and demonstrably outweighed by the negative environmental impacts of the proposal. Accordingly the development cannot be considered to represent sustainable development and, therefore, the application would not be acceptable in relation to the NPPF as well as relevant policies of the adopted and submitted Local Plans.

The proposed development would result in the loss of agricultural land. Best and Most Versatile (BMV) agricultural land is defined as that falling within Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The ALC maps indicate that the site falls within Classes 2 (Very Good) and 3 (Good to Moderate) and whilst the NPPF does not suggest that the release of a smaller BMV site 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 (0.05 hectares), it is considered that this is not sufficient to sustain a reason for refusal against Paragraph 112 of the NPPF in this case.

The site is also partly used as garden land, which is excluded from the definition of previously developed land set out in the NPPF, and therefore effectively constitutes a greenfield site. It is highlighted within the NPPF that decisions should encourage the effective use of land by re-using land that has been previously developed and that Local Planning Authorities should consider the use of policies to resist inappropriate development of residential gardens (Paragraph 53). Neither the adopted or submitted Local Plans contain a specific policy which restricts development on garden land but in the circumstances that the development is detrimental to the character and appearance of the rural landscape, as assessed above, and results in harm to the character and appearance of the streetscape, as assessed below, it is considered that there would be a conflict with Paragraph 53 of the NPPF.

Impact on the Character and Appearance of the Streetscape and Density

The need for good design in new residential development is outlined not only in adopted Local Plan Policies E4 and H7, as well as Policy D1 of the submitted Local Plan, but also Paragraphs 57, 60 and 61 of the NPPF.

At present the application site is an open agricultural field with land levels which rise from east to west and south to north. The western side of Babelake Street beyond Barn Farm remains largely undeveloped with the equestrian uses which exist, and only other existing dwelling (no. 43), being contained to the eastern side of the highway. Barn Farm and no. 43 Babelake Street both present their principal elevations to the highway but are set at differing proximities to Babelake Street.

Scale, appearance and landscaping are all included as matters to be considered at a later stage although the layout is for approval under this application. It is proposed that dwelling would be orientated to address Babelake Street and whilst it would be closer to the highway than Barn Farm it is considered that no. 43 Babelake Street abuts the highway and the dwelling permitted under application references 16/00612/OUT and 17/00174/REM is further from the highway than both Barn Farm and no. 43. Given the variety in the proximity of dwellings to the carriageway it is considered that its proximity would not be significantly adverse to the character of the streetscape.

Although the position of the dwelling in relation to the highway would not be significantly adverse it is considered that the dwellings which exist in the area, including that permitted under application references 16/00612/OUT and 17/00174/REM, are located within plots of land which

are large and provide a degree of spaciousness around the property with densities of 5.2 dwellings per hectare (new dwelling on eastern side of Babelake Street), 10 dwellings per hectare (Barn Farm) and 14.3 dwellings per hectare (no. 43 Babelake Street). By contrast the proposed dwelling would be situated on a plot of land which would result in a density of 20 dwellings per hectare which would be significantly higher than that established in the area and not provide an opportunity to create the spaciousness around the proposal which is a characteristic of the area. On this basis the form of development would be discordant and incongruous with the pattern of development and create a proposal which is cramped and constrained in the context of the spaciousness afforded to dwellings close by. As a result of this there would be significant harm to the character and appearance of the streetscape with this harm being compounded by the prominence of the property when travelling in both directions along Babelake Street.

As the land is partly residential garden it is also considered that a development of this nature would conflict with Paragraph 53 of the NPPF given the harm which would be caused to the visual amenities of the local area.

With regards to the appearance of the dwelling this would be agreed at the reserved matters stage, should outline permission be granted, and at this point an appropriate design could be achieved which would accord with the Council's current design agenda by providing a scheme which responds to the positive characteristics of dwellings within the area.

Overall the proposed development would result in conflict with the environmental strand of sustainability, as well as Paragraphs 61 and 64 of the NPPF, Policies E4, H6 and H7 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Accessibility

The County Highways Authority have raised no objections subject to their standing advice being considered.

The site is located on a straight stretch of Babelake Street within a 30mph zone. A supporting highway statement has identified that the applicant's son is responsible for running the farm, with the applicants themselves assisting him, and at present he has to travel between 2 to 3 times a day from his current residence in Donisthorpe in order to carry out this work. It is intended that the applicants would reside in the proposed dwelling with their son and his family then residing in Barn Farm. On this basis it is considered that any additional movements on Babelake Street from the new dwelling would be off-set by the removal of vehicle movements by the applicants son between the site and Donisthorpe and therefore there would not be a significant increase in vehicular movements on Babelake Street which would be considered to be of severe detriment to highway safety.

