

Conversion and extension of existing building to one residential dwelling

**Report Item No
A3**

**33-35 High Street Packington Ashby De La Zouch
Leicestershire LE65 1WJ**

**Application Reference
18/02002/FUL**

**Grid Reference (E) 436151
Grid Reference (N) 314646**

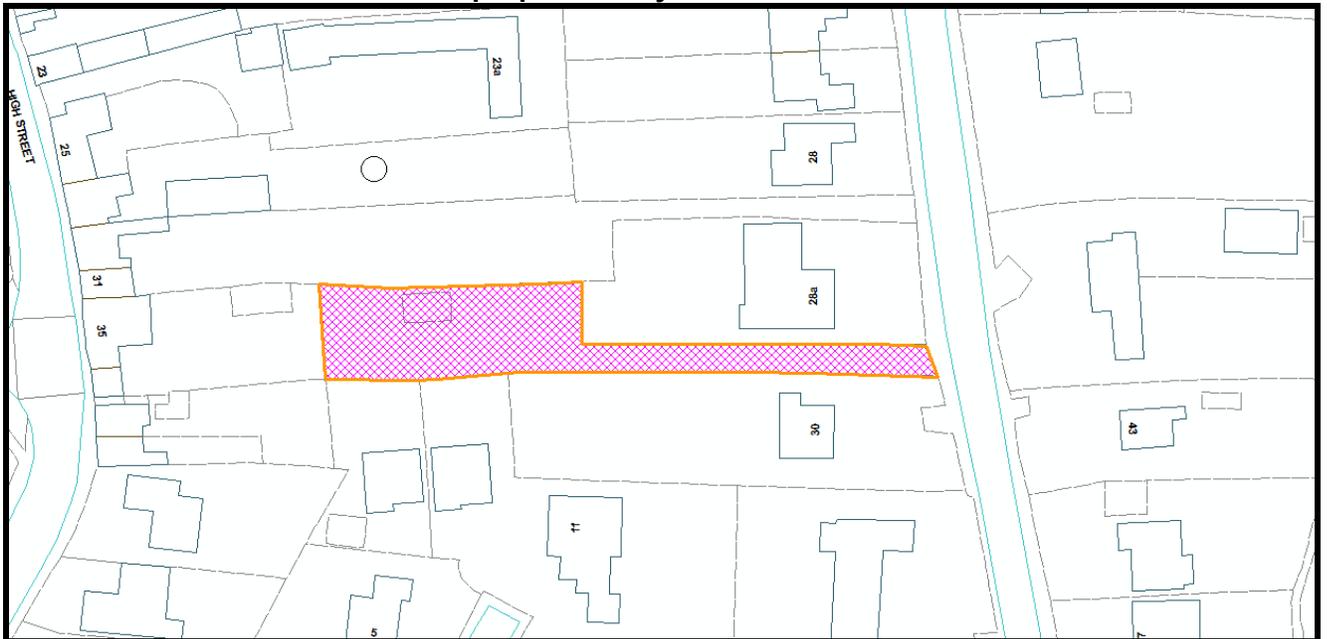
**Date Registered:
1 November 2018
Consultation Expiry:
21 December 2018
8 Week Date:
27 December 2018
Extension of Time:
9 January 2019**

**Applicant:
Mrs Elfie Marden**

**Case Officer:
Jenny Davies**

**Recommendation:
PERMIT subject to S106 Agreement**

Site Location - Plan for indicative purposes only



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1. Proposals and Background

Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee as the planning agent is a close relative of Councillor Blunt.

Proposal

Planning permission is sought for the conversion and extension of an existing building to one dwelling on land to the rear of No. 33-35 High Street, Packington. The site was previously part of the garden to No. 33-35. A single storey extension is proposed on the eastern side of the existing single storey building. The dwelling would be served by an existing access off Normanton Road.

Consultations

Members will see from the main report below that a total of seven letters of representation (three from the same property) have been received, all of which raise objections. Packington Parish Council raises objections in respect of highway safety, inappropriate development and design. The Council's Conservation Officer had concerns regarding the design of the extension, which have been addressed by amended plans. All other statutory consultees have raised no objections.