It is, however, acknowledged that the suitability of the proposal under application reference 16/00612/OUT (on the opposite side of Babelake Street) was on the basis that a condition was imposed to ensure that the dwelling was not severed from the use of the site for the keeping of horses in order to prevent an increase in vehicular movements. Given the imposition of such a condition on that permission it is considered reasonable to impose a similar restriction, should outline consent be granted, specifying that the proposed dwelling should only be occupied by anyone associated with the farming operations undertaken.

In respect of the access arrangements it is proposed that one of the existing accesses would be adapted to be solely used by the new dwelling with the other access only being connected with

Barn Farm. This access has visibility splays of 60 metres in a northwards direction and 100 metres in a southern direction and these would be considered sufficient on a highway where the speed limit is 30mph with the longest visibility splay being in a direction where the speed of vehicles would reduce from 60mph to 30mph. Given that the proposed access has previously been associated with the movements of one dwelling it is considered that it is of a sufficient width to cater for domestic vehicles with relevant manoeuvring facilities being provided within the site so as to enable vehicles to exit in a forward direction.

On the basis that there would not be a severe impact on highway safety it is considered that the proposal accords with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

The plans indicate the provision of two off-street parking spaces which would be considered sufficient for a property with up to three bedrooms, on the basis of the 6Cs Design Guide. On this basis the proposal would accord with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

Neighbours and Future Occupants Amenities

The dwelling which would be directly impacted on as a result of the development would be Barn Farm (within the ownership of the applicants) which is a single storey detached property.

On the basis of the submitted layout plan the dwelling would be set to the south-east of Barn Farm at a distance of 9.4 metres from the closest habitable room window (located on the south-eastern (side) elevation). It is considered that the position of the dwelling would not result in any significantly adverse overbearing or overshadowing impacts to the amenities of Barn Farm although the full extent of any impact could only be undertaken once the height of the dwelling was known. Therefore, a more definitive conclusion would be reached on this matter under a subsequent reserved matters application should permission be granted. It is also not possible for a judgement to be made on any potential overlooking impacts until such time as the floor plan of the dwelling is known which would not be until the reserved matters stage.

It is also considered that the future amenities of any occupant of the proposed dwelling would not be adversely impacted on by the relationship with Barn Farm particularly given that this dwelling is single storey in height and is orientated to the north-west.

Whilst no representation has been received from the Council's Environmental Protection it is noted that the initial occupants would be associated with the farming activity undertaken on the site and as such would not be concerned with any noise or smell implications connected with such a use. Also the imposition of a condition on any permission granted limiting the occupancy of the dwelling to anyone associated with the agricultural operations from the site, which would be required from a highway safety perspective, would also ensure that any future occupant would be generally familiar with the environment created from residing in close proximity to a farming operation.

Overall, therefore, the development would accord with the principles of Paragraph 123 of the NPPF, Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Ecology

The County Council Ecologist has raised no objections subject to the hedgerow to the site's front boundary being retained as it is identified as a Local Wildlife Site. On the basis of the site layout the dwelling would be set at least 5 metres from this hedgerow, at its closest point, which

would ensure that the built form would not impact on its integrity. An existing access into the site would also be utilised. Subject to the imposition of the suggested condition of the County Council Ecologist the proposal would accord with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the submitted Local Plan.

Landscaping

In order to facilitate the development it would be necessary to remove a hedge, which exists internally within the site, and two trees. None of the vegetation to be removed is considered to contribute significantly to the visual amenities of the streetscape or wider area and as such its removal would be acceptable. It would also be possible to secure replacement planting as part of the landscaping proposals presented at the reserved matters stage should outline permission be granted.

On this basis the proposal would accord with Policies E7, F1, F2 and F3 of the adopted Local Plan and Policy En3 of the submitted Local Plan.

River Mease Special Area of Conservation

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). 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 (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS is considered to meet the three tests of the 2010 CIL Regulations and Paragraph 204 of the NPPF.

As the site is over 30 metres from the nearest public sewer and the applicant does not have permission to connect to a nearby private sewer a package treatment plant is proposed to be utilised in connection with the dwelling and which would discharge treated water into soakaways and would be required to be emptied once a year. The existing dwelling is served by a septic tank.