Planning Policy

The application site is located within the Limits to Development as defined in the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application details are:

- The principle of the erection of a dwelling on the site
- Impact on highway safety
- Impact on residential amenities
- Impact on the setting of a listed building and the Packington Conservation Area
- Impact on the River Mease SAC

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies, including the Good Design for North West Leicestershire SPD, and the NPPF.

RECOMMENDATION - THAT PLANNING PERMISSION BE GRANTED SUBJECT TO CONDITIONS AND THE SIGNING OF A SECTION 106 AGREEMENT

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 and the Officer's assessment, and Members are advised

that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the conversion and extension of an existing building to one residential dwelling on land to the rear of No. 33-35 High Street, Packington. The site lies to the east of existing dwellings on High Street, and to the west of existing dwellings on Normanton Road, and is adjoined by dwellings and gardens on all sides. The site is occupied by a single storey detached building currently used for domestic storage, along with trees and vegetation and an access track, and it appears that the site previously formed garden to No. 33-35. A separate garden area for No. 33-35 has been formed.

The building would be extended on its eastern side to form a single storey dwelling with one bedroom. Existing openings in the building would be utilised in its southern and western elevations, with windows proposed in the southern and eastern elevations of the extension. No openings are proposed in the building's northern elevation or any of its roofslopes. An existing access onto Normanton Road (which is located between Nos. 28A and 30 Normanton Road) would be utilised, serving a single track access drive that leads into the site. No. 33-35 High Street would retain a right of access along the access drive. Two parking spaces and turning space are proposed at the eastern end of the site. Amended plans have been received which show a reduction in the eaves and ridge height of the extension and changes to the door designs, following officer concerns in relation to harm to heritage assets. The precise dimensions of the proposal are available to view on the planning file.

The site lies within the Limits to Development as identified in the adopted North West Leicestershire Local Plan (2017). The site also lies within the catchment area of the River Mease Special Area of Conservation. The site lies within the Packington Conservation Area. No. 21 High Street, which is a Grade 2 listed building, lies around 70 metres to the north west. Nos. 23, 25 (and its outbuildings), 27, 29, and 31 High Street are considered to be unlisted buildings of interest and therefore are non-designated heritage assets.

Outline planning permission was refused in March 1996 (95/1155) for the extension and conversion of the building to residential use and erection of a garage, on seven grounds relating to lack of a direct road frontage resulting in undesirable backland development, lack of acceptable standards for future occupiers, noise and disturbance from use of the access drive, difficulty in finding the site, restricted width to the access drive resulting in service and emergency vehicles parking on Normanton Road, lack of pedestrian visibility splays and not enough space along the drive for two cars to pass each other.

2. Publicity

No neighbours notified.

Site Notice displayed 15 November 2018.

Press Notice published Leicester Mercury 21 November 2018.

3. Summary of Consultations and Representations Received

Statutory Consultees

Packington Parish Council objects on the following grounds:

- highway issues - the narrow vehicle access on to Normanton Road is not safe;
- this is an inappropriate development and the conversion of a building in a garden is considered unacceptable;
- the design of the extension is not subservient to the original building.

The Council's Conservation Officer had concerns regarding the design of the extension, which have been addressed by amended plans.

The Council's Tree Officer has no objections.

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

The County Ecologist has no objections.

The County Highway Authority refers to its Standing Advice and raises no objections.

The Council's Waste Services team advises that bins should be presented for collection at the public highway.

The County Archaeologist requests the imposition of conditions.

Third Party Representations

Seven letters of representation (three from the same property) have been received which object on the following grounds:

Material Considerations

- increase in traffic using narrow driveway and close to existing dwellings;
- poor visibility at junction of driveway with Normanton Road;
- No. 33-35 High Street has a right of access along the driveway;
- lack of on-street parking spaces on High Street;
- two parking spaces unusual for a one bedroom property;
- variation application likely to add a second bedroom;
- bins cannot be left out on High Street as no direct access, and would need to be left on Normanton Road;
- impact on the Conservation Area;
- noise and disturbance to nearby dwellings in particular from use of the driveway;
- proposed tree planting would obscure light to existing solar panels;
- existing conifers on southern boundary are so tall cannot easily be maintained;
- additional planting on southern boundary could therefore impact on nearby dwellings;
- landscaping scheme needs to ensure privacy for existing and proposed dwellings;
- concerns regarding the bat survey as bats have been observed in the adjacent garden;
- impacts on nearby garden pond have not been considered;
- previous applications to develop the site have been refused;
- extension to No. 30 Normanton Road not shown on the plans;
- incorrect information within application documents;

Non-Material Considerations

- fence panels need replacing;
- impact on property value and sale of nearby property;
- land accessed without permission to take photographs.

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

4. Relevant Planning Policy

National Planning Policy Framework - July 2018

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

application:

Paragraphs 8 and 10 (Achieving sustainable development)
Paragraph 11 (Presumption in favour of sustainable development)
Paragraphs 54, 55 and 56 (Decision-making)
Paragraphs 59, 68, 73, 74 and 78 (Delivering a sufficient supply of homes)
Paragraph 91 (Promoting healthy communities)
Paragraphs 102, 103, 107, 108, 109 and 110 (Promoting sustainable transport)
Paragraphs 117, 118 and 122 (Making effective use of land)
Paragraphs 124, 127, 128 and 130 (Achieving well-designed places)
Paragraphs 148, 150, 153, 155 and 163 (Meeting the challenge of climate change, flooding and coastal change)
Paragraphs 170, 175, 177 and 180 (Conserving and enhancing the natural environment)
Paragraphs 189, 190, 192, 193, 194, 195, 196, 197, 199, 200 and 201 (Conserving and enhancing the historic environment)

Adopted North West Leicestershire Local Plan (2017):

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

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

Other Guidance

Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
The Community Infrastructure Levy Regulations 2010
The Conservation of Habitats and Species Regulations 2010
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)
National Planning Practice Guidance - March 2014
River Mease Water Quality Management Plan - August 2011
The River Mease Developer Contributions Scheme (DCS) - September 2016
Leicestershire Highways Design Guide (Leicestershire County Council)
Good Design for North West Leicestershire SPD - April 2017
Packington Conservation Area Study and Appraisal - 2001
National Forest Strategy 2014-2024

5. Assessment Principle

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, comprises the adopted North West Leicestershire Local Plan (2017).

The application site lies within the defined Limits to Development within the Local Plan. Under Policy S2 in villages such as Packington a limited amount of growth will take place within the Limits to Development.

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

The site appears to have been part of the residential curtilage associated with No. 33-35 High Street. Garden land in built up areas is excluded from the definition of previously developed land set out in the NPPF and therefore effectively constitutes a greenfield site. The NPPF states 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. As the Council does not have a specific policy that prevents development on gardens, it is deemed that a reason for refusal on the basis of the loss of part of the residential garden could not be justified in this instance.

In terms of social sustainability Packington provides a range of day to day facilities, e.g. a primary school, shop, church, village hall, a public house, play area/recreation ground and some small-scale employment sites, along with a limited hourly public transport service. These services/facilities are within 800 metres to one km (preferred maximum walking distance) of the site. The centre of Ashby-de-la-Zouch is also located approximately 2.5km from the site, where a wider range of services can be found and is considered to be accessible on foot or by cycling. Therefore, it is considered that occupiers of the dwellings would not necessarily be dependent on the private car. Taking all of these matters into account it is considered that the site is socially sustainable in terms of access to services/facilities.

There would also be very limited economic benefits which would include local construction jobs and helping to maintain local services in the area.

In terms of environmental sustainability as set out in more detail below, the proposal would not result in any unacceptable impacts on the natural, built or historic environment.

In the overall balance, the proposal would comply with Policy S2 of the Local Plan, and the site's social sustainability credentials, lack of unacceptable impacts on the natural, built or historic environment and very limited economic benefits all weigh positively in the balance. It is therefore considered that the proposal represents a sustainable form of development.

Highway Safety

Concerns have been raised by the Parish Council and residents in respect of highway safety, in particular relating to an increase in use of the narrow access drive, and visibility at the junction of the drive with Normanton Road.

The 1995 outline application for conversion of the building was also refused on four grounds

relating to highway safety; difficulty in finding the site, restricted width to the access drive resulting in service and emergency vehicles parking on Normanton Road, lack of pedestrian visibility splays and not enough space along the drive for two cars to pass each other.

The access drive could be used by occupiers of No. 33-35 High Street, who have a right of access along the drive. The access drive is also single width along its whole length, so there is no space for vehicles to pass each other.

The County Highway Authority advises that good levels of visibility is available in both directions at the junction of the access drive with Normanton Road. The small amount of overhanging vegetation could be cut back as it overhangs the public highway. The Highway Authority also advises that whilst the access width is not in accordance with the Leicestershire Highways Design Guide (which requires a 4.25 metres width for drives serving two dwellings), on balance given the negligible trip generation from the proposal, it would not be able to sustain a reason for refusal.

The Highway Authority advises that the visibility splays and parking and turning space shown on the plans are in accordance with the standards set out in the Design Guide, which requires 43 metre visibility splays in a 30mph zone and two parking spaces for dwellings with up to three bedrooms. Conditions could be imposed to secure these matters, along with pedestrian visibility splays, surfacing of the access drive and drainage to prevent surface water discharge into the highway.

The Highway Authority has also reviewed recorded personal injury collisions from the most recent five year period, which revealed that there is evidence of one slight collision within 500 metres of the site access, which occurred in 2014 at the junction of Normanton Road and Heather Lane. On balance the Highway Authority does not therefore consider the proposal to constitute a severe impact under the NPPF.

It is therefore considered that the proposal would not result in an unacceptable impact on highway safety or a severe residual cumulative impact on the road network to justify a reason for refusal under adopted Policies IF4 and IF7 and paragraph 109 of the NPPF.

Residential Amenities

The proposal would result in an increase in traffic using the access drive and the site itself which adjoin Nos. 28A and 30 Normanton Road and rear gardens, as well as passing by the front of the proposed dwelling. The 1995 application was in part refused on the basis of noise from use of the driveway being detrimental to adjacent dwellings. However the situation would not be dissimilar to a development on a corner site with a side road running close to dwellings and rear gardens, which was considered in an appeal decision at Ashby de la Zouch to be a yardstick for an acceptable standard, and which already occurs in other parts of the village. It is not unusual to find dwellings and gardens adjoining other dwellings and gardens. As such it is considered that a reason for refusal on the basis of significant detriment to nearby residents from noise and disturbance from vehicles using the access drive under Local Plan Policies D1 and D2 could no longer be justified.

The existing building and proposed extension are single storey and the accommodation would be provided at ground floor level. Existing openings would be utilised in its southern and western elevations, with windows proposed in the southern and eastern elevations of the extension, all of which serve the ground floor. No openings are proposed in the building's northern elevation or any of its roof slopes.

The extension would be 40 metres from the rear of No. 28A and 20.5 metres from its rear garden, and 42 metres from the rear of No. 30 and 9.5 metres from its rear garden. The building and extension would be 7 metres from the rear gardens to Nos. 7 and 9 The Grange, 15 metres from No. 9's rear conservatory and 18.5 metres from their main rear elevations.

The building would also be at least 35 metres from the nearest windows to dwellings on High Street, and would be 12 metres from the remaining garden to No. 33-35 High Street. It is however noted that the building and extension would be within 0.5 metres of the rear garden to No. 29 High Street.

However given the above circumstances, that screening is provided by existing vegetation, No. 29's rear garden is large in size and that permitted development rights could be removed for extensions and alterations, including the installation of additional openings in particular at first floor and in the roofslopes, it is considered that the proposal would not adversely affect the amenities of occupiers of nearby dwellings from overlooking, loss of light or creation of an oppressive outlook, and as such would comply with the provisions of Local Plan Policies D1 and D2 and the Council's Good Design SPD.

The 1995 application was in part refused on the basis of the lack of acceptable standards for future occupiers of the dwelling. However that application was in outline so no details of any extensions or openings were included. The circumstances outlined in the previous paragraph would also apply to assessing impacts on the future occupiers of the dwelling. The rear first floor windows to Nos. 7 and 9 The Grange would be 18.5 metres away from the proposed dwelling, which is 1.5 metres less than the 20 metres distance required in the Good Design SPD between dwellings. The distance between these rear windows and the garden to the proposed dwelling would meet the 10 metre distance set out in the SPD. As such, given screening from existing vegetation, that the proposed dwelling would be single storey and that future occupiers would be aware of this relationship, it is considered that a reason for refusal on the basis of impacts on future occupiers of the dwelling from overlooking could not be justified in this case under Local Plan Policy D2.

Visual Impact

The need for good design in new residential development is outlined in adopted Policy D1, the Council's Good Design SPD and Paragraphs 124 and 127 of the NPPF. Adopted Policy En3 requires development in the National Forest to be appropriate to its Forest setting.

The reason for refusal on the 1995 application relating to lack of a direct road frontage and undesirable backland development could no longer be substantiated. The lack of a direct road frontage is not a matter that could now justify refusal of an application. There is no longer a policy in the Local Plan which resists backland development. The site and building are not prominent in views from nearby roads, and the proposal would not be significantly harmful to the character of the area, given that there are a number of outbuildings in nearby gardens, and backland development has taken place elsewhere in the locality, with planning permission granted in October 2013 (13/00536/FUL) for the demolition of existing buildings and erection of a new dwelling with associated garaging and parking to the rear of No. 25 High Street.

As such it is considered that the proposal would not be significantly harmful to the character and visual amenities of the streetscene and locality to justify a reason for refusal under Local Plan Policies D1 and En3, and the Council's Good Design SPD.

Historic Environment

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

requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting, or the character and appearance of a Conservation Area, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess and to the desirability of preserving or enhancing the character or appearance of that area. Reference should also be made to paragraphs 192, 193 and 194 of the NPPF.

In terms of heritage assets, the site lies within the Packington Conservation Area, and No. 21 High Street, which is a Grade 2 listed building, lies around 70 metres to the north west, which are both designated heritage assets. Nos. 23, 25 (and its outbuildings), 27, 29, and 31 High Street are considered to be unlisted buildings of interest and therefore are non-designated heritage assets.

Part of No. 21's significance is its age, dating from the 17th century, being one of the remaining thatched properties within the village, and the remains of timber framing and rubble stone within the building. The significance of this part of the Conservation Area comes from it forming the core of the village along High Street along which many medieval buildings and historic non-residential uses (blacksmiths, shops, Post Office, pub) were concentrated. Based on historic maps, the building appears to have been erected in the early 20th century, and it is understood was in the past used as an abattoir. Whilst the building is not listed in the Council's Conservation Area Study and Appraisal as an unlisted building of interest, it is considered to have some historic importance within the Conservation Area and the village, given its age, its former use which has relationship with the predominantly agricultural activities undertaken in the locality in the early to mid 20th century, and its form, design, materials and character, including a slaughter hoist wheel inside the building and a Yorkshire horizontal sliding sash window. The County Archaeologist advises that the building has archaeological interest and requests the imposition of conditions requiring building recording via a photographic survey.

Significant weight is given to preserving the setting of the Grade 2 listed building and Conservation Area. The building and site are well separated from No. 21 by existing buildings, gardens and vegetation, and would not be visible within views of No. 21. There does not appear to be any direct functional/historic relationship between the two. Therefore it is considered that the proposal would not harm the setting of the listed building.

The reasons for refusal on the 1995 application are not justified in respect of the current application, for the reasons set out earlier in this report. Also the balance for consideration in terms of impacts on heritage assets, as set out at paragraph 196 of the NPPF, is that harm to designated heritage assets is weighed against the public benefits of the proposal.

The Conservation Officer initially advised that harm resulting from the proposal was due to the extension not appearing subservient to the building and the doors having an unusual and non-traditional appearance. The Conservation Officer also requested specification of the boundary treatment between the site and the remaining garden to No. 33-35. Amended plans have been received which the Conservation Officer advises would avoid the harm identified in his initial comments. A 1.8 metre high close boarded timber fence, trellis and gates has been erected to the boundary between the two sites, which is proposed to be retained and similar close boarded fencing is located on the site's other boundaries. All of these treatments are permitted development if under two metres in height (which appears to be the case).

The trees within the site and on adjacent sites to the north and west are protected by virtue of being in the Conservation Area. The Council's Tree Officer has no objections to the loss of the holly tree and smaller fruit trees to the east of the building given the size and condition of these

trees, nor to any pruning works required to be undertaken to a holly tree that lies in the garden to No. 29 High Street. These trees are not considered to make a significant contribution to the character and appearance of the Conservation Area given their size and location. A larger damson tree to the east of the building is shown to be retained, and there are other trees within the site. Conditions could be imposed relating to tree protection during construction and replacement planting for the trees to be removed.

Whether or not the building is considered to be of any historic merit, it is difficult to see why its conversion and the development of the site would be harmful to the setting of the Conservation Area. The Conservation Officer advises that the amended design would not be harmful and has no objection to the subdivision of the curtilage to No. 33-35. The boundary treatments are permitted development. Backland development has taken place elsewhere in the locality. The building is not visible in views of the Conservation Area from Normanton Road or High Street, there are limited views of the site itself from Normanton Road, and although the access drive is visible, it would remain unchanged in terms of its width and design, with some additional hardsurfacing. The extent of driveway within the site, along with the parking and turning area, would not be prominent. There would be limited impacts on the setting of nearby unlisted buildings of interest on High Street given the scale and design of the existing building, the extension and the works to the site, the distance between the site and these buildings, and intervening screening provided by boundary treatments and vegetation. The loss of trees and works to a holly tree would not result in harm to the Conservation Area. Whilst the building is not in poor condition or structurally unsound, it does require some works to prevent further deterioration, which could be secured by its conversion. Therefore it is considered that the proposal would not result in harm to the Conservation Area, including the setting of nearby unlisted buildings of interest and the character and setting of the building and site, and a reason for refusal could not be justified on these grounds. As such the proposal would therefore comply with the NPPF and Local Plan Policy HE1.

Trees

Consideration of the impact on the trees on the site is set out above in the section of the report relating to the historic environment.

Concerns have been raised regarding the impact of any additional landscaping in terms of maintenance and on existing solar panels, in particular given the existing vegetation on the site. Given the level of existing trees and vegetation on and close to the site, it is considered that limited additional soft landscaping would be required, although a condition could be imposed in relation to this matter, including to secure replacement trees for the holly and fruit trees proposed to be removed.

Ecology

There are trees on and adjacent to the site, the site is adjoined by large gardens, a building would be converted and a pond is located in an adjacent garden. All of these are features that could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2017 to have regard to the requirements of the Habitats Directive in the exercise of its functions.

The County Ecologist advises that the submitted survey found the building had features that could be used by roosting bats, but the building was fully inspected inside and no evidence was found of bat roosts. In addition the County Ecologist advises that the building is also unlikely to be suitable for bats. The County Ecologist also advises that there would not be a significant loss of bat foraging habitat. The County Ecologist also advises that she would expect there to

be some bat foraging and activity around gardens, as some species, e.g. Common Pipistrelle, are still relatively common and frequently recorded in villages, as well as roosting in old and modern dwellings. There are records of several bat roosts in the village. She advises that the trees and the building have been surveyed adequately and that bats seen in the vicinity of the site are likely to be roosting elsewhere in the village.

No evidence of badgers was found and nesting birds are protected during their breeding season under separate legislation. The County Ecologist also advises that the site is of limited ecological value.

Concerns have been raised regarding impacts on a nearby garden pond, which is not referred to in the ecology survey, and the County Ecologist has been asked to provide comments in respect of this matter, which will be reported on the Update Sheet.

On this basis it is considered that important habitats and protected species would not be adversely affected by the proposal and the proposal complies with the Habitats Regulations 2017 and Local Plan Policy EN1.

Flood Risk and Drainage

The site is within Flood Zone 1 and a small section of the driveway at its eastern end is within an area of low risk of surface water flooding. The Lead Local Flood Authority has advised that it does not wish to be consulted on minor applications in areas at low risk. Whilst additional hardsurfacing may be laid at the site entrance as required by the Highway Authority, there would not be a significant increase compared with the existing situation. As such the proposal is unlikely to result in a significant impact on flood risk or drainage and would comply with Policies CC2 and CC3 of the adopted Local Plan and Policy S4 of the Neighbourhood Plan.

River Mease Special Area of Conservation/SSSI

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.

In this case it is considered that the proposal could result in an impact on the SAC, which may undermine its conservation objectives, as it would discharge foul drainage into the mains sewer system, and increase roofs and hardsurfacing within the site. Therefore an appropriate assessment of the proposal and its impacts on the SAC is required.

The building is currently in use for domestic storage and its conversion to one dwelling would increase the 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 and contribute to the raised phosphate levels in the river.

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 177 of the NPPF. There is no capacity available under DCS1 and so DCS2 was adopted by the Council on 20 September 2016.

The applicant has indicated they are willing to pay the required DCS contribution and the Council's solicitors have been instructed. The Environment Agency and Natural England have both issued Standing Advice relating to the River Mease SAC under which they do not need to

be consulted if the proposal connects to the mains sewer and the applicant is agreeable to payment of the DCS contribution.

As the extension would be sited on a permeable part of the site, and at least part of the driveway would need to be hardsurfaced, a condition could be imposed requiring surface water to discharge to soakaway or a sustainable drainage system.

The flows from the dwelling 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 a further 628 which have subsequently been granted permission or have a resolution to permit in place, giving capacity for 1296 dwellings. As such it is considered that capacity is available at the relevant treatment works for the foul drainage from the site.

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 adopted Policies EN1 and EN2.

Other Matters

The dwelling would be located 69 metres from Normanton Road, and the Council's Waste Services team advises that its occupiers would be required to present their bins at the public highway, on Normanton Road, for collection. This would be a similar arrangement to Nos. 29 and 31 High Street, who have no way of getting their wheelie bins to High Street, so leave them out for collection on Normanton Road, using a driveway that is similar in length to that which would serve the proposed dwelling. No details of a bin storage area have been provided but there is space available adjacent to the drive where bins could be stored and moved for collection, which could be secured by condition. It is therefore considered that there is not any policy justification to warrant a refusal of permission on this ground.

An amended plan has been received which shows the extensions and outbuilding to No. 30 Normanton Road. In respect of the concerns raised regarding erroneous information in the application submission, the submitted information together with all of the information gathered when undertaking the site visit and assessing the application have allowed for the application to be fully and adequately assessed.

The application is considered as submitted and on its own merits. If a further application is submitted to amend the proposal and/or to increase the number of bedrooms then this would also be considered on its own merits.

In respect of matters raised in the letters of representation that have not been addressed above, impact on property values and the sale of existing properties and the condition of existing fence panels are not planning matters and cannot be taken into account in the determination of planning applications. It appears that a person working on one of the supporting documents submitted with the application accessed the driveway and garden to No. 29 High Street without consent. However this is a civil matter.

The agent has agreed in writing to the inclusion of two pre-commencement conditions relating to tree protection and archaeological recording.

Conclusion

The proposal is acceptable in principle. Reasons for refusal relating to impacts on highway safety, residential amenities and harm to heritage assets could not be justified in this case. The proposal would not adversely impact on the character and visual amenities of the area, trees, ecology, flood risk/drainage and the River Mease SAC/SSSI. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

RECOMMENDATION, PERMIT subject to the signing of a Section 106 Agreement and the following conditions:

- 1 - time limit
- 2 - approved plans
- 3 - ground levels
- 4 - external materials and details
- 5 - tree protection
- 6 - soft and hard landscaping and boundary treatments (including replacement trees)
- 7 - replacement landscaping
- 8 - external lighting
- 9 - visibility splays
- 10 - parking and turning space
- 11 - bin storage area
- 12 - access width, drainage and surfacing
- 13 - surface water drainage
- 14 - archaeology
- 14 - removal of permitted development rights