Natural England advises that the Council should satisfy itself that there would be no harmful discharges of foul or surface water from the site into the River Mease or its tributaries (which includes the Gilwiskaw Brook). No representation has been received from the Environment Agency but it is noted that they did not object to the application associated with the dwelling constructed on the opposite side of Babelake Street (under application reference 16/00612/OUT) which proposed the use of a septic tank or cess pool. The management of a package treatment plant would be dealt with by the Environment Agency as 'competent authority' under the Environmental Permit system. Furthermore none of the Severn Trent Water (STW) treatment works in the SAC catchment area accept foul waste from licensed waste collectors, which STW have previously advised on and this arrangement is to continue in perpetuity. Given the distance from the site to the Gilwiskaw Brook (in excess of 150 metres) it is considered that the effluent discharged from the package treatment plant and any surface water drainage solution would not adversely impact on the SAC/SSSI. A condition could be imposed requiring discharge of surface water to a sustainable drainage system.

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.

Archaeology

The County Council Archaeologist has raised no objections to the application and does not consider any archaeological investigations will be required. On the basis that archaeology would not act as a constraint on the development the proposal would accord with Paragraph 141 of the NPPF and Policy He1 of the submitted Local Plan.

Other Matters

The National Planning Practice Guidance (NPPG) sets out a hierarchy of preferred non-mains drainage solutions; firstly mains sewer, then a package treatment plant and lastly septic tanks, with no reference made to cesspools. The NPPG also advises that non-mains proposals should clearly set out the responsibility and means of operation and management of non-mains drainage systems, and the effects on amenity and traffic should be considered, due to the need for sludge to be removed by tankers, matters which also applicable to cesspools. Withdrawn Circular 03/99 also set out guidance for assessments of non-mains drainage proposals, which provides a useful tool. As identified above the proposed dwelling cannot connect to the mains sewer and consequently the second most preferable non-mains drainage solution (a package treatment plant) has been selected. It is considered that the use of such a system on this site would not set a precedent for non-mains drainage on other sites, given the circumstances, and consequently this solution would be acceptable.

Conclusion

The application site is a greenfield site situated outside the defined Limits to Development with the proposed development adversely affecting and diminishing the present open character of the environment in which it would be set, and would represent an incongruous encroachment of development into the rural environment which should be protected for its own sake. As a result of this the development would fail to protect or enhance the natural environment contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan. Policy S2 of the submitted Local Plan also identifies that in Packington the limited amount of growth which would take place will be within the Limits to Development.

The layout of the proposal as submitted would result in a density of development which would be significantly higher than that established in the immediate area. On this basis the form of development would be discordant and incongruous with the local pattern of development and create a proposal which is cramped and constrained in the context of the spaciousness afforded to dwellings. This is compounded by the sites prominence. As a result of this there would be significant harm to the character and appearance of the streetscape. On this basis the development would fail to integrate into the environment in which it is set contrary to the environmental strand of sustainability, in particular the aims of Paragraphs 57, 61 and 64 of the NPPF, as well as Policies E4 and H7 of the adopted Local Plan and Policy D1 of the submitted Local Plan. As the development would be partly on residential garden and would result in harm to the visual amenities of the local area it is also considered that the development would conflict with Paragraph 53 of the NPPF.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reasons;

- 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 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. The proposed development being on a greenfield site would adversely affect and diminish the present open character of the environment resulting in significant harm to the character and rural appearance in which it would be set and would represent an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment and would not therefore constitute sustainable development, contrary to the environmental strand of sustainability enshrined within the NPPF. In addition, the development would be contrary to Paragraphs 17 of the NPPF, Policy S3 of the adopted Local Plan and Policies S2 and S3 of the submitted Local Plan.

- 2 Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development and provides that the planning system needs to perform an environmental role, including contributing to protecting and enhancing our built and natural environment. Policy H7 of the adopted Local Plan seeks good design in all new housing developments with Policy E4 of the adopted Local Plan, and Policy D1 of the submitted Local Plan, requiring new development to respect the character of its surroundings. Policy H6 of the adopted Local Plan also indicates that when assessing density it is important to factor into the assessment, amongst other things, the good principles of design and layout which respect the local context. Paragraph 53 advises that inappropriate development on residential gardens should be resisted. It is considered that the proposed density of development, which would be significantly higher than that established in the immediate area, would be discordant and incongruous with the pattern of development on Babelake Street and create a proposal which is cramped and constrained in the context of the spaciousness afforded to dwellings, particularly given the site's prominence. The development would also partly be on residential garden and would result in harm to the local area. On this basis the proposal fails to integrate into the environment in which it is set contrary to the environmental strand of sustainability, and in particular the aims of Paragraphs 53, 57, 61 and 64 of the NPPF, Policies E4, H6 and H7 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Notes to applicant

- 1 Outline planning permission has been refused for this proposal for the clear reasons set out in this decision notice. It is considered that the application is not acceptable in principle and as such the Local Authority has not entered into dialogue to seek any amendments. The Local Planning Authority has therefore complied with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